

Announcement of Frankfurter Wertpapierbörse (FWB)

Fourth Amendment Ordinance to the Admission Regulations for Exchange Traders at Frankfurter Wertpapierbörse

On 23 March 2023, the Exchange Council of the Frankfurter Wertpapierbörse approved the Fourth Amendment Ordinance to the Admission Regulations for Exchange Traders at Frankfurter Wertpapierbörse.

The Amendment Ordinance shall take effect on 3 April 2023.

A copy of the Ordinance has been deposited at the reception desk of the trading floor, Börsenplatz 4, 60313 Frankfurt/Main, Germany and is available for inspection during the general opening hours. The Ordinance specified above was laid down on 30 March 2023.

Fourth Amendment Ordinance

**to the Admission Regulations for Exchange Traders
at Frankfurter Wertpapierbörse**

Article 1 ***Amendment to the Admission Regulations for Exchange Traders at
Frankfurter Wertpapierbörse in the version dated 19 October 2007, last
amended by the Amendment Ordinance dated 18 November 2022***

AMENDMENTS ARE MARKED AS FOLLOWS:

INSERTIONS ARE UNDERLINED

DELETIONS ARE CROSSED OUT

[...]

§ 3 Reliability

- (1) The applicant is reliable if it guarantees an orderly Exchange Trader activity in future. To prove reliability, the application shall in particular contain the following documents:
- a) ~~A complete, signed~~ current curriculum vitae, which must contain, in particular, a description of the (school) education, studies, the entire professional experience including dates as well as including all first names, the given name, date and place of birth and all nationalities,
 - b) a declaration of the applicant,
 - aa) whether there are pending criminal proceedings against him due to an offence of property or a tax offence or due to an infringement of Regulation (EU) No. 596/2014 (MAR), Regulation (EU) No. 236/2012 (Short Selling Regulation), the German Banking Act (Kreditwesengesetz – KWG), the German Securities Trading Act (Wertpapierhandelsgesetz – WpHG), the German Investment Firm Act (Wertpapierinstitutsgesetz – WpIG), the German Stock Exchange Act (Börsengesetz – BörsG), the German Securities Deposit Act (Depotgesetz – DepotG), the German Money Laundering Act (Geldwäschegesetz – GwG) or the German Capital Investment Code (Kapitalanlagegesetzbuch – KAGB), or whether a disciplinary or fine proceeding has been instituted or whether such disciplinary or fine proceeding is subject to judicial proceedings,

~~whether there are any criminal or fine procedures pending against him due to a crime or offense pursuant to §§ 261, 263, 263a, 264a, 265b to 271, 274, 283 to 283d, 299 or 300 of the Criminal Code or due to a violation of the German Banking Act, the Securities Trading Act, the Exchange Act, the German Securities Deposit Act, the Money Laundering Act or the Investment Act, in their respective current version,~~
 - bb) whether he has effectively been convicted on such ~~deed~~ offence or whether an effective fine or a disciplinary proceeding decision has been submitted, or a proceeding pursuant to Sections 153 and 153a of the German Code of Criminal Procedure (Strafprozessordnung – StPO) has been terminated,
 - cc) whether he or a company managed by him as debtor has been or is included in insolvency proceedings or proceedings on submission of an affidavit or comparable proceedings, whether he or a company managed by him is a debtor in insolvency proceedings or is or was listed in an insolvency register or in the list of debtors pursuant to Section 882b of the German Code of Civil Procedure (Zivilprozessordnung – ZPO) or an information from the debtor on his assets pursuant to Section 802c of the

- German Code of Civil Procedure has been provided or the obligation to do so exists.
- dd) whether regulatory offence proceedings or comparable proceedings have been pending or are instituted against him in connection with a business or other professional activity or whether a legally binding regulatory fining or other disciplinary proceeding decision has been issued.
- ee) whether proceedings for a reliability or aptitude test by a supervisory authority or other official proceedings for the imposition of measures have been initiated or carried out against him, and
- ff) whether conflicts of interest exist which prevent the proper execution of their Exchange Trader activity.
- gg) whether a legal act within the meaning of Section 30 German Stock Exchange Act has been issued against him or against a legal person or a partnership for which he acts as a manager, a member of a supervisory board or in a comparable position or if he represents the interests of this person or partnership as a member of a supervisory or administrative board or a comparable supervisory body in a company.
- c) The Management Board ~~mayis entitled to require~~ request additional evidence and information, e.g., a police certificate of good conduct, and may gather information from third parties.
- d) For the specifications in Paragraph 1 b) aa) to ee),
- aa) criminal proceedings, which were suspended due to a lack of sufficient evidence or an impediment to an action or which resulted in an acquittal or proceedings in which a deletion or redemption of an entry in the German Federal Central Register was done or proceedings which do not need to be specified pursuant to Section 53 German Act on the Central Criminal Register and the Educative Measures Register (*Bundeszentralregistergesetz – BZRG*), and,
- bb) proceedings, which were terminated with a fine, sanction or any other decision five years before the beginning of the year in which the application for admission was submitted or proceedings, which pursuant to Section 153 German Industrial Code (*Gewerbeordnung – GewO*) need to be redeemed,
- may not be taken into account.
- e) For the specifications in the Paragraphs 1 b aa) to ee) comparable facts which apply to other legal systems need to be provided as well. Paragraph 1 d) applies accordingly, provided that similar procedures exist in the respective legal system.

(2) Even after admission, the Exchange Trader must inform the Management Board immediately of any changes and any facts that could jeopardise the assessment of reliability.

[...]

Article 2 *Effective Date*

The amendments in Article 1 will become effective on 3 April 2023.

The foregoing Fourth Amendment Ordinance to the Admission Regulations for Exchange Traders at Frankfurter Wertpapierbörse is hereby executed. Pursuant to the decision of the Exchange Council of the Frankfurter Wertpapierbörse dated 23 March 2023, the Amendment Ordinance shall become effective on 3 April 2023.

The Hessian Ministry of Economics, Energy, Transport and Housing has given its approval required pursuant to §16 Paragraph 3 of the German Exchange Act (*Börsengesetz*) by letter dated 30 March 2023 (File No: III-037-d-02-05-10#002).

The Fourth Amendment Ordinance to the Admission Regulations for Exchange Traders at Frankfurter Wertpapierbörse shall be announced by notice in the reception area of the trading floor, Börsenplatz 4, 60313 Frankfurt/Main, Germany and by electronic publication on the internet, available on the website of the Frankfurter Wertpapierbörse (<https://www.xetra.com>).

Frankfurt/Main, 30 March 2023

Management Board of the Frankfurter Wertpapierbörse

Michael Krogmann

Frank Hoba