

» eex group

# «KNOW YOUR CUSTOMER» Questionnaire

21.09.2017  
Release 001

eeX

ECC  
European  
Commodity  
Clearing

powernext

PEGAS

GASPOINT  
NORDIC

EPEXSPOT

» pxe

CLTX

NODAL  
CLEAR

NODAL  
EXCHANGE

According to regulatory requirements EEX, EPEX SPOT and EPEX SPOT Belgium, Powernext, ECC and its Partner Exchanges (hereafter “the EEX Group”) are obliged to implement measures against money laundering, financing of terrorist activities and fraud (e.g. VAT tax fraud). A main element of these measures is the identification of new customers and the background of their transactions. To fulfil this obligation EEX Group uses this Know Your Customer Questionnaire (KYC questionnaire). Submitting a completed/filled version of this questionnaire is one of the prerequisites to conclude the admission process to one or more entities of the EEX Group. Please be aware that, depending on the information provided within the questionnaire and related documents, further information and/or additional documents may be requested.

EEX Group will keep all information obtained in conjunction with the admission process confidential. However EEX Group has the right to disclose the information to internal audit and the admission department of concerned ECC partner exchanges. In case that EEX Group receives a request by a court of a competent jurisdiction or any other official and binding request, inter alia by a supervisory or tax authority for disclosure of the information, EEX Group will notify the affected company immediately. After such notification EEX Group is entitled to comply with such request.

## Mandatory supporting documents

Please provide (in original version and a translation in English, French or German if the original version is not in one of the before-mentioned language) the following documents:

1. The latest commercial registry extract;
2. The financial statements, audited if available, incl. balance sheet and P&L for the last 3 years; If no financial statement is available, a business plan of your business activity for the next 3 years;

If available, web link to (audited) annual reports:

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3. If not already included in the financial statements or business plan, a memo describing precisely your activities, business model and any information that can support your application;
  4. The powers of attorney of the legal representative who signed this KYC questionnaire, and the corresponding passport copies (if not already provided);
  5. The organizational chart explaining the shareholder/ownership’ structure, up to and including the Ultimate Parent level.

## Company profile

In order to analyze your application, please answer thoroughly and complete all the following questions (questions must be answered **for the applicant company only** – not its group or shareholder).

1	Company name (according to Commercial Registry)	
2	<i>In case different, company name in local language</i>	
3	Address of registration according to Commercial Registry	
4	<i>In case different, address and country of the trading desk/trading office</i>	
5	<i>In case different, address and country of the invoiced entity</i>	
6	Phone (switchboard)	
7	Website	
8	Date of incorporation	
9	Number of employees	
10	Name of the company's Managing Directors	
11	Describe the main business of your company	
12	Countries in which your company is active	

# 1. Identity

1.1 What is your company type (only one answer possible)?

- ☐ **Utility** (gas/power)  
A power & gas utility is an energy company that engages in the generation, and sales of energy
- ☐ **Aggregator**  
A company that acts on behalf of a group of customers. It manages a "pool" of supply and/or demand energy positions.
- ☐ **Municipal and regional supplier**  
Company that buys power or gas for the benefit of a final user of power or gas
- ☐ **Trading company**  
Firm that buys and sells power or gas but does usually not get involved in the owning of the good.
- ☐ **Bank or financial services provider**  
Financial institutions
- ☐ **TSO**  
Transmission system operators, storage operators
- ☐ **Commercial consumer**  
Company that is the final user of power or gas
- ☐ Others:

1.2 Which category does your company belong to (multiple answers possible)?

- ☐ **Majority of shares publicly- / state- / municipally-owned**  
(>50%) or 100% subsidiary of such a company
- ☐ **Exchange listed / exchange traded corporation**  
Or 100% subsidiary of such a company
- ☐ **AML (Anti-Money-Laundering) regulated credit institution or financial service provider**  
Or 100% subsidiary of such a company

Please provide the following information, supplementing this categorization in the table below:

Name of the supervisory authority	Web link database of supervisory authority
Registered since	ID; Identifier
<b>Company status (multiple answers possible)</b>	
<input type="checkbox"/> Financial service provider <input type="checkbox"/> Credit institution <input type="checkbox"/> "Monetary Financial Institution" according to European Central Bank	

☐ **Regulated Energy or Commodity Trader**

Please provide the following information:

Name of the supervisory authority	Web link database of supervisory authority
Registered since	ID; Identifier

☐ **Other business group**

Is the main activity (according to company register extract) of your company directly linked to the traded commodities (e.g. exploration, production, distribution)?

☐ Yes ☐ No

If not, please describe the motivation, rationale to apply for admission:

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## 2. Key financials & ownership

2.1 Please indicate the key financial data:

Values to be given in Euro	Fiscal year		
	Year-2: 201	Year-1: 201	Year: 201
Nominal capital			
Has the nominal capital been totally paid?			<input type="checkbox"/> Yes <input type="checkbox"/> No If no, uncalled capital:
Capital reserves			
Profit reserves			
Intangible assets			
Total assets			
Turnover			
Profit			

For the current fiscal year, please provide the profit/loss (year-to-date, in Euro):

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2.2 Please provide the following details about your current independent auditor:

Company	Number of employees	Contact Name	Phone	Email address

2.3 In case your company is a member of professional associations, please provide the following details about these:

Name	Contact details	Admission date

2.4 Which commercial bank(s) do you use?

Name	Address

2.5 Who are your direct shareholders/owners, owning more than 10% of your company?

Name	Country of domiciliation	Share (in %)

2.6 Who are your indirect shareholders (up to the ultimate parent/final beneficiary), owning more than 10% of your company?

Name	Country of domiciliation	Share (in %)

2.7 Has there been any change in the direct and/or indirect shareholding's structure within the last 3 years?

☐ Yes ☐ No

If yes, please provide details about these changes:

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2.8 Has your company, its group and/or its management been under investigation (e.g. by tax, financial, competition or energy authorities) within the last three years or is such an investigation currently ongoing?

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2.9 Are there any Politically Exposed Persons (PeP)<sup>1</sup> among your company's direct or indirect owners/shareholders or in its management/supervisory board?

☐ Yes ☐ No

If yes, please provide the following information:

Name	First name	Role description

2.10 Profit Transfer Agreement, a Parental Guarantee or a Letter of Comfort in place between your company and another company?

☐ Yes ☐ No

If yes, please provide the following details:

Type of contract	Name of contracting party (incl. legal entity type)
<input type="checkbox"/> Profit Transfer Agreement <sup>2</sup>	
<input type="checkbox"/> Parental Guarantee <sup>3</sup>	
<input type="checkbox"/> Letter of Credit <sup>4</sup>	
<input type="checkbox"/> Letter of Comfort <sup>5</sup>	

<sup>1</sup> For details please refer to Article 2 of Directive 2006/70/EG laying down implementing measures for Directive 2005/60/EG.

<sup>2</sup> In a "Profit Transfer Agreement", one company (controlled company) agrees to transfer its profits to another company (controlling company). In case the controlled company suffers losses, the controlling company is obliged to provide it compensation for these losses. This type of agreement is commonly used in Germany pursuant to Art. 291 Aktiengesetz (German Stock Corporation Act).

<sup>3</sup> A "Parental Guarantee" is a legally binding agreement where the issuer (parent entity) commits to provide support in case required by the beneficiary (e.g. a subsidiary) to meet financial obligations.

<sup>4</sup> A "Letter of Credit" (LOCr) is an irrevocable commitment by a certain issuer (often banks) established to pay a specified amount of money to a third party upon request subject to terms and conditions of the LOCr, drawn up in accordance with uniform customs and practices.

<sup>5</sup> A "Letter of Comfort" (LOCo) is commonly issued by a parent company. Deviating from a "Letter of Credit" it only gives reassurance about the issuers' willingness and commitment to provide financial support as the beneficiary may need to meet its obligations. The "Letter of Comfort" in no way guarantees the loan of the subsidiary company (beneficiary).



### 3. Your trading profile and capability to intervene

3.1 Is your company already admitted/registered on at least one Regulated Market/ Exchange?

	Market/Exchange	Start date	Type	
<input type="checkbox"/> Yes			<input type="checkbox"/> Directly Registered	<input type="checkbox"/> via
			<input type="checkbox"/> Directly Registered	<input type="checkbox"/> via
			<input type="checkbox"/> Directly Registered	<input type="checkbox"/> via
			<input type="checkbox"/> Directly Registered	<input type="checkbox"/> via
			<input type="checkbox"/> Directly Registered	<input type="checkbox"/> via
<input type="checkbox"/> No				

3.2 Is your company already trading commodities on other centrally cleared markets?

	Commodity traded (centrally cleared)	Since
<input type="checkbox"/> Yes		
<input type="checkbox"/> No, we are not trading commodities on other centrally cleared markets		

3.3 Is your company already trading commodities OTC?

	Commodity traded (OTC)	Since
<input type="checkbox"/> Yes		
<input type="checkbox"/> No, we are not trading commodities OTC		

3.4 Does your company own any physical assets (e.g. to process or store) related to these already traded commodities?

☐ Yes ☐ No

3.5 Does your company trade:

For own account?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
For third parties <sup>6</sup> ?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Back to Back <sup>7</sup> ?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

3.6 Are the traders acting on behalf of your company employed by your company?

☐ Yes ☐ No, employed by  
☐ No, employed by an affiliated company

3.7 Are the traders acting on behalf of your company working full time?

☐ Yes ☐ No

3.8 How is your dedicated team composed?

	No. of employees	Name, First name	Phone	Email
Risk				
Compliance				
Anti-Money laundering				

3.9 Who is/will be your Clearing Member(s)/Settlement Bank at ECC?

Clearing Member/Settlement Bank at ECC	Contact since

6 Third party trading is not available for EPEX SPOT SE and EPEX SPOT Belgium SA. Third Party activity means trading operated on behalf of another company

7 Back-to-back trading: Trading operated by a company for its own name for the account of another company

## 4. Anti-money-laundering and financing of terrorism

- 4.1 Does your company has measures/processes on anti-money-laundering (AML), combating the financing of terrorism (CFT) and "Know-Your-Customer" (KYC) requirements in place?

☐ Yes ☐ No

If applicable please list the law(s)/regulation(s) which your company is subject to regarding AML, CFT or KYC requirements, including reporting requirements on certain predefined account activities:

Law/Regulation	Topic/Area of regulation

- 4.2 Are the measures/processes defined by your company to comply with relevant AML-, CFT- and KYC-requirements subject to a review by an independent audit on a regular basis? In case yes, please provide the latest audits report(s) as attachment.

☐ Yes ☐ No

- 4.3 If your company's customers are subject to AML-, CFT- or KYC-regulation, does your company check, whether your customer has processes in place to comply with this regulation?

☐ Yes ☐ No

- 4.4 Does your company regularly train/educate the staff members working in departments responsible for compliance with the relevant AML-, CFT- or KYC- requirements about measures/processes and (if applicable) regulatory requirements?

☐ Yes ☐ No

- 4.5 Does your company maintain accounts for not identified customers (anonymous accounts)?

☐ Yes ☐ No

- 4.6 Does your company maintain accounts and/or uses banking services at/from banks or financial institutions domiciled countries which are classified as "high-risk" or "non-cooperative" according to the FATF list<sup>8</sup>?

☐ Yes ☐ No

- 4.7 In case your company will not trade on own-accounts only (see your answer to question 3.5), has especially the risk of VAT fraud been regarded when defining measures & during customer acceptance process?

☐ Yes ☐ No ☐ N/A

8 The current FATF list is published under the following link <http://www.fatf-gafi.org/topics/high-riskandnon-cooperativejurisdictions>

# Signature(s)

We recognize that the companies being part of the EEX Group are obliged to implement measures against money laundering, financing of terrorist activities and fraud (e.g. VAT tax fraud) and that the information in this questionnaire is used to fulfill regulatory requirements. We authorize the companies being part of the EEX Group to use the information given in this questionnaire internally and to exchange information in this questionnaire with the partner exchanges within the Group where the applicant is admitted for trading or has applied for admission.

We declare in good faith that all information, answers and documents provided with this questionnaire are exact and authentic. We have omitted no important information that could have impact on the judgment made about our request for admission. We accept to answer to any other question you might have in the future to comply with your legal obligations.

Place	Date	Company stamp and legally binding signature(s) of the company
		Signature(s):  Name(s):  