

## **Regulations for the Admission of Exchange Traders on the Tradegate Exchange**

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### **Section 1: Admission of Exchange Traders**

#### **§ 1 Admission obligation**

- (1) Persons who shall be authorised to trade on behalf of a company admitted to participation in exchange trading (trading participant) on the Tradegate Exchange (the Exchange) require admission by the Management Board. The admission may be limited in time.
- (2) The admission shall be applied for jointly and in writing by the person to be admitted and the trading participant on whose behalf the exchange trader shall be authorised to trade on the Exchange. The application shall include all supporting documents required for verification of the admission prerequisites.
- (3) The applicant shall be admitted as exchange trader provided he/she is reliable and possesses the necessary professional experience.

#### **§ 2 Reliability**

- (1) The applicant is deemed reliable if he/she guarantees future orderly exchange trader activity. To prove reliability, the application shall in particular contain the following documents:
  - a) a complete, signed curriculum vitae including all first names, the given name, date and place of birth and nationality,
  - b) a declaration of the applicant,
    - aa) whether there are any criminal or fine procedures pending against him/her due to a crime or offence 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/she has effectively been convicted on such deed or whether an effective fine has been submitted,
    - cc) whether he/she or a company managed by him/her as debtor has been or is included in insolvency proceedings or proceedings on submission of an affidavit or comparable proceedings.

The Management Board is entitled to request additional evidence.

- (2) Once admitted, an exchange trader shall be obliged to notify the Board of Management, without undue delay, of any facts that would question his or her reliability.

### **§ 3 Professional qualification**

- (1) Professional qualification of the applicant is given if he/she possesses the expertise and practical knowledge necessary for trading at the Exchange.
- (2) Expertise within the meaning of paragraph 1 exists if the applicant possesses sufficient knowledge on the regulations of the Tradegate Exchange, on the functionality of exchange trading in general and in particular on the electronic trading system of the Exchange. Evidence of the knowledge necessary pursuant to clause 1 may in particular be provided by way of a successful participation in an examination pursuant to §§ 4 to 19 before the Examination Committee of the Tradegate Exchange (exchange trader examination). The participation in the exchange trader examination shall not date back more than two years, beginning from the point of application pursuant to § 1 paragraph 2.
- (3) The knowledge necessary pursuant to paragraph 2 clause 1 may also be provided by other evidence comparable to the evidence pursuant to paragraph 2 clause 2.
- (4) Practical knowledge within the meaning of paragraph 1 is given if the applicant has
  - a) participated in trading at an Exchange or a multilateral trading system during a period of at least six months within the last two years before application or
  - b) has received practical instruction on the functionality of the electronic trading system of the Exchangeand provides respective evidence thereof.

### **§ 4 Simplified admission procedure**

- (1) The applicant may make use of the simplified admission procedure to become an exchange trader provided he/she can prove that he/she
  - a) has
    - aa) been admitted as exchange trader to an organised market domiciled in Germany or in a member state of the European Union or
    - bb) has comparable authorisation to participate in securities trading on a multilateral trading system domiciled in Germany or in a member state of the European Unionfor a minimum period of six months at the time of application, provided that the conditions for granting the admission as exchange trader or authorisation to participate in exchange trading are comparable with the admission requirements of these Admission Regulations and
  - b) received practical instruction on the functionality of the electronic trading system of the Exchange.
- (2) Details of any evidence required from the applicant for the purpose of simplified admission procedure shall be determined by the The Management Board.

## Section 2: Exchange Trader Examination

### § 5 Examination procedure

- (1) For each examination the Management Board shall determine an Examination Committee consisting of at least three but no more than five members. Remuneration for the activities of its members shall be determined by the Management Board. The exchange trader examination shall be approved by the Examination Committee.
- (2) Up to twelve exchange trader examinations shall take place each year. The examination dates shall be announced in advance by the Management Board.
- (3) The exchange trader examination is a presence examination which shall be taken on the premises determined by the Management Board. In substantiated exceptional cases the Management Board may allow the exchange trader examination to take place at other premises, provided that the examinee sits the examination independently, works without external help and uses only allowed resources, and only if acts of deception by the examinee can be ruled out.
- (4) The exchange trader examination is not public. Members of the Management Board or their commissioners as well as staff of the Exchange Supervisory Authority may be permitted to be present.

### § 6 Admission to the exchange trader examination

- (1) Participation in the exchange trader examination shall be applied for jointly in writing by the trading participant for whom the examinee shall be authorised to trade on the Exchange and the examination candidate.
- (2) The Board of Management shall decide on admission to the exchange trader examination and inform the applying trading participant and the examination candidate of its decision. The examination candidate shall be invited to attend the examination four weeks before the examination date.
- (3) Anyone who has regularly attended a suitable preparatory course for the exchange trader examination or can otherwise credibly substantiate that he or she has acquired the required knowledge in the fields covered by the examination shall be admitted to the examination.
- (4) Applications for admission to the examination must also include a certificate proving participation in the preparatory course for the exchange trader examination or other suitable evidence that the required knowledge in the fields covered by the examination has been acquired.

## **§ 7 Content and procedure of exchange trader examination**

- (1) The exchange trader examination contains the following subject areas:
  - rules and regulations of the Tradegate Exchange and
  - functionality of exchange trading and the electronic trading system of the Exchange.
- (2) All examinees who attend on the same examination date shall be given identical examination questions from the fields listed in paragraph 1. Number, distribution, selection and weighting of the individual examination questions shall be determined in advance by the Examination Committee. The Examination Committee shall appoint one person to supervise during the examination to ensure that every examinee sits the examination independently, works without external help and uses only the allowed resources, and to make sure that acts of deception by the examinee can be ruled out.
- (3) At the beginning of the exchange trader examination the supervisor shall inform the examinees of the examination procedure, the available time and the allowed means of work and resources. In addition, the examination participants shall be informed that circulation of the examination questions to third parties is not permitted. Upon request of the examination supervisor the examinees shall identify themselves.

## **§ 8 Deception and infringements**

- (1) In case an examination participant tries to manipulate the result of the exchange trader examination by way of deception or usage of illegal resources, or if he/she violates the orderly examination procedure, the supervising person shall allow further participation in the exchange trader examination subject to the decision of the Examination Committee pursuant to paragraph 2. In case of severe violations of the orderly examination procedure, the supervising person may exclude the involved person from further participation in the examination; in this case, the entire exchange trader examination is deemed not to have been passed.
- (2) In the cases of paragraph 1 clause 1, the Examination Committee decides – after hearing of the examination participant – if the exchange trader examination is deemed not to have been passed or if it shall be retaken. In severe cases, in particular with planned deceptions, the exchange trader examination is deemed not to have been passed.
- (3) If an attempt at deception or the usage of illegal resources is discovered only after the completion of the exchange trader examination, the Examination Committee may decide on measures pursuant to paragraph 2 within one year from the day of examination. If an exchange trader examination is then deemed not to have been passed, the certificate submitted pursuant to § 10 paragraph 3 clause 2 shall be confiscated.

## **§ 9 Withdrawal from the exchange trader examination**

- (1) Any candidate may withdraw from the examination before its commencement by making a written declaration to this effect to the Management Board. Provided the withdrawal is made in time the examination will be deemed to have not been taken.
- (2) Once the exchange trader examination has commenced, withdrawal shall only be permitted for good cause. The Management Board shall decide whether good cause exists. Where good cause does exist, the examination shall be deemed to have not been taken.
- (3) Where the examinee withdraws after the beginning of the examination without good cause, the examination shall be deemed to have been failed. The same shall apply if, despite an orderly invitation to attend, the candidate fails to attend or is late for the examination without good cause.

## **§ 10 Assessment of examination performance**

- (1) The performance of the examination participant in the exchange trader examination shall be assessed by the Examination Committee.
- (2) The exchange trader examination shall be deemed to have been passed if the examinee obtains no less than 75 per cent of the points that can be achieved in the examination.
- (3) The Management Board shall notify the examination candidate and the applying trading participant in writing as to whether the examinee has passed or failed the examination. Where the examination has been passed, the Management Board shall issue a signed certificate which will then be forwarded to the examinee. Repeated examinations shall be indicated as such on said certificate.

## **§ 11 Repetition of exchange trader examination**

- (1) Failed exchange trader examinations may be repeated within two years, but only two further attempts are allowed.
- (2) For admission to a re-examination the provisions of § 6 shall apply. Application for a re-examination may be submitted at the earliest one month after the day of the failed exchange trader examination.
- (3) An accreditation of examination points already achieved in earlier examinations shall not take place.

## **Section 3: Final Provisions**

### **§ 12 Fees**

Fees for administrative decisions made on the basis of these Admission Regulations and participation in the exchange trader examination shall be levied pursuant to the Fee Regulations of the Tradegate Exchange.

### **§ 13 Appeal**

Appeals against decisions made on the basis of these Fee Regulations are permitted. The appeal procedure and legal action taken against the rejection notice shall be governed by the provisions of the administrative courts.

### **§ 14 Effective date**

These Admission Regulations became effective on 15 December 2009.