

APPROVED by

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CJSC JSCB National Clearing Centre

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Chairman of the Supervisory Board of  
CJSC JSCB National Clearing Centre

\_\_\_\_\_ S.P. Lykov

**CLEARING RULES**  
**of CJSC JSCB National Clearing Centre**  
**for the Securities Market**

**Moscow 2013**

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## SECTION I GENERAL PROVISIONS

These Securities Clearing Rules of CJSC JSCB National Clearing Centre govern relations associated with execution and settlement of trades to buy/sell securities and repo trades that are executed in the Main Market Sector of Closed Joint-Stock Company “MICEX Stock Exchange”, as well as settlement of OTC trades to buy/sell securities and repo trades.

### Article 1. Terms and Definitions

**Handwritten Signature Analogue/HSA** - the essential element of an electronic message sent with the use of the Clearing System, confirming identification of the person sending the electronic message, integrity and permanence of electronic messages through the use of special software and hardware tools and arrangements. A handwritten signature analogue is the Clearing Identifier, which allows unambiguous identification of the Clearing Member or the Clearing Centre sending the electronic message and reliable determination that the electronic message comes from the Clearing Member (Clearing Centre), which given Clearing Identifier has been assigned to.

**Authentication** - the procedure confirming the identity of the Clearing Member's HAS.

**Bank** – a Clearing Member being the credit institution.

**Exchange** – a stock exchange or the organizer of trading on the securities market that have entered into the cooperation agreement with the Clearing Centre.

**On Exchange trade in securities /On Exchange trade** – a trade to buy/sell securities or a repo trade executed on the Exchange information on which has been transmitted to the Clearing Centre by the Exchange as per the procedure set forth in the Clearing Rules.

**OTC trade in securities / OTC trade** – a trade to buy/sell securities under the settlement codes B0-B30 or a repo trade under the settlement code S0-S2 executed between Clearing Members information on which was obtained by the Clearing Centre according to the procedure set forth in the Clearing Rules. Settlement code values applied on execution of OTC trades shall correspond with the settlement code values set forth in the Trading Rules. The terms *Variation Margin* *Payment Date* and *Default Date* for OTC trades shall be used as meant in the Trading Rules with account of the peculiarities of OTC trades.

**Compensation** – a Variable Compensation or a Fixed Compensation as per the Trading Rules.

**Collateral Deposit** - the Clearing Member's or the Clearing Centre's collateral calculated according to the procedure prescribed by the Clearing Rules that constitutes the guarantee of fulfillment of the obligations under the T+ Trades executed between this Clearing Member, and the Clearing Centre.

**Guarantee Funds** – Risk Covering Fund and Financial Stability Fund.

**Settlement Date** – a date on which Clearing Members and/or the Clearing Centre have to fulfill their obligations pursuant to conditions of trades in securities executed, in accordance with the procedure set forth in the Clearing Rules.

In the event that the date defined in this clause is not an Trade day, the Settlement date is deemed to be the Trade day immediately following such date (with obligations under the trade to be adjusted accordingly, including the accrued coupon income on bonds (hereinafter referred to as ACI)).

**Holder** - an organization that has obtained the status of the Holder in accordance with the Clearing Rules for the purpose of involving securities registered in the securities Trading Accounts of the

Holder's nominee in the Collateral Control Procedure and settlement at the end of clearing as for trades of Clearing Members the depository services to which and/or their clients are performed by the Holder.

**Non-Defaulting Clearing Member** - a Clearing Member which has duly performed its Total net cash/security obligations to the Clearing Centre and does not have any Debt to the Clearing Centre.

**Lending Agreement of the Clearing Centre** - a securities loan agreement concluded between the Clearing Centre and a Clearing Member according to the procedure prescribed by the Clearing Rules for the purpose of fulfillment of the Clearing Centre's obligations under T+ Trades.

**Income** - money arising from any dividends, interest, income, or other distributions with respect to any securities being the subject of repo trades concluded with the Clearing Centre.

**Single Limit** - the parameter calculated by the Clearing Centre in Russian rubles for each Clearing Member that is intended to limit risks associated with T+ Trades executed by the Clearing Centre with a Clearing Member for which the Single Limit is calculated.

**Debt** - Fee and Compensation Debt and/or Trade Debt and/or Guarantee Remittance debt

**Collateral Deposit Debt** - a Clearing Member's unsatisfied obligation (unsatisfied part of such obligation) to pay Collateral deposits, in Russian rubles.

**Fee and Compensation Debt** - an outstanding obligation (outstanding part of the obligation) of the Clearing Member in Russian rubles regarding payment of the Commission Fees and/or Compensation.

**Trade Debt** - the Total Net Obligation in Russian rubles that has not been satisfied after the offset took place following the termination of obligations under T+ Trades according to the procedure prescribed by the Clearing Rules.

**The Clearing Law** - the Federal Law No. 7-FZ On Clearing and Clearing Activities as of February 07, 2011.

**Application for the TCA Registration** - an application of a Clearing Member for registration of the trading and clearing account.

**Total Net Cash Obligation** - a Clearing Member's financial obligation in Russian rubles to the Clearing Centre that has not been satisfied following the results of the offset of matured obligations under T+ Trades and obligations / claims of a Clearing Member to return Collateral Deposits that took place in the course of clearing according to the Clearing Rules.

**Total Net Securities Obligation** - a Clearing Member's obligation in securities to the Clearing Centre that has not been satisfied following the results of the offset of matured obligations under T+ Trades that took place in the course of clearing according to the Clearing Rules.

**Total Net Cash Claim** - a Clearing Member's financial claim towards the Clearing Centre that has not been satisfied following the results of the offset of matured obligations under T+ Trades and obligations / claims of a Clearing Member to return Collateral Deposits, that took place in the course of clearing according to the Clearing Rules.

**Total Net Securities Claim** - a Clearing Member's claim in securities towards the Clearing Centre that has not been satisfied following the results of the offset of matured obligations under Trades with partial collateral that took place in the course of clearing according to the Clearing Rules.

**Clearing Member's client** - a legal entity or individual registered by the Clearing Centre as a client of the Clearing Member. A Clearing Member's Client may be either a client of the Clearing

Member, or a client of the broker, including of a foreign legal entity, asset management company, being a client of the Clearing Member.

***Clearing Fee / Fee for Clearing*** - a fee charged by the Clearing Centre from the Clearing Members in accordance with the price list of the Clearing Centre (Appendix No. 2 hereto). The Clearing Fee shall be charged in Russian rubles.

***The Clearing System*** - a combination of software and hardware tools, databases, telecommunication facilities, other equipment and software of the Clearing Centre designed for clearing activities to be performed pursuant to these Clearing Rules.

***Clearing Pool for Settlement in the Course of Trading*** shall mean a clearing pool consisting of obligations under collateralized trades in securities to be executed in the course of trading on the date of the clearing pool formation.

***Clearing Pool for Settlement based on Trading Results*** - a clearing pool consisting of the obligations under collateralized trades in securities and obligations arisen on the basis of clearing results that are to be fulfilled based on trading results on the date of the clearing pool formation.

***Clearing Pool for Settlement of Trades with the Central Counterparty based on Trading Results*** - a clearing pool consisting of the obligations under collateralized trades in securities concluded with the Central Counterparty, except for the T+ Trades, that are to be fulfilled based on trading results on the date of the clearing pool formation.

***Clearing Pool for T+ Trades*** - a clearing pool consisting of the obligations under T+ Trades to be executed on the date of the clearing pool formation.

***Clearing Identifier*** - a reference designation uniquely identifying the Clearing Member / Clearing Centre.

***Clearing List for T+ Trades*** – a list of securities eligible to be involved in execution and clearing of T+ Trades.

***Clearing Centre*** - CJSC JSCB National Clearing Centre which acts as per the Clearing Law.

***Security code*** - a code enabling a security to be clearly identified in the Clearing System.

***Commission fee*** - a clearing fee or any other fee of the Exchange stipulated by its internal documents, and a fee of the Technical Center stipulated by its internal documents, with respect to which the Clearing Centre is responsible for determination of respective liabilities of Clearing Members and the control over discharge thereof. The Fee shall be charged in Russian Rubles. The Clearing Centre shall be vested with the responsibility for determination of the Clearing Member's liability to pay fee (except for the clearing fee) and control over discharge of such liability pursuant to relevant agreements.

***Limit Collateralized with the Fund's Resources*** - an amount in Russian rubles which increases the Single Limit of the Clearing Member, which is the Party to the Risk Covering Fund, and which is calculated in conformity with the Operations Limitation Methodology.

***Margin Call*** – a claim of the Clearing Centre to a Clearing Member to ensure fulfillment of obligations under T+ Trades executed between the Clearing Centre and the Clearing Member. The claim shall be submitted according to the procedure and in the cases stipulated herein.

***Operations Limitation Methodology*** - an internal document of the Clearing Centre which establishes the procedure for determination of the Limits Collateralized with the Fund's Resources, for the Clearing Members that are Risk Covering Fund members.

***Methodology of Determination of Amount of Contribution to Financial Stability Fund*** - an internal document of the Clearing Centre which establishes the procedure for determination of the

amount of contribution to the Financial Stability Fund for the Clearing Members in excess of the minimal amount of contribution, determined by the Clearing Rules.

**Methodology for Determination of Risk Parameters of Securities Market** - an internal document of the Clearing Centre establishing the procedure for determination of the risk parameters of securities market of CJSC SE MICEX.

**Defaulting Clearing Member** – a Clearing Member that has failed to fulfill or has fulfilled unduly its Total net obligations in cash/securities and/or that has the Debt to the Clearing Centre.

**Uncollateralized Trade** - a trade in securities that has failed to pass the Collateral Control Procedure.

**Net obligation in cash/securities under trades included into the clearing pool** - obligations of a Clearing Member, or the Clearing Centre to pay for / transfer securities under all trades included into the clearing pool, that have not been terminated following the results of the offset occurred during the clearing period pursuant to the Clearing Rules determined in respect of the Clearing Member's (Clearing Centre's) cash/securities position.

**Net obligation in cash/securities under T+ Trades** – an amount of money in Russian rubles, or amount of securities that is an excess of the Clearing Member's obligations under the T+ Trades over its claims to the Clearing Centre under the T+ Trades in Russian rubles, or securities, determined per each Settlement date.

**Net claim in cash/securities under trades included in to the clearing pool** - claims of a Clearing Member, or the Clearing Centre to pay for / transfer securities under all trades included into the clearing pool, that have not been terminated following the results of the offset occurred during the clearing period pursuant to the Clearing Rules determined in respect of the Clearing Member's (Clearing Centre's) cash/securities position.

**Net claim in cash/securities under T+ Trades** – an amount of money in Russian rubles, or amount of securities that is an excess of the Clearing Member's claims under the T+ Trades over its obligations to the Clearing Centre under the T+ Trades in Russian rubles, or securities, determined per each Settlement date.

**Collateral** – an individual clearing collateral in cash and/or securities used to ensure fulfillment of a Clearing member's obligations under the trades. The Collateral can be used to fulfill obligations of the Clearing Member under the trades.

**Collateralized trade** – a securities trade that has passed the Collateral Control Procedure.

**Caps** - the Commission Fee Cap and/or the Compensation Cap.

**Commission Fee Cap** - a clearing register intended to account for Clearing Members' outstanding liabilities to pay the Commission Fee.

**Compensation Cap** shall designate a clearing register intended to account for Clearing Members' outstanding liabilities to pay the Compensation.

**Settlement Instruction** - a Clearing Member's instruction sent to the Clearing Centre using the Clearing System in the form of an electronic message signed by the Clearing Member's HSA, and initiating the Collateral Control Procedure for a securities trade (first/second leg of a repo trade) which are not subject to the mentioned procedure upon entering the order and/or executing the trade in accordance with the Clearing Rules, in order for the obligations under such trade to be included in the Clearing Pool for Settlements based on Trading Results.

**Settlement Instruction Special / Special Settlement Instruction** - a Clearing Member's instruction sent to the Clearing Centre using the Clearing System in the form of an electronic message signed

by the Clearing Member's HSA, and initiating the Collateral Control Procedure for several securities trades simultaneously (first/second legs of repo trades) which are not subject to the mentioned procedure upon entering the order and/or executing the trade, and/or variation margins in accordance with the Clearing Rules in order for the obligations under such trades and/or obligations to post variation margins to be included into the Clearing Pool for Settlements based on Trading Results.

**Settlement Instruction Immediate / Immediate Settlement Instruction** - a Clearing Member's instruction sent to the Clearing Centre using the Clearing System in the form of an electronic message signed by the Clearing Member's HSA, and initiating the Collateral Control Procedure for one or several securities trades simultaneously (first/second legs of repo trades) which are not subject to the mentioned procedure upon entering the order and/or executing the trade in accordance with the Clearing Rules, and/or variation margins, in order for the obligations under such trades and/or obligations to post variation margins to be included in the Clearing Pool for Settlements in the course of Trading.

**Password** is a unique sequence of random numbers used for the authentication of a Clearing Member/Clearing Centre.

**Period for Registration of Instructions** - a period of the trade day established in accordance with Appendix No. 6 hereto within which the Clearing Centre registers instructions from the Clearing Members and/or Clearing Organizations.

**NCC EDC Subsystem** - a Subsystem of the Electronic Document Circulation System of OJSC MICEX-RTS (hereinafter referred to as the SEDC of OJSC MICEX-RTS) the organizer of which is the Clearing Centre and which is used by the Clearing Centre to interact with the NCC EDC Subsystem members and the SEDC Organizer. The NCC EDC Subsystem is a totality of software, information and hardware of the Clearing Centre, the SEDC Organizer, and the NCC EDC Subsystem members.

**Variation Margin Payment Instruction** - the Clearing Member's instruction sent to the Clearing Centre via the Clearing System in the form of an electronic message signed by the Clearing Member's HSA, and initiating the Collateral Control Procedure for the variation margin in order for the variation margin obligations to be included into the Clearing Pool for Settlements based on Trading Results.

**Over-the-Counter Trade Clearing Instruction** - the Clearing Member's instruction sent to the Clearing Centre for the purpose of over-the-counter trade clearing, and registration of the over-the-counter trade details, including those of any over-the-counter repo trade, in the Clearing System.

**Variation Margin Waiver Instruction** - the Clearing Member's instruction sent to the Clearing Centre via the Clearing System in the form of an electronic message signed by the Clearing Member's HSA, for the purpose of waiving the variation margin.

**Procedure for Provision of Information and Reports** - the Clearing Centre's internal document establishing the composition, terms and formats of delivery of the information and reports by the Clearing Members to the Clearing Centre.

**EDC Regulations** – Regulations for the Electronic Documents Management of CJSC JSCB National Clearing Centre

**Trading Rules** - the rules for trading in securities of the Exchange approved by the Exchange's authorized body.



**Clearing Rules** - these Clearing Rules of CJSC JSCB National Clearing Centre for the securities market being an integral part of the Clearing Agreement.

**FX Market Clearing Rules** - current FX Market Clearing Rules of CJSC JSCB National Clearing Centre.

**Collateral Control Procedure for a securities trade / Collateral Control Procedure** - a procedure to control sufficiency of individual clearing collateral of a Clearing Member for securing and/or fulfilling obligations in cash and securities arising out of a securities trade execution by the Clearing Member, or otherwise as provided for by the Clearing Rules.

**Settlement Organization** - a company performing cash settlements according to the results of the clearing effected by the Clearing Centre.

**Settlement Price** - a price used for determination of the values of Upper and Lower Limits for the price band as well as Upper and Lower Limits of the market risks assessment range.

**Trade day** - a day on which both the Clearing Centre effects clearing for trades in a relevant security and the Exchange opens trading and the Depository and Settlement Organization effect settlements according to the clearing results, including day off and public holiday pursuant to the laws of the Russian Federation.

**Settlement Depository** - a settlement depository conducting operations associated with performance of the obligations on transfer of the securities according to the results of clearing performed by the Clearing Centre.

**Settlement Code** - an analytical accounting sector in the Clearing Centre's internal accounting system. The Settlement Code shall consist of the last five figures in the numbers of accounts opened in favour of a Clearing Member in the Clearing Centre's accounting.

**Regulations for Clearing on the Securities Market / Clearing Regulations** - the Clearing Centre's internal document establishing the procedure for codification and registration of the Trading and Clearing Accounts in the Clearing System, particularities of operations effected in the Clearing System in accordance with the Clearing Rules.

**Clearing Centre Website** - the site in the Internet at [www.nkcbank.ru](http://www.nkcbank.ru) on which the Clearing Centre discloses information.

**Securities Trade / Trade** - either an on-exchange trade or over-the-counter trade.

**T+ Trade** - a repo trade with settlement code T0/Yn, Y0/Yn, Y1/Yn, or a trade to buy/sell securities with settlement code Yn executed with the Central Counterparty in accordance with the Trading Rules, or Clearing Rules as well as a repo Trade of the Clearing Centre and the Lending Agreement of the Clearing Centre.

**Clearing Centre's repo trade** - a repo trade executed by the Clearing Centre with a Clearing Member in accordance with the Trading Rules in the order prescribed by the Clearing Rules for the purpose of performance of the Clearing Centre's obligations under the T+ Trades.

**Refund Account** - an account in respective currency registered in the Clearing Centre, opened with the bank located in the Russian Federation or with the bank outside the Russian Federation (with account for the limitations, introduced by the current legislation of the Russian Federation), and designed to transfer the funds to perform the obligations of the Clearing Centre regarding repayment of an individual clearing collateral to the Clearing Member.

**Technical Center** - Moscow Exchange ensuring the Clearing Members' technical access to the Clearing System on the basis of the relevant contract.

**Trading and Clearing Account / TCA** - an accounting register in the Clearing System establishing the unique correspondence between the Clearing Member's cash position and the Clearing Member's securities position.

**Clearing Member** - a legal entity for which the Clearing Centre renders the clearing services on the basis of the Clearing Agreement concluded with such legal entity.

**Risk Covering Fund** - a collective clearing collateral (guarantee fund) formed by the Clearing Centre out of contributions of the Clearing Members admitted to the Risk Covering Fund by resolution of the Clearing Centre.

**Financial Stability Fund** - a collective clearing collateral (guarantee fund) formed by the Clearing Centre out of contributions of the Clearing Members that have access to clearing with partial collateral.

**Securities / Shares / Bonds / Fund Units / Depositary Receipts** - securities as defined by the laws of the Russian Federation.

Any term not expressly defined in these Clearing Rules shall have the meaning determined by other internal documents of the Clearing Centre, including the FX Market Clearing Rules, Methodology for Determination of Risk Parameters of the Securities Market, Trading Rules, laws, regulatory legal acts of the federal executive body for the securities market and other regulatory legal acts of the Russian Federation.

## **Article 2. General Provisions**

- 2.1. The Clearing Centre effects clearing acting as the Central Counterparty for:
  - trades of purchase and sale with settlement codes T0 (except for trades of distribution and repurchase), K0, Yn;
  - repo trades with settlement codes T0/Yn, Y0/Yn, and Y1/Yn.
- 2.2. The Clearing Centre effects clearing without execution of the Central Counterparty's functions for:
  - trades of purchase and sale with settlement codes B0-B30, Z0;
  - repo trades with settlement codes Rb, S0-S2, Z0.
- 2.3. The Clearing Centre clears trades in Russian rubles and foreign currency.
- 2.4. The Clearing Centre does not effect clearing on the securities trades with the settlement codes different from the settlement codes stipulated by the Trading Rules.
- 2.4.1. The clearing procedure for Trades with Partial Collateral, as defined by the Trading Rules, corresponds to the procedure for the clearing with partial collateral of T+ Trades.
- 2.5. Conclusion of the T+ Trades shall be possible only in respect of the securities included in the Clearing List for the T+ Trades.

Inclusion of a security in the Clearing List for the T+ Trades shall be effected by the decision of the Clearing Centre on the basis of the information obtained from the Exchange.

Inclusion of any security in the Clearing List for the T+ Trades is possible with "no access to clearing with partial collateral" mark.

- 2.6. As the means of ensuring performance of the obligations admitted to clearing the Clearing Centre uses individual clearing collateral of the Clearing Members in cash and securities as well as T+ collective clearing collateral (Guarantee Funds).
- 2.7. Individual clearing collateral in securities shall be accounted for on the trading securities accounts opened in the Settlement Depository specifying the Clearing Centre as the clearing organization with the right to give instructions on these accounts.
- 2.8. Individual clearing collateral in Russian rubles and foreign currency shall be accounted for on the corresponding clearing banking account of the Clearing Centre opened in the Settlement Organization and designed for consideration of the securities individual clearing collateral.
- 2.9. Individual clearing collateral in cash can be also recorded on the trading banking accounts opened in the Settlement Organization specifying the Clearing Centre as the clearing organization with the right to give instructions on these accounts.
- 2.10. The list of types of the applied trading accounts is specified in article 6 of the Clearing Rules.
- 2.11. Collective clearing collateral (Guarantee Funds) shall be accounted for on the clearing banking account of the Clearing Centre opened in the Settlement Organization and designed for consideration of the securities individual clearing collateral.
- 2.12. Information on the details of the Clearing Centre's clearing accounts designed for consideration of individual or collective clearing collateral shall be placed in the Clearing Centre's Website.

The Clearing Centre shall advise the Clearing Members as regards alteration of the details of the mentioned accounts by means of submitting the new details in the form of an electronic document and by means of placing the relevant information in the Clearing Centre's Website not later than three (3) working days before introduction of these alterations into effect.

- 2.13. The Clearing Centre shall be entitled to use for its own benefit any funds constituting individual and collective Clearing Collateral, placed on clearing bank accounts, subject to the limitations stipulated in the internal document of the Clearing Centre that determines formation criteria for investment assets of the Clearing Centre.  
Any income from such use of the said funds shall not be included in the individual and collective Clearing Collateral.
- 2.14. Settlements subsequent to the clearing results shall be effected in the course of trading, and at the end of trading.
- 2.15. Interchange of electronic documents between the Clearing Member and the Clearing Centre shall be effected by means of EDC Sub-System of NCC (National Clearing Centre).

The order of formation and transfer of electronic documents by means of EDC Sub-System of NCC is stipulated by Regulations for EDC and the Contract on Electronic Documents Interchange concluded by the Clearing Member with the Clearing Centre.

- 2.16. The documents submitted by the Clearing Member to the Clearing Centre using the Clearing System shall be electronic messages signed by the Clearing Member's HSA. Documents and information obtained by the Clearing Member from the Clearing System shall be electronic messages signed by the Clearing Centre's HSA. The order for HSA use is defined in article 5 of the Clearing Rules.
- 2.17. The formats of electronic documents provided by the Clearing Members to the Clearing Centre in accordance with the Clearing Rules and Regulations for EDC, and the forms of documents in hard copy provided by the Clearing Members to the Clearing Centre in accordance with the Clearing Rules are established by the document called "Forms and Formats of the Documents Provided by the Clearing Members, Clearing Members' Clients, and Holders pursuant to the Clearing Rules of CJSC JSCB National Clearing Centre in the Securities Market" displayed in the Clearing Centre's Website.
- 2.18. There are the following categories of the Clearing Members: A-Category Clearing Members, B1-Category Clearing Members, B2-Category Clearing Members, and C-Category Clearing Members. The A Category Clearing Member is the Bank of Russia. B1-Category Clearing Members and B2-Category Clearing Members are the Clearing Members that have access to clearing with partial collateral and are not A-Category Clearing Members. B1-Category Clearing Members are entitled to execute trades of purchase and sale of securities and repo trades, which are T+ Trades, based both on addressed orders and **off orders**. B2-Category Clearing Members have right to execute trades of purchase and sale of securities, which are T+ Trades, based both on addressed orders and off orders, and repo trades, which are T+ Trades, based on addressed orders. C-Category Clearing Members are the Clearing Members that do not have access to clearing with partial collateral and are not A-Category Clearing Members.
- 2.19. Provisions of the Clearing Rules regarding the rights and obligations between the Clearing Member of "A" category, and the Clearing Centre shall be applied in respect of the Clearing Member of "A" category save as other provisions with regard to the Clearing Member of "A" category are stipulated by the agreement concluded by the Clearing Centre with such Clearing Member. Requirement on deposit of individual and collective clearing collateral shall not be applied in respect of the Clearing Member of "A" category. The Clearing Member of "A" category may assume obligation on deposit of individual clearing collateral in securities and/or in cash.
- 2.20. Operations on combination of issues of equity securities and/or cancellation of individual numbers (codes) of additional issues of equity securities shall be effected in the Clearing System on the next Trade day after receipt of the relevant notification from the Settlement Depository and upon completion of settlements on the securities trades at the end of clearing of this day. Carrying out of the operation on combination of issues of equity securities and/or cancellation of individual numbers (codes) of additional issues of equity securities in the Clearing System shall be accompanied by correction of the information on the securities trades and repo trades the Settlement date of which is not

come. The codes of combined issues of equity securities in the details of the mentioned trades shall be substituted for the code of joint issue, and the cancelled code of additional issue of equity securities – for the code of issue with respect to which such issue is deemed additional.

- 2.21. The terms for transfer of the documents to the Clearing Centre and the terms for receipt of the documents from the Clearing Centre in the course of interaction with the Clearing Members upon carrying out of the clearing and settlements on trades are stipulated in Appendix 6 to the Clearing Rules (hereinafter referred to as the Provisional Regulations).

The time (term) established by the Provisional Regulations in respect of the certain operations may be changed by the decision of the Clearing Centre. The Clearing Members shall be advised as regards any changes of time (terms) for carrying out of the certain operations by the Clearing System's means not less than in two (2) Trade days save as other procedure and terms are established by the decision of the Clearing Centre.

### **Article 3. Rights and Liabilities of the Clearing Members and the Clearing Centre**

- 3.1. Rights and Liabilities of the Clearing Members and the Clearing Centre shall be determined by the Clearing Agreement and the Clearing Rules.
- 3.2. The form of the Clearing Agreement is stipulated in Appendix 1 to the Clearing Rules.
- 3.3. Conclusion of the Clearing Agreement shall be effected by means of accession to the contract the terms and conditions of which are determined by the Clearing Rules.
- 3.4. Amount of payment for the clearing services rendered by the Clearing Centre to the Clearing Members in accordance with the Clearing Rules is defined by the Rates of the Clearing Centre in the Securities Market being Appendix 2 to the Clearing Rules (hereinafter referred to as the Rates of the Clearing Centre).
- 3.5. The mode of payment for the Clearing Centre's clearing services is defined in article 37 of the Clearing Rules.
- 3.6. The Clearing Centre's clearing services shall be deemed duly rendered if within five (5) working days upon termination of the month within which such services have been rendered, the Clearing Member does not state to the contrary in written form.
- 3.7. A Clearing Member shall have the right to repudiate the Clearing Agreement only in the absence of its material liabilities on the mentioned Contract, and of the outstanding obligations admitted for clearing, with written notification of the Clearing Centre not later than 5 (five) days before the date of termination of the Clearing Agreement.
- 3.8. The Clearing Centre shall have the right to repudiate the Clearing Agreement in case of the Clearing Member's violation of the requirements imposed on the Clearing Member by the Clearing Rules.
- 3.9. The Clearing Centre shall have the right to repudiate the Clearing Agreement concluded with the Clearing Member if within six (6) months from the date of conclusion of the mentioned Contract, the Clearing Member has not obtained access to the clearing services, or within six (6) consecutive months the Clearing Member has not had access to the clearing services on the basis of none of the Clearing Rules approved by the Clearing

Centre in connection with suspension / termination / non-receipt of access to the clearing services.

- 3.10. Effect of the Clearing Agreement shall be terminated on the occurrence of any of the following:
- termination of the Clearing Member's access to the clearing services in accordance with all Clearing Rules on the basis of which the Clearing Member has been admitted to the clearing services;
  - winding-up of the Clearing Member as well as in case of reorganization of the Clearing Member under the stipulation that the Clearing Member's activity is terminated as a result of such reorganization;
  - withdrawal (cancellation) of a license for effectuation of the banking operations from the Clearing Member (for credit institutions).
- 3.11. Termination of the Clearing Agreement shall not release the Clearing Member and the Clearing Centre from performance of the obligations arisen before termination of the Clearing Agreement.
- 3.12. The Clearing Centre shall have the right to disclose in its website the information on the Clearing Members' violations of the requirements of the Clearing Rules, particularly, on the facts of their non-performance of the obligations pursuant to the procedure prescribed by the Clearing Rules.

#### **Article 4. Confidentiality and Personal Data**

- 4.1. A Clearing Member and the Clearing Centre shall be obliged to consider the subject-matter of the Clearing Agreement and the terms and conditions of the concluded securities trades and repo trades as confidential information and shall not disclose it to the third parties (except for auditors of the Clearing Member or Clearing Centre, authorized governmental bodies, Clearing Member's Clients in favour of which such trades have been concluded, as well as disclosure of the information in accordance with the requirements of the applicable laws of the Russian Federation), save as otherwise agreed by the Clearing Member and the Clearing Centre.
- 4.2. Any documents submitted and prepared by the Clearing Member and/or Clearing Centre for execution of the Clearing Agreement and securities trades / repo trades concluded within the Clearing Agreement shall be deemed confidential.
- 4.3. The Clearing Members agree that the Clearing Centre on the basis of the agreement concluded with the Bank of Russia transfers to the Bank of Russia, on its request, the information on the course and results of clearing.
- 4.4. The Clearing Member / legal entity confirm that all personal data mentioned in the Clearing Rules, Clearing Agreement, as well as personal data transferred by the Clearing Member / legal entity and the Clearing Centre to each other, if it is required for the purposes of performance of the Clearing Agreement, are accurate and obtained from the personal data subject pursuant to the legal procedure, and transferred by consent of the personal data subject if such consent is stipulated by the laws of the Russian Federation.

- 4.5. The Clearing Member / legal entity and/or the Clearing Centre shall be obliged not to admit distribution of the mentioned personal data without consent of the personal data subject or existence of any other legal basis, to ensure confidentiality of the personal data and personal data safety upon their processing in the cases stipulated by the Clearing Rules and the laws of the Russian Federation.
- 4.6. Provisions contained in clauses 4.4-4.5 of the Clearing Rules shall not be applied in respect of public information.

#### **Article 5. Procedure for use of the Handwritten Signature Analogue**

- 5.1. The Handwritten Signature Analogue (HSA) shall be used when electronic messages, stipulated in the Clearing Rules, are submitted (sent) through the Clearing System. An electronic message signed with HSA is regarded as an electronic document equal to its hard copy bearing the signature of the Clearing Member / Clearing Centre.
- 5.2. The Clearing Centre ensures protection and integrity of electronic messages of a Clearing Member and the Clearing Centre as a result of employing a set of organizational and technical procedures.
- 5.3. An electronic message shall be regarded as signed with HSA from the moment of its submitting by the Clearing Member / Clearing Centre to the Clearing System of such electronic message provided that the Clearing Member / Clearing Centre has successfully passed the verification procedure as set in this article.
- 5.4. Assignment of the Clearing Identifier to the Clearing Member or Clearing Centre shall be effected by the Clearing Centre.

Procedure for assignment of the Clearing Identifier to the Clearing Member is regulated in Article 10.16 of the Clearing Rules.

Notification on assignment of the Clearing Identifier to the Clearing Member shall be transferred to the Clearing Member within the Report on Trading and Clearing Accounts and other details of the Clearing Member submitted in accordance with article 38 of the Clearing Rules.

Information on the assigned Clearing Identifiers shall be regarded as confidential and shall not be subject to disclosure to the third parties, except for the Technical Centre, having access to such data in connection with performance of the authentication procedure. The Clearing Member and the Clearing Centre shall ensure observance of the confidentiality requirements and bear the risk of consequences connected with the violation of such requirements.

- 5.5. The authentication procedure shall be performed by the Technical Centre with the use of the Clearing System when the Clearing Member, or Clearing Centre, is trying to get technical access to the Clearing System from a remote workstation of the Clearing Member or the Clearing Centre, by matching the Clearing Identifier and the password corresponding to the Clearing Identifier and password of the Clearing Member / Clearing Centre the information on which is stored in the Clearing System database.

In case of successful authentication the Clearing Member / Clearing Centre can perform operations through the Clearing System.

- 5.6. Upon sending any electronic messages signed with the HSA, the Technical Centre via the Clearing System shall identify a person signing the electronic message by comparing the HSA contained in the electronic message with the Clearing Identifier assigned to the Clearing Member / Clearing Centre the information on which contains in the Clearing System database.
- 5.7. The Clearing Member and the Clearing Centre agree that the latter is allowed to make (print out) the paper copies of electronic messages (signed with HSA), authenticated by the Clearing Centre authorised person's signature and present undisputable proof of the fact of submitting the electronic message using the Clearing System, as well as the correspondence of such electronic message to the contents of its copy made (printed out) in paper medium.
- 5.8. If requested by the Clearing Member in writing, the Clearing Centre shall provide the Clearing Member with the copy of the electronic message submitted by (to) the Clearing Member, made (printed out) in paper medium.
- The Clearing Member's request shall contain the date as of which the electronic messages are provided, or the time period over which the electronic messages are provided.
- 5.9. The Clearing Member and the Clearing Centre hereby agree to negotiate all disputes arising in relation to application of HSA out of court.
- 5.10. If any disputes arise in relation to application of HSA, there shall be held a technical expertise in accordance with Appendix 3 to the Clearing Rules.
- 5.11. If the technical expertise held in accordance with Appendix 3 to the Clearing Rules fails to solve the dispute, such situation shall be subject to consideration in accordance with the procedure prescribed by article 42 of the Clearing Rules.

## **Article 6. Trading Accounts**

- 6.1. Upon carrying out of the clearing in accordance with the Clearing Rules the Clearing Centre uses the following types of trading banking accounts opened with the Settlement Organization specifying the Clearing Centre as the clearing organization with the right to give instructions on these accounts:
- trading banking account in Russian rubles;
  - trading banking account in foreign currency.
- 6.2. **Trading Account** shall mean the Clearing Member's trading banking account in Russian rubles, particularly, special broker's account, or trustee's account, trading banking account of the Clearing Centre, or the Clearing Member's Client designed for registering individual clearing collateral in Russian rubles.
- 6.2.1. Trading Account of the Bank is designed for registering cash used for ensuring performance of the obligations and the Bank's performance of the obligations under the trades concluded by the Bank with settlements in Russian rubles at its own expense, and at the expense of its clients, for the Bank's performance of the obligations on payment of the Commission Fee and Compensation, or for ensuring performance of the obligations, and performance of the obligations of another Clearing Member (in case of the Bank's opening of an additional position on cash for the Clearing Member, determined in respect



of this Trading Account) under the trades concluded with settlements in Russian rubles as well as for performance of the obligations of such Clearing Member on payment of the Commission Fee in accordance with the Clearing Rules.

- 6.2.2. Trading Account of the Clearing Member not being a credit institution in accordance with the laws of the Russian Federation is designed for registering cash used for ensuring performance of the obligations, and performance of the obligations under the trades concluded by the Clearing Member with settlements in Russian rubles at its own expense, or at the expense of its clients, as well as for performance of the obligations of the Clearing Member on payment of the Commission Fee and Compensation in accordance with the Clearing Rules.
- 6.2.3. Trading Account of the Clearing Member's Client is designed for registering cash used for ensuring performance of the obligations, and performance of the obligations under the trades concluded by the Clearing Member with settlements in Russian rubles at the expense of such client, as well as for performance of the obligations of the Clearing Member on payment of the Commission Fee in respect of the mentioned trades.
- 6.3. **Foreign Currency Trading Account** shall mean the Clearing Member's trading banking account in foreign currency, particularly, special broker's account, or trustee's account, trading banking account of the Clearing Centre, or the Clearing Member's Client designed for registering individual clearing collateral in foreign currency.
  - 6.3.1. Foreign Currency Trading Account of the Bank is designed for registering cash used for ensuring performance of the obligations, and performance of the obligations under the trades concluded with settlements in foreign currency at its own expense, and at the expense of the clients, or for ensuring performance of the obligations, and performance of the obligations of another Clearing Member (in case of the Bank's opening of an additional foreign currency position on cash for the Clearing Member, determined in respect of this Trading Account) under the trades concluded with settlements in foreign currency.
  - 6.3.2. Foreign Currency Trading Account of the Clearing Member not being a credit institution in accordance with the laws of the Russian Federation is designed for registering the cash used for ensuring performance of the obligations, and performance of the obligations under the trades concluded with settlements in foreign currency at its own expense, and at the expense of its clients.
  - 6.3.3. Foreign Currency Trading Account of the Clearing Member's Client is designed for registering the cash used for ensuring performance of the obligations, and performance of the obligations under the trades concluded by the Clearing Member with settlements in foreign currency at the expense of such client.
- 6.4. Upon carrying out of the clearing in accordance with the Clearing Rules the Clearing Centre uses the following types of trading securities accounts, as well as the accounts opened with the Settlement Depository specifying the Clearing Centre as the clearing organization with the right to give instructions on these accounts and Settlement Depository accounts:
  - Clearing Member, Clearing Centre or Clearing Member's client trading depo account;
  - Clearing Member's Nominee or Holder trading depo account;
  - Non-resident Nominee of the Holder trading depo account;

- Trust trading depo account;
  - Broker trading depo account;
  - Issuer trading depo account;
  - Treasury trading depo account;
  - Clearing Member's owner depo account
  - Clearing Member's Nominee or Holder depo account.
- 6.5. Upon carrying out of the clearing in accordance with the Clearing Rules the Clearing Centre uses the trading depo accounts trading sections blocked for clearing in NCC and Settlement Depository depo accounts trading sections blocked for the trades of the securities under lombard loans and Bank of Russia overnight loans.
- 6.6. **Trading Section** - a trading section (except the type "Blocked for clearing in NCC. Trades in the foreign currency" and "Blocked for clearing in NCC. Collateral" of the Trading Depo Account of the Owner of the Clearing Member or Clearing Centre and/or Trading Depo Account of the Nominee of the Clearing Member and/or Trust Trading Depo Account and/or Issuer Account and/or Client's Trading Depo Account and/or Treasury Trading Depo Account and/or Issuer's Account and/or Broker Trading Depo Account and/or Clearing Member's Holder Depo Account and/or Holder of the Clearing Member's client Depo Account.
- 6.7. **Foreign Currency Trading Section** - a trading section for trades in the foreign currency of the Trading Depo Account of the Owner of the Clearing Member or Clearing Centre and/or Trading Depo Account of the Nominee of the Clearing Member and/or Trust Trading Depo Account and/or Issuer Account and/or Client's Trading Depo Account and/or Treasury Trading Depo Account and/or Issuer's Account and/or Broker Trading Depo Account and/or Clearing Member's Holder Depo Account and/or Holder of the Clearing Member's client Depo Account.
- 6.8. **Additional Trading Section** - a trading section (except the type "Blocked for clearing in NCC. Trades in the foreign currency only" and "Blocked for clearing in NCC. Collateral" or a trading section for the trades in the foreign currency of the Nominee of the Holder Trading Depo Account and/or Non-resident Nominee of the Holder Trading Depo Account and/or the Nominee of the Holder Depo Account.

There exist the following types of additional trading sections:

- **Type A** – for registering the securities belonging to the Clearing Member as a property, or another proprietary interest, the depositary maintenance of which is effected by the Holder;
- **Type B** – for registering the securities of the Clearing Member's Clients the depositary maintenance of which is effected by the Holder;
- **Type C** – for registering the securities placed into trust of the Clearing Member the depositary maintenance of which is effected by the Holder.

There exist the following types of additional trading sections solely for the trades in foreign currency:

- **Type D\_XXX**<sup>1</sup> – for registering the securities belonging to the Clearing Member as a property, or another proprietary interest, the depositary maintenance of which is effected by the Holder;
- **Type E\_XXX** – for registering the securities of the Clearing Member’s Clients the depositary maintenance of which is effected by the Holder;
- **Type F\_XXX** – for registering the securities placed into trust of the Clearing Member the depositary maintenance of which is effected by the Holder.

6.9. **Collateral Trading Section** shall mean a trading section of the type “Blocked for clearing in NCC. Collateral” of the trading securities account of the Owner of the Clearing Member and/or trading securities account of the Nominee of the Clearing Member and/or trust trading securities account and/or client owner’s trading securities account.

6.10. **Additional Collateral Trading Section** shall mean a trading section of the type “Blocked for clearing in NCC. Collateral” of the trading securities account of the Nominee of the Holder.

6.11. Trading Sections of all types indicated in clauses 6.5 – 6.10 of the Clearing Rules shall be hereinafter jointly referred to as the Sections.

Trading Sections indicated in clauses 6.5 – 6.8 of the Clearing Rules shall be hereinafter jointly referred to as Sections T0.

Collateral Trading Sections and Additional Collateral Trading Sections shall be hereinafter jointly referred to as Sections T+.

## Article 7. Clearing Registers

7.1. The Clearing Centre shall effect internal accounting stipulated by the Clearing Law, on the clearing registers. Clearing registers shall be kept by the Clearing Centre in the Clearing System.

7.2. **Collateral Account T+** is a clearing register corresponding to the personal account opened to the Clearing Member in the Clearing Centre on balance account No. 30420 (30421) “Means for Performance of the Obligations Admitted to Clearing, and Individual Clearing Collateral” for registering the Collateral in cash.

Collateral Accounts T+ are opened on the basis of the Application of the Clearing Member for the assignment of the Settlement Code, which was provided to the Clearing Centre. When the collateral Account T+ is opened, the initial and planned cash position, which is determined in respect of the collateral Account T+, is set to nil.

There can be only one collateral Account T+ in each currency for one Settlement Code.

The Application for Assignment of the Settlement Code shall be submitted to the Clearing Centre in form of electronic document.

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<sup>1</sup> XXX – hereinafter – a currency code determined in the Clearing Regulation.

The Application for Assignment of the Settlement Code shall contain the Accounts details to get refund in Russian rubles or foreign currency.

The Trading or the Foreign Currency Trading Account can be mentioned as the Account for refund in Russian rubles or foreign currency respectively.

If the owner of the Refund Account stated in the Application for Assignment of the additional Settlement Code is the Client, the Clearing Member, with such Application, shall submit to the Clearing Centre:

- Client Identification Letter;
- copy of the Contract for Brokerage Service, concluded between the Client and the Clearing Member, notarized or certified by the Clearing Member;
- other documents (upon request of the Clearing Centre).

The Clearing Centre shall inform the Clearing Member via the NCC EDC Subsystem about the assigned Settlement Code not later than on the Business Day following the day of Assignment of the Settlement Code.

- 7.3. **Collateral Account T0** is a clearing register corresponding to the personal account opened to the Clearing Member in the Clearing Centre on balance account No. 30420 (30421) “Means for Performance of the Obligations Admitted to Clearing, and Individual Clearing Collateral” for registering the cash designed for ensuring performance of the obligations, and performance of the obligations under the trades.

Collateral Account T0 shall be opened in addition to the Trading Account/FX Trading Account of the Clearing Member, or its Client, upon acquisition from the Settlement Organization of the information on the new Trading Account/FX Trading Account.

- 7.4. The Clearing Centre shall register in the clearing registers:
- Cash positions by T+ Collateral Accounts and T0 Collateral Accounts;
  - Security positions by Sections, securities codes;
  - Single Limit of each Clearing Member by Settlement Accounts T+;
  - Limit secured by resources of the fund, of each Clearing Member for whom such limit has been set, with breakdown by Settlement Codes;
  - liabilities and claims of the Clearing Member on each obligation admitted to clearing on the T+ Trade;
  - obligations of the Clearing Members and the Clearing Centre on return of the Collateral Deposit;
  - Net Obligation / Net Claim of the Clearing Member in Cash/Securities under the Clearing Pool Trades with breakdown by positions in cash / securities;
  - Net Obligation / Net Claim of the Clearing Member in Cash/Securities under the T+ Trades with breakdown by Collateral Accounts T+ / Sections T+, Settlement Dates, currency / securities codes;
  - Total Net Obligation / Total Net Claim of the Clearing Member with breakdown by Collateral Accounts T+ / Sections T+, currency / securities codes;
  - Clearing Member’s Collateral with breakdown by Collateral Accounts T+ / Sections T+, currency / securities codes;
  - Margin Call of the Clearing Member (if any);
  - Clearing Member’s contribution to the Financial Stability Fund;

- Clearing Member's contribution to the Risk Covering Fund.

7.5. **Cash Position** shall mean a clearing register designed for registering the data on cash upon the Clearing Centre's carrying out of the Collateral Control Procedure.

There exist the following sections of the clearing register "Cash Position":

**Clearing Member's / Clearing Centre's Cash Position** shall mean a position in cash determined in respect of Collateral Account T0 opened to the Trading Account of the Clearing Member or Clearing Centre, or in respect of the Collateral Account T+ intended for accounting of the cash of the Clearing Member or Clearing Centre.

**Client's Cash Position** shall mean a cash position determined in respect of Collateral Account T0 opened to the Trading Account of the Clearing Member, being a special broker's account, and/or to the Trading Account of the Clearing Member's Client, or in respect of the Collateral Account T+ intended for accounting of the cash of the Clearing Member's clients.

**Trust Cash Position** shall mean a cash position determined in respect of Collateral Account T0 opened in addition to the Trading Account of the Clearing Member designed for registering cash, placed into trust of such Clearing Member, or in respect of the Collateral Account T+ intended for accounting of the cash, placed into trust of such Clearing Member.

**Foreign Currency Cash Position** shall mean a cash position determined in respect of Collateral Account T0 opened in addition to the Foreign Currency Trading Account of the Clearing Member.

**Client's Foreign Currency Cash Position** shall mean a cash position determined in respect of Collateral Account T0 opened in addition to the Foreign Currency Trading Account of the Clearing Member being a special broker's account, and/or to the Foreign Currency Trading Banking Account of the Clearing Member's Client.

**Trust Foreign Currency Cash Position** shall mean a cash position determined in respect of Collateral Account T0 opened in addition to the Foreign Currency Trading Account of the Clearing Member designed for registering cash placed into trust of such Clearing Member.

Cash Positions, Client's Cash Positions, Trust Cash Positions, Foreign Currency Cash Positions, Client's Foreign Currency Cash Positions, Trust Foreign Currency Cash Positions shall be hereinafter jointly referred to as the Core Cash Positions.

**Additional Own Cash Position** shall mean a cash position determined in respect of Collateral Account T0 opened in addition to the Trading Account of the Bank providing settlement services to the Clearing Member and/or its clients.

**Additional Client's Cash Position** shall mean a cash position determined in respect of Collateral Account T0 opened in addition to the Trading Account of the Bank providing settlement services to the clients of the Clearing Member not being a credit institution.

**Additional Trust Cash Position** shall mean a cash position determined in respect of Collateral Account T0 opened in addition to the Trading Account of the Bank providing settlement services to the Clearing Member upon its acting as a trustee, and designed for registering cash, placed into trust of the Clearing Member.

Additional Own Cash Positions, Additional Client's Cash Positions and Additional Trust Cash Positions shall be hereinafter jointly referred to as the Additional Rouble Cash Positions.

**Additional Own Foreign Currency Cash Position** shall mean a cash position determined in respect of Collateral Account T0 opened in addition to the Foreign Currency Trading Account of the Bank providing settlement services to the Clearing Member and/or its clients.

**Additional Client's Foreign Currency Cash Position** shall mean a cash position determined in respect of Collateral Account T0 opened in addition to the Foreign Currency Trading Account of the Bank providing settlement services to the Clearing Member's Clients.

**Additional Trust Foreign Currency Cash Position of the Clearing Member** shall mean a cash position determined in respect of Collateral Account T0 opened to the Foreign Currency Trading Account of the Bank providing settlement services to the Clearing Member upon its acting as a trustee and designed for registering cash placed into trust of the Clearing Member.

**Additional Foreign Currency Cash Positions** – Additional Own Foreign Currency Cash Positions, Additional Client's Foreign Currency Cash Positions and Additional Trust Foreign Currency Cash Positions shall be hereinafter jointly referred to as the Additional Foreign Currency Cash Positions.

**Additional Cash Positions** – Additional Own Cash Position, Additional Client's Cash Position, Additional Trust Cash Position, Additional Own Foreign Currency Cash Position, Additional Client's Foreign Currency Cash Position and Additional Trust Foreign Currency Cash Position shall be hereinafter jointly referred to as the Additional Cash Positions.

- 7.6. **Position in Securities / Depository Position** shall mean a clearing register designed for registering the data on the number of securities upon the Clearing Centre's carrying out of the Collateral Control Procedure.

There exist the following sections of the clearing register "Securities position":

**Clearing Member's / Clearing Centre's Securities-1 Position** shall mean a securities position determined in respect of the Trading Section or Collateral Trading Section of the Trading Securities Account of the Owner of the Clearing Member, or Clearing Centre in the Settlement Depository and/or Additional Trading Section – type A / Additional Collateral Trading Section, opened for the Clearing Member on the trading securities accounts of the Nominee of the Holders in the Settlement Depository.

**Clearing Member's Securities-2 Position** shall mean a securities position determined in respect of the Trading Section or Collateral Trading Section of the Trading Securities Account of the Nominee of the Clearing Member in the Settlement Depository and/or Trading Section of the Trading Securities Account of the Clearing Member's Client in the Depository and/or Additional Trading Section – type B / Additional Collateral Trading Section, opened for the Clearing Member on the trading securities accounts of the Nominee of the Holders in the Settlement Depository.

**Clearing Member's Securities-3 Position** shall mean a securities position determined in respect of the Trading Section of the issuer account opened for the Clearing Member.

**Clearing Member's Securities-4 Position** shall mean a securities position determined in respect of the Trading Section or Collateral Trading Section of the trust trading securities account of the Nominee of the Clearing Member in the Settlement Depository and/or Additional Trading Section – type C / Additional Collateral Trading Section, opened for the Clearing Member on the trading securities accounts of the Nominee / trading securities accounts of the foreign Nominee of the Holders in the Settlement Depository.

**Clearing Member's Securities-5 Position** shall mean a securities position determined in respect of the Foreign Currency Trading Section of the Trading Securities Account of the Owner of the Clearing Member in the Settlement Depository and/or Additional Trading Section – type D\_XXX, opened for the Clearing Member on the trading securities accounts of the Nominee of the Holders in the Settlement Depository.

**Clearing Member's Securities-6 Position** shall mean a securities position determined in respect of the Foreign Currency Trading Section of the Trading Securities Account of the Nominee of the Clearing Member in the Settlement Depository and/or Foreign Currency Trading Section of the Trading Securities Account of the Clearing Member's Client in the Settlement Depository and/or Additional Trading Section – type E\_XXX, opened for the Clearing Member on the Trading Securities Accounts of the Nominee of the Holders in the Settlement Depository.

**Clearing Member's Securities-7 Position** shall mean a securities position determined in respect of the Foreign Currency Trading Section of the Trust Trading Securities Account of the Clearing Member in the Settlement Depository and/or Additional Trading Section – type F\_XXX, opened for the Clearing Member on the Trading Securities Accounts of the Nominee of the Holders in the Settlement Depository.

**Clearing Member's Securities-8 Position** shall mean a securities position determined in respect of the Foreign Currency Trading Section of the Issuer Account opened for the Clearing Member.

**Clearing Member's Accounting Position 1** shall mean a clearing register designed for registering the Clearing Member's securities claims arisen as a result of execution of the Stock Exchange Trades with shares in the course of bidding on their distribution. Clearing Member's Accounting Position 1 shall be determined on each security in respect of each personal account, as well as Trading Section and/or Additional Trading Section in the Settlement Depository.

**Clearing Member's Accounting Position 2** shall mean a clearing register designed for registering the Clearing Member's securities obligations arisen as a result of execution of the Stock Exchange Trades with shares in the course of bidding on their distribution. Clearing Member's Accounting Position 2 shall be determined on each security.

- 7.7. In the Clearing System there shall be set the initial and scheduled values of the cash positions and securities positions of the Clearing Members.

Procedure for and cases of alteration of the values of the cash positions and securities positions are specified in Appendix No. 7 to the Clearing Rules.

- 7.8. Procedure for maintenance of the clearing registers is established in the corresponding articles of section IV and V of the Clearing Rules.

## **SECTION II            REQUIREMENTS FOR THE CLEARING MEMBERS**

### **Article 8.        Requirements for the Clearing Members**

8.1.        In order to conclude the Clearing Agreement a legal entity shall provide the Clearing Centre with:

- Clearing Agreement pursuant to the form stipulated in Appendix No. 1 to the Clearing Rules, in two (2) counterparts signed by the legal entity's authorized person and bearing the legal entity's seal;
- set of documents in accordance with the list indicated in section I of Appendix No. 4 to the Clearing Rules.

If any of the documents indicated in Appendix No. 4 to the Clearing Rules has been previously submitted to the Clearing Centre and is available at the moment in the Clearing Centre, the legal entity may be released from the obligation of the second submission of such document subject to a preliminary agreement with the Clearing Centre.

8.2.        The legal entity shall be obliged to submit other documents which may be requested by the Clearing Centre where necessary for the purposes not contradicting the applicable laws of the Russian Federation.

8.3.        In the event that the Clearing Agreement pursuant to the form stipulated in Appendix No. 1 to the Clearing Rules has been already concluded between the legal entity and the Clearing Centre for effectuation of clearing services in accordance with other clearing rules of the Clearing Centre, conclusion of the new Clearing Agreement according to these Clearing Rules is not required.

8.4.        The Clearing Member shall be obliged on an annual basis to provide the Clearing Centre with the Clearing Member's (Client's) Application Form (Registration Card) in the form of an electronic document.

In case of alteration of the data contained in the Clearing Member's (Client's) Application Form (Registration Card) or other documents submitted to the Clearing Centre, the Clearing Member shall be obliged within five (5) working days after such alterations to provide the Clearing Centre with the Clearing Member's (Client's) Application Form (Registration Card) with the updated information in the form of an electronic document and the relevant documents confirming such alterations.

The formats of the Clearing Member's submission of the Clearing Member's (Client's) Application Form (Registration Card) are provided for by the Procedure for Provision of Information and Reports.

8.5.        In order to confirm their financial condition the Clearing Members of B1, B2 and C categories shall be obliged within the entire effective term of the Clearing Agreement to provide the Clearing Centre with the accounts in accordance with Appendix No. 5 to the Clearing Rules.

For the purposes of estimation of the Clearing Member's financial condition, the Clearing Centre shall have the right to demand additional information and accounts not indicated in Appendix No. 5 to the Clearing Rules from the Clearing Member.



**Article 9. Clearing Services Conditions. Clearing Services Admission Procedure**

- 9.1. Access to the Category B Clearing Services in accordance with the Clearing Rules shall be granted to the Clearing Member which corresponds to the following requirements:
- has the existing Clearing Agreement concluded with the Clearing Centre;
  - has the existing license for effectuation of the banking operations issued by the Bank of Russia (for credit institutions);
  - is a member of EDC Sub-System of NCC;
  - meets the requirements of the Clearing Centre on delivery of the information and accounts stipulated by clauses 8.4 to 8.5 of the Clearing Rules;
  - meets the requirements of the Clearing Centre to the Clearing Member's financial stability stipulated by clause 9.2 or 9.5 of the Clearing Rules;
  - has at least one Trading and Clearing Account registered in the Clearing Centre;
  - has provided the Clearing Centre with the Application on TCA for OTC Trades (this requirement refers only to the clearing services of the Clearing Members upon carrying out of the clearing under OTC Repo Trades executed with the Bank of Russia).
- 9.2. According to the Clearing Rules, the access to B2 Clearing Services is granted to the Clearing Member, who meets both the requirements of Article 9.1 of the Clearing Rules and the following requirements:
- made a contribution to the Financial Stability Fund in amount, defined by Article 15.2 of the Clearing Rules;
  - a Clearing Member's activity must not have any record of his financial status deterioration and/or the information, which can give reasons to consider this deterioration possible and/or to doubt a Clearing Member's ability to fulfill the obligations on T+ trades, Margin Calls and/or other Clearing Member's obligations, determined by the Clearing Rules.
- 9.3. According to the Clearing Rules, the access to B1 Clearing Services is granted to the Clearing Member, who meets both the requirements of Articles 9.1 and 9.2 of the Clearing Rules and the following requirements:
- has own funds (equity capital) amounted to 180,000,000 (one hundred eighty million) rubles.
- 9.4. Clearing Members – credit institutions shall correspond to the following requirements to the financial stability:
- to meet the statutory requirements of the Bank of Russia established for the credit institutions;
  - in the Clearing Member's activity there shall be no grounds for accomplishment of measures for prevention of bankruptcy in accordance with the laws of the Russian Federation on insolvency (bankruptcy) as well as the grounds for the Bank of Russia withdrawal of the license for effectuation of the banking operations in accordance with the laws of the Russian Federation on banking activity.
- 9.5. Clearing Members – non-credit institutions shall correspond to the following requirements to financial stability:

- in the Clearing Member's activity there shall be no grounds for accomplishment of measures for prevention of bankruptcy in accordance with the laws of the Russian Federation on insolvency (bankruptcy).
- 9.6. The Clearing Members shall meet the requirements to the financial stability indicated in clauses 9.4 - 9.5 of the Clearing Rules within all the time of admittance to the clearing services in accordance with the Clearing Rules.  
The Clearing Members shall be obliged to immediately advise the Clearing Centre as regards its non-compliance with the mentioned requirements.
- 9.7. The Clearing Centre is entitled to deny the access to the clearing services for B1, B2 and C-Category Clearing Members, who do not meet the following requirements:
- credit organizations - current year positive finance result at the balance sheet date. This result is calculated as the margin of the remaining amounts, listed in the balance account of current year income and the remaining amounts, listed in the balance account of current year expenses;
  - non-credit organizations - current year positive finance result at the balance sheet date, which is determined by after tax return.
- 9.8. The access to the clearing services is granted to Clearing Member by the Clearing Centre within 5 (five) business days after the Member met all requirements and conditions that are set by this article of the Clearing Rules.  
  
The Clearing Centre shall advise the Clearing Member and the Exchange about the fact of granting to the Clearing Member of access to the clearing services and about the category of the Clearing Member not later than the working day following the day of granting of access to the clearing services with submitting of the relevant notification in the form of an electronic document.
- 9.9. The right to participate in the Risk Covering Fund is given to B1 and B2-Category Clearing Members.  
If a Clearing Member intends to participate in the Risk Covering Fund, the special Application to the Clearing Centre should be submitted.
- 9.10. The requirements concerning Clearing Members' own funds (equity capital), who intend to become the participants of the Risk Covering Fund, are determined by the Operations Limitation Methodology.
- 9.11. The Clearing Centre reviews the Application for the participation in the Risk Covering Fund and decides whether to accept or refuse it.  
The Clearing Centre informs a Clearing Member on the decision concerning the admission within 2 (two) Business Days from the day of the decision by sending the informational letter in form of the electronic document.
- 9.12. The Clearing Centre is entitled to make a decision on the Member's withdrawal from the Risk Covering Fund if the Member violates the requirements, which are set by the Clearing Rules or the Operations Limitation Methodology.  
The Clearing Centre informs a Clearing Member on the withdrawal and the date of its withdrawal from the Risk Covering Fund not later than the Business Day following the

day of this decision, by sending the Member the informational letter in form of the electronic document.

- 9.13. In order to register the Clearing Member's Trading and Clearing Account establishing a unique correspondence between a certain securities position and a certain position in cash as well as in case of necessity to change such correspondence, the Clearing Member shall be obliged to provide the Clearing Centre with the Application for TCA Registration in paper form or in the form of an electronic document.

One security position may be included only in one Trading and Clearing Account.

One cash position may be included in several Trading and Clearing Accounts.

- 9.14. In order to execute a T+ trade, a Clearing Member should have a Trading and Clearing Account, which includes the securities position corresponding to the Section T+ and cash positions corresponding to Collateral Accounts T+.

Upon submittal of the Application for the opening of a Trading and Clearing Account (TCA) used for executing T+ trades, the Clearing Member can note that this particular TCA is not meant for the clearing with partial collateral on the securities and/or cash.

To execute other types of trades, a Clearing Member can use TCA, which includes:

- the securities position corresponding to Section T+ and cash positions corresponding to Collateral Accounts T+;
- the securities position corresponding to Section T0 and cash positions corresponding to Collateral Accounts T+;
- the securities position corresponding to Section T0 and cash positions corresponding to Collateral Accounts T0.

- 9.14.1. In order to register the TCA, which includes cash positions corresponding to Collateral Accounts T+, the Clearing Member should provide the Settlement Code related to Collateral Accounts T+ in the Application.

In order to open the TCA, which includes cash positions corresponding to Collateral Accounts T0, the Clearing Member should provide the Settlement Code related to Collateral Accounts T0 in the Application.

Sections T+, registered within TCAs with one Settlement Code (SC) are hereunder referred to as Sections T+ relating to the Settlement Code.

- 9.15. Clearing Centre's withholding from the Clearing Member of:

- the Commission Fee under the trades settled in foreign currency;
- the subscription fee;
- the permanent part of the Commission Fee under repo trades;
- the permanent part of the Commission Fee under the trades of purchase and sale of shares;
- the Commission Fee for submission on the Clearing Members' requests of the duplicates of reports according to the clearing results provided for by the Clearing Rules;
- the payment under the Fee Schedule "Placements-Flat";
- the additional remuneration in the case provided for by clause 37.18 of the Clearing Rules;

- penalties contemplated by the Trading Rules;
- the Compensation;

as well as establishment of the Compensation Cap and the Compensation's crediting shall be effected in respect of Collateral Account T0 corresponding to the Trading Account / Additional Cash Position indicated by the Clearing Member in the Application on the Compensation and Fee Account submitted to the Clearing Centre.

In case of the Clearing Member's failure to submit the Application on the Compensation and Fee Account, all operations indicated in this clause of the Clearing Rules shall be effected in respect of Collateral Account T0 or Collateral Account T+, on which it is possible to execute the operations in accordance with the Clearing Rules, if such account is the only one.

In any other cases the operations mentioned in this clause of the Clearing Rules shall be executed in respect of Collateral Account T0 opened in addition to the Trading Account or Additional Cash Position with the earliest opening date.

- 9.15.1. The Clearing Member can indicate the Trading Account or the Settlement Code in the Application on compensation and commission, and the Commission Fee on Trades denominated in Russian rubles will be deducted from the corresponding Collateral Account T0 or Collateral Account T+.

In case of the Clearing Member's failure to submit the Application on the compensation and commission or failure to indicate the Account for the deduction of the Commission Fee on Trades denominated in Russian rubles, the Commission Fee and penalties, established by the Trading Rules, will be effected in respect of Collateral Account T0 or Collateral Account T+, which is a part of the Trading and Clearing Account that was indicated in the order for the trade execution.

- 9.15.2. Collateral Account T0 or Collateral Account T+ determined in accordance with this clause of the Clearing Rules shall be hereinafter referred to as the Compensation and Fee Account.

- 9.16. In case of acquisition from the Settlement Organization of information on closing and/or impossibility to execute operations on the Trade Account and the related Collateral Account T0, which is the Compensation and Fee Account, the Clearing Centre has the right to set the Compensation Cap in respect of any Collateral Account T0 or Collateral Account T+.

## **Article 10. Procedure for Registration of the Clearing Members and their Clients**

- 10.1. The Clearing Centre shall perform registration of the Clearing Members and their Clients and shall assign a Clearing Member code / a Clearing Member's Client code to each of the Clearing Members / Clearing Member's Clients correspondingly. The Clearing Member code shall be assigned after the Clearing Agreement is concluded by the Clearing Member with the Clearing Centre.
- 10.2. Registration of the Clearing Members' Clients shall be effected on the basis of the information obtained from the Clearing Member.
- 10.3. Registration of the Clearing Members and their Clients shall be effected by the Clearing Centre in accordance with the requirements of the regulatory legal acts of the federal

executive body for the securities markets. Only one Clearing Member code can be assigned to a Clearing Member in the Clearing System.

- 10.4. The data necessary for registration of the Clearing Member / Client shall be submitted by the Clearing Member to the Clearing Centre in the form of an electronic document.

Technological specifics of the registration of codes for the Clearing Members and Clients is described on the Clearing Centre website.

- 10.5. Procedure for registration of the Clearing Member stipulates assignment of the following codes and identifiers to the Clearing Member:

- Clearing Member code (shall be assigned in accordance with the regulatory legal acts of the federal executive body for the securities markets);
- identifier (shall be assigned by the Clearing Centre);
- special code (shall be independently assigned by the Clearing Member).

- 10.6. After the code has been assigned to the Clearing Member and the Clearing Member has concluded the integrated technical service provision agreement with the Technical Centre, the Clearing Centre shall assign a Clearing Member Identifier code to the Clearing Member. More than one Clearing Member Identifier may be assigned to a Clearing Member in the Clearing System. In this regard for each Clearing Member there shall be set up a unique correspondence of all identifiers to the assigned Clearing Member code.

- 10.7. The Managing Clearing Member shall also indicate the Clearing Member special code to the Clearing Centre. The special code shall correspond to the format (symbol set) used in the Clearing System and shall be unique for this Clearing Member. In this regard for each Clearing Member the Clearing Centre shall set up a unique correspondence of the special code to the Clearing Member code.

- 10.8. Procedure for registration of the Clearing Members' Clients stipulates assignment of the following unique codes to such Clients by the Clearing Centre:

- Client code (shall be assigned in accordance with the regulatory legal acts of the federal executive body for the securities markets);
- Client short code (shall be independently specified by the Clearing Member).

- 10.9. The mentioned Client short code shall be assigned to the Client to the extent that:

- an identifier has been assigned to the Clearing Member;
- a Client code has been assigned to the Clearing Member's Client in accordance with the Clearing Rules;
- a Client short code offered by the Clearing Member corresponds to the format (symbol set) used in the Clearing System and is unique for this Clearing Member.

- 10.10. More than one Client short code may be assigned to a Clearing Member's Client in the Clearing System. In this regard for each Client there shall be set up a unique correspondence of all short codes to the Client code.

- 10.11. For the purposes of registration of the Client codes the Clearing Member may, in addition to the data determined by the regulatory legal acts of the federal executive body for the securities markets, provide other data, particularly, the data on the number of the license

for effectuation of the banking operations issued to the Client, the data on the fact whether the Client is a qualified investor.

- 10.11.1. Upon receipt from the Clearing Member of the data on the number of the license for effectuation of the banking operations issued to the Client, the Clearing Centre shall register the Client with the mark “credit institution” if the relevant license is valid.
- 10.11.2. If the Clearing Member does not indicate the number of the license for effectuation of the banking operations upon the Client’s registration, or the indicated license is withdrawn (cancelled), such Client shall be registered with the mark “non-credit institution”.
- 10.11.3. If after registration of the Client-credit institution by the Clearing Centre the Bank of Russia withdraws (cancels) the license for effectuation of the banking operations the number of which has been indicated by the Clearing Member upon registration of this Client, the Clearing Member shall be obliged to provide the Clearing Centre with the relevant information pursuant to the procedure and in the form stipulated by the Clearing Centre. After acquisition of the relevant information the Clearing Centre shall mark such Client as “non-credit institution”.
- 10.12. The Clearing Centre shall inform the Clearing Member as regards the fact that they (and their Clients) have been assigned the codes (including short and special codes) as well as the identifier by means of submitting the relevant notification.
- 10.13. For the Exchange’s registration of the Clearing Member / Client as a Trading Member / Trading Member’s Client, the Clearing Centre transfers the available information on the Clearing Members and their Clients as well as on the codes assigned to them to the Exchange.
- 10.14. The Clearing Centre shall have the right to independently cancel the registration of the Clients in case of non-observance of the requirements stipulated by the Clearing Rules.
- 10.15. The Clearing Member shall independently control completeness and applicability of the information submitted for the purposes of registration of the Clearing Member codes and Client codes. The Clearing Centre shall not bear responsibility for applicability and integrity of the information submitted by the Clearing Member, as well as for the Clearing Member’s breach of the procedure for delivery of such data.
- 10.16. The Clearing Centre shall assign the Clearing Identifiers to the Clearing Member that gets admission to Clearing Service, under the Application for Assignment of the Clearing Identifier submitted by the Clearing Member to the Clearing Centre.
  - 10.16.1. The Clearing Identifier shall correspond to one Identifier of the Clearing Member. One Identifier of the Clearing Member may have over one Clearing Identifier.
  - 10.16.2. The Application for Assignment of the Clearing Identifier shall be submitted to the Clearing Centre in hard-copy form.
  - 10.16.3. The Clearing Centre shall assign the Clearing Identifier to the Clearing Member within 5 (five) business days after receipt of the Application for Assignment of the Clearing Identifier if there are no remarks on such Application.
  - 10.16.4. The Clearing Centre shall inform the Clearing Member about the assigned Clearing Identifier not later than on the Business Day following the day of assignment of the Clearing Identifier by including the information on the Clearing Identifier of the Clearing Member in the daily Report on the Clearing Identifiers.

- 10.17. Cancellation of the Clearing Identifier assigned to the Clearing Member on initiative of the Clearing Member shall be conducted under the Application for Cancellation of the Clearing Identifier submitted by the Clearing Member to the Clearing Centre.

The Application for Cancellation of the Clearing Identifier shall be submitted to the Clearing Centre in hard-copy form.

All Clearing Identifiers corresponding to the Identifier of the Clearing Member shall be cancelled under the notification of cessation of admission to the UTS Trading of the Clearing Member which is the Participant of the UTS Trading, for such Identifier.

## **Article 11. Procedure for the Clearing Services Admission to be Suspended and Terminated**

- 11.1. The Clearing Centre shall have the right to suspend the B1, B2 and C Category Clearing Member's access to the clearing services for any of the following reasons:

- on the basis of the relevant notification of the Exchange;
- in the absence of at least one registered Trading and Clearing Account;
- in case of impossibility to execute operations using the Trading and Clearing Account specified in the Application on TCA for OTC Trades (in a part of carrying out of the clearing services under OTC Repo Trades with the Bank of Russia);
- in case of the Clearing Member's violation of the requirements established by the Clearing Rules;
- in case of application by the Bank of Russia of the sanctions for violation of the banking laws to the Clearing Member-credit institution, particularly: prohibition against the Clearing Member's effectuation of the certain banking operations if such measures lead to the impossibility of the Clearing Member's conclusion and/or execution of the trades, and appointment of temporary administration for management of the credit institution-Clearing Member within the measures on prevention of bankruptcy of the credit institution;
- upon application to the Clearing Member of the sanctions of the authorized agencies for violation of the laws of the Russian Federation, including: application of administrative sanctions;
- subject to the existence of the facts of the Clearing Centre's non-performance or improper performance of the obligations to the Clearing Centre arising out of the Clearing Agreement upon the Clearing Centre's rendering of the services in accordance with other clearing rules approved by the Clearing Centre and regulating different areas of clearing activity.

- 11.2. The Clearing Centre is entitled to suspend the B1-Category, B2-Category and C-Category Clearing Members' access to the clearing services on all trades or separate T+ trades (only for the the B1-Category and B2-Category Clearing Members) or change the Category of the Clearing Member due to:

- the results of the inspection of the information and documents provided by the Clearing Member according to Articles 8.4-8.5 of the Clearing Rules and in case of their absence in a due term;
- in case of Clearing Member's financial status deterioration and/or the information, which can give reasons to consider this deterioration possible and/or to doubt a Clearing Member's ability to fulfill the obligations on trades, Margin Calls and/or

- other Clearing Member's obligations, determined by the Clearing Rules;
- in case of absence of the Clearing Member's positive financial results, mentioned in Article 9.7 of the Clearing Rules as of two and more consequent reporting dates.
- 11.3. The Clearing Centre shall suspend the Clearing Member's access to the clearing services upon the Clearing Centre's receipt of the letter on suspension of access to the clearing services from the Clearing Member.
- 11.4. In case of suspension of access to the clearing services, the Clearing Centre shall continue to effect clearing and other functions connected with effectuation of clearing under the trades executed by this Clearing Member till suspension of access to the clearing services.
- 11.5. After receipt of information about cessation of the grounds for suspension of access to the clearing services and/or decrease of the Clearing Member's category, and on the basis of the relevant letter from the Clearing Member, the Clearing Centre shall have the right to adopt the decision on resumption of the suspended clearing services for the Clearing Member and/or on alteration of the latter's category.
- 11.6. The Clearing Centre shall terminate the Clearing Member's access to the clearing services (irrespective of its category) for any of the following reasons:
- in case of expiration of the Clearing Agreement;
  - in case of withdrawal (cancellation) by the Bank of Russia of the license for effectuation of the banking operations from the Clearing Member-credit institution;
  - in case of appointment of temporary administration or adoption by the arbitration court of the decision on introduction in respect of the Clearing Member of one of the bankruptcy proceedings;
  - in case of winding-up of the Clearing Member as well as in case of reorganization of the Clearing Member under the stipulation that the Clearing Member's activity is terminated as a result of such reorganization;
  - repeated (two times and more within one year) non-performance by the Clearing Member of the obligations admitted to clearing and/or other financial obligations of the Clearing Member arising out on the basis of the Clearing Rules;
  - repeated (two times and more within one year) violation by the Clearing Member of the requirements established by the Clearing Rules.
- 11.7. The Clearing Centre shall have the right to terminate the Clearing Member's access to the clearing services upon the Clearing Centre's receipt from the Exchange of the notification on termination of the Clearing Member's access to participation in the trading on the Exchange.
- 11.8. From the moment of receiving the information about the cases mentioned in Articles 11.1, 11.2 and 11.6 of the Clearing Rules, related to the Clearing Member, the Clearing Centre is entitled to set the Limit Collateralized with the Fund's Resources to zero.
- 11.9. The Clearing Centre shall advise the Clearing Member and the Exchange as regards suspension / termination or resumption of the suspended access to the clearing services, or as regards any change in the Clearing Member's category not later than the working



day following the day of suspension / termination or resumption of the suspended access to the clearing services / day of assignment of other category to the Clearing Member, by means of submitting the relevant notification in the form of an electronic document.

- 11.10. In case of termination of access to the clearing services or Category change of the Clearing Member, the Clearing Centre returns the cash constituting the Clearing Member's contribution to the Financial Stability Fund registered at the date of termination of access to the clearing services within three (3) banking days after the Clearing Centre's receipt of the letter from the Clearing Member on return of the contribution to the Financial Stability Fund containing payment details save as otherwise stipulated by article 39 of the Clearing Rules.

In case of termination of access to the clearing services the Clearing Centre shall return to the Clearing Member the cash constituting the Clearing Member's contribution to the Risk Covering Fund registered as at the date of termination of access to the clearing services within three (3) banking days after the Clearing Centre's receipt of the letter from the Clearing Member on return of the contribution to the Risk Covering Fund containing payment details save as otherwise stipulated by article 39 of the Clearing Rules.

## **Article 12. Requirements for the Clearing Member's Clients**

- 12.1. In order to delegate to the Clearing Centre on the part of the issuer being the Clearing Member's Client the powers for acquisition of the information on the number of securities registered on Sections T0 opened on the issuer account in the Settlement Depository as well as the powers for transfer to the Settlement Depository of the information on the basis of which the Settlement Depository effects debiting and/or crediting the securities from Sections T0 and/or on Sections T0 according to the results of clearing of the securities trades performed by the Clearing Centre, the issuer shall be obliged to provide the Depository with a provisional securities instruction prescribed by the depository standards.
- 12.2. Upon the Settlement Organization's opening of the Trading Account of the Clearing Member's Client, the Clearing Member shall be obliged to provide the Clearing Centre with the Notification on utilization of the Client's Trading Account from the corresponding Client.

## **Article 13. Requirements for the Holders. Procedure for Gaining (Withdrawal) of the Holder's Status**

- 13.1. In order to be granted the Holder's status the legal entities, being the Clearing Members, shall provide the Clearing Centre with:
- the Application on granting of the Holder's status;
  - the notarized copy of the license of professional securities market participant on effectuation of the depository activity, issued by the federal executive body for the securities markets (for the organizations being the RF (Russian Federation) residents).

13.2. In order to obtain the Holder's status the legal entities not being the Clearing Members, except for the documents indicated in clause 13.1 of the Clearing Rules, shall provide the Clearing Centre with:

- legal entities being the RF residents – the documents indicated in section I of Appendix No. 4 to the Clearing Rules (with the exception of accounts stipulated by Appendix No. 5 to the Clearing Rules);
- legal entities being the non-residents of the RF – the documents indicated in section II of Appendix No. 4 to the Clearing Rules.

In order to obtain / maintain the Holder's status the legal entities being the RF residents and not being the Clearing Members shall be obliged to meet the conditions for obtaining in accordance with the EDC Regulations of the accounting instruments at the end of clearing in the form of electronic documents.

13.3. Decision on granting (withdrawal) the Holder's status to the organization shall be adopted by the Clearing Centre.

13.4. A legal entity / Clearing Member may be deprived of the Holder's status for any of the following reasons:

- in case of cancellation or suspension of the license of professional securities market participant on effectuation of the depositary activity;
- in case of withdrawal (cancellation) of the license for effectuation of the banking operations by the Bank of Russia;
- in case of failure to meet the conditions for obtaining in accordance with the EDC Regulations of the accounting instruments at the end of clearing in the form of electronic documents;
- the Holder's violation of the requirements as to submission of the documents indicated in subclause 13.5 of the Clearing Rules;
- the Holder's letter on withdrawal of the Holder's status;
- in case of application to the Holder of the sanctions of the authorized agencies for violation of the laws of the Russian Federation;
- in case of appointment of temporary administration or adoption by the arbitration court of the decision on introduction in respect of the Holder of one of the bankruptcy proceedings;
- in case of winding-up of the Holder as well as in case of reorganization of the Holder under the stipulation that the Holder's activity is terminated as a result of such reorganization;
- repeated (two times and more) violation by the Holder of the requirements stipulated by the Clearing Rules;
- for other reasons.

13.5. The Holder shall be obliged on an annual basis to provide the Clearing Centre with the Clearing Member's (Client's) Application Form (Registration Card) in the form of an electronic document.

In case of alteration of the data contained in the Clearing Member's (Client's) Application Form (Registration Card) or other documents submitted to the Clearing Centre, the Holder shall be obliged within five (5) working days after such alterations to provide the Clearing Centre with the Clearing Member's (Client's) Application Form

(Registration Card) with the updated information in the form of an electronic document and the relevant documents confirming such alterations.

- 13.6. The formats of the Holder's submission of the Clearing Member's (Client's) Application Form (Registration Card) are provided for by the Procedure for Provision of Information and Reports.
- 13.7. The Clearing Centre shall advise the legal entity / Clearing Member as regards obtaining of the Holder's status, as well as withdrawal of the Holder's status, by means of placing the relevant information in the Clearing Centre's Website within three (3) working days from the date of adoption of the corresponding decision.

#### **Article 14. Requirements for the Banks**

- 14.1. In order to open an additional cash position of the Clearing Member in the Clearing System the Bank shall be obliged to provide the Clearing Centre with the Notification on utilization of an additional cash position.

The Bank's submitting of the Notification, stipulated in this subclause, to the Clearing Centre shall mean the Bank's consent to perform settlements via the corresponding trading account of the Bank on the obligations and claims of the Clearing Member in cash, as well as for an additional Russian rouble cash position, – on the obligations of the Clearing Member as to payment of the Commission Fee under the trades executed with specification of the Trading and Clearing Account containing its relevant addition Russian rouble cash position.

- 14.2. The Banks initiating opening of additional cash positions for the Clearing Members in the Clearing System shall be hereinafter referred to as the Clearing Banks pursuant to the Clearing Rules.

### **SECTION III CLEARING RISK MANAGEMENT MEASURES**

#### **Article 15. The List of Measures Aimed at the Risk Management upon Effectuation of the Clearing**

15.1. For the purposes of reduction of the risks connected with effectuation of the clearing the Clearing Centre shall:

- raise the requirements to the Clearing Member's financial stability;
- raise the requirement to the Clearing Members on contribution of the Collateral;
- effect preliminary control over sufficiency of the Clearing Member's Collateral upon submission of the orders for execution of the trades;
- not less than every Trade day, effect accumulated depreciation of the Collateral, as well as Net Obligations / Net Claims of the Clearing Members under the T+ Trades and other obligations arising in accordance with the Clearing Rules, and control over sufficiency of the Collateral, and in case of insufficiency – shall raise the requirement to the Clearing Member on contribution of the Collateral (Margin Call);
- effect control over the Single Limit upon performance / termination of the obligations under the T+ Trades, return of the Collateral;
- form the Guarantee Funds for ensuring performance of the obligations under the T+ Trades.

15.2. The Clearing Centre forms the Financial Stability Fund out of B1 and B2-Category Clearing Member's contributions.

The minimal amount of contribution to the Financial Stability Fund for each B1 and B2-Category Clearing Members who execute T+ trades at their own expense is 5,000,000 RUB (five million Russian rubles) and 10,000,000 RUB (ten million Russian rubles) if these Members execute T+ trades at their own and their clients' expense.

The Methods of Determination of the Amount of Contribution to the Financial Stability Fund can establish the procedure to assess the amount of contribution from B1 and B2-Category Clearing Members that is contributed in excess of the minimal amount of contribution to the Financial Stability Fund.

15.3. The Clearing Centre forms the Risk Covering Fund out of contributions of the Clearing Members admitted to the Risk Covering Fund by resolution of the Clearing Centre.

The requirements for the Risk Covering Fund contributions are determined by the Operations Limitation Methodology.

#### **Article 16. Single Limit and Risk Parameters**

16.1. Single Limit shall be calculated by the Clearing Centre upon alteration of the amount of the Clearing Member's Collateral upon the Clearing Member's submission of the orders, execution of the trades, performance / termination of the obligations under the trades, alteration of the risk parameters.

- 16.2. Single Limit of the Clearing Member shall be used for inspection of the order eligibility for submission by the Clearing Member, performance / termination of the obligations under the trades, return of the Collateral to the Clearing Member, as well as performance of other operations stipulated by the Clearing Rules. The mentioned inspection shall be performed on the basis of the analysis of alteration of the value of the Clearing Member's Single Limit before and after carrying out of the operation.
- 16.3. Single Limit of the Clearing Member for the Settlement Code shall be calculated with account of:
- the Clearing Member's Collateral in Russian rubles and foreign currency registered in T+ Collateral Accounts relating to the Settlement Code;
  - the Clearing Member's Collateral in securities registered in all Sections T+ relating to the Settlement Code;
  - the Limit Collateralized with the Fund's Resources (for the Clearing Members that are the participants of the Guarantee Fund) recorded for the Settlement Code;
  - Net Obligations / Net Claims of the Clearing Member under the T+ Trades in Russian rubles and in securities registered in Collateral Account T+ / all Sections T+ relating to the Settlement Code by all Settlement Dates.
  - the Clearing Member's Trade Debt to the Clearing Centre in Russian rubles registered in Collateral Account T+ relating to the Settlement Code;
  - the Fees and Compensation Debt of the Clearing Member to the Clearing Centre in Russian rubles for the collateral Account T+ related to the Settlement Code;
  - the Clearing Member's Collateral Deposit Debt to the Clearing Centre in Russian rubles registered in Collateral Account T+ relating to the Settlement Code.
- 16.4. The Limit Collateralized with the Fund's Resources for the Clearing Member, participating in the Risk Covering Fund and contributing the amount of contribution to the Risk Covering Fund that corresponds to the amount set by the Clearing Centre, is calculated in conformity with the Operations Limitation Methodology.
- The Clearing Centre shall notify the Clearing Member of the set Limit Collateralized with the Fund's Resources within two business days from the date of taking of such decision. Such notification shall be submitted to the Clearing Member upon initial setting of the Limit Collateralized with the Fund's Resources and upon its change.
- 16.4.1. The Limit Collateralized with the Fund's Resources and set for the Clearing Member by the Clearing Centre shall increase the Single Limit for the main Settlement Code, corresponding to the collateral Account T+, aimed at accounting the Clearing Member's funds.
- 16.4.2. The Clearing Member may redistribute the Limit Collateralized with the Fund's Resources between its Settlement Codes by submitting to the Clearing Centre the Application for Distribution of the Limit Collateralized with the Fund's Resources in electronic form via the Clearing System, either in hard-copy form, or in form of electronic document.
- 16.4.3. The Application for Distribution of the Limit Collateralized with the Fund's Resources shall contain the amount (in rubles, taking into account the sign) by which the value of the Limit, collateralized with the Fund resources, for the Settlement Code, stated in such Application, shall be changed. Any positive amount stated in such Application means

that the Limit Collateralized with the Fund resources, for the Settlement Code shall increase, negative - shall decrease.

The Application for Distribution of the Limit Collateralized with the Fund's Resources shall contain one Settlement Code, for which the Limit Collateralized with the Fund resources shall decrease, and may contain over one Settlement Code, for which the Limit Collateralized with the Fund resources shall increase.

- 16.4.4. The Application for Distribution of the Limit Collateralized with the Fund's Resources shall not be handled by the Clearing Centre if the procedure for filling in of such Application stipulated in subclause 16.4.3 hereof is not observed or at least one of the following terms is not performed:
- the sum (taking into account the sign) of the amounts of change in the Limit Collateralized with the Fund resources, stated in such Application, equals to zero;
  - the value of the Limit Collateralized with the Fund resources, for each of the Settlement Codes of the Clearing Member remains non-negative after execution of such Application;
  - the Single Limit of the Clearing Member for any Settlement Code remains non-negative after execution of such Application, or the negative Single Limit of the Clearing Member for any Settlement Code increases after execution of such Application.
- 16.4.5. If the Clearing Centre sets the new Limit Collateralized with the Fund's Resources for the Clearing Member, the difference between the values of the new and previously set Limit Collateralized with the Fund's Resources shall increase (decrease) the Limit Collateralized with the Fund's Resources set for the main Settlement Code of the Clearing Member, corresponding to the Collateral Account T+.
- 16.4.6. If the new Limit Collateralized with the Fund's Resources is lower than the previously set Limit Collateralized with the Fund's Resources, and the difference between the value of the previously set Limit Collateralized with the Fund's Resources and the new Limit Collateralized with the Fund's Resources is higher than the Limit Collateralized with the Fund's Resources set for the main Settlement Code of the Clearing Member, corresponding to the Collateral Account T+, the residue of such difference shall decrease the Limits Collateralized with the Fund's Resources set for other Settlement Codes of the Clearing Member in ascending order of the Settlement Codes.
- 16.4.7. If the Clearing Centre sets the new Limit Collateralized with the Fund's Resources to the Clearing Member, the Clearing Member shall still be entitled to redistribute it between its Registration and Settlement Codes as prescribed by this clause hereof.
- 16.5. The Clearing Member's Single Limit in the course of trading shall be calculated by the Clearing Centre with account of the orders on execution of the T+ Trades registered in the Trading System and submitted by the Clearing Member.
- 16.6. The basic risk parameters used by the Clearing Centre for monitoring and control over the risks shall be:
- Settlement Price;
  - Upper and Lower limits of the Price Band;
  - Upper and Lower Limits of the market risks assessment range;
  - Discount;

- Settlement repo Rate;
- Upper and Lower limits of repo rates band;
- Upper and Lower Limits of assessment range for the interest risks;

Except for the basic risk parameters the Clearing Centre uses the additional risk parameters specified in the Methodology for Determination of Risk Parameters of the Securities Market.

16.7. The Clearing Centre shall be entitled to set the individual Upper and Lower Limits of Market Risk Evaluation Range and Upper and Lower Limits of Rate Risk Evaluation Range for certain Trading and Clearing Accounts according to the Applications of the Clearing Member or at its own discretion.

16.8. Calculation and modification of the risk-parameters shall be effected by the Clearing Centre as of 19:00 Moscow time.

The Clearing Centre may adopt the decision on modification of the risk-parameters before the beginning and in the course of trading.

There shall not be effected any modification of the risk-parameters in the course of trading held after 19:00 Moscow time.

Procedure for calculation and modification of the risk-parameters shall be established by the Methodology for Determination of Risk Parameters of the Securities Market.

16.9. The Clearing Member's Single Limit shall be calculated by the Clearing Centre on the basis of Russian rouble appraisal of the maximum possible reduction within the term necessary for termination of the obligations under the T+ Trades on the grounds stipulated by subclause 29.3.2 of the Clearing Rules, of the total value of:

- the Clearing Member's Collateral in Russian rubles, foreign currency and securities;
- the Clearing Member's Trade Debt to the Clearing Centre in Russian rubles;
- the Clearing Member's Debt to the Clearing Centre in terms of the fees and compensation;
- Clearing Member's Collateral Deposit Debt to the Clearing Centre in Russian rubles;
- Net Obligations / Net Claims of the Clearing Member under the T+ Trades in Russian rubles and in securities by all Settlement Dates;
- obligations and claims under the T+ Trades which may be executed on the basis of the orders registered in the Trading System and aimed at execution of the T+ Trades,

in connection with alteration of the Settlement Prices for the securities being the subject of the T+ Trades and/or alteration of the interest rates under repo trades.

Upon calculation of the Clearing Member's Single Limit, obligations under the T+ Trades which may be executed on the basis of the orders registered in the Trading System, Clearing Member's Net Obligations under the T+ Trades in Russian rubles and in securities, and indebtedness shall be registered with the minus sign, claims under the T+ Trades which may be executed on the basis of the orders registered in the Trading System, Net Claims of the Clearing Member under the T+ Trades in Russian rubles, foreign currency and securities, and the Clearing Member's Collateral in Russian rubles and in securities – with the plus sign.

For the purposes of calculation of the Clearing Member's Single Limit for the Net Obligation and Net Claim of the Clearing Member under the T+ Trades in Russian rubles

and in securities with the same code with different Settlement Dates shall be adjoined with account of the sign.

The mentioned assessment shall be performed using Upper and Lower Limits of assessment range for the market and interest risks.

The Single Limit calculated in accordance with this clause of the Clearing Rules shall be adjusted (adjoined with account of the sign) with the total adjustment of the Single Limit with account of Settlement repo Rates calculated as the sum with account of the Single Limit adjustment sign with respect to Settlement repo Rates on each Settlement Date, except for the current one.

- 16.10. Upper and Lower Limits of the assessment range for the market and interest risks used upon calculation of the Clearing Member's Single Limit depend on the scope of the Clearing Member's obligations under the T+ Trades.



## **SECTION IV      PROCEDURE AND TERMS FOR ADMISSION OF OBLIGATIONS TO CLEARING**

### **Article 17.      Procedure for interaction with the Exchange as for entry of orders, conclusion of trades, admission of obligations under on-exchange trades and obligations to post variation margin to clearing**

17.1.      On entry of an order by a Clearing Member, the Exchange shall send information on this order to the Clearing Centre through the Trading System.

17.2.      Promptly after the Clearing Centre receives the information about the order submitted it checks whether this order can be registered in the Trading System.

An order shall be registered in the Trading System provided that the following conditions are met simultaneously:

- 1)      the Trading and clearing account indicated in the order is active<sup>2</sup>;
- 2)      for orders entered for executing trades with the settlement code Yn: price value indicated therein shall be greater than or equal to the Lower limit of the price band established for a relevant security by the Clearing Centre and shall be less than or equal to the Upper limit of such Price band;
- 3)      for orders entered for executing repo trades with the settlement codes T0/Yn and Y0/Yn, Y1/Yn: Repo Rate value indicated therein shall be greater than or equal to the Lower limit of the Repo Rate range established for a relevant security by the Clearing Centre and shall be less than or equal to the Upper limit of such Repo Rate range;
- 4)      the order has passed through the Collateral Control Procedure in accordance with the article 18 of the Clearing Rules except for orders for executing trades with the settlement code K0.

17.3.      Provided that the conditions indicated in clause 17.2 herein are met, the Clearing Centre shall send the Report on the order eligibility for the registration to the Exchange; if one or more conditions indicated in clause 17.2 herein are not met, it shall send the Report on the order ineligibility for the registration.

17.4.      On cancellation of an order with any settlement code except for the settlement code K0, the Exchange shall send the Order Cancellation Notice to the Clearing Centre through the Trading System.

17.4.1.      Upon receiving the Order Cancellation Notice regarding the order for executing a trade with settlement codes Yn, T0/Yn, Y0/Yn, Y1/Yn entered by a Clearing Member, the Clearing Centre shall calculate the Clearing Member's Single limit by skipping the order that was cancelled, using the Settlement Code linked with the T+ Collateral Account included in the Trading and Clearing account indicated in the order cancelled.

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<sup>2</sup> The active status of the trading and clearing account is determined in accordance with the Clearing regulations ("A" means that operations are conducted on the trading and clearing account).

17.5. Where an order that as per the Trading Rules is the valid opposite order towards an order for executing trades with the Clearing Centre that was registered in the Trading System before, has been registered in the Trading System, the Clearing Centre shall send the Confirmations of the Clearing Centre to the Clearing Member that entered such valid opposite order (except for orders for executing trades with settlement code K0) through the Trading System.

Price of and number of securities in trades to be executed shall be determined as per the Trading Rules.

17.6. To facilitate fulfillment of obligations under trades, the Clearing Centre is entitled to enter orders on its behalf and on its own account.

17.7. Trades with the settlement code K0 shall be executed by the Clearing Centre only based on orders passed through the Collateral Control Procedure by sending the Confirmations of the Clearing Centre to Clearing Members that have entered orders for executing trades with the settlement code K0 being valid opposite orders that have passed the Collateral Control Procedure.

The Collateral Control Procedure as for orders for executing trades with the settlement code K0 shall be carried out promptly after receiving of the Exchange's Trade Eligibility Request and on its basis.

17.8. After a trade has been registered in the Trading System, information about it becomes available to the Clearing Centre in the Trading System.

17.8.1. After receiving information about a trade via the Trading System, the Clearing Centre shall admit obligations under this trade to clearing.

17.8.2. After receiving information about a trade with the settlement code T0 or K0 via the Trading System, the Clearing Centre:

- includes obligations/claims to pay/transfer securities under this trade into the Clearing pool to settle trades with the central counterparty being subsequent upon the trading session.
- calculates relevant Single limit of the Clearing Member skipping the order (order part) on the basis of which this trade was executed, and taking into account this trade (for the trades, executed on the basis of orders, submitted with the indication of the Trade and Clearing Account, which includes the Collateral Accounts T+ and/or Sections T+).

17.8.3. After receiving information about a trade with settlement code Yn, T0/Yn, Y0/Yn, Y1/Yn via the Trading system, the Clearing Centre shall also:

- calculate relevant Single limit of the Clearing Member skipping the order (order part) on the basis of which this trade was executed, and taking into account this trade;
- with regard to this trade adjust the Clearing Member's net obligation and/or net claim in Russian rubles and securities under T+ Trades with Settlement dates corresponding to the Settlement date (dates) of this trade on the Collateral account T+ included in the Trading and Clearing account indicated in the order on the basis of which the trade was executed (regarding cash), and/or on the Section T+ included in the Trading and Clearing account indicated in the order on the basis of which the trade was executed (regarding securities).

- 17.9. After receiving information about a trade with settlement code Z0 via the Trading system, the Clearing Centre shall also:
- include the Clearing Members' obligations/claims to pay and transfer securities under this trade (the first leg of the repo trade) in the Clearing pool to settle trades during the trading session;
  - calculates relevant Single limit of the Clearing Member skipping the order (order part) on the basis of which this trade was executed, and taking into account this trade (for the trades, executed on the basis of orders, submitted with the indication of the Trade and Clearing Account, which includes the Collateral Accounts T+ and/or Sections T+);
  - interact with the Settlement Depository to settle this trade (the first leg of the repo trade) during the trading session.
- 17.10. Information on obligations to post variation margin or claims to submit variation margin by Clearing Members shall become available to the Clearing Centre in the Trading System after the trading close at the Exchange on the day preceding the due date of variation margin payment.
- 17.10.1. After receiving the information on obligations to post variation margin or claims to submit variation margin by Clearing Members via the Trading System, the Clearing Centre shall admit these obligations/claims to clearing.
- 17.10.2. The Clearing Centre shall send information on fulfillment of obligations to post /claims to receive the compensation payments by Clearing Members on the due date of variation margin payment.

**Article 18. Collateral Control Procedure Applied to On Exchange Trades in Securities upon Entry of Orders, or Execution of Trades**

- 18.1. Collateral Control Procedure effected upon submission of the orders for execution of the stock exchange trades in securities shall be deemed passed for the trade which is executed on the basis of such order, in the following cases:
- 18.1.1. For the order on purchase of securities with Settlement Codes T0, Z0, Rb if the sum of money necessary for complete performance of the obligation on payment for the securities under the trade which may be executed on the basis of the submitted order (except for the orders activation date of which has not come) including payment of NKD and Commission Fee under the trade, does not exceed the scheduled value of the cash position on the Collateral Account T0 or T+, included in the Trading and Clearing Account specified in the order, with the deduction of the relevant Caps.
- For the orders on execution of repo trades, the inspection mentioned in this subclause of the Clearing Rules shall be effected for the first leg of a repo trade.
- 18.1.2. For the order on sale of securities with Settlement Codes T0, Rb, if the number of securities necessary for complete performance of the obligation on transfer of securities under the trade which may be executed on the basis of the submitted order (except for the orders activation date of which has not come), does not exceed the scheduled value of the position in the Section included in the Trading and Clearing Account specified in the order, and (in respect of the orders on execution of the trades in foreign currency) if the sum of cash necessary for complete performance of the obligation on payment of the

Commission Fee under the trade does not exceed the scheduled value of the corresponding position in cash with the deduction of the relevant Caps.

For the order on execution of repo trades, the inspection mentioned in this subclause of the Clearing Rules shall be effected for the first leg of a repo trade.

- 18.1.3. For the order on sale of securities with Settlement Code Z0 if the number of securities necessary for complete performance of the obligation on transfer of securities under the trade which may be executed on the basis of the submitted order does not exceed the initial and scheduled value of the position for the securities in the Section included in the Trading and Clearing Account specified in the order, and (in respect of the orders on execution of the trades in foreign currency) if the sum of cash necessary for complete performance of the obligation on payment of the Commission Fee under the trade does not exceed the scheduled value of the corresponding position in cash with the deduction of the relevant Caps.
- 18.1.4. For the order on purchase or sale with Settlement Codes B0-B30 or S0-S2 if the sum of money necessary for complete performance of the obligation on payment of the Commission Fee under the trade which may be executed on the basis of the submitted order does not exceed the scheduled value of the corresponding position in cash with the deduction of the relevant Caps.
- 18.1.5. For the orders on purchase or sale of securities with Settlement Codes T0, Rb, Z0, B0-B30 or S0-S2, submitted with the indication of the Trade and Clearing Account, which includes the Collateral Accounts T+ or Sections T+, in addition to the conditions, indicated in subclauses 18.1.1-18.1.4 of the Clearing Rules, there is the verification that the value of the Clearing Member's Single Limit for the Settlement Code corresponding to the Collateral Account T+ included into the Trading and Clearing Account indicated in the order, with account of the submitted order, does not become negative, or if the Clearing Member's Single Limit for such Settlement Code has been negative before the date of the order submission – inspection of the fact that the Clearing Member's Single Limit for such Settlement Code calculated with account of the submitted order, does not become less than the Clearing Member's Single Limit for this Settlement Code calculated before the date of the order submission. The sum of the trade, related to the verification, is described by subclauses 18.1.1-18.1.4 of the Clearing Rules.
- 18.1.6. For the order on purchase or sale with Settlement Codes Yn, T0/Yn, Y0/Yn, Y1/Yn if the value of the Clearing Member's Single Limit for the Settlement Code corresponding to the T+ Collateral Account included into the (relevant) Trading and Clearing Account indicated in the order, with account of the submitted order, does not become negative, or if the Clearing Member's Single Limit for such Settlement Code has been negative before the date of the order submission – inspection of the fact that the Clearing Member's Single Limit for such Settlement Code calculated with account of the submitted order, does not become less than the Clearing Member's Single Limit for this Settlement Code calculated before the date of the order submission.
- 18.1.7. For the order on purchase of trades with Settlement Code T0/Yn if:
  - 1) the amount of money necessary to complete the fulfillment of the obligation on payment for securities under the first leg of a repo trade which may be executed on the basis of the submitted order (except for the orders activation date of which has not come), does not exceed the scheduled value of the relevant cash position on the Collateral Account T+, corresponding to the Trade and Clearing Account, indicated in the order and

- 2) the value of the Clearing Member's Single Limit for the Settlement Code, corresponding to the Collateral Account T+, which is included in the Trading and Clearing Account indicated in the order, with account of the submitted order, does not become negative, or if the Clearing Member's Single Limit for such Settlement Code has been negative before the date of the order submission – inspection of the fact that the Clearing Member's Single Limit for such Settlement Code calculated with account of the submitted order, does not become less than the Clearing Member's Single Limit for this Settlement Code calculated before the date of the order submission. The above mentioned verification is performed for the second leg of a repo trade.

18.1.8. For the order on sale of trades with Settlement Code T0/Yn if:

- 1) the number of securities necessary for complete the fulfillment of the obligation on transfer of securities under the first leg of a repo trade which may be executed on the basis of the submitted order (except for the orders activation date of which has not come), does not exceed the scheduled value of the relevant securities position on the Section T+, corresponding to the Trade and Clearing Account, indicated in the order and
- 2) the value of the Clearing Member's Single Limit for the Settlement Code corresponding to the Collateral Account T+ included into the Trading and Clearing Account indicated in the order, with account of the submitted order, does not become negative, or if the Clearing Member's Single Limit for such Settlement Code has been negative before the date of the order submission – inspection of the fact that the Clearing Member's Single Limit for such Settlement Code calculated with account of the submitted order, does not become less than the Clearing Member's Single Limit for this Settlement Code calculated before the date of the order submission. The above mentioned verification is performed for the second leg of a repo trade.

18.1.9. For the order on purchase of securities with Settlement Codes Yn, T0/Yn, Y0/Yn, submitted by the Clearing Member and/or on securities and/or with indication of the Trading and Clearing Account with no access to clearing with partial collateral if:

- 1) the amount of money necessary to complete the fulfillment of the obligation on payment for securities under the trade which may be executed on the basis of the submitted order, including the payment of ACI, does not exceed the scheduled value of the relevant cash position, calculated on the basis of Execution dates, on the Collateral Account T+, corresponding to the Trade and Clearing Account, indicated in the order and
- 2) the value of the Clearing Member's Single Limit for the Settlement Code corresponding to the Collateral Account T+ included into the Trading and Clearing Account indicated in the order, with account of the submitted order, does not become negative, or if the Clearing Member's Single Limit for such Settlement Code has been negative before the date of the order submission – inspection of the fact that the Clearing Member's Single Limit for such Settlement Code calculated with account of the submitted order, does not become less than the Clearing Member's Single Limit for this Settlement Code calculated before the date of the order submission.

The inspections of the repo trades execution, indicated in this subclause of the Clearing Rules, are performed for the first and the second legs of a repo trade.

18.1.10. For the order on sale of securities with Settlement Codes Yn, T0/Yn, Y0/Yn, submitted by the Clearing Member and/or on securities and/or with indication of the Trading and Clearing Account with no access to clearing with partial collateral if:

- 1) the number of securities necessary for the fulfillment of the obligation on transfer of securities under the first leg of the trade which may be executed on the basis of the submitted order does not exceed the scheduled value of the relevant securities position calculated on the basis of Execution dates, on the Section T+, corresponding to the Trade and Clearing Account, indicated in the order, and
- 2) the value of the Clearing Member's Single Limit for the Settlement Code corresponding to the Collateral Account T+ included into the Trading and Clearing Account indicated in the order, with account of the submitted order, does not become negative, or if the Clearing Member's Single Limit for such Settlement Code has been negative before the date of the order submission – inspection of the fact that the Clearing Member's Single Limit for such Settlement Code calculated with account of the submitted order, does not become less than the Clearing Member's Single Limit for this Settlement Code calculated before the date of the order submission.

The inspections for the repo trade execution, indicated in the subclause, are performed for the first and the second legs of a repo trade.

18.1.11. The inspections, indicated in subclauses 18.1.1-18.1.10 of the Clearing Rules, are effected with account for the order submitted, which is subject to the inspection, for other orders of the same direction and for registered Settlement Instructions (Special Settlement Instructions, Immediate Settlement Instructions) of the same direction, which did not pass the Collateral Control Procedure and lead to the change of the same position as the order inspected.

18.1.12. For the orders on purchase of securities submitted by the Clearing Member of A-Category, the inspection mentioned in subclauses 18.1.1, 18.1.4, 18.1.6 of the Clearing Rules shall not be effected.

For the orders on sale of securities submitted by the Clearing Member of the A-Category, the inspection, mentioned in subclause 18.1.2 of the Clearing Rules, shall be effected only if the A-Category Clearing Member assumes obligations on contributing the individual clearing collateral in securities according to Article 2.19 of the Clearing Rules.

18.2. If the order on purchase or sale passes the Collateral Control Procedure whereunder the Single Limit is checked, the Clearing Centre shall commence to consider the Clearing Member's Single Limit for the Settlement Code corresponding to the T+ Collateral Account included into the Trading and Clearing Account indicated in the order, calculated in accordance with subclause 18.1.5 or 18.1.6 of the Clearing Rules as a new value of the Clearing Member's Single Limit, and in case of non-passing the Collateral Control Procedure – the Clearing Centre shall not change the value of the Clearing Member's Single Limit registered as to such Settlement Code.

18.3. For the orders with the postponed activation date the Collateral Control Procedure, in accordance with this article of the Clearing Rules, shall be effected on the date of activation at the time established by the Provisional Rules.

18.4. Collateral Control Procedure effected upon execution of the stock exchange trades in securities shall be deemed passed in the following cases:

- 18.4.1. For the order on purchase with Settlement Code K0 if the sum of cash necessary for complete performance of the obligation on payment for the securities under the trade, including the sums of cash necessary for payment of ACI and Commission Fee under the trade, does not exceed the scheduled value of the corresponding position in cash with the deduction of the relevant Caps.
- 18.4.2. For the order on sale of securities with Settlement Code K0 if the number of securities necessary for complete performance of the obligation on transfer of securities under the trade, does not exceed the scheduled value of the corresponding securities position.

**Article 19. Procedure for Admission of Obligations under OTC Trades in securities to Clearing**

- 19.1. In order to perform the obligations under OTC Trades the Clearing Member being the parties to these trades shall be obliged to submit the Over-the-Counter Trade Clearing Instruction to the Clearing Centre before the Date of performance of OTC Trades during the period of registration of the instructions.

Over-the-Counter Trade Clearing Instruction shall be submitted using the Clearing System in the form of an electronic message signed with HSA, or in the form of a document in hard copy.

In the Over-the-Counter Trade Clearing Instruction there may be contained the data on one or more OTC Trades. Upon receipt from the Clearing Member of the Over-the-Counter Trade Clearing Instruction, the Clearing Centre shall register it in the Clearing System except for the case stipulated in the fourth clause of this clause.

The Clearing Centre shall not register the Over-the-Counter Trade Clearing Instruction in the Clearing System till the receipt of the Application on TCA for OTC Trades (this requirement relates only to the clearing under OTC Repo Trades with the Bank of Russia) from the Clearing Member.

Over-the-Counter Trade Clearing Instruction in the form of a document in hard copy shall be drawn up as a single document signed by the authorized persons of both Clearing Members being the parties to OTC Trade.

- 19.2. In the Clearing System after registration of the Over-the-Counter Trade Clearing Instructions received from the Clearing Members being the parties to OTC Trade in the form of an electronic message there shall be carried out reconciliation of the data contained in the Over-the-Counter Trade Clearing Instruction received from each Clearing Member.
- 19.3. The Clearing Centre shall register the data on OTC Trade in the Clearing System and shall register all obligations and claims under it on the corresponding clearing registers if the details of OTC Trade contained in the Over-the-Counter Trade Clearing Instructions of the Clearing Members-counterparties coincide.
- 19.4. The Clearing Centre shall not register the data on OTC Trade in the Clearing System and shall not register the obligations and claims under it on the corresponding clearing registers:
- if the details of OTC Trade contained in the Over-the-Counter Trade Clearing Instruction of one Clearing Member do not coincide with the details of OTC Trade

contained in the Over-the-Counter Trade Clearing Instruction of the Clearing Member-counterparty;

- if before termination of the registration period the Clearing Centre receives the Over-the-Counter Trade Clearing Instruction only from one Clearing Member;
- if the type and object of the obligations under OTC Trade are not included into the List of types and objects of the obligations under OTC Trades approved by the Clearing Centre and disclosed in the Clearing Centre's Website.

19.5. After registration of the data under OTC Trade in the Clearing System, the Clearing Centre shall admit the obligations under OTC Trade to clearing, and the Clearing Members shall be obliged to perform actions necessary for fulfillment of the obligations under it pursuant to the procedure prescribed by article 20 of the Clearing Rules.

## **Article 20. Operational Procedures for the Clearing Members to Fulfil Obligations under Trades and Obligations to Pay the Variation Margins**

20.1. In order to ensure performance of the obligations arising out as a result of execution of the securities trades, the Clearing Member of B1, B2 or C category shall be obliged to ensure availability of cash on the Trading Accounts in the Settlement Organization, Collateral Accounts T+ and/or securities on the Sections in the Settlement Depository which may be used upon the securities trades' passing the Collateral Control Procedure in the form and manner determined by the Clearing Rules.

20.2. The Clearing Member of "A" category may execute stock exchange trades without preliminary payment of the collateral in cash.

In order to perform the obligations under the executed T+ Trades, the Clearing Member of "A" category shall be obliged to place the cash on the Clearing Centre's clearing banking account opened with the Settlement Organization and designed for registering the individual clearing collateral, and/or securities on Sections T+ till the time set by the Provisional Rules for the Clearing Members' performance of the Total Net Obligations to the Clearing Centre (for the T+ Trades).

The cash transferred by the Clearing Member of "A" category to the Clearing Centre's clearing banking account shall be registered on Collateral Accounts T+ opened by the Clearing Centre to the Clearing Member of "A" category on the basis of its Application for Assignment of the Settlement Codes submitted to the Clearing Centre.

In order to perform the obligations under the trade with Settlement Code Z0 the Clearing Member of "A" category shall be obliged to place the cash and/or securities on Collateral Accounts T+ (Sections T0 or T+) before submission of the order on execution of the mentioned trade.

In order to perform the obligations under the trades, except for the T+ Trades and Trades with Settlement Code Z0, the Clearing Member of "A" category shall be obliged to place the cash and/or securities on Collateral Accounts T+ (Sections T0 or T+) till the time of termination of the Collateral Control Procedure in respect of the trades with settlements in the corresponding currency set by the Provisional Rules.

20.3. The Clearing Member having an obligation under the securities trade (the first or second leg of a repo trade) not having passed the Collateral Control Procedure till the time of termination of the period for the Clearing Centre's receipt from the Clearing Members of



the Special and/or Immediate Settlement Instructions of the Date of its performance, shall be obliged to register the Settlement Instruction on it in the Clearing System till the time of termination of the period for registration of the instructions, on the Date of performance of this trade (the first or second leg of a repo trade).

Procedure for submission and registration of the Settlement Instructions in the Clearing System is established in article 21 of the Clearing Rules.

- 20.4. The Clearing Member having an obligation on payment of the Variation Margin shall be obliged to register the Variation Margin Payment Instruction in the Clearing System till the time of termination of the period for registration of the instructions, on the Date of payment of the Variation Margin, with the exception of the Counterparty's waiver to receive the Variation Margin.

Procedure for submission and registration of the Variation Margin Payment Instructions and Variation Margin Waiver Instructions in the Clearing System is established in article 22 of the Clearing Rules.

- 20.5. In order for the securities trade with Settlement Codes B0-B30, S0-S2, the second legs of repo trades with Settlement Codes Z0 or Z0, and Variation Margins to pass the Collateral Control Procedure, the Clearing Member shall have the right to use the Immediate Settlement Instruction or Special Settlement Instruction instead of the Settlement Instruction.

Procedure for submission and registration of the Special Settlement Instruction in the Clearing System is established in article 23 of the Clearing Rules, Immediate Settlement Instruction – in article 24 of the Clearing Rules.

- 20.6. The Clearing Member having any obligations on payment of the Variation Margins and/or on the securities trades (the first or second legs of repo trades) on which the Collateral Control Procedure has not been carried out upon submission of the order and which have been included in the Special or Immediate Settlement Instruction, but have not passed the Collateral Control Procedure till the time of termination of the period for registration of the instructions, shall be obliged to perform the obligations under the trades (the first or second legs of repo trades) the Settlement Date of which has come, or the obligations on payment of the Variation Margins the Date of payment of which has come, in accordance with clauses 20.3, 20.4 of the Clearing Rules correspondingly.

- 20.7. In respect of the trades which have not passed the Collateral Control Procedure the Clearing Member till the time of termination of the period for registration of the instructions on the mentioned trades shall have the right to substitute the Trading and Clearing Account using which the obligations under the trades are to be performed.

In order to effect the mentioned substitution the Clearing Member shall provide the Clearing Centre with the Application on Substitution of the Trading and Clearing Account. Application on Substitution of the Trading and Clearing Account shall be submitted in paper form or in the form of an electronic document.

Information on substitution of the Trading and Clearing Account performed on the initiative of the Clearing Member shall be brought to the notice of the Clearing Member by means of submission of the Notification on Substitution of the Trading and Clearing Account.

- 20.8. After substitution of the Trading and Clearing Account in the trade, the obligations on payment of the Variation Margins under such trade shall be as well performed using the new Trading and Clearing Account.
- 20.9. Procedure for performance (termination) of the obligations under the T+ Trades is established in article 28 of the Clearing Rules.

#### **Article 21. Procedure for Submission and Registration of Settlement Instructions**

- 21.1. In order for the securities trade with Settlement Code B0-B30, the first leg of a repo trade with Settlement Code S0-S2, the second leg of a repo trade with Settlement Codes S0-S2, Z0 and Rb to pass the Collateral Control Procedure, the Clearing Members being the parties to this trade shall form and submit the Settlement Instructions to the Clearing System.
- 21.2. Settlement Instruction in respect of the securities trade with Settlement Code B0 may be submitted by the Clearing Member to the Clearing System in the course of the period for registration of the instructions, for the Stock Exchange Trade with Settlement Code B0 – starting from the date of its execution, for OTC Trade with Settlement Code B0 – starting from the date of registration of the data on the trade in the Clearing System, till the Date of termination of its performance.
- 21.3. Settlement Instruction in respect of the securities trade with Settlement Code B01-B30 may be submitted by the Clearing Member to the Clearing System in the course of the period for registration of the instructions, starting from (for the Stock Exchange Trade with Settlement Code B01-B30) the Trade day following the date of its execution, or from (for OTC Trade with Settlement Code B01-B30) the Trade day following the date of registration of the data on the trade in the Clearing System, till the Date of termination of its performance.
- 21.4. Settlement Instruction in respect of the first leg of a repo trade with Settlement Code S0-S2 may be submitted by the Clearing Member to the Clearing System in the course of the period for registration of the instructions (on the first part of OTC Repo Trade with Settlement Code S0-S2 subject to registration of the data on it in the Clearing System) starting from the Date of performance of the first leg of a repo trade till the Date of termination of its performance.
- 21.5. Settlement Instruction in respect of the second leg of a repo trade with Settlement Codes S0-S2, Z0 and Rb (to the extent that the first leg of a repo trade has already passed the Collateral Control Procedure) may be submitted by the Clearing Member to the Clearing System in the course of the period for registration of the instructions starting from the Date of performance of the first leg of a repo trade till the Date of termination of performance of the second leg of a repo trade.
- 21.6. Absence in the Clearing System of the information on successful carrying out of the Collateral Control Procedure in respect of the first leg of a repo trade leads to impossibility of registration of the Settlement Instructions (Immediate Settlement Instructions, Special Settlement Instructions) in respect of the second leg of this repo trade by the Clearing Members being the parties to this trade.

- 21.7. Settlement Instruction in respect of the securities trade (the first or second leg of a repo trade) submitted by the Clearing Member-buyer shall be registered in the Clearing System only if the scheduled value of the relevant position in cash of this Clearing Member at the time of submission of the Settlement Instruction with the deduction of the relevant Caps exceeds (is equal to) the amount of cash obligation of this Clearing Member arisen under this trade (the first or second leg of a repo trade) (with account of ACI).
- 21.8. Settlement Instruction in respect of the securities trade (the first or second leg of a repo trade) submitted by the Clearing Member-seller shall be registered in the Clearing System only if the scheduled value of the relevant securities position of this Clearing Member at the time of submission of the Settlement Instruction exceeds (is equal to) the amount of securities obligation of this Clearing Member arisen under this trade (the first or second leg of a repo trade).
- 21.9. The additional condition for the Clearing System registration of the Settlement Instruction regarding the securities trade with Settlement Code B0-B30, the first leg of a repo securities trade with Settlement Code S0-S2, the second leg of a repo trade with Settlement Codes S0-S2, Z0 and Rb, executed on basis of the order, submitted with the indication of the Trade and Clearing Account, which includes the Collateral Accounts T+ and/or Sections T+, is the inspection that the value of the Clearing Member's Single Limit for the Settlement Code corresponding to the Collateral Account T+ included into the Trading and Clearing Account indicated in the order, with account of the submitted order, does not become negative, or if the Clearing Member's Single Limit for such Settlement Code has been negative before the date of the order submission – inspection of the fact that the Clearing Member's Single Limit for such Settlement Code calculated with account of the submitted order, does not become less than the Clearing Member's Single Limit for this Settlement Code calculated before the date of the order submission.
- 21.10. The inspections, indicated in subclauses 21.7-21.9 of the Clearing Rules are effected with account for Article 18.1.11 of the Clearing Rules.
- 21.11. Absence in the Clearing System of the registered Settlement Instruction as to the securities trade with Settlement Code B0-B30, the first leg of a repo securities trade with Settlement Code S0-S2, the second leg of a repo trade with Settlement Codes S0-S2, Z0 and Rb on the Date of its performance as of the time of termination of the period for registration of the instructions in accordance with clause 20.3 of the Clearing Rules shall be considered as the Clearing Member's violation of the requirements of the Clearing Rules led to non-performance of the obligations under this securities trade (the first or second leg of a repo trade) on the Date of its performance.
- 21.12. Information on registration of the Settlement Instruction as to the securities trade (the first or second leg of a repo trade) submitted to the Clearing System by the Clearing Member's Counterparty shall be disclosed to such Clearing Member in the Clearing System.
- 21.13. Before termination of the period for registration of the instructions the Clearing Members shall have the right to withdraw the registered Settlement Instructions as to the securities trades (the first or second leg of a repo trade) and to submit the new Settlement Instructions as to these trades to the extent that the mentioned trades (the first or second

legs of a repo trade) have not passed the Collateral Control Procedure pursuant to clause 21.14 of this article.

- 21.14. Subject to registration in the Clearing System of the Settlement Instructions in respect of the securities trade (the first or second leg of a repo trade) of both Clearing Members being the parties to this trade, such trade (the first or second leg of a repo trade) shall be deemed collateralized (having passed the Collateral Control Procedure) and obligations under this trade (the first or second leg of a repo trade) shall be included into the Clearing Pool for Settlements at the End of Trading.
- 21.15. If the second part of repo Stock Exchange Trade passes the Collateral Control Procedure before the Settlement Date, the Clearing Centre shall form the Early Settlement Instruction in respect of repo trades and transfer it to the Exchange.

**Article 22. Procedure for Submission and Registration of Variation Margin Payment Instructions and Variation Margin Waiver Instructions**

- 22.1. In order for the Variation Margin to pass the Collateral Control Procedure, the Clearing Member liable to perform the variation margin obligation shall, on the Variation Margin Payment Date, form and submit to Clearing System the Variation Margin Payment Instruction.
- 22.2. The Variation Margin Payment Instruction may be submitted to the Clearing System in the course of the period for registration of the instructions on the Variation Margin Payment Date.
- 22.2.1. The Variation Margin Payment Instruction in the form of cash submitted by the Clearing Member shall be registered in the Clearing System only if the scheduled value of the relevant cash position of this Clearing Member at the time of submission of the Instruction with the deduction of the relevant Caps exceeds (is equal to) the amount of obligation of this Clearing Member on Variation Margin payment.

The Variation Margin Payment Instruction in the form of securities submitted by the Clearing Member shall be registered in the Clearing System only if the scheduled value of the relevant securities position of this Clearing Member at the time of submission of the Instruction exceeds (is equal to) the amount of obligation of this Clearing Member on Variation Margin payment.

The additional condition for the Clearing System registration of the Compensation Fee Payment Instruction regarding the trade, executed on basis of the order, submitted with the indication of the Trade and Clearing Account, which includes the Collateral Accounts T+ and/or Sections T+, is the inspection that the value of the Clearing Member's Single Limit for the Settlement Code corresponding to the Collateral Account T+ included into the Trading and Clearing Account indicated in the order, with account of the submitted order, does not become negative in respect of the obligation to pay the compensation fee, or if the Clearing Member's Single Limit for such Settlement Code has been negative before the date of the order submission – inspection of the fact that the Clearing Member's Single Limit for such Settlement Code calculated with account of the obligation to pay the compensation fee, does not become less than the Clearing Member's Single Limit for this Settlement Code calculated before the date of the order submission.

The inspections, indicated in this subclause of the Clearing Rules are effected with account for Article 18.1.11 of the Clearing Rules.

- 22.3. Subject to registration in the Clearing System of the Variation Margin Payment Instruction submitted by the Clearing Member, the Variation Margin shall be deemed collateralized (having passed the Collateral Control Procedure) and obligations on payment of the Variation Margin shall be included into the Clearing Pool for Settlements at the End of Trading.
- 22.4. Information on registration of the Variation Margin Payment Instruction submitted to the Clearing System by the Clearing Member's Counterparty shall be disclosed to such Clearing Member in the Clearing System.
- 22.5. The Clearing Member shall have the right to waive receiving the Variation Margin. For this purpose the Clearing Members being the counterparties under repo Stock Exchange Trade till the time of termination of the period for registration of the instructions, on the Date of payment of the Variation Margin, shall form and submit the Variation Margin Waiver Instruction to the Clearing System.

The Variation Margin Waiver Instruction may be submitted to the extent that the Variation Margin has not passed the Collateral Control Procedure in accordance with clause 22.3 of the Clearing Rules.

Upon registration in the Clearing System of the Variation Margin Waiver Instructions on the part of each Clearing Member-counterparty under repo Stock Exchange Trade, payment of the Variation Margin under this trade shall not be effected and the fact of the Clearing Member's failure to meet the obligation on payment of the Variation Margin shall not be registered.

- 22.6. Information on registration of the Variation Margin Waiver Instructions submitted to the Clearing System by the Clearing Member's Counterparty shall be disclosed to such Clearing Member in the Clearing System.
- 22.7. The Clearing Member's withdrawal of the Variation Margin Waiver Instruction previously registered in the Clearing System shall be possible only before the time of registration of the Variation Margin Waiver Instruction in the Clearing System by the Clearing Member's Counterparty.

### **Article 23. Procedure for Submission and Registration of Special Settlement Instructions**

- 23.1. Two Clearing Members being the parties to the trades executed with Settlement Code B0-B30, the first leg of a repo trade with Settlement Code S0-S2, the second leg of a repo trade with Settlement Code S0-S2, Z0 and Rb, obligations under which may be performed on this Trade day, may use the simultaneous Collateral Control Procedure in respect of these trades and Variation Margins accrued in accordance with the terms and conditions of these repo trades (Stock Exchange Trades and OTC Trades).

For this purpose the Clearing Members shall form and submit to the Clearing System the Special Settlement Instructions.

The Special Settlement Instruction may be submitted to the Clearing System during the period for registration of the instructions.

- 23.2. Based on all trades and Variation Margins included into the Special Settlement Instruction, the Clearing Centre shall, for each position included into the Trading and Clearing Accounts indicated in the trades and Variation Margins included into the Special

Settlement Instruction, calculate a contingent bilateral net obligation (net claim) of the Clearing Member in cash or securities.

For the purposes of the Clearing Rules the contingent bilateral net cash obligation (net claim) of the Clearing Member shall be determined as a negative (positive) difference between the amount of cash claims and the amount of cash obligations of the Clearing Member under the trades with Settlement Code B0-B30, the second legs of repo trades with Settlement Codes Z0 and Rb, the first and second legs of repo trades with Settlement Code S0-S2, as well as on the Variation Margins in the form of cash under the Stock Exchange Repo Trades and OTC Repo Trades, executed with the same counterparty, meeting the requirements indicated in clause 23.1 of the Clearing Rules included into the Special Settlement Instruction.

For the purposes of the Clearing Rules the contingent bilateral net securities obligation (net securities claim) of the Clearing Member shall be determined as a negative (positive) difference between the amount of securities claims and the amount of securities obligations of the Clearing Member under the trades with Settlement Code B0-B30, the second legs of repo trades with Settlement Codes Z0 and Rb, the first and second legs of repo trades with Settlement Code S0-S2, as well as on the Variation Margins in the form of securities under the Stock Exchange Repo Trades and OTC Repo Trades, executed with the same counterparty, meeting the requirements indicated in clause 23.1 of the Clearing Rules included into the Special Settlement Instruction.

- 23.3. Special Settlement Instruction of the Clearing Member with contingent bilateral net cash obligation shall be registered in the Clearing System provided that at the moment of submission of the Special Settlement Instruction, the scheduled value of the relevant cash position of this Clearing Member, with the deduction of the corresponding Caps, exceeds (is equal to) the amount of contingent bilateral net cash obligation of this Clearing Member.

Special Settlement Instruction of the Clearing Member with contingent bilateral net securities obligation shall be registered in the Clearing System provided that at the moment of submission of the Special Settlement Instruction, the scheduled value of the relevant securities position of this Clearing Member exceeds (is equal to) the amount of contingent bilateral net securities obligation of this Clearing Member.

The additional condition for the Clearing System registration of the Special Settlement Instruction regarding the trade, executed on basis of the order, submitted with the indication of the Trade and Clearing Account, which includes the Collateral Accounts T+ and/or Sections T+, is the inspection that the value of the Clearing Member's Single Limit for all Settlement Codes corresponding to the Collateral Account T+ or Section T+ included into the Trading and Clearing Account indicated in the order, with account of the submitted order, does not become negative in respect of corresponding bilateral conventional Net Obligations, or if the Clearing Member's Single Limit for even one Settlement Code has been negative before the date of the order submission – inspection of the fact that the Clearing Member's Single Limit for such Settlement Code calculated with account of the corresponding bilateral conventional Net Obligation, does not become less than the Clearing Member's Single Limit for this Settlement Code calculated before the date of the order submission.

The inspections, indicated in this subclause of the Clearing Rules are effected with account for Article 18.1.11 of the Clearing Rules.

- 23.4. Information on registration of the Special Settlement Instruction submitted to the Clearing System by the Clearing Member's Counterparty shall be disclosed to such Clearing Member in the Clearing System.
- 23.5. Before termination of the period for registration of the instructions the Clearing Members shall have the right to withdraw the registered Special Settlement Instructions and submit the new Special Settlement Instructions provided that the trades and/or Variation Margins included into the Special Settlement Instruction have not passed the Collateral Control Procedure in accordance with subclause 23.6 of the Clearing Rules. The Special Settlement Instructions not having passed the Collateral Control Procedure before termination of the period for registration of the instructions shall be excluded from the Clearing System as soon as the registration period is finished.
- 23.6. If the numbers of trades in the Special Settlement Instructions registered in the Clearing System coincide for both Clearing Members being the parties to the trades with Settlement Code B0-B30, the second legs of repo trades with Settlement Codes Z0 and Rb, the first and second legs of repo trades with Settlement Code S0-S2, as well as the Variation Margins included into the Special Settlement Instructions, the mentioned trades (Variation Margins) shall be deemed collateralized (having passed the Collateral Control Procedure) and obligations under these trade and/or obligations on payment of the mentioned Variation Margins shall be included into the Clearing Pool for Settlements at the End of Trading.

#### **Article 24. Procedure for Submission and Registration of Immediate Settlement Instructions**

- 24.1. Two Clearing Members being the parties to the trades executed with Settlement Code B0-B30, the first leg of a repo trade with Settlement Code S0-S2, the second leg of a repo trade with Settlement Codes S0-S2, Z0 and Rb, obligations under which may be performed on this Trade day, may use the simultaneous Collateral Control Procedure in respect of these trades and Variation Margins accrued in accordance with the terms and conditions of these repo trades (Stock Exchange Trades and OTC Trades), whereupon these trades and/or Variation Margins shall be deemed collateralized, and obligations under these trades and/or obligations on payment of the mentioned Variation Margins shall be included into the Clearing Pool for Settlements in the Course of Trading, the procedure for which is determined in article 28 of the Clearing Rules.

For this purpose the Clearing Members shall form and submit to the Clearing System the Immediate Settlement Instructions.

The Immediate Settlement Instruction may be submitted to the Clearing System during the period for registration of the instructions.

- 24.2. The Clearing Centre shall, for each of the positions included into the Trading and Clearing Accounts specified in the trades and Variation Margins included into the Immediate Settlement Instruction, calculate the Clearing Member's net obligation (net claim) in cash or securities.

- 24.3. The Clearing Member's net cash obligation (net cash claim) shall be calculated as follows:

**NOD** = **ST** – **SO**, where:

**NOD** shall mean the Clearing Member's net cash (net cash claim);

**ST** shall mean the amount of claims and **SO** shall mean the amount of cash obligations of the Clearing Member under:

- the trades with Settlement Code B0-B30 included into the Immediate Settlement Instruction;
- the first legs of repo trades with Settlement Code S0-S2 included into the Immediate Settlement Instruction;
- the second legs of collateralized repo trades with Settlement Codes Z0, S0-S2 or Rb included into the Immediate Settlement Instruction;
- the Variation Margins in cash included into the Immediate Settlement Instruction.

A negative value of NOD shall mean the Clearing Member's net cash obligation, whereas a positive value of NOD shall mean the Clearing Member's net cash claim.

- 24.4. The Clearing Member's net securities obligation (net securities claim) shall be calculated as follows:

**NOTs** = **STTs** – **SOTs**, where:

**NOTs** shall mean the Clearing Member's net obligation (net claim) on security;

**STTs** shall mean the amount of claims and **SOTs** shall mean the amount of obligations of the Clearing Member on the relevant security under:

- the collateralized trades with Settlement Code B0-B30 included into the Immediate Settlement Instruction;
- the first legs of collateralized repo trades with Settlement Code S0-S2 included into the Immediate Settlement Instruction;
- the second legs of collateralized repo trades with Settlement Codes Z0, S0-S2 or Rb included into the Immediate Settlement Instruction;
- the Variation Margins in securities included into the Immediate Settlement Instruction.

A negative value of NOTs shall mean the Clearing Member's net securities obligation, whereas a positive value of NOTs shall mean the Clearing Member's net securities claim.

- 24.5. Immediate Settlement Instruction of the Clearing Member with net cash obligation shall be registered in the Clearing System provided that at the moment of submission of the Immediate Settlement Instruction, the scheduled value of the relevant cash position of this Clearing Member, with the deduction of the corresponding Caps, exceeds (is equal to) the amount of this net cash obligation.
- 24.6. Immediate Settlement Instruction of the Clearing Member with net securities obligation shall be registered in the Clearing System subject to non-excess, at the moment of submission of the Immediate Settlement Instruction, of this net securities obligation by the minor out of two values: scheduled or initial value of the relevant securities position of this Clearing Member.
- 24.7. The additional condition for the Clearing System registration of the Immediate Settlement Instruction regarding the trade, executed on basis of the order, submitted with the indication of the Trade and Clearing Account, which includes the Collateral Accounts T+ and/or Sections T+, is the inspection that the value of the Clearing Member's Single Limit for all Settlement Codes corresponding to the Collateral Account T+ or Section T+ included into the Trading and Clearing Account indicated in the order, with account of



the submitted order, does not become negative in respect of corresponding Net Obligations, or if the Clearing Member's Single Limit for even one Settlement Code has been negative before the date of the order submission – inspection of the fact that the Clearing Member's Single Limit for such Settlement Code calculated with account of the corresponding Net Obligation, does not become less than the Clearing Member's Single Limit for this Settlement Code calculated before the date of the order submission.

- 24.8. The inspections, indicated in subclauses 24.5-24.7 of the Clearing Rules are effected with account for Article 18.1.11 of the Clearing Rules.
- 24.9. Information on registration of the Immediate Settlement Instruction submitted to the Clearing System by the Clearing Member's Counterparty shall be disclosed to such Clearing Member in the Clearing System.
- 24.10. Before termination of the period for registration of the instructions the Clearing Members shall have the right to withdraw the registered Immediate Settlement Instructions and submit the new Immediate Settlement Instructions provided that the trades and/or Variation Margins included into the Immediate Settlement Instruction have not passed the Collateral Control Procedure in accordance with clause 24.11 of the Clearing Rules. The Immediate Settlement Instructions not having passed the Collateral Control Procedure before termination of the period for registration of the instructions shall be excluded from the Clearing System as soon as the registration period is finished.
- 24.11. If the numbers of trades in the Immediate Settlement Instructions registered in the Clearing System coincide for both Clearing Members being the parties to the trades with Settlement Code B0-B30, the second legs of repo trades with Settlement Codes Z0 and Rb, the first and second legs of repo trades with Settlement Code S0-S2, as well as the Variation Margins included into the Immediate Settlement Instructions, the mentioned trades (Variation Margins) shall be deemed collateralized (having passed the Collateral Control Procedure) and net obligations (net claims) of the Clearing Members in cash or securities, calculated in respect of the mentioned trades and/or Variation Margins, shall be included into the Clearing Pool for Settlements in the Course of Trading.

## SECTION V CLEARING PROCEDURE

### Article 25. Clearing Sessions Procedure

25.1. Before the beginning of the trading at the time set by the Provisional Rules, the Clearing Centre holds a clearing session during which the Clearing Centre shall:

- establish the risk-parameters in accordance with the Methodology for Determination of Risk Parameters of the Securities Market;
- calculate and set the new values of the Clearing Member's Single Limits for each Clearing Member on each Settlement Code;
- define the Clearing Members' and the Clearing Centre's obligations on payment of the Collateral Deposits;
- form and transfer the Collateral Report to each Clearing Member with the obligations under the Trades, the Settlement Date of which is not come;
- form and transfer the Report "Requirement on Settlement of the Debt" to the Clearing Members with any Trade Debt and/or Debt in terms of the fees compensation and/or Debt on the Collateral Deposits;
- define the Clearing Members with Margin Calls and the amounts of the mentioned Margin Calls: Margin Call arises in respect of the Clearing Member, the Single Limit of which becomes negative; the amount of Margin Call is equal to the absolute value of the Clearing Member's current Single Limit;
- form and transfer the Report on Margin Call containing the information on its amount, to the Clearing Members with any Margin Calls.

25.2. The Clearing Centre using the Trading System shall transfer the information on the determined risk-parameters to the Exchange.

25.3. Amount of the Clearing Member's and Clearing Centre's obligation on payment of the Collateral Deposit in Collateral Account T+ shall be calculated on the obligations under the T+ Trades, whose Settlement Date falls later than two Trade days from the current date, as follows:

$$\text{COM\_RUB} = \sum_i (\sum_j \text{OBL}_{ij} \times (\text{Rc}_j + \text{RepoRate}_{ij}) + \text{OBL\_RUB}_i) + \text{RET\_RUB}, \text{ where}$$

COM\_RUB shall mean the amount of obligation on payment of the Collateral Deposit calculated in the course of a current clearing session;

OBL<sub>ij</sub> shall mean the Clearing Member's Net Obligations / Net Claims (with account of a sign) on j securities under the T+ Trades with i Settlement Date registered on the Collateral Sections relating to the same Settlement Code as Collateral Account T+ on which there has been calculated the obligation on payment of the Collateral Deposit;

OBL\_RUB<sub>i</sub> shall mean the Clearing Member's Net Obligation / Net Claim (with account of a sign) in Russian rubles under the T+ Trades with i Settlement Date registered on Collateral Account T+;

Rc<sub>j</sub> shall mean the Settlement Price of j security calculated on the previous Trade day (in Russian rubles);

RepoRate<sub>ij</sub> shall mean the Settlement repo Rate established on the previous Trade day for i Settlement Date and j security (in Russian rubles);

RET\_RUB shall mean the amount of outstanding obligation on return of the Collateral Deposits (with account of a sign) calculated on the previous Trade day on the Settlement Code;

$\sum_i$  shall mean the amount on Settlement Dates;

$\sum_j$  shall mean the amount in securities.

If the value of COM\_RUB is negative, this means that there exists the Clearing Member's obligation on payment of the Collateral Deposit on the Settlement Code to the Clearing Centre in the amount equal to COM\_RUB absolute value, and if the value of COM\_RUB is positive – the Clearing Member's claim to the Clearing Centre on receipt of the Collateral Deposit on Collateral Account T+ in the amount equal to COM\_RUB value.

Information on the amount of the Clearing Member's obligation on payment of the Collateral Deposit on Collateral Account T+ shall be indicated in the Report on Obligations under the T+ Trades.

- 25.4. Amount of the Clearing Member's and Clearing Centre's obligation on return of the Collateral Deposits on the Settlement Code shall be calculated as follows:

$RET\_RUB_{new} = RET\_RUB - COM\_RUB$ , where

RET\_RUB<sub>new</sub> shall mean the amount of obligation on return of the Collateral Deposits on Collateral Account T+ (with account of a sign);

RET\_RUB shall mean the amount of outstanding obligation on return of the Collateral Deposits on Collateral Account T+ (with account of a sign) calculated on the previous Trade day;

COM\_RUB shall mean the amount of obligation (with account of a sign) on payment of the Collateral Deposit on Collateral Account T+ calculated in the course of a current clearing session.

If the value of RET\_RUB<sub>new</sub> is negative, this means that there exists the Clearing Member's obligation on return of the Collateral Deposits on Collateral Account T+ to the Clearing Centre in the amount equal to RET\_RUB<sub>new</sub> absolute value, and if the value of RET\_RUB<sub>new</sub> is positive – the Clearing Centre's obligation on return of the Collateral Deposits on Collateral Account T+ to the Clearing Member in the amount equal to RET\_RUB<sub>new</sub> value.

- 25.5. The Clearing Member's obligation on payment of the Collateral Deposit on Collateral Account T+ shall be performed by means of the Clearing Member's Collateral in Russian rubles registered on the same Collateral Account T+.

As a result of performance of the Clearing Member's claim on receipt of the Collateral Deposit on Collateral Account T+ there shall be increased the Clearing Member's Collateral in Russian rubles registered on the same Collateral Account T+.

- 25.6. If the Clearing Member's Collateral in Russian rubles registered on Collateral Account T+ is not enough to completely perform the Clearing Member's obligation on payment of the Collateral Deposit on Collateral Account T+, the Clearing Member's outstanding obligation (outstanding part of such obligation) on payment of the Collateral Deposit on Collateral Account T+ shall be registered by the Clearing Centre on the Settlement Code as the Clearing Member's Collateral Deposit Debt on Collateral Account T+ to the Clearing Centre.

The mentioned Collateral Deposit Debt shall be covered by the Clearing Member till the time of a current Working Day established by the Provisional Rules.

Information on existence of the Collateral Deposit Debt on Collateral Account T+ and its amount shall be transferred to the Clearing Member as a part of the Report "Requirement on Settlement of the Debt".

The Report "Requirement on Settlement of the Debt" shall be submitted to the Clearing Member in the form of an electronic document within the term established in the Provisional Rules.

25.7. Operational procedures of the Clearing Centre upon the Clearing Member's non-payment of the Collateral Deposit Debt within the term stipulated in clause 25.6 of the Clearing Rules, is defined in article 29 of the Clearing Rules.

25.8. Interests on the amount of paid and/or received Collateral Deposits shall not be accrued and shall not be paid.

25.9. Margin Call arisen in respect of the Clearing Member at the end of the clearing session, shall be performed by the Clearing Member within the time of a current Working Day established by the Provisional Rules.

25.10. Margin Call shall be performed by the Clearing Member by means of depositing the cash in Russian rubles or in foreign currency and/or securities on the Collateral pursuant to the procedure stipulated in article 25 of the Clearing Rules.

Margin Call may also be terminated either totally or partially in the following cases:

- performance of the obligations under the T+ Trades with the due Settlement Date;
- execution of the T+ Trades leading to increase of the Clearing Member's Single Limit.
- increase in the Limit Collateralized with the Fund resources, after redistribution by the Clearing Member of the Limit Collateralized with the Fund resources, between its Settlement Codes, in conformity with subclauses 16.4.2-16.4.4 hereof.

25.11. Margin Call on the Settlement Code arisen in respect of the Clearing Member shall be deemed terminated at the time when the Clearing Member's Single Limit on such Settlement Code becomes non-negative.

25.12. In case of the Clearing Member's non-performance of the Margin Call for the Settlement Code within the term established by the Provisional Rules, between the Clearing Centre and the Clearing Member not having performed the Margin Call, without submission of any orders, there shall be executed the trades of purchase and sale of securities with Settlement Code Yn and/or repo trade with Settlement Code Y0/Yn, Y1/Yn leading to increase of the Clearing Member's Single Limit on the Settlement Code.

The mentioned trades shall be executed till the time of performance of the Clearing Member's Margin Call on the Settlement Code.

The mentioned trades shall not be executed if the license of the Bank of Russia for effectuation of the banking operations belonging to the Clearing Member not having performed the Margin Call, has been withdrawn (cancelled), or if any other circumstances stipulated by clause 11.1 of the Clearing Rules operate in respect of such Clearing Member.

The T+ Trades executed in accordance with this clause of the Clearing Rules shall be taken into account upon calculation of the Clearing Member's Net Obligations / Net Claims in cash / securities under the Securities Trades with the corresponding Settlement Dates.

The Clearing Centre shall advise the Exchange using the Trading System as regards the necessity to execute the trades of purchase and sale of securities and/or repo trades in accordance with this clause of the Clearing Rules and as regards the terms and conditions of the mentioned trades.

## **Article 26. Procedure for Collateral to be Transferred and Returned**

26.1. Transfer of the Collateral in Russian rubles and foreign currency by the Clearing Member shall be possible in either of the following two ways:

- 1) By transfer of cash to the relevant clearing bank account of the Clearing Centre opened with the Settlement Organization and designed for registering of the individual clearing collateral.
- 2) By transfer of cash from Collateral Accounts T0 to Collateral Accounts T+ on the basis of the Instruction to Transfer Cash as the Collateral submitted by the Clearing Member using the Clearing System.

26.2. Transfer of the Collateral in the form of securities shall be possible in either of the following two ways:

- 1) By transfer of the securities to Section T+ on the basis of the instruction submitted by the owner of the Trading securities account to the Settlement Depository
- 2) By transfer of the securities from Section T0 to Section T+ on the basis of the Instruction to Transfer Securities as the Collateral submitted by the Clearing Member using the Clearing System.

26.3. It is possible to transfer as the Collateral the securities on the Clearing List for the T+ Trades and other securities.

The list of other securities and the list of foreign currencies which may be transferred as the Collateral shall be drawn up by the decision of the Clearing Centre.

26.3.1. The maximum proportion of foreign currency accepted as Collateral of the Clearing Member in foreign currency is 100%.

The maximum proportion of securities accepted as Collateral and included in the Clearing List for the T+ Trades is 100%.

The maximum proportion of other securities accepted as Collateral is set by the decision of the Clearing Centre.

26.4. Transfer of cash to the clearing bank account of the Clearing Centre opened with the Settlement Organization and designed for registering individual clearing collateral in order to register such cash as the Collateral shall be performed with obligatory indication in the purpose of payment of the relevant Settlement Code of the Clearing Member.

26.4.1. The Clearing Centre shall register in the Clearing System the cash transferred by the Clearing Member to the clearing bank account of the Clearing Centre opened with the Settlement Organization and designed for registering individual clearing collateral as the Collateral of the Clearing Member in Collateral Account T+ which corresponds to the

relevant Settlement Code indicated in the purpose of payment and shall increase the Single Limit of the Clearing Member for the Settlement Code indicated in the purpose of payment according to the transferred cash.

- 26.5. Instruction to Transfer Cash/Securities as the Collateral submitted by the Clearing Member using the Clearing System shall contain a reference to the Trading and Clearing Account in which the said operation shall be executed and the sum of cash/number of securities to be transferred as the Collateral.
- 26.5.1. The Instruction to Transfer Cash as the Collateral submitted by the Clearing Member shall be fulfilled at the expense of the cash registered in Collateral Account T0 in case of sufficiency of the planned value of the position for the cash in Collateral Account T0 opened in addition to the Trading Account included into the Trading and Clearing Account indicated in the instruction.
- 26.5.2. The Instruction to Transfer Securities as the Collateral submitted by the Clearing Member shall be fulfilled at the expense of the securities registered in Section T0 in case of sufficiency of the planned value of the position for the securities in Section T0 included into the Trading and Clearing Account indicated in the instruction.
- 26.5.3. Partial fulfillment of the Instruction to Transfer Cash/Securities as the Collateral shall not be allowed.
- 26.5.4. In case of a positive result of examination of the possibility to fulfil the Instruction to Transfer Cash/Securities as the Collateral, the relevant value of the position for cash/securities in Collateral Account T0/Section T0 in the Clearing System shall be reduced without delay and the sum of cash/number of securities registered as the Collateral in Collateral Account T+/Section T+ of the Clearing Member shall be increased.
- 26.5.5. The obligations to transfer cash from Collateral Accounts T0 to Collateral Accounts T+ and/or to transfer securities from Sections T0 to Sections T+ under the Instruction to Transfer Cash/Securities as the Collateral that have been examined and found subject to fulfillment according to subclauses 26.5.1 and 26.5.2 of the Clearing Rules, shall be included into the Clearing Pool for Settlements based on Trading Results on Trades with the Central Counterparty and registered at determination of the Net Obligations/Net Claims of the Clearing Members in cash/securities according to article 31 of the Clearing Rules.
- 26.6. The Clearing Member may transfer the cash registered as the Collateral between Collateral Accounts T+ by submission to the Clearing Centre the Application to Transfer Cash in electronic form using the Clearing System or in the form of an electronic document.

This application shall not be accepted by the Clearing Centre for fulfillment, if the sum of money in relevant currency indicated by the Clearing Member in the application exceeds the cash registered as the Collateral of the Clearing Member in the same currency in Collateral Account T+ from which the cash shall be written off, or if the Single Limit of the Clearing Member on the Settlement Code corresponding to the Collateral Account T+ from which the cash registered as the Collateral of the Clearing Member shall be written off becomes a negative value as a result of such writing-off or the negative Single Limit of the Clearing Member on the Settlement Code which corresponds to Collateral Account T+ decreases as a result of such writing-off.

If the Application on cash transfer determines the cash is to be deducted from the Collateral Account T+, which is a part of the Trading and Clearing Account with no access to clearing with partial collateral and/or the Collateral Account T+ of the Clearing Member with no access to clearing with partial collateral, the additional requirement for the approval of this Application is not to exceed the amount of cash, which is subject to the deduction, of the scheduled value of cash position calculated on the basis of Execution dates, on the Collateral Account T+.

At fulfillment of the Application to Transfer Cash the cash of the Clearing Member in the relevant currency registered as the Collateral of the Clearing Member in Collateral Account T+, from which the cash are written-off, decrease, and the cash in Collateral Account T+, to which the cash are credited, increase by the amount of the transferred cash.

- 26.7. Collateral in Russian rubles shall be used according to the following order of priority:
- 1) to pay penalties for the due Fee and Compensation Debt and/or Trade Debt and/or Guarantee Remittance debt;
  - 2) to cover the Fee and Compensation Debt and Debt of the Clearing Member to the Clearing Centre;
  - 3) to cover the Trade Debt of the Clearing Member to the Clearing Centre;
  - 4) to cover the Guarantee Remittance Debt of the Clearing Member to the Clearing Centre;
  - 5) to fulfill the obligations that passed the Collateral Control Procedure, except for the obligations on the T+ trades;
  - 6) to fulfill the obligations of the Clearing Member on T+ trades;
  - 7) to fulfill the obligations of the Clearing Member in Russian rubles under the T+ Trades with the due Settlement Date;
  - 8) to fulfill the obligations of the Clearing Member on returning the Guarantee Remittance;
  - 9) to fulfill the obligations on the payment of the Commissions Fees that did not pass the Collateral Control Procedure at the stage of order submitting;
  - 10) to fulfill the obligations on the payment of the Compensations.
- 26.8. Collateral in foreign currency shall be used according to the following order of priority:
- 1) to fulfill the obligations that passed the Collateral Control Procedure, except for the obligations on the T+ trades;
  - 2) to fulfill the obligations of the Clearing Member on T+ trades.
- 26.9. Collateral in securities shall be used according to the following order of priority:
- 1) to fulfill the obligations that passed the Collateral Control Procedure, except for the obligations on the T+ trades;
  - 2) to fulfill the obligations of the Clearing Member on T+ trades;
  - 3) to fulfill the obligations of the Clearing Member on securities transfer relating to the T+ Trades with the due Settlement Date.
- 26.10. After transfer of cash by the Clearing Member to the account of the Clearing Centre opened with the Settlement Organization and registering thereof as the Collateral in Collateral Account T+, there arise the obligation of the Clearing Centre to return the cash

to the Clearing Member in the amount determined according to clauses 26.12 and 26.13 of the Clearing Rules.

- 26.11. Return by the Clearing Centre to the Clearing Member of the cash registered as the Collateral shall be performed after termination of the obligations under the T+ Trades according to article 28 of the Clearing Rules or on the basis of the Request for Return of Cash from the Collateral.

Return by the Clearing Centre to the Clearing Member of the securities registered as the Collateral shall be performed on the basis of the Request for Return of Securities from the Collateral or on the basis of the Instruction to Write off the Securities from Section T+ submitted to the Settlement Depository. The above instruction shall be fulfilled in the order prescribed by article 34 of the Clearing Rules.

- 26.11.1. Funds accounted as the Collateral on the Collateral Account T+ of the Clearing Member shall be returned to the Refund Account, which is registered in the Clearing Centre, or to the Trading Account, corresponding to the Collateral Account T+.

Registration of the Account for Return of Cash shall be performed on the basis of the Application for Registration of the Account for Return of Cash submitted by the Clearing Member to the Clearing Centre in the form of an electronic document.

If the owner of the Account for Return of Cash is the Client of the Clearing Member, the Clearing Member shall submit to the Clearing Centre:

- Client Identification Letter;
- copy of the Contract for Brokerage Service, concluded between the Client and the Clearing Member, notarized or certified by the Clearing Member;
- other documents (upon request of the Clearing Centre).

- 26.11.2. The securities registered as the Collateral in Section T+ shall be returned to Section T0, which corresponds to Section T+.

- 26.11.3. Request for Return of Cash from the Collateral shall contain a reference to the Settlement Code of the Clearing Member, currency and sum of cash subject to return.

Request for Return of Securities from the Collateral shall contain a reference to Section T+ and number of securities subject to return.

Request for Return of Cash from the Collateral shall be submitted by the Clearing Member in electronic form using the Clearing System or in the form of an electronic document. If there is interchange of messages between the Clearing Member and the Clearing Centre using S.W.I.F.T. system, the Clearing Member shall have the right to send the Request for Return of Cash from the Collateral in the form of a message in S.W.I.F.T. system.

Request for Return of Securities from the Collateral shall be submitted by the Clearing Member in electronic form using the Clearing System.

Period for submission of the Request for Return of Cash/Securities from the Collateral are established in the Provisional Rules.

If the Request for Return of Cash/Securities from the Collateral is submitted after the period established in the Provisional Rules, the Request for Return of Cash/Securities from the Collateral shall not be fulfilled.

Request for Return of Cash/Securities from the Collateral shall be valid on the date of submission thereof.



Request for Return of Cash/Securities from the Collateral received within the period established in the Provisional Rules shall be fulfilled upon receipt thereof subject to the condition established in clause 26.12 of the Clearing Rules.

- 26.12. The Clearing Centre shall repay to the Clearing Member the funds / securities recorded as the Collateral of the Clearing Member upon request for Refund or the Standing Order for Refund in the following order if the number of securities / amount of funds for Refund do not exceed the corresponding planned Cash / Securities Position of the Clearing Member and the Single Limit for the Settlement Code of the Clearing Member, stated in the order, or the Single Limit for the Settlement Code, to which the Section T+ relates, stated in the order, calculated without account for the number of securities / amount of funds refunded respectively, does not turn negative.

In case of refund of the funds / securities from the Collateral Account T+ / T+ Section, which is a part of the Trading and Clearing Account with no access to clearing with partial collateral and/or the Collateral Account T+ of the Clearing Member with no access to clearing with partial collateral, the additional requirement for the approval of this Application is not to exceed of the amount of funds / number of securities, which are subject to the deduction, of the scheduled value of cash / securities position calculated on the basis of Execution dates, on the Collateral Account T+ / Section T+.

- 26.13. Return of cash by the Clearing Centre to the Clearing Member after termination of the obligations under the T+ Trades according to article 28 of the Clearing Rules is performed to the Trading Account corresponding to the Collateral Account T+, if any, and shall be performed in the relevant amount, unless the Single Limit for the Settlement Code of the Clearing Member, without taking into account the above amount, becomes a negative value.

- 26.14. The Collateral of the Clearing Member in Collateral Account T+/Section T+ shall be reduced and the planned values of the positions for cash/securities in Collateral Account T0/Section T0 shall be increased by the returned sums of cash/number of securities immediately after examination of the possibility to fulfil the Request for Return of Cash/Securities from the Collateral according to clause 26.12 of the Clearing Rules.

- 26.14.1. The obligations to transfer cash from Collateral Account T+ to Collateral Account T0 and/or to transfer the securities from Sections T+ to Sections T0 under the Requests for Return of Cash/Securities from the Collateral that have passed examination and are found subject to fulfillment according to subclause 26.12 of the Clearing Rules, shall be included into the Clearing Pool for Settlements based on Trading Results on Trades with the Central Counterparty and registered at determination of the Net Obligations/Net Claims of the Clearing Members in cash/securities according to article 31 of the Clearing Rules.

- 26.15. The Clearing Centre shall have the right to offset at any time any monetary claims of the Clearing Member on return to it of the cash registered as the Collateral against any monetary claims of the Clearing Centre to the same Clearing Member.

- 26.16. Information on the amount of the Collateral and modification of the amount of the Collateral shall be provided to the Clearing Member as a part of the Report on the Collateral.

The report on the Collateral shall be submitted to the Clearing Member in the form of an electronic document within the period established in the Provisional Rules.

26.17. The Clearing Centre performs annual reconciliation of the balances of the Collateral in Collateral Accounts T+ of the Clearing Member in Russian rubles and foreign currency by sending of the relevant notice to the Clearing Member on or before the tenth working day of the year following the reporting year.

If the Clearing Member fails to notify the Clearing Centre on existence of any discrepancies within ten working days after sending of the above notice to the Clearing Member, the balances of the Collateral in Collateral Accounts T+ of the Clearing Member in Russian rubles and/or foreign currency shall be deemed confirmed.

**Article 27. Procedure for Contributions to the Guarantee Funds to be Transferred and Returned**

27.1. To register cash as a contribution to the Guarantee Fund, the Clearing Member shall transfer cash in Russian rubles in the amount that is not less than the amount of contribution to the relevant Guarantee Fund established by the Clearing Centre, to the clearing bank account of the Clearing Centre opened with the Settlement Organization and designed for registering of the securities collective clearing collateral with obligatory statement in the purpose of payment of the word “fund” followed by the Settlement Code of the Clearing Member assigned to register contributions to the Guarantee Funds.

Assignment of the Settlement Code to the Clearing Member for registering of the contributions to the Guarantee Funds shall be performed by the Clearing Centre on the basis of the Application for Assignment of the Settlement Code for Registering of the Contributions to the Guarantee Funds submitted to the Clearing Centre in hard copy or in the form of an electronic document.

In case of a monetary contribution to the relevant Guarantee Fund in the amount exceeding the amount of contribution to the relevant Guarantee Fund established by the Clearing Centre, cash shall be registered as the contribution of the Clearing Member to the relevant Guarantee Fund in the amount equal to the amount of contribution to the relevant Guarantee Fund established by the Clearing Centre.

The difference between the cash of the Clearing Member transferred to the clearing bank account of the Clearing Centre designed for registering of the securities collective clearing collateral and the amount of contribution to the relevant Guarantee Fund established by the Clearing Centre shall be returned by the Clearing Centre to the Clearing Member at a written request of the Clearing Member.

27.2. Upon transfer of cash by the Clearing Member to the clearing bank account of the Clearing Centre opened with the Settlement Organization and designed for registering of the securities collective clearing collateral and upon registering thereof as a contribution of the Clearing Member to the relevant Guarantee Fund, there arise the obligations of the Clearing Centre to return the cash to the Clearing Member in the amount of the contribution of the Clearing Member to the relevant Guarantee Fund.

27.3. Return of the Clearing Member's contribution to the relevant Guarantee Fund shall be performed at termination of the Clearing Agreement according to clause 3.10 of the Clearing Rules.

27.4. The Clearing Member shall have the right to submit to the Clearing Centre the Application for Return of the Contributions to the Guarantee Funds.

Upon receipt of the Application for Return of the Contribution to the Financial Stability Fund from the Clearing Member, the Clearing Centre shall give the Clearing Member C-Category and notify the Exchange thereon without delay in order to terminate the Clearing Member's access to execution of the T+ Trades.

In order to satisfy the Application for Return of the Contribution to the Financial Stability Fund, the Clearing Centre sets the Clearing Member's Limit Collateralized with the Fund's Resources to zero and cancels his participation in the Risk Covering Fund, after which transfers his Risk Covering Fund contribution in the amount as of the date of refund to the account, indicated in the Application.

The Clearing Member's Application for Return of the Contribution to the Guarantee Fund shall be fulfilled by the Clearing Centre, provided that the Clearing Member does not have any Debt and/or outstanding obligations under the T+ Trades, or before the Trade day following the date of receipt of the above application.

**Article 28. Procedure for Fulfillment/Termination of the Obligations under the T+ Trades and Obligations to Return the Collateral Deposits**

28.1. Within the period established in the Provisional Rules the Clearing Centre shall:

28.1.1. Calculate the amount of the obligation of each Clearing Member and Clearing Centre to return the Collateral Deposits with the due Settlement Date on each Collateral Account T+ according to the following formula:

$RET\_RUB = -(\sum_j OBL_j \times Rc_j + OBL\_RUB)$ , where

RET\_RUB shall mean the amount of the obligation of the Clearing Member or Clearing Centre to return the Collateral Deposits on Collateral Account T+ (in Russian rubles),

OBL<sub>j</sub> shall mean the Net Obligations/Net Claims of the Clearing Member (taking into account the negative or positive value) related to j securities under the T+ Trades with the due Settlement Date registered in Sections T+, related to the same Settlement Code as Collateral Account T+, for which there is calculated the obligation to return the Collateral Deposits, calculated without taking into account the T+ Trades for which the obligations to pay the Collateral Deposits do not arise according to the Clearing Rules.

OBL\_RUB shall mean the Net Obligation/Net Claim of the Clearing Member (taking into account the negative or positive value) in Russian rubles under the T+ Trades with the due Settlement Date registered in Collateral Account T+, calculated without taking into account the T+ Trades for which the obligations to pay the Collateral Deposits do not arise according to the Clearing Rules.

Rc<sub>j</sub> shall mean the Settlement Price of j security calculated per T-4 day where T shall mean the current Trade day (in Russian rubles),

$\sum_j$  shall mean the amount in securities.

If the value of RET\_RUB is negative, this means that there is the obligation of the Clearing Member to return to the Clearing Centre the Collateral Deposits according to the Settlement Code in the amount equal to the absolute value of RET\_RUB; if it is positive, there is the obligation of the Clearing Centre to return to the Clearing Member the Collateral Deposits in Collateral Account T+ in the amount equal to the value of RET\_RUB.

- 28.1.2. Include into the Clearing Pool on the T+ Trades:
- obligations and claims of the Clearing Member and Clearing Centre in cash and securities under the T+ Trades with the due Settlement Date,
  - obligations/claims of the Clearing Member to return the Collateral Deposits determined according to clause 28.1.1 of the Clearing Rules,
  - obligations/claims of the Clearing Member and Clearing Centre under repo trades of the Clearing Centre and/or Lending Agreements of the Clearing Centre executed according to clause 29.10 of the Clearing Rules,
  - Obligations related to the transfer/claim for receipt of the Income determined according to clause 36 of the Clearing Rules.
- 28.1.3. Offset mutual homogeneous obligations and claims of the Clearing Member and Clearing Centre in cash and securities under the T+ Trades with the due Settlement Date, which are registered in specific Collateral Account T+/Section T+, obligations/claims of the Clearing Member to return the Collateral Deposits registered in the same Collateral Account T+ and determined in accordance with clause 28.1.1 of the Clearing rules, obligations related to the transfer/claim for receipt of the Income determined according to clause 36 of the Clearing Rules; and to the extent the obligations and claims are not offset shall determine the Total Net Obligations and/or Total Net Claims in cash/securities of each Clearing Member on each Collateral Account T+/Section T+.
- 28.1.4. Prepare and transfer to the Clearing Members the reports containing the information on the Total Net Obligations/Total Net Claims in cash/securities.
- 28.2. The Clearing Member shall fulfil its Total Net Obligations in cash or securities within the period established in the Provisional Rules.
- 28.3. The Clearing Centre shall fulfil the Total Net Claims of the Clearing Member registered in Collateral Account T+/Section T+ referred to the Settlement Code provided that the Clearing Member fulfills its Total Net Obligations registered in the same Collateral Account T+/all Sections T+ referred to the same Settlement Code.
- 28.4. To fulfil the Total Net Obligations of the Clearing Member in cash/securities registered in Collateral Account T+/Section T+, there shall be used the Collateral of the Clearing Member consisting in the relevant cash/securities transferred by the Clearing Member according to the procedure determined in article 25 of the Clearing Rules registered in the same Collateral Account T+/Section T+. The Collateral registered in other Collateral Accounts T+/Sections T+ of the same Clearing Member shall not be used.
- 28.4.1. If the Collateral in cash/securities registered in Collateral Account T+/Section T+ are not enough to fulfil the Total Net Obligations of the Clearing Member in cash/securities registered in Collateral Account T+/Section T+, the Clearing Centre shall form in the Clearing System an instruction to transfer the relevant cash/securities as the Collateral which shall be fulfilled according to the procedure that is similar to the procedure established in clause 26.5 of the Clearing Rules.
- The instruction of the Clearing Centre mentioned in this Article is formed by the lacking sum of cash /lacking amount of securities.
- 28.4.2. The Clearing Member is entitled to submit the Application to the Clearing Centre on the procedure for the usage of funds and securities and give the Clearing Centre the following instructions:

- a) not to transfer funds / securities from the Collateral Accounts T0 to the Collateral Accounts T+ / from Sections T0 to Sections T+ in respect of the fulfillment of the obligations on T+ Trades;
- b) always transfer funds / securities from the Collateral Accounts T0 to the Collateral Accounts T+ / from Sections T0 to Sections T+ in respect of the fulfillment of the obligations on T+ Trades in the amount of Total Net Obligation of the Clearing Member on funds / securities.

The Application on the procedure for the usage of funds and securities should be submitted to the Clearing Centre in form of electronic document or in hard-copy form.

The Application on the procedure for the usage of funds and securities is handled by the Clearing Centre not later than on the Business Day following the day of the Application submittal.

28.4.3. If as a result of the actions determined in clause 28.4.1 of the Clearing Rules insufficiency of the Collateral of the Clearing Member for fulfillment of the relevant Total Net Obligation of the Clearing Member in cash and/or securities remains, the said Clearing Member shall be acknowledged a Defaulting Clearing Member and the Clearing Centre shall perform the actions aimed at settlement of the said outstanding obligations according to the procedure determined in article 29 of the Clearing Rules.

28.5. If the Collateral in cash/securities is sufficient to fulfil the Total Net Obligation of the Clearing Member in cash/securities and/or according to the results of settlement of the outstanding obligations under the T+ Trades according to clause 29 of the Clearing Rules, the Clearing Centre shall offset the Total Net Obligation of the Clearing Member in cash/securities registered in Collateral Account T+/Section T+ against the claim of the Clearing Member for return of cash in Russian rubles/the relevant securities registered as the Collateral of the Clearing Member in the same Collateral Account T+/Section T+.

28.5.1. The Total Net Obligation of the Clearing Member in cash/securities registered in Collateral Account T+/Section T+ shall be deemed fulfilled if the amount of the Collateral of the Clearing Member in the relevant cash/securities in the same Collateral Account T+/Section T+ are not less than the Total Net Obligation of the Clearing Member in cash/securities registered in Collateral Account T+/Section T+.

In this case the amount of the Collateral of the Clearing Member in the relevant cash/securities in Collateral Account T+/Section T+ shall be reduced by the amount of such outstanding Total Net Obligation.

28.5.2. If the amount of the Collateral of the Clearing Member in Russian rubles in Collateral Account T+ is less than the Total Net Obligation of the Clearing Member in cash in Russian rubles registered in the same Collateral Account T+, the difference between the Total Net Obligation of the Clearing Member in cash in Russian rubles in Collateral Account T+ shall be registered as the Trade Debt of the Clearing Member to the Clearing Centre in Collateral Account T+ and the amount of the Collateral of the Clearing Member in Russian rubles in Collateral Account T+ shall be deemed equal to zero.

The said Trade Debt shall be covered by the Clearing Member on or before the Trade day established in the Provisional Rules following the day when the said Trade Debt arises.

Information on existence of the Trade Debt of the Clearing Member and its amount shall be transferred to the Clearing Member within the Requirement on Settlement of the Debt to be sent to the Clearing Member according to clause 25.6 of the Clearing Rules.

The procedure for the Clearing Centre in case of non-repayment by the Clearing Member

of its Debt is described in Article 29 of the Clearing Rules.

- 28.6. The Total Net Obligation of the Clearing Member in cash/securities registered in Collateral Account T+/Section T+ shall be deemed terminated at arising of the obligations of the Clearing Centre to return to the Clearing Member the relevant cash/securities registered as the Collateral of the Clearing Member in the same Collateral Account T+/Section T+ in the amount of the Total Net Obligation in cash/securities registered in Collateral Account T+/Section T+.

In this case the amount of the Collateral of the Clearing Member in the relevant cash/securities in Collateral Account T+/Section T+ shall be increased by the amount of such terminated Total Net Obligation.

- 28.6.1. Upon termination of the Total Net Obligation of the Clearing Member in cash the obligation of the Clearing Centre to return to the Clearing Member the cash in Russian rubles registered as the Collateral of the Clearing Member in Collateral Account T+ shall be offset against the obligation of the Clearing Member to cover the Fees and Compensation Debt, Debt on Collateral Deposits and Debt to the Clearing Centre under the trades in Russian rubles registered in Collateral Account T+ (in case of existence of such obligations of the Clearing Member).

In this case the amount of the Collateral of the Clearing Member in Russian rubles in Collateral Account T+ shall be reduced by the amount of the Fees and Compensation Debt of the Clearing Member, Debt on Collateral Deposits of the Clearing Member and then – Debt under the trades of the Clearing Member registered in the same Collateral Account T+.

- 28.6.2. After performance of the actions prescribed in subclause 28.6.1 of the Clearing Rules the Clearing Centre shall:

- a) in case if there is a Trading Account corresponding to the Collateral Account T+, increase the planned value of the position for cash in Collateral Account T0 which corresponds to Collateral Account T+ by the amount of the terminated Total Net Obligation of the Clearing Member in cash registered in Collateral Account T+, but not exceeding the amount of the Collateral of the Clearing Member in cash in the same Collateral Account T+, unless writing-off of the said amount from the Collateral leads to arising of the negative Single Limit on the Settlement Code of the Clearing Member which corresponds to Collateral Account T+, or by the maximum possible amount not exceeding the amount of the Collateral of the Clearing Member in cash in Collateral Account T+ unless writing-off of the said amount from the Collateral leads to arising of the negative Single Limit on the Settlement Code of the Clearing Member which corresponds to Collateral Account T+.
- b) Increase the planned value of the position for securities in Section T0 which corresponds to the relevant Section T+ by the amount of the terminated Total Net Securities Obligation of the Clearing Member registered in Section T+ not exceeding the amount of the Collateral of the Clearing Member in securities in the same Section T+ unless writing-off of such number of the securities from the Collateral leads to arising of the negative Single Limit on the Settlement Code of the Clearing Member which corresponds to Section T+, or by the maximum possible amount not exceeding the number of the relevant securities in the Collateral of the Clearing Member in Section T+, unless writing-off of such securities from the Collateral leads to arising of the negative Single Limit on the Settlement Code of the Clearing Member which corresponds to Section T+. The

selection of securities from Section T+ is carried out by the Clearing Centre randomly.

In this case the amount of the Collateral of the Clearing Member in cash/securities in Collateral Account T+/Section T+ shall be reduced by cash/number of securities by which the relevant positions of the Clearing Member in cash/securities are increased and the obligations to return cash/securities from the Collateral in the relevant amount shall be included into the Clearing Pool for Settlements based on Trading Results on Trades with the Central Counterparty.

The actions mentioned in this subclause of the Clearing Rules shall not be performed if the Clearing Member submits the Statement on the procedure for application of the cash and securities according to clause 28.4.1 of the Clearing Rules in accordance with which the Clearing Member gives the Clearing Centre the instruction not to transfer cash/securities from Collateral Accounts T+ to Collateral Accounts T0/from Sections T+ to Sections T0 after fulfillment of the obligations under the Trades with Partial Collateral.

## **Article 29. Procedure for Settlement of Defaults under T+ Trades**

29.1. In the case of failure to duly settle the Fee and Compensation Debt and/or Guarantee Remittance and/or Trade Debt on the trades, recorded for the Settlement Code, the Clearing Member should pay the Clearing Centre the fine, which is calculated according to the formula:

$$\text{Fine} = D \times S \times n / 365, \text{ where}$$

Fine means the sum of fine denominated in Russian rubles

D means the sum of the Fee and Compensation Debt and/or Guarantee Remittance and/or Trade Debt denominated in Russian rubles

S means the Upper Penalty repo rate, established by the Clearing Centre in accordance with the Methods for Determination of Risk Parameters of the Securities Market.

n means the number of the number of calendar days between the dates of the fine calculation and the following Business Day.

The sum of fine calculated according to this Article of the Clearing Rules, is not subject to VAT.

The obligation to pay the fine, calculated according to this Article of the Clearing Rules, is recorded by the same Settlement Code as the Debt.

29.2. The Clearing Centre shall offset the obligation of the Clearing Member on payment of the fine calculated in compliance with clause 29.1 hereof with the claim of the Clearing Member on repayment of the funds in Russian rubles, accounted with the help of the collateral Account T+ of the Clearing Member, corresponding to the Settlement Code, except for the cases of revocation of the license of the Bank of Russia for banking operations with the funds in Russian rubles and foreign currency due to bankruptcy of the Clearing Member set up in conformity with the legislation of the Russian Federation.

29.3. In the cases of:

29.3.1. non-fulfillment by the Clearing Member of its Total Net Obligations in cash and/or securities in full or in part,

29.3.2. failure to settle the Fees and Compensation Debt and/or Debt on Collateral Deposits and/or Trade Debt by the Clearing Member within the period established in the Provisional Rules and existence of the Collateral of the Clearing Member in securities,

When terminating the obligations under the T+ Trades according to article 28 of the Clearing Rules between the Clearing Centre and the Defaulting Clearing Member without submission of requests, a repo trade with settlement code Y0/Y1 shall be executed (two trades of purchase and sale of securities with settlement codes Y0 and Y1).

29.4. Repo trades (trades of purchase and sale of securities) specified in clause 29.3 of the Clearing Rules shall be executed in case of observance of the following conditions:

- a) The license of the Bank of Russia to perform banking operations and/or license of a professional participant of the securities market to carry out broker's or dealer's activities and/or activities on securities management issued to the Clearing Member is not revoked (not cancelled).
- b) The Clearing Centre does not have any information on the circumstances related to the Clearing Member listed in clause 11.1 of the Clearing Rules, occurrence of which may lead to termination of the clearing services of the Clearing Member.
- c) Number of Trade days when the Clearing Member fails to fulfil the Total Net Cash Obligation in one Collateral Account T+ or Total Net Obligation on the relevant securities in Sections T+ referred to the same Settlement Code does not exceed 45 (forty five) consecutive calendar days.
- d) There is no resolution on exclusion of the securities for which there is registered the outstanding Total Net Obligation from the Clearing List for the T+ Trades from the following Trade day.

29.4.1. Trades of purchase and sale specified in clause 29.3 of the Clearing Rules shall be executed in case of submission by the Clearing Member to the Clearing Centre an Application for Execution of the Trades of Purchase and Sale.

Application for Execution of the Trades of Purchase and Sale shall be submitted by the Clearing Member in hard copy.

29.5. Terms and conditions of repo trades (two trades of purchase and sale) executed between the Clearing Centre and the Defaulting Clearing Member according to this article of the Clearing Rules shall correspond to the terms and conditions of the T+ Trades determined in the Trading Rules taking into account the following particularities:

- If the Clearing Member has any outstanding Total Net Securities Obligation, in relation to the first leg of the repo trade (in relation to the first trade of purchase and sale) there arise the claims of the Clearing Member on the relevant securities that are contrary to the said outstanding Total Net Securities Obligation of the Clearing Member in the amount equal to the outstanding Total Net Securities Obligation of the Clearing Member.
- If the Clearing Member has any outstanding Total Net Cash Obligation (in Russian rubles), in relation to the first leg of the repo trade (in relation to the first trade of purchase and sale) there arise the claims of the Clearing Member in Russian rubles that are contrary to the said outstanding Total Net Obligation of the Clearing Member in cash in the amount equal to the number of securities not exceeding the aggregate of the amount of the Total Net Security Obligation which corresponds to the outstanding Total Net Obligation of the Clearing Member in cash and the amount of the Collateral of the Clearing Member in the relevant securities.



- If the Clearing Member has any Debt in relation to the first leg of the repo trade (in relation to the first trade of purchase and sale) there arise the claims of the Clearing Member in Russian rubles that are contrary to the Debt and securities obligations in the amount not exceeding the amount of the Collateral of the Clearing Member in securities, which correspond to the amount of the Debt.
- The first leg of the repo trade (the first trade of purchase and sale) shall be fulfilled on the date of execution thereof.
- The second leg of the repo trade (the second trade of purchase and sale) shall be fulfilled on the date following the date of execution thereof.
- Repo amount (amount of the first trade of purchase and sale) shall be determined as the product of the number of securities under the trade and the last Settlement Price for the securities determined by the Clearing Centre reduced by the last discount for the securities determined by the Clearing Centre.
- The buyback trade value (the price of the second trade of purchase and sale) is calculated according to the formula:

$$S_2 = S_1 * \left( 1 + \frac{R}{100} \times \left( \frac{T_{365}}{365} + \frac{T_{366}}{366} \right) \right), \text{ where}$$

$S_2$  means the buyback trade value (the price of the second trade of purchase and sale);

$S_1$  means the repo price (the price of the first trade of purchase and sale);

$R$  means the Upper or Lower Penalty repo rate, established by the Clearing Centre in accordance with the Methods for Determination of Risk Parameters of the Securities Market;

$T_{365}$  means the number of calendar days between the dates of fulfillment of the first and the second legs of the repo trades (between the dates of fulfillment of the first and the second trades of purchase and sale) for the year of 365 days;

$T_{366}$  means the number of calendar days between the dates of fulfillment of the first and the second legs of the repo trades (between the dates of fulfillment of the first and the second trades of purchase and sale) for the year of 366 days.

- If the Clearing Member has any outstanding Total Net Cash Obligation registered in Collateral Account T+, the repo trade (trades of purchase and sale) according to this clause of the Clearing Rules shall only be executed with the securities in respect of which there is taken into account the Total Net Security Claim registered in Section T+ referred to the same Settlement Code as Collateral Account T+.
- If the Clearing Member has any Debt registered in Collateral Account T+, the repo trade (trades of purchase and sale) according to this clause of the Clearing Rules shall only be executed with the securities registered as the Collateral of the Clearing Member in Section T+ referred to the same Settlement Code as Collateral Account T+.

29.5.1. If the Clearing Member faces impossibility to fulfil its Total Net Obligations in cash/securities due to force majeure circumstances or failure of the payment system of the Bank of Russia, between the Clearing Centre and the Clearing Member according to this

clause of the Clearing Rules there shall be executed a repo trade (two trades of purchase and sale) with the repo rate (penalty rate) equal to zero.

Force majeure circumstances shall mean:

- Military actions, terrors, diversions and sabotage, mass disorders, strikes, political regime change and other political complications,
- Amendment of legislative and other acts of the state bodies of the Russian Federation, resolutions of the legislative and executive authorities,
- Fire and other accidents, destructions or major damage to the premises occupied by the Clearing Member,
- Any other circumstances which threaten or may threaten life and health of the employees of the Clearing Member.

The Clearing Member shall notify the Clearing Centre on occurrence of force majeure circumstances which make it impossible for the Clearing Member to fulfil its Total Net Obligations in cash/securities by any available communication means before the time of fulfillment of the Total Net Obligations in cash/securities established in the Provisional Rules.

The Clearing Member shall provide the Clearing Centre with the documents confirming the force majeure circumstances within seven (7) days. If the Clearing Member fails to provide such documents to the Clearing Centre within the established period, at the decision of the Clearing Centre the Clearing Member shall be charged a penalty at the repo rate (penalty rate) calculated according to subclause 29.5 of the Clearing Rules for the number of calendar days between the date of fulfillment of the first leg of the repo trade and the date of calculation of the penalty (between the dates of fulfillment of the first and the second trades of purchase and sale).

- 29.6. If there are the cases of non-fulfillment of the obligations under the T+ Trades determined in clause 29.3 of the Clearing Rules and violation of at least one of the terms and conditions established in subclause 29.4 of the Clearing Rules, at termination of the obligations under the T+ Trades performed according to clause 28 of the Clearing Rules between the Clearing Centre and the Defaulting Clearing Member, without submission of requests, there shall be executed the trade of purchase and sale of securities with settlement code Y0, the terms and conditions of which correspond to the terms and conditions of the first trade of purchase and sale with settlement code Y0 determined in subclause 29.5 of the Clearing Rules, except for the price of the trade of purchase and sale of securities to be calculated using the formula for the price of the second leg of the repo trade (the second trade of purchase and sale).
- 29.7. Execution of trades according to clauses 29.3-29.6 of the Clearing Rules shall be performed in respect of all the Clearing Members who have any outstanding Total Net Obligations on cash/securities.
- 29.8. In case of a Clearing Member's failure to settle the Debt registered on the Settlement Account within the period established by the Provisional Rules or impossibility to execute trades as per clauses 29.3-29.6 of the Clearing Rules or if a Clearing Member has a Collateral in foreign currency registered on the same Settlement Account, the Clearing Centre shall use the Clearing Member's Collaborative in foreign currency to settle the claims on the Debt of the Clearing Member by selling foreign currency being the Clearing Member's Collaborative for Russian rubles using the exchange rate no less than Lower Limits of the risk evaluation range for trades of purchase and sales of foreign

currency for Russian rubles, established by the Clearing Centre according to the Methodology for Determination of Risk Parameters of the Exchange Market at the end of the Trade day of the settlement date.

Settlement of claims at the expense of the Clearing Member's Collateral in foreign currency shall be carried out by the Clearing Centre without prior notification of the Clearing Member.

The payment received under the specified conversion transaction shall be registered by the Clearing Centre as contribution of the Clearing Member to the Debt.

Collateral of the Clearing Member in foreign currency shall be reduced by the amount of the used Collateral funds of the Clearing Member.

- 29.9. If the Clearing Member has no Collaterals in foreign currency or if the debt has not been settled, the Collateral of the Clearing Member having been used by the Clearing Centre in compliance with clause 29.8 of the Clearing Rules, the Clearing Center shall use the cash of Guarantee Funds in accordance with article 30 of the Clearing Rules.
- 29.10. If there are any Defaulting Clearing Members who fail to fulfil their Total Net Obligations in cash/securities in full or in part, for fulfillment of the Total Net Claims in cash/securities of the Non-Defaulting Clearing Members the Clearing Centre shall perform the actions according to the following order of priority:
- Use free own cash and/or own securities,
  - If the free own securities are not enough, execute repo trades of the Clearing Centre or Lending Agreements of the Clearing Centre, pursuant to the article 35 of the Clearing Rules,
  - If the free own cash/securities are not enough and it is not possible to execute the repo trades of the Clearing Centre or Lending Agreements of the Clearing Centre according to article 35 of the Clearing Rules for the required number of securities, without submission of any requests execute repo trades with settlement code Y0/Y1 (two trades of purchase and sale with settlement codes Y0 and Y1) with the Non-Defaulting Clearing Members.
- 29.10.1. According to this clause of the Clearing Rules the trades of purchase and sale shall be executed in case of submission by the Clearing Member to the Clearing Centre of an Application for Execution of Trades of Purchase and Sale provided for in clause 29.4.1 of the Clearing Rules.
- 29.10.2. Terms and conditions of repo trades (two trades of purchase and sale) executed between the Clearing Centre and the Non-Defaulting Clearing Member according to this clause of the Clearing Rules shall correspond to the terms and conditions of the T+ Trades determined in the Trading Rules taking into account the following particularities:
- If the Clearing Centre does not have enough securities to fulfil the Total Net Claims of the Non-Defaulting Clearing Member under the first leg of the repo trade (under the first trade of purchase and sale), there shall arise the obligations of the Clearing Member in respect of the relevant securities that are contrary to the said outstanding Total Net Securities Claim of the Non-Defaulting Clearing Member in full, in the amount equal to the amount of the outstanding Total Net Securities Claim of the Non-Defaulting Clearing Member.
  - If the Clearing Centre does not have enough cash to fulfil the Total Net Claims of the Non-Defaulting Clearing Member under the first leg of the repo trade (under the

first trade of purchase and sale), there shall arise the obligations in Russian rubles that are contrary to the said outstanding Total Net Claim of the Non-Defaulting Clearing Member in cash and the securities claims in the amount equal to the amount of the Total Net Security Obligation of the Non-Defaulting Clearing Member that corresponds to the outstanding Total Net Cash Claim of the Non-Defaulting Clearing Member.

- Other terms and conditions of the trades to execute shall correspond to the terms and conditions of the trades determined in clause 29.5; in this case the price of the second leg of the repo trade (the second trade of purchase and sale) shall be determined in such a way that the difference between the amounts of the first and the second legs of the repo trade (between the amounts of the first and the second trades of purchase and sale) is paid in favour of the Non-Defaulting Clearing Member.

29.11. Repo trades (two trades of purchase and sale) specified in clause 29.8 of the Clearing Rules shall be executed by the Clearing Centre with one Non-Defaulting Clearing Member within not more than 45 (forty five) consecutive calendar days, provided that the Non-Defaulting Clearing Member has the Total Net Securities Claims.

29.11.1. If it is impossible for the Clearing Centre to fulfil the Total Net Securities claims of one or several Non-Defaulting Clearing Members within 45 (forty five) consecutive calendar days, the Clearing Centre shall:

- Exclude the said security from the Clearing List for the T+ Trades,
- Execute with the Non-Defaulting Clearing Member without submission of any requests the trade of purchase and sale of securities with settlement code Y0, the terms and conditions of which correspond to the terms and conditions of the first trade of purchase and sale of securities with settlement code Y0 determined in subclause 29.8 of the Clearing Rules, except for the price of the trade of purchase and sale of securities that shall be calculated using the formula for the price of the second leg of the repo trade (the second trade of purchase and sale).

29.12. Upon execution of the trades according to clauses 29.1—29.11 of the Clearing Rules, the Clearing Centre shall include the obligations under the said trades with the due Settlement Date into the Clearing Pool for the T+ Trades and shall offset mutual homogeneous Total Net Obligations/Total Net Claims in cash and securities and/or Debt of the Clearing Member with obligations and claims under the executed trades with the due Settlement Date.

As a result of such offsetting the Total Net Securities Obligations/Total Net Securities Claims of the Clearing Members shall be terminated (shall be equal to zero) and the Clearing Member may register the new Total Net Obligation/Total Net Claim in cash, the amount of which differs from zero.

Procedure for termination of the Total Net Obligation/Total Net Claim of the Clearing Member in cash is determined in article 28 of the Clearing Rules.

29.12.1. The obligations and claims under the second legs of the repo trades (the second trade of purchase and sale), the second legs of repo trades of the Clearing Centre and Lending Agreements of the Clearing Centre executed according to clauses 29.1-29.7 of the Clearing Rules, shall be registered within the Net Obligations/Net Claims of the Clearing Member under the T+ Trades with the due Settlement Date which corresponds to the date of fulfillment of the said obligations and claims.

- 29.13. In case of execution by the Clearing Centre of the trades according to clause 25.12 of the Clearing Rules with a Clearing Member who fails to fulfil the Margin Call, and/or trades according to clause 29.6 of the Clearing Rules with a Defaulting Clearing Member, on the basis of clause 17.6 of the Clearing Rules, the Clearing Centre shall submit orders and/or execute trades to bring to zero the amount of the obligations of the Clearing Centre on transfer of the securities with the same and/or different Settlement Dates.
- 29.14. The Clearing Centre shall notify the Exchange using the Trading System on the necessity to execute the repo trades (trades of purchase and sale) according to this article of the Clearing Rules and on the terms and conditions of the said trades.

### **Article 30. Procedure for Use and Reimbursement of the Guarantee Funds**

- 30.1. The Clearing Centre shall use the cash of Guarantee Funds, if the Debt of the Clearing Member is not settled in result of actions undertaken by the Clearing Centre in compliance with clause 29.8 of the Clearing Rules.
- 30.2. The cash of Guarantee Funds and other resources shall be used in the following priority:
- 1) contribution to the Risk Covering Fund of the Defaulting Clearing Member (in case the Defaulting Clearing Member participates in the Risk Covering Fund);
  - 2) contribution to the Financial Stability Fund of the Defaulting Clearing Member;
  - 3) individual clearing collateral of the Defaulting Clearing Member registered by the Clearing Centre in compliance with other clearing rules;
  - 4) contributions to the Risk Covering Fund of Non-Defaulting Clearing Members which shall not exceed the Limit secured by the Fund assets established by the Clearing Centre for the Defaulting Clearing Member;
  - 5) contributions to the Financial Stability Fund of Non-Defaulting Clearing Members (taking into account the provisions of clause 30.3 of the Clearing Rules);
  - 6) contributions to the Risk Covering Fund of Non-Defaulting Clearing Members (taking into account the provisions of clause 30.3 of the Clearing Rules).
- 30.3. Contributions to Guarantee Funds of Non-Defaulting Clearing Members which exceed the Limit secured by the Fund assets established by the Clearing Centre for the Defaulting Clearing Member shall be used in case the amount of Debt of Defaulting Clearing Members to the Clearing Centre exceeds 1 (one) billion Russian rubles.
- 30.4. Contributions in Russian rubles to Guarantee Funds of the Defaulting Clearing Member shall be used to settle the claims of the Clearing Centre on the Debt of the Defaulting Clearing Member by transfer of the cash in Russian rubles constituting to the contribution to the Guarantee Fund of the Defaulting Clearing Member to the Clearing Centre in order to cover Debt of the Defaulting Clearing Member.

Contributions in foreign currency to Guarantee Funds of the Defaulting Clearing Member shall be used to settle the claims of the Clearing Centre on the Debt of the Defaulting Clearing Member by selling foreign currency constituting to the contribution to the Guarantee Fund of the Defaulting Clearing Member for Russian rubles at the exchange rate no less than Lower Limits of the risk evaluation range for trades of purchase and sale of such foreign currency for Russian rubles established by the Clearing Centre according to the Methodology for Determination of Risk Parameters of the Exchange Market at the

end of the Trade day of the settlement date. The payment in Russian rubles received under the specified conversion transaction shall be registered by the Clearing Centre as contribution of the Defaulting Clearing Member to the Debt.

Settlement of claims at the expense of the contribution to the Guarantee Fund of the Defaulting Clearing Member shall be carried out by the Clearing Centre without prior notification of the Defaulting Clearing Member.

Contribution to the Guarantee Fund of the Defaulting Clearing Member shall decrease by the amount of used cash from the contribution of the Defaulting Clearing Member to the Guarantee Fund.

30.5. Contributions to Guarantee Funds of Non-Defaulting Clearing Members which exceed the Limit secured by the Fund assets established by the Clearing Centre for the Defaulting Clearing Member shall be used in the amount of excess of the Debts of Defaulting Clearing Members which is established in compliance with clause 30.3 of the Clearing Rules.

30.5.1. Contributions to the corresponding Guarantee Fund of Non-Defaulting Clearing Members shall be used proportionally to the amount of contribution to the corresponding Guarantee Fund of each Clearing Member.

30.5.2. Contributions in Russian rubles to Guarantee Funds of the Non-Defaulting Clearing Member shall be used to settle the claims of the Clearing Centre on the Debt of the Defaulting Clearing Member by transfer of the cash in Russian rubles constituting to the contribution to the Guarantee Fund of the Non-Defaulting Clearing Member to the Clearing Centre in order to cover Debt of the Defaulting Clearing Member.

A contribution in foreign currency to Guarantee Funds of the Non-Defaulting Clearing Member shall be used to settle the claims of the Clearing Centre on the Debt of the Defaulting Clearing Member by selling foreign currency constituting to the contribution to the Guarantee Fund of the Non-Defaulting Clearing Member for Russian rubles at the exchange rate no less than Lower Limits of the risk evaluation range for trades of purchase and sale of such foreign currency for Russian rubles established by the Clearing Centre according to the Methodology for Determination of Risk Parameters of the Exchange Market at the end of the Trade day of the settlement date. The payment in Russian rubles received under the specified conversion transaction shall be registered by the Clearing Centre as repayment of Debt of the Defaulting Clearing Member.

Settlement of the claims at the expense of the contribution to the Guarantee Fund of the Defaulting Clearing Member shall be performed by the Clearing Centre without prior notification of the Defaulting Clearing Member.

The contribution to the Guarantee Fund of the Defaulting Clearing Member shall be decreased by the amount of the used cash of the Guarantee Fund out of the contribution of the Defaulting Clearing Member.

**30.5.3.** In case of complete or partial utilization of the contribution of the Clearing Member to the Risk Covering Fund, the Clearing Centre shall have the right to decrease the Limit secured by the Fund assets of such Clearing Member as well as bring it to zero beginning from the **Business day** following the day of the utilization in accordance with the procedures established by the Method of Limitation of Operations.

30.6. The Clearing Centre shall notify the Exchange on the use of the contribution to the Guarantee Fund of the Defaulting Clearing Member and/or contribution to the Guarantee

Fund of the Non-Defaulting Clearing Members in order to settle the claims on the Debt of the Defaulting Clearing Member.

- 30.7. If the contributions to the Guarantee Fund of the Non-Defaulting Clearing Members is used, the Defaulting Clearing Member shall compensate for the used cash of the Guarantee Fund within two (2) Trade days.

Notification on the necessity to compensate for the cash of the Guarantee Fund containing the information on the amount of used cash of the Guarantee Fund subject to compensation by the Clearing Member, details of the bank account to be used to compensate for the cash of the Guarantee Fund and period of compensation for the cash of the Guarantee Fund shall be sent to the Clearing Member in the form of an electronic document on or before the working day following the date of use of the Guarantee Fund.

If the Defaulting Clearing Member fails to compensate for the cash of the Guarantee Fund, the Clearing Centre shall have the right to claim from such Clearing Member the compensation in a judicial procedure.

- 30.8. Upon compensation by the Defaulting Clearing Member for the used cash of the Guarantee Funds, the Clearing Centre shall compensate for the used contributions to the Guarantee Funds of the Non-Defaulting Clearing Members, and for the used funds of the Clearing Centre.

Replenishment of contributions to Guarantee Funds of Non-Defaulting Clearing Members as well as for sources of the Clearing Centre shall be carried out in order reverse to the order of their utilization.

If the cash received from the Defaulting Clearing Member are not enough to compensate for the contributions to the relevant Guarantee Fund of the Non-Defaulting Clearing Members in full, the contributions shall be compensated for in the amount, proportional to the amount of the cash of the relevant Guarantee Fund used out of the contribution of each Clearing Member.

In this case the amount of the contribution to the relevant Guarantee Fund of the Non-Defaulting Clearing Member and the amount of the obligations of the Clearing Centre to return to the Clearing Member the contribution to the relevant Guarantee Fund shall be increased by the amount of the compensated cash.

- 30.9. Upon compensation by the Defaulting Clearing Member of the used cash of the Guarantee Funds such Clearing Member shall compensate for (transfer) its contribution(s) to the Guarantee Funds in the amount established by the Clearing Centre.

- 30.10. The Clearing Centre shall notify the Exchange on the compensation by the Defaulting Clearing Member for the cash of the Guarantee Funds and its contribution(s) to the Guarantee Funds.

- 30.11. In case of use of the contributions to the relevant Guarantee Fund of the Non-Defaulting Clearing Members and failure of the Defaulting Clearing Member to compensate for the used cash of the Guarantee Fund within two (2) Trade days after their use, the Non-Defaulting Clearing Members shall replenish their contributions to the relevant Guarantee Fund up to the amount established by the Clearing Centre within two (2) Trade days after sending by the Clearing Centre of the relevant notices.

The said obligation to replenish the contribution to the Guarantee Fund shall not arise for the Non-Defaulting Clearing Member more often than once per Trade day.

The said obligation to replenish the contribution to the Financial Stability Fund shall not

arise for the Non-Defaulting Clearing Member more often than once per Trade day and 7 (seven) times per calendar year.

The Clearing Centre may request Non-Defaulting Clearing Members to replenish the contribution to the Risk Covering Fund unlimited amount of times.

**Article 31. Procedure for Fulfillment of the Obligations and Claims of the Clearing Members and Clearing Centre Included into the Clearing Pool**

31.1. The Clearing Centre shall determine and register the obligations and claims in cash (under the trades in securities) as to each position for cash of the Clearing Member (Clearing Centre) according to the terms and conditions of the trades executed by the same, the obligations under which are included into the relevant Clearing Pool.

The Clearing Centre shall determine and register the obligations and securities claims (under the trades in securities) as to each securities position and each accounting position of the Clearing Member (Clearing Centre) in respect of each security separately, according to the terms and conditions of the trades executed by the same, the obligations under which are included into the relevant Clearing Pool.

31.2. In respect of the obligations under the trades in securities with settlement codes T0, K0 and obligations under the first legs of repo trades with the settlement code T0/Y1 included into the Clearing Pool for Settlements based on Trading Results on Trades with the Central Counterparty there shall be the netting according to the results of which there shall be determined the Net Obligations/Net Claims of the Clearing Members and Clearing Centre in cash and securities.

31.3. The obligations under the first legs of the collateralized repo trades with settlement codes Rb, the obligations under the collateralized trades in securities with settlement codes B0—B30, the obligations under the first legs of the collateralized repo trades with settlement codes S0—S2 and under the second legs of the collateralized repo trades with any settlement codes that are fulfilled by the Clearing Member by submission of the Settlement Instructions or Special Settlement Instructions, as well as the obligations to transfer the variation margins that have passed the Collateral Control Procedure within the Trade day and Net Obligations/Net Claims of the Clearing Members and Clearing Centre in cash and securities determined according to the results of the netting of the obligations under the trades included into the Clearing Pool for Settlements based on Trading Results on Trades with the Central Counterparty shall be included into the Clearing Pool for Settlements at the End of Trading.

In respect of the obligations included into the Clearing Pool for Settlements based on Trading Results there shall be the netting according to the results of which there shall be determined the Net Obligations/Net Claims of the Clearing Members and the Clearing Centre in cash and securities.

31.3.1. The Net Obligation (Net Claim) of the Clearing Member (Clearing Centre) in cash under the trades of the Clearing Pool as to each position for cash thereof determined for Collateral Account T0 shall be calculated according to the following formula:

**NOD = ST – SO**, where:

NOD shall mean the Net Obligation (Net Claim) of the Clearing Member (Clearing Centre) in cash under the trades of the Clearing Pool.



**ST** shall mean the amount of claims and **SO** shall mean the amount of obligations of the Clearing Member (Clearing Centre) in cash under:

- Net Obligations/Net Claims determined according to the results of the netting of the obligations under the trades included into the Clearing Pool for Settlements based on Trading Results on Trades with the Central Counterparty according to clause 31.2 of the Clearing Rules,
- First legs of the collateralized repo trades with settlement code Rb,
- Collateralized trades with settlement code B0—B30, fulfillment of the obligations under which shall be performed by the Clearing Member by entry of the Settlement Instructions or Special Settlement Instructions,
- First legs of the collateralized repo trades with settlement code S0—S2, fulfillment of the obligations under which shall be performed by the Clearing Member by entry of the Settlement Instructions or Special Settlement Instructions,
- Second legs of the collateralized repo trades with any settlement code, fulfillment of the obligations under which shall be performed by the Clearing Member by entry of the Settlement Instructions or Special Settlement Instructions,
- Transfer/receipt of Variation Margins,

having passed the Collateral Control Procedure within the Trade day (as to the relevant position for cash),

- Claims on crediting cash to Collateral Account T0 related to returns of cash from the Collateral executed in the Clearing System under Requests for Return of Cash from the Collateral or under terminated obligations under the T+ Trades,
- Obligations on writing-off of cash from Collateral Account T0 under the Instructions to Transfer Cash as the Collateral submitted/formed by the Clearing Member/Clearing Centre.
- Obligations on payment of the Commission Fees and penalties determined according to article 37 of the Clearing Rules,
- Obligations related to the transfer/claim for receipt of the Income determined according to article 32 of the Clearing Rules.

The negative value of **NOD** shall mean that there are Net Obligations of the Clearing Member (Clearing Centre) in cash under the trades of the Clearing Pool, the positive value of **NOD** shall mean that there are Net Claims of the Clearing Member (Clearing Centre) in cash under the trades of the Clearing Pool.

31.3.2. The Net Obligation (Net Claim) of the Clearing Member (Clearing Centre) in cash under the trades of the Clearing Pool as to each position for cash thereof determined for Collateral Account T+ shall be calculated according to the following formula:

**NOD = ST - SO**, where:

**NOD** - The Net Obligation (Net Claim) of the Clearing Member (Clearing Centre) in cash under the trades of the Clearing Pool;

**ST** – amount of claims, and **SO** – the amount of obligations of the Clearing Member (Clearing Centre) in cash under:

- Net Obligations/Net Claims determined according to the results of the netting of the obligations under the trades included into the Clearing Pool for Settlements based on Trading Results on Trades with the Central Counterparty according to clause 31.2 of the Clearing Rules;

- first legs of the collateralized repo trades with settlement code Rb;
- collateralized trades with settlement code B0—B30, fulfilment of the obligations under which shall be performed by the Clearing Member by entry of the Settlement Instructions or Special Settlement Instructions;
- first legs of the collateralized repo trades with settlement code S0—S2, fulfillment of the obligations under which shall be performed by the Clearing Member by entry of the Settlement Instructions or Special Settlement Instructions;
- second legs of the collateralized repo trades with any settlement code, fulfillment of the obligations under which shall be performed by the Clearing Member by entry of the Settlement Instructions or Special Settlement Instructions;
- transfer/receipt of Variation Margins.

under trades on the basis of an order for which the Trade and Clearing Account, including the Collateral Account T+, has been specified and having passed the Collateral Control Procedure within the Trade day (as to the relevant position for cash),

- claims on crediting cash to Collateral Account T+ related to entries of cash to the Collateral executed in the Clearing System under requests of the Clearing Member / the Clearing Centre;
- obligations on writing-off of cash from Collateral Account T+ under returns of cash from the Collateral executed in the Clearing System on requests of returning of cash from the Collateral of the Clearing Member or under ceased obligations under T+ Trades;
- obligations on payment of the Commission Fees determined according to article 37 of the Clearing Rules;
- obligations related to the transfer / claim for receipt of the Income determined according to article 32 of the Clearing Rules.

The negative value of NOD shall mean that there are Net Obligations of the Clearing Member (Clearing Centre) in cash under the trades of the Clearing Pool, the positive value of NOD shall mean that there are Net Claims of the Clearing Member (Clearing Centre) in cash under the trades of the Clearing Pool.

31.3.3. The Net Securities Obligation (Net Securities Claim) of the Clearing Member (Clearing Centre) under the trades of the Clearing Pool as to each securities position thereof determined for Section T0 and as to each security shall be calculated according to the following formula:

**NOTs = STTs – SOTs**, where:

NOTs shall mean the Net Obligation (Net Claim) of the Clearing Member (Clearing Centre) on a security under the trades of the Clearing Pool.

STTs shall mean the amount of claims and SOTs shall mean the amount of obligations of the Clearing Member (Clearing Centre) on the security under:

- Net Obligations/Net Claims determined according to the results of the netting of the obligations under the trades included into the Clearing Pool for Settlements based on Trading Results on Trades with the Central Counterparty according to clause 31.2 of the Clearing Rules,
- First legs of the collateralized repo trades with settlement code Rb,

- Collateralized trades with settlement code B0—B30, fulfillment of the obligations under which shall be performed by the Clearing Member by entry of the Settlement Instructions or Special Settlement Instructions,
- First legs of the collateralized repo trades with settlement code S0—S2, fulfillment of the obligations under which shall be performed by the Clearing Member by entry of the Settlement Instructions or Special Settlement Instructions,
- Second legs of the collateralized repo trades with any settlement code, fulfillment of the obligations under which shall be performed by the Clearing Member by entry of the Settlement Instructions or Special Settlement Instructions,
- Transfer/receipt of Variation Margins,

having passed the Collateral Control Procedure within the Trade day (as to the relevant securities position),

- Claims on crediting securities to Section T0 related to returns of securities from the Collateral executed in the Clearing System under Requests for Return of Securities from the Collateral or under terminated obligations under the T+ Trades.
- Obligations on writing-off of securities from Section T0 under the Instructions to Transfer Securities as the Collateral submitted/formed by the Clearing Member/Clearing Centre.

The negative value of NOTs shall mean that there are Net Obligations of the Clearing Member (Clearing Centre) on the security under the trades of the Clearing Pool, the positive value of NOTs shall mean that there are Net Securities Claims of the Clearing Member (Clearing Centre) under the trades of the Clearing Pool.

- 31.3.4. Net Securities Obligation (Net Securities Claim) of the Clearing Member under the trades of the Clearing Pool as to each Section T+ and each security shall be calculated according to the following formula:

**NOTs = STTs – SOTs**, where:

**NOTs** shall mean the Net Obligation (Net Claim) of the Clearing Member on a security under the trades of the Clearing Pool.

**STTs** shall mean the amount of claims and **SOTs** shall mean the amount of obligations of the Clearing Member on the security under:

- Net Obligations / Net Claims determined according to the results of the netting of the obligations under the trades included into the Clearing Pool for Settlements based on Trading Results on Trades with the Central Counterparty according to clause 31.2 of the Clearing Rules;
- first legs of the collateralized repo trades with settlement code Rb;
- collateralized trades with settlement code B0—B30, fulfillment of the obligations under which shall be performed by the Clearing Member by entry of the Settlement Instructions or Special Settlement Instructions;
- first legs of the collateralized repo trades with settlement code S0—S2, fulfillment of the obligations under which shall be performed by the Clearing Member by entry of the Settlement Instructions or Special Settlement Instructions;
- second legs of the collateralized repo trades with any settlement code, fulfillment of the obligations under which shall be performed by the Clearing Member by entry of the Settlement Instructions or Special Settlement Instructions;
- transfer/receipt of Variation Margins;

under trades on the basis of an order for which the Trade and Clearing Account, including the Section T+, has been specified and having passed the Collateral Control Procedure within the Trade day (as to the relevant position for security accounts);

- Claims to transfer the securities from Section T+ under the Instructions to Transfer Securities as the Collateral executed in the Clearing System submitted/formed by the Clearing Member/Clearing Centre,
- Obligations to write off the securities from Section T+ related to returns of securities from the Collateral executed in the Clearing System under Requests for Return of Securities from the Collateral or under terminated obligations under the T+ Trades.

The negative value of NOTs shall mean that there are Net Obligations of the Clearing Member (Clearing Centre) on the security under the trades of the Clearing Pool, the positive value of NOTs shall mean that there are Net Securities Claims of the Clearing Member (Clearing Centre) under the trades of the Clearing Pool.

- 31.4. Obligations under the trades with settlement code Z0 and first legs of repo trades with settlement code Z0 having passed the Collateral Control Procedure on the same Trade day shall be included into the Clearing Pool for Settlements in the Course of Trading. Obligations and claims of the Clearing Members under such trades shall be determined in respect of each trade separately.
- 31.5. Net Obligations (Net Claims) of the Clearing Members in cash and securities under the trades of the Clearing Pool calculated according to clauses 24.2-24.4 of the Clearing Rules under the trades in securities with settlement code B0—B30, first legs of the repo trades with settlement code S0—S2, second legs of the repo trades with settlement codes Rb, Z0, S0—S2, as well as on Variation Margins executed by the Clearing Member by entry of Express Settlement Instructions having passed the Collateral Control Procedure on the same Trade day shall be included into the Clearing Pool for Settlements in the Course of Trading.
- 31.6. Net Securities Obligations (Net Securities Claims) of the Clearing Members under the trades of the Clearing Pool calculated according to clause 24.4 or according to subclauses 31.3.3 and 31.3.4 of the Clearing Rules shall be included into the Instruction to Execute Operations in Trading Sections to be sent by the Clearing Centre to the Settlement Depository according to clause 34.10 or clause 34.11 of the Clearing Rules.
- 31.7. Net Obligations of the Clearing Members in cash under the trades of the Clearing Pool determined according to clause 24.3 or subclauses 31.3.1, 31.3.2 of the Clearing Rules as regards the Collateral Account T0 or the Collateral Account T+ shall be fulfilled at the expense of the cash registered in the same Collateral Account T0 / Collateral Account T+.
- 31.7.1. The Net Obligation of the Clearing Member in cash under the trades of the Clearing Pool determined in respect of Collateral Account T0 / Collateral Account T+ shall be deemed fulfilled if the value of the planned position for the cash in the same Collateral Account T0 / Collateral Account T+ is not less than the Net Obligation of the Clearing Member in cash under the trades of the Clearing Pool.
- 31.7.2. If the value of the planned cash position in Collateral Account T0 is less than the Net Obligation of the Clearing Member in cash under the trades of the Clearing Pool determined in respect of Collateral Account T0, the said Net Obligation shall be terminated to the extent that corresponds to the value of the said planned position and the

outstanding portion of the said Net Obligation shall be included on the next Trade day as the Commission Fee Cap and/or Cap on payment of the Compensation.

- 31.7.3. If the value of the planned position for cash in the Collateral Account T+ is lower than the Net Obligation of the Clearing Member in cash under the trades of the Clearing Pool determined in respect of Collateral Account T+, the said Net Obligation shall be terminated to the extent that corresponds to the value of the said planned position and the outstanding portion of the said Net Obligation shall be registered as the Fees and Compensation Debt.

This Fees and Compensation Debt shall be settled by the Clearing Member no later than the time of the Trade day established in the Provisional Rules following the day of the said Fees and Compensation Debt occurrence.

Information on existence of the Fees and Compensation Debt of the Clearing Member and its amount shall be transferred to the Clearing member the account on “The Requirement on the Settlement of the Debt” to be sent to the Clearing Member according to clause 25.6 of the Clearing Rules.

Operational procedures for the Clearing Centre upon the Clearing Member’s non-settlement of the Fees and Compensation Debt within the term is defined in article 29 of the Clearing Rules.

- 31.7.4. The Clearing Centre shall offset the Net Obligation (or a portion thereof) of the Clearing Member in cash under the trades of the Clearing Pool determined in respect of Collateral Account T0 / Collateral Account T+ against the claim of the Clearing Member on return of the cash registered in the same Collateral Account T0 / Collateral Account T+ and the value of the planned position for the cash in the same Collateral Account T0 / Collateral Account T+ shall be decreased by the amount of such outstanding Net Obligation (or a portion thereof).

- 31.8. The Net Claim of the Clearing Member in cash under the trades of the Clearing Pool determined according to clause 24.3 or subclauses 31.3.1, 31.3.2 of the Clearing Rules in respect of Collateral Account T0 / Collateral Account T+ shall be terminated upon arising of the obligations of the Clearing Centre to return to the Clearing Member the cash registered in the same Collateral Account T0 / Collateral Account T+ in the amount of the said Net Claim of the Clearing Member.

In this case, the value of the planned position for cash in Collateral Account T0 / Collateral Account T+ shall be increased by the amount of such terminated Net Claim.

- 31.9. Upon fulfillment (termination) of the Net Obligations (Net Claims) of the Clearing Members in cash under the trades of the Clearing Pool according to clauses 31.7 and 31.8 of the Clearing Rules and receipt from the Settlement Depository a report on execution of the operations in the Sections according to clause 34.13 of the Clearing Rules:

- The obligations of the Clearing Members and Clearing Centre to pay and transfer the securities (under the trades in securities) included into the Clearing Pool for Settlements in the Course of Trading or into the Clearing Pool for Settlements based on Trading Results shall be deemed terminated in the relevant Clearing Pool.
- Settlements in securities according to the results of the clearing shall be deemed terminated.

- 31.10. Obligations and claims of the Clearing Members under the trades that failed to pass the Collateral Control Procedure, except for the T+ Trades shall be registered in the Clearing

System and shall be deemed accepted for clearing up to the Date of Termination of Execution of such trades.

In this case, the Clearing Members that are the parties of the Uncollateralized trades shall have the possibility to fulfil their obligations under such trades by registration in the Clearing System the Settlement Instructions and/or Special Settlement Instructions and/or Express Settlement Instructions up to the Date of Termination of Execution. From the Date of Termination of Execution the obligation of the Clearing Members under the Uncollateralized trades shall not be subject to execution in the Clearing System and the Uncollateralized trades shall be excluded from the Clearing System.

- 31.11. Exclusion of the trades from the Clearing System shall not entail termination of the obligations of the parties to the said trades. Claims on proper fulfillment of such trades may be submitted by any party according to the civil laws provided that the procedure for dispute settlement established in the Clearing Rules and Trading Rules is observed.
- 31.12. Obligations and claims of the Clearing Members to transfer Variation Margins shall be registered in the Clearing System and shall be accepted for clearing on the Date of Payment of the Variation Margins. From the date following the Date of Payment of the Variation Margins, the obligations of the Clearing Members as to the uncollateralized Variation Margins shall not be subject to fulfillment in the Clearing System.

### **Article 32. Procedure for Determination of Clearing Members' Due Obligations to Pay the Compensation**

- 32.1. Determination and registering of the obligations and claims of the Clearing Member on payment of the Compensation shall be performed in the Clearing System in Russian rubles for each on-exchange trade in securities separately.
- 32.2. Obligations and claims of the Clearing Members on payment of the Compensation shall only be determined in the Clearing System in respect of the on-exchange trades (repo trades) outstanding up to the Date of Termination of Execution under which the requirements of the Clearing Rules are violated by one Clearing Member only, which entails non-fulfillment of the obligations under the on-exchange trade in securities on the Settlement Date.
- Obligations and claims of the Clearing Members on payment of the Compensation shall be determined in the Clearing System on the Date of Termination of Execution of such trades on the basis of the information received from the Exchange using the Trading System and shall be accepted for clearing.
- 32.3. The obligation of the Clearing Member on payment of the Compensation shall be subject to fulfillment starting from the Date of Termination of Execution of the relevant on-exchange trade. In this case, on the Date of Termination of Execution of the on-exchange trade with securities the amount of the obligation on payment of the Compensation under the trade shall be included in the Clearing System into the Compensation Cap for this Clearing Member.

Caps on payment of the Compensation shall be established in the Clearing System every Trade day (before commencement of formation of the initial amounts of the positions for cash) in respect of monetary (additional own monetary) positions of the Clearing Members only.

Amount of the Compensation Cap shall be established on a daily basis in the amount of the aggregate outstanding obligations of the relevant Clearing Member on payment of the Compensation.

- 32.4. Registering of the obligation of the Clearing Member on payment of the Compensation may be terminated in the Clearing System (up to withholding from the said Clearing Member the cash in the amount of its obligations on payment of the Compensation) on the basis of the information received from the Exchange on the waiver of the Variable Compensation or Fixed Compensation subject to payment according to the terms and conditions of the concluded on-exchange trade.
- 32.5. Obligations of the Clearing Member on payment of the Compensation shall be fulfilled after fulfillment of all the obligations of the Clearing Member on payment of the Commission Fee determined according to article 37 of the Clearing Rules.
  - 32.5.1. Compensation under on-exchange trades in securities shall be withheld from the Clearing Members following the increasing order numbers of the trades.
  - 32.5.2. Compensation under the on-exchange trade with securities may be withheld only in full, partial withholding of the Compensation under the on-exchange trade shall not be allowed.

### **Article 33. Procedure for Interaction with the Settlement Organization**

- 33.1. List of documents subject to exchange between the Clearing Centre and the Settlement Organization in the course of interaction while carrying out the clearing and settlements on cash at the end of clearing, as well as the formats of the said documents and periods of submission thereof shall be determined in the contract concluded between the Clearing Centre and the Settlement Organization.
- 33.2. Writing-off of cash from Trading Accounts shall be performed on the basis of the instructions of the Clearing Centre or on the basis of the instructions of the person for whom the Trading Account is opened by consent of the Clearing Centre.
- 33.3. The Clearing Centre shall consent to carrying out of any crediting operations in the Trading Account on the basis of the instructions of the person for whom such Trading Account is opened.
- 33.4. Each Operating Day before commencement of the Trading the Clearing Centre shall send to the Settlement Organization a Request for Extract from the Trading Accounts, in response to which the Settlement Organization shall transfer to the Clearing Centre the Extract from the Trading Accounts.
- 33.5. Upon receipt of the Extract from the Trading Accounts from the Settlement Organization the Clearing Centre shall transfer to the Settlement Organization the instruction to transfer cash from the Trading Accounts to the clearing bank account of the Clearing Centre opened with the Settlement Organization and designed for registering of the individual clearing collateral in the amount established in the extract from trading bank accounts received from the Settlement Organization.

Upon receipt from the Settlement Organization the report on fulfillment of the said instruction the Clearing Centre shall register the transferred cash in Collateral Accounts T0 opened to the relevant Trading Accounts and shall establish the initial and planned

values of the basic and additional positions for cash determined in relation to the Collateral Accounts T0, equal to the amounts of cash registered in the relevant Collateral Accounts T0.

33.6. If in the course of trading the amount of cash recoded in the Trading Account increases, the Settlement Organization shall transfer to the Clearing Centre the information on such increase and the Clearing Centre shall register such increase in the planned values of the basic and additional positions for cash of the Clearing Members and transfer to the Settlement Organization an instruction to transfer cash from the Trading Account to the clearing bank account of the Clearing Centre in the amount of the said increase.

33.7. If writing-off of cash from the Trading Account is required in the course of Trading, the Settlement Organization shall send to the Clearing Centre a request for the consent of the Clearing Centre to writing-off of cash from the Trading Accounts.

The Clearing Centre shall consent to writing-off of cash from the Trading Account provided that the amount to be written off does not exceed the planned value of the relevant position for cash of the Clearing Member net of the relevant Caps and shall send to the Settlement Organization an instruction to transfer cash from the clearing bank account to the Trading Accounts in the written off amount.

33.8. At the end of trading the Clearing Centre shall send to the Settlement Organization an instruction for execution of the operations in the Trading Accounts containing the instructions to transfer cash from the clearing bank account to the Trading Accounts in the amount of the planned values of the positions for cash in Collateral Accounts T0 registered in the Clearing System upon termination of the obligations included into the Clearing Pool for Settlements based on Trading Results according to clauses 31.7 and 31.8 of the Clearing Rules.

33.9. Upon termination of the settlements on cash at the end of trading, the Clearing Centre shall send to the Settlement Organization the instruction for unblocking of cash in the Trading Accounts.

Sending of the said instruction to the Settlement Organization shall mean the consent of the Clearing Centre to execution of any operations in the trading bank accounts up to the date of receipt by the Settlement Organization from the Clearing Centre a request for extract from the Trading Accounts.

#### **Article 34. Procedure for Interaction with the Settlement Depository and other Depositories**

34.1. List of documents subject to exchange between the Clearing Centre and the Settlement Depository in the course of interaction while carrying out the clearing and settlements in securities at the end of clearing, as well as the formats of the said documents and periods of submission thereof shall be determined in the contract concluded between the Clearing Centre and the Settlement Depository.

34.2. Writing-off of cash from the Sections of the Trading Securities Accounts shall be performed on the basis of the instructions of the Clearing Centre or on the basis of the instructions of the person for whom the Trading Securities Account is opened by consent of the Clearing Centre.



- 34.3. The Clearing Centre shall agree to carrying out of any crediting operations in the Sections of the Trading Securities Account on the basis of the instructions of the person for whom such Trading Securities Account is opened.
- 34.4. If the trading securities accounts of the Clearing Members, Clients and other persons are opened with a depository that has opened a Trading Securities Account of the Nominee with the Settlement Depository, the Clearing Centre shall consent to carrying out of any operations in such Trading Securities Accounts, including closure of such Trading Securities Accounts. The said consent of the Clearing Centre shall be effective up to the date of withdrawal thereof by the Clearing Centre from the said depository or up to the date of sending by the Clearing Centre to the said depository of the instruction establishing other terms and conditions of carrying out of the operations in such Trading Securities Accounts.
- 34.5. Each Operating Day before commencement of the Trading the Clearing Centre shall send to the Settlement Depository a Request for Extract from the Sections, in response to which the Settlement Depository shall transfer to the Clearing Centre the Extract from the Sections.
- 34.6. Upon receipt from the Settlement Depository of the extract from the Sections, the Clearing Centre shall establish in the Clearing System the initial and planned values of the securities positions for Sections T0 of the Clearing Members according to the information on the number of securities registered in Sections T0 received from the Settlement Depository in the Extract from the Sections.
- 34.7. The initial and planned values of the accounting positions of the Clearing Members shall only be established on the date of placement of the shares determined according to the Resolution on Issuance and/or Listing Prospectus registered according to the established procedure. In this case, the initial and planned values of the accounting positions of the Clearing Members shall be equal to zero.
- Simultaneously with establishment of the initial value of accounting position 2 of the Clearing Member, the Clearing Centre shall form in the Clearing System in respect of the said position the limit of its possible maximum in the amount established in the contract concluded between the Clearing Centre and the Issuer of the shares or in the Resolution on Issuance and/or Listing Prospectus. In this case, the said limit shall not exceed the balance in the issuer account of the issuer according to the extract of the registrar as at the date preceding the date of issue of the shares.
- 34.8. If in the course of trading the number of securities registered in the Section increases, the Settlement Depository shall transfer to the Clearing Centre the information on such increase and the Clearing Centre shall register such increase in the initial and planned securities positions of the Clearing Members for Sections T0 or shall increase the number of securities in the Collateral registered in Sections T+.
- 34.9. If writing-off of securities from the Section is required in the course of Trading, the Settlement Depository shall send to the Clearing Centre a request for the consent of the Clearing Centre to writing-off of securities from the Sections.
- The Clearing Centre shall consent to writing-off of securities from Sections T0, provided that the number of securities to be written off does not exceed the planned and initial value of the relevant securities position of the Clearing Member.

The Clearing Centre shall consent to writing-off of securities from Sections T+, provided that the number of securities to be written off does not exceed the planned and initial value of the relevant securities position of the Clearing Member. After such writing-off the Single Limit of the Clearing Member on the Settlement Account to which the said Section T+ relates does not become a negative value.

If, according to the request received by the Clearing Centre, the securities shall be written-off from the Section T+, it being a part of the Trade and Clearing Account, without admission to clearing with partial collateral, and/or Section T+ of the Clearing Member without admission to partial collateral, and/or any security without admission to partial collateral, the additional condition for acquisition of permission of the Clearing Centre for such writing-off shall be non-excess of the amount of securities to be written-off, planned value of securities position calculated for all Operational dates on Section T+.

If the Clearing Centre agrees to writing-off of the securities, the number of securities in the Collateral registered on Section T+ shall be reduced by the number of securities specified in the request.

- 34.10. Settlements in securities in the course of trading shall be performed by the Settlement Depository on the basis of the instruction to carry out the operations in the Sections received from the Clearing Centre containing the obligations and claims of the Clearing Member on transfer of securities included into the Clearing Pool for Settlements in the Course of Trading.
- 34.11. Settlements in securities at the end of trading shall be performed by the Settlement Depository on the basis of the instruction to carry out the operations in the Sections received from the Clearing Centre containing the Net Securities Obligations and Net Securities Claims of the Clearing Member and the Clearing Centre under the trades of the Clearing Pool determined on the basis of the obligations included into the Clearing Pool for Settlements at the End of Trading.
- 34.12. The instruction to carry out the operations in the Sections received from the Clearing Centre shall be fulfilled by the Settlement Depository in correspondence with the securities sub-account of the Clearing Centre opened to the extent of the clearing securities account of the Clearing Centre with the Settlement Depository.
- 34.13. Upon fulfillment of the instruction to carry out the operations in the Sections received from the Clearing Centre, the Settlement Depository shall send to the Clearing Centre a report on carrying out of the operations in the Sections.
- 34.14. Upon termination of settlements in securities at the end of trading according to clause 31.9 of the Clearing Rules, the Clearing Centre shall send to the Settlement Depository an Instruction to unblock the Sections and securities registered in the Sections.

Sending of the said instruction to the Settlement Depository shall mean the consent of the Clearing Centre to carrying out of any operations in Sections T0 up to the date of receipt by the Settlement Depository from the Clearing Centre a request for extract from the Sections.

**Article 35. Terms and Conditions of the Repo Trades of the Clearing Centre and Lending Agreements of the Clearing Centre, Procedure for Execution and Fulfillment thereof**

35.1. Repo Trades of the Clearing Centre and/or Lending Agreements of the Clearing Centre shall be executed between the Clearing Centre and the Clearing Member in the situation specified in clause 29.10 of the Clearing Rules.

If the Clearing Member submits to the Clearing Centre an Application for execution of a Lending Agreement instead of the Repo Trade of the Clearing Centre, there shall be executed the Lending Agreement of the Clearing Centre between the Clearing Member and the Clearing Centre.

35.2. Subject of the Repo Trades of the Clearing Centre and Lending Agreements of the Clearing Centre shall be the securities included on the Clearing List for the T+ Trades (hereinafter referred to in this article as the “Securities”).

35.3. The Clearing Member shall be the Creditor under the Lending Agreement of the Clearing Centre (seller under the first leg of the Repo Trade of the Clearing Centre) and the Clearing Centre shall be the Borrower (buyer under the first leg of the Repo Trade of the Clearing Centre).

35.4. The Clearing Centre shall have the right to execute the Repo Trade of the Clearing Centre or Lending Agreement of the Clearing Centre with any Clearing Member of B1 or B2 categories using any Section T+ opened in the Trading Securities Account of the owner of the Clearing Member with the Settlement Depository.

35.5. To provide the Clearing Centre with the possibility to execute the Repo Trades of the Clearing Centre or Lending Agreements of the Clearing Centre with the use of other Sections T+ of the Clearing Members specified in clause 35.4 of the Clearing Rules or with other Clearing Members, the Clearing Member shall submit to the Clearing Centre an Application on the Trading and Clearing Accounts for execution of the trades with the Clearing Centre in hard copy.

By submission of the said application to the Clearing Centre, the Clearing Member shall guarantee to the Clearing Centre that it has all the required instructions and powers to execute the trades in securities registered in Section T+ specified in the application.

35.6. The Clearing Centre shall select the Clearing Member with whom it will execute the Repo Trade of the Clearing Centre or Lending Agreement of the Clearing Centre if required, shall select Section T+ of the Clearing Member to be used to execute the Repo Trade of the Clearing Centre or Lending Agreement of the Clearing Centre and shall determine the number of securities to be the subject of the Repo Trade of the Clearing Centre or Lending Agreement of the Clearing Centre.

35.7. The terms and conditions of the Clearing Centre's Repo Trade shall conform to the terms and conditions of the Repo trades concluded in the trading mode "Repo with CCP – Addressed orders", as determined in the Trading Rules, subject to the following specifics:

- 1) On the date of execution of the Repo Trade of the Clearing Centre the Clearing Member (seller under the first leg of the Repo Trade of the Clearing Centre) shall transfer to the Clearing Centre (buyer under the first leg of the Repo Trade of the

- Clearing Centre) the Securities in the amount established by the Clearing Centre and the Clearing Member shall pay the Clearing Member the repo amount.
- 2) On the Trade day following the date of execution of the Repo Trade of the Clearing Centre the Clearing Centre shall return to the Clearing Member the Securities received under the first leg of the Repo Trade of the Clearing Centre and the Clearing Member shall pay the Clearing Centre the repo amount reduced on the basis of the Rate under the Repo Trades of the Clearing Centre.
  - 3) Period of the Repo Trade of the Clearing Centre shall be equal to one Trade day.
  - 4) Repo amount shall be calculated as the product of the number of Securities to be transferred under the first leg of the Repo Trade of the Clearing Centre and the last Settlement Price of the Securities determined according to the Methodology for Determination of Risk Parameters of the Securities Market, decreased by the last securities discount factor set by the Clearing Centre.
  - 5) The Rate under the Repo Trades of the Clearing Centre shall be established as a percentage per annum. Information on the Rate under the Repo Trades of the Clearing Centre shall be published on the Website of the Clearing Centre. The Rate under the executed Repo Trades of the Clearing Centre shall not be modified,
  - 6) If the date of execution of the Repo Trade of the Clearing Centre turns to be the date of drawing-up of the list of persons who have the right to receive the Income, the Clearing Centre shall transfer the Income to the Clearing Member. The procedure and periods of transfer of the Income in the form of cash and the amount of the Income to be transferred shall be as determined in article 36 of the Clearing Rules. Other Income shall be transferred by the Clearing Centre to the Clearing Member within ten Trade days following the date of receipt by the Clearing Centre of such Income.

**35.8. Terms and Conditions of the Lending Agreement of the Clearing Centre:**

- 1) On the date of execution of the Lending Agreement, the Clearing Member (Creditor) shall transfer to the Clearing Centre (Borrower) the Securities in the number determined by the Clearing Centre.
- 2) On the Trade day following the date of execution of the Lending Agreement of the Clearing Centre the Clearing Centre shall return to the Clearing Member the Securities received under the Lending Agreement of the Clearing Centre and pay the interest under the Lending Agreement of the Clearing Centre calculated as the product of the Rate under the Lending Agreements of the Clearing Centre, number of Securities transferred under the Lending Agreement of the Clearing Centre, number of calendar days from the date of execution of the Lending Agreement of the Clearing Centre to the following Trade day and the last Settlement Price of the securities determined according to the Methodology for Determination of Risk Parameters of the Securities Market, decreased by the last securities discount factor set by the Clearing Centre.
- 3) The rate under the Lending Agreements of the Clearing Centre shall be established as a percentage per annum. Information on the Rate under the Lending Agreements of the Clearing Centre shall be published on the Website of the Clearing Centre. The Rate under the executed Lending Agreements of the Clearing Centre shall not be modified,
- 4) If the date of execution of the Lending Agreement of the Clearing Centre turns to be the date of drawing-up of the list of persons who have the right to receive the

Income, the Clearing Centre shall transfer the Income to the Clearing Member. The procedure and periods of transfer of the Income in the form of cash and the amount of the Income to be transferred shall be as determined in article 36 of the Clearing Rules. Other Income shall be transferred by the Clearing Centre to the Clearing Member within ten Trade days following the date of receipt by the Clearing Centre of such Income.

- 35.9. The Clearing Centre shall execute Repo Trades of the Clearing Centre or Lending Agreements of the Clearing Centre, if it does not have enough securities to fulfil the Total Net Claims of Non-Defaulting Clearing Members, with the Clearing Members using Sections T+ specified in clause 35.4 of the Clearing Rules or with the Clearing Members who submit the application specified in clause 35.5 of the Clearing Rules using Sections T+ specified in the said application provided that the securities that the Clearing Centre requires are registered in such Section T+.
- 35.10. Repo Trades of the Clearing Centre and Lending Agreements of the Clearing Centre shall be executed without submission of orders.
- 35.11. Obligations to transfer and return the Securities in order to fulfil the Repo Trades of the Clearing Centre/Lending Agreements of the Clearing Centre as well as obligations on payment for the securities under the relevant legs of the Repo Trades of the Clearing Centre/obligations of the Clearing Centre to pay the Clearing Member the interest under the Lending Agreement of the Clearing Centre shall be included into the Clearing Pool for the T+ Trades on the Settlement Date and fulfilled according to the procedure established in article 28 of the Clearing Rules.
- 35.12. On the date of execution of the Repo Trade of the Clearing Centre or Lending Agreement of the Clearing Centre the information on execution of the said Repo Trade of the Clearing Centre/Lending Agreement of the Clearing Centre shall be included into the Extract from the register of trades admitted to the clearing provided to the Clearing Member according to article 38 of the Clearing Rules. The said report shall be the document certifying transfer of the Securities by the Clearing Member to the Clearing Centre.

**Article 36. Procedure for Transfer of the Income under the Repo Trades Executed with the Clearing Centre**

- 36.1. The Clearing Centre shall determine the amount of securities obligations for the purpose of transfer of the Income as the difference between the amount of securities claims and amount of securities obligations of the Clearing Member in Section T+ of the Clearing Member, under which it is resolved to pay the Income outstanding on the date of drawing-up of the list of persons who have the right to receive the Income, under repo trades executed with the Clearing Centre, including the Repo Trades of the Clearing Centre and Lending Agreements of the Clearing Centre. For repo trades the unfulfilled trades shall mean the unfulfilled second legs of the Repo Trades.
- 36.2. If the amount of the securities obligation determined for the purpose of transfer of the Income according to clause 36.1 of the Clearing Rules in respect of Section T+ of the Clearing Member is a negative value, the said Clearing Member shall transfer the Income to the Clearing Centre within ten (10) working days from the date of disclosure by the

issuer of the securities of the information on the fact of fulfillment of its obligations to pay the Income (in full or in part).

If the amount of the securities obligation determined for the purpose of transfer of the Income according to clause 36.1 of the Clearing Rules in respect of Section T+ of the Clearing Member is a positive value, the Clearing Centre shall transfer the Income to the said Clearing Member within ten (15) working days from the date of disclosure by the issuer of the securities of the information on the fact of fulfillment of its obligations to pay the Income (in full or in part).

- 36.3. For the trades in securities the amount of obligation to transfer the Income in cash shall be calculated according to the following formula:

$Inc = N \times d \times 0.91$ , where	
Inc	amount of obligation to transfer the Income (in Russian rubles)
N	absolute amount of securities obligation determined for the purpose of transfer of the Income in respect of Section T+ of the Clearing Member
d	amount accrued on one share established by the issuer of the securities (in Russian rubles)

In case of payment of the Income in securities, the amount of obligation to transfer the Income in securities shall be calculated according to the following formula:

$Inc = N \times d$ , where	
Inc	amount of obligation to transfer the Income (in pieces)
N	absolute amount of securities obligation determined for the purpose of transfer of the Income in respect of Section T+ of the Clearing Member
d	number of securities to be transferred by the issuer per one share established by the issuer of the shares (in pieces)

- 36.4. For the trades in bonds the amount of obligation to transfer the Income in cash shall be calculated according to the following formula:

$Inc = N \times (d + m)$ , where	
Inc	amount of obligation to transfer the Income (in Russian rubles)
N	absolute amount of securities obligation determined for the purpose of transfer of the Income in respect of Section T+ of the Clearing Member
d	amount of the accrued coupon income per one bond established by the issuer of the securities (in Russian rubles)
m	amount of repayment of a portion of the principal debt

- 36.5. Within one working day after disclosure by the issuer of the securities of the information on the fact of fulfillment of its obligations to pay the Income (in full or in part), on the basis of the information on repo trades executed with the Clearing Centre and Lending Agreements of the Clearing Centre which are unfulfilled on the date of drawing-up of the list of persons who have the right to receive the Income, there shall be calculated and registered in the Clearing System the obligations on transfer and/or claims on receipt of the Income of each Clearing Member and the Clearing Centre.

- 36.5.1. The Clearing Centre shall transfer the Income to the Clearing Member who has the claim on receipt of the Income in respect of one or several its Sections T+, provided that the

said Clearing Member does not have any outstanding (overdue) obligations to transfer the Income to the Clearing Centre in respect of its other Section(s) T+.

- 36.5.2. Obligations to transfer the Income shall be included into the Clearing Pool for the T+ Trades and fulfilled according to the procedure established in article 28 of the Clearing Rules.
- 36.6. Information on fulfillment of the obligations to transfer the Income shall be included into the Report on the Total Net Obligations/Net Claims.

## **SECTION VI PROCEDURE FOR PAYMENT FOR THE SERVICES. REPORTS AT THE END OF CLEARING**

### **Article 37. Procedure for Payment for the Services of the Clearing Centre, the Exchange and the Technical Centre**

- 37.1. The Clearing Centre shall withhold from the Clearing Members:
- Clearing Fee in favour of the Clearing Centre,
  - Commission Fee in favour of the Exchange for organization of trading,
  - Remuneration in favour of the Technical Centre for provision of the integrated technical service (ITS (Integrated Technical Service)), including additional remuneration for provision of ITS established in the documents of the Technical Centre (the “Additional Remuneration”).
  - penalties in favour of the Exchange, set by the Clearing Rules.
- 37.2. Amount of the Clearing Fee to be paid by the Clearing Member shall be calculated by the Clearing Centre according to the Rates of the Clearing Centre on the Securities Market (Appendix No. 2 to the Clearing Rules).
- 37.3. Commission Fee of the Exchange for organization of trading, is charged by the Clearing Centre according to the current amounts of the Commission Fee for organization of trading approved by the Exchange (the “Rates of the Exchange”) on the basis of the contract concluded with the Exchange.
- 37.4. Penalties in favour of the Exchange established by the Trading Rules shall be paid in amount specified in the notification from the Exchange.
- 37.5. Remuneration of the Technical Centre is charged by the Clearing Centre according to the current amounts of remuneration for provision of ITS approved by the Technical Centre (the “Rates of the Technical Centre”) on the basis of the contract concluded with the Technical Centre.
- 37.6. The Clearing Member shall fulfil the obligations to pay the Commission Fees to the Clearing Centre, the Exchange and the Technical Centre, as well as penalties, in Russian rubles.
- For trades executed in foreign currency the Commission Fee shall be recalculated in Russian rubles at the exchange rate established by the Bank of Russia as of the date of the trade conclusion.
- 37.7. Amount of the obligation of the Clearing Member to pay the Commission Fees under the on-exchange repo trades and on-exchange trades of purchase and sale of shares shall be calculated taking into account the Fee Schedule selected by the Clearing Member.
- 37.7.1. The Fee Schedule for the on-exchange repo trades shall be selected or changed by the Clearing Member by submission to the Clearing Centre of the Application for Selection (Change) of the Fee Schedule for the Repo Trades.



The Fee Schedule for the on-exchange trades of purchase and sale shall be selected or changed by the Clearing Member by submission to the Clearing Centre of the Application for Selection (Change) of the Fee Schedule for the Trades of Purchase and Sale.

The Fee Schedules for Repo trades or trades of purchase and sale shall apply beginning from the first day of the calendar month with exception of the REPO\_0 Fee Schedule (for on-exchange repo trades) and Fee Schedule 1 (for on-exchange trade of purchase and sale of the shares) which in case of the initial admission to the Clearing Service may be applied beginning from any day of the calendar month.

- 37.7.2. Applications for Selection (Change) of the Fee Schedule shall be submitted by the Clearing Member in hard copy.

Application for Selection (Change) of the Fee Schedule shall be submitted to the Clearing Centre at least five (5) working days before the first day of the month, from which the selected Fee Schedule shall apply, except for the cases of initial access to the clearing services.

- 37.7.3. The Clearing Members which did not choose the Fee Schedule for Repo trades or trades of purchase and sale of the shares shall be assigned the REPO\_0 Fee Schedule for on-exchange repo trades and/or Fee Schedule 1 for on-exchange trades of purchase and sale of the shares which, in case of the initial admission to the Clearing Service, shall apply beginning from the date of admission of the Clearing Member to the Clearing Service and be in force until some other Fee Schedule chosen by the Clearing Member is applied.

- 37.8. If the Clearing Member selects the Fee Schedule for the repo trades or trades of purchase and sale, which establishes a permanent part of the Commission Fee, such permanent part of the Commission Fee shall be paid by the Clearing Member on the first Trade day of the calendar month for which the permanent part of the Commission Fee is withheld and at the end of Trading on the said Trade day shall be included into the Net Obligation under the trades of the Clearing Pool for cash in the Compensation and Fees Account, which shall be determined according to clause 9.15 of the Clearing Rules.

- 37.9. Variable part of the Commission Fee under the on-exchange repo trades and trades of purchase and sale, as well as the Commission Fee under the on-exchange trades of purchase and sale of bonds shall be calculated at submission of the order on execution of the trade and shall be deducted from the planned value of the position for cash determined in respect of the Compensation and Fees Account, whose determination procedure is stipulated in the clause 9.15 of the Clearing Rules, at the end of Trading on the date of execution of the trade the obligations to pay the said Commission Fee shall be included into the Net Obligation under the trades of the Clearing Pool in cash in the relevant Compensation and Fees Account.

- 37.10. Return premium shall be provided at the end of the calendar month to the Clearing Members who fulfil the terms and conditions established for receipt of the return premium in the Rates of the Clearing Centre and Rates of the Exchange.

Information on the amounts of the return premium subject to transfer to the Clearing Member shall be provided to the Clearing Member in the Report on the Return Premium.

Return premium shall be transferred to the Clearing Member by the Exchange and the Clearing Centre to the Trading Account, which shall be selected according to clause 9.15 of the Clearing Rules, not later than on the third Trade day of the month following the month of provision of the clearing services.

- 37.11. Commission Fee under the T+ Trades shall be calculated at the end of Trading on each Settlement Day and shall be included into the Net Obligation under the trades of the Clearing Pool in cash in Compensation and Fees Account, which shall be determined according to clause 9.15 of the Clearing Rules.
- 37.12. Commission Fee under OTC trades shall be calculated at the end of Trading on the date of registration of the OTC Trade Clearing Instruction and included into the Net Obligation under the trades of the Clearing Pool in cash in Collateral Account T0 of the relevant Trading Account specified in the OTC Trade Clearing Instruction (except for OTC trades executed in a foreign currency).
- 37.13. The subscription fee determined according to the Rates of the Exchange shall be paid by the Clearing Member being the an Exchange Trading Member, on the first Trade day of the calendar quarter following the quarter for which the subscription fee is charged and at the end of Trading on the same Trade day shall be included into the Net Obligation under the trades of the Clearing Pool in cash in the Compensation and Fees Account, whose determination procedure is stipulated in the clause 9.15 of the Clearing Rules.
- 37.14. The penalty in favour of the Exchange established by the Trading Rules shall be paid to the Clearing Centre on the Trade day of violation of obligation by the Clearing Member for which the penalty has been established. It shall be included in the Net Obligation in cash under the trades of the Clearing Pool in respect of the Commission and Compensation Account which shall be selected in accordance with clause 9.15 of the Clearing Rules.
- 37.15. Commission Fee for provision of copies of reports provided for in the Clearing Rules at the end of clearing at the request of the Clearing Members, shall be paid by the Clearing Member on the date of provision of the said copies and at the end of trading on the same Trade day shall be included into the Net Obligation under the trades of the Clearing Pool in cash in the Compensation and Fees Account, whose determination procedure is stipulated in the clause 9.15 of the Clearing Rules.
- 37.16. The Clearing Member shall have the right to select the Fee Schedule “Distribution-Fixed”.
- Selection of the Fee Schedule “Distribution-Fixed” shall be on the basis of the Application for Selection of the Fee Schedule “Distribution-Fixed” submitted by the Clearing Member in hard copy.
- The application shall be submitted by the Clearing Member to the Clearing Centre at least ten (10) working days prior to commencement of the period consisting of three (3) consecutive calendar months from which the Fee Schedule “Distribution-Fixed” shall apply.
- The Fee Schedule “Distribution-Fixed” shall be effective for twelve (12) calendar months starting from the first day of the month specified in the application.
- If the Clearing Member selects the Fee Schedule “Distribution-Fixed”, the Clearing Member shall execute payments for the right to execute the on-exchange trades of purchase and sale, right to receive the clearing services and right to receive ITS services under the on-exchange trades of purchase and sale of bonds and/or Eurobonds of two (2) issuers specified in the Application for Selection of the Fee Schedule “Distribution-Fixed” of the Clearing Member, under which the Clearing Member will be the seller at placement or before placement (alienation by the primary owner) in the trading modes

Basic Trading Mode and Distribution: addressed orders and Distribution: auction, and those under which the Clearing Member will be the buyer in Repurchase trading mode: addressed orders, Repurchase: auction, in favour of the Exchange, the Clearing Centre and the Technical Centre respectively.

Other types of Commission Fees under the said on-exchange trades shall not be withheld from the Clearing Member, who has selected the Fee Schedule “Distribution-Fixed”.

Payment according to the Fee Schedule “Distribution-Fixed” shall be executed by the Clearing Member on the first Trade day of the first month consisting of three (3) consecutive calendar months for which the payment is withheld and, at the end of Trading on the same Trade day shall be included into the Net Obligation under the trades of the Clearing Pool on cash in the Compensation and Fees Account, whose determination procedure is stipulated in the clause 9.15 of the Clearing Rules.

- 37.17. Additional Remuneration which differs from zero determined according to the Rates of the Technical Centre calculated for the Clearing Member/Client of the Clearing Member shall be paid by the Clearing Member on the Trade day at the end of which the said additional remuneration is calculated and at the end of Trading on the same Trade day shall be included into the Net Obligation under the trades of the Clearing Pool in cash in Collateral Account T0 / Collateral Account T+ included into the Trading and Clearing Account that is specified by the Clearing Member within the same Trade day at execution of trades at its own expense or at the expense of the said Client if such Trading and Clearing Account is the only one, or in the Compensation and Fees Account, whose determination procedure is stipulated in the clause 9.15 of the Clearing Rules if the Clearing Member within such Trade day executes trades at its own expense or at the expense of the said Client specifying several Trading and Clearing Accounts at the same time.
- 37.18. Obligations of the Clearing Member to pay the Commission Fee and penalties shall be fulfilled after fulfillment of other cash obligations of the Clearing Member determined according to article 31 of the Clearing Rules, except for the obligations to pay the Compensation.
- 37.19. If the cash in the relevant Collateral Account T0 / Collateral Account T+ are not enough to fulfil the obligations of the Clearing Member to pay the Commission Fee, the said obligations shall be fulfilled according to the following order of priority:
- firstly, the obligations to pay the commission fee established by the Trading Rules;
  - secondly, the obligations to pay the Commission Fee accrued for the previous Trade days;
  - and finally, the obligations to pay the Commission Fee accrued for the current Trade day.

If the cash in the relevant Collateral Account T0 / Collateral Account T+ is not enough to fulfil the obligations of the Clearing Member to pay the Commission Fee of any turn, the obligations of such turn shall be fulfilled taking into account the following order of priority for the types of Commission Fee:

- 1) Variable part of the Commission Fee,
- 2) Permanent part of the Commission Fee under repo trades,
- 3) Permanent part of the Commission Fee under the trades of purchase and sale of the shares,

- 4) Payment under the Fee Schedule “Distribution-Fixed”,
- 5) Subscription fee
- 6) Additional remuneration,
- 7) Commission Fee for provision of copies of the reports at the end of clearing.

If the cash in the relevant Collateral Account T0 / Collateral Account T+ are not enough to fulfil the obligations of the Clearing Member to pay the Commission Fee of any turn and the relevant type, the obligations to pay the relevant type of Commission Fee belonging to the relevant turn shall be fulfilled taking into account the following order of priority in respect of the recipients of the Commission Fee:

- 1) Clearing Centre,
- 2) Exchange,
- 3) Technical Centre.

### **Article 38. Procedure for Submission of Reports at the End of Clearing**

38.1. The Clearing Centre shall form the following reports at the end of clearing for the Clearing Members:

- Extract from the Register of Trades Accepted for Clearing containing the information on the obligations and trades admitted to clearing,
- Report on the Obligations and Claims of the Clearing Member in cash and Securities containing the information on the obligations determined at the end of clearing,
- Extract from the Register of Unfulfilled Trades,
- Extract from the Minutes of Fulfillment of the Trades and Obligations to Transfer the Variation Margins containing the information on the obligations to transfer the variation margins admitted to clearing,
- Report on the Obligations of the Clearing Member on the Commission Fee,
- Report on the Trading and Clearing Accounts and Other Details of the Clearing Member,
- Extract from the Minutes of Transfer of the Variation Margins,
- Notice on Substitution of the Trading and Clearing Account,
- Report on the Obligations under the T+ Trades containing the information on the obligations under the T+ Trades admitted to clearing,
- Report on the Total Net Obligations/Net Claims containing the information on the obligations under the T+ Trades determined at the end of clearing,
- Report on the Collateral containing the information on the amount of the Collateral of the Clearing Member in cash and securities and changes in the amount of the Collateral,
- Requirement on Settlement of the Debt,
- Report on the Margin Call,
- Report on the Return Premium.

The reports specified in this clause shall be sent by the Clearing Centre to the Clearing Members and/or their authorized organizations.

- 38.2. For the clients of the Clearing Members the Clearing Centre shall form the Extract from the Register of Trades Accepted for Clearing (for the clients' trades) containing the information on the obligations under the trades admitted to clearing that are executed by the Clearing Member at the expense of the client for whom the report is formed.

The said report shall be sent to the Clearing Member (for transfer thereof to the client) and/or their authorized organizations.

For the Holders the Clearing Centre shall form the Report on Additional Trading Sections Opened for Carrying out of the Operations of the Clearing Member and Other Details,

The said report shall be sent to the Holders and/or their authorized organizations.

- 38.3. If the Clearing Member submits to the Clearing Centre the Application for Submission of Reports to the Holder, the Clearing Centre shall form for the Holder specified in the application the Extract from the Register of Trades Accepted for Clearing (for Holders) containing the information on the obligations under the trades admitted to clearing that are executed by the Clearing Member with indication of the Trading and Clearing Accounts, which include the positions for securities determined in respect of the Holder's trading sections.

The said report shall be sent to the Holder and/or its authorized organization.

- 38.4. If the Clearing Member submits to the Clearing Centre the Application for Submission of Reports to the Clearing Bank, the Clearing Centre shall form for the Clearing Bank specified in the application the Extract from the Register of Trades Accepted for Clearing (for Clearing Banks) containing the information on the obligations under the trades admitted to clearing that are executed by the Clearing Member with indication of the Trading and Clearing Accounts, which include the positions for cash determined in respect of the trading bank accounts of the Clearing Bank.

The said report shall be sent to the Clearing Bank.

- 38.5. The reports specified in clauses 38.1 and 38.2 of the Clearing Rules shall be sent to the Clearing Member (Holder, Clearing Bank) in the form of electronic documents according to EDC Regulations.

- 38.6. Reports sent in the form of electronic documents shall be of "B" category and shall be drawn-up in text format (ASCII) according to EDC Regulations.

- 38.7. Reports in the form of electronic documents shall be sent to the Clearing Member/Holder/Clearing Bank on a daily basis provided that there are any operations in the Clearing System carried out by it (on its instruction/using its trading sections (trading bank accounts)).

Besides, the Report on Trading and Clearing Accounts and Other Details of the Clearing Member and the Report on Additional Trading Sections Opened for Carrying out of the Operations by the Clearing Members shall be sent to the Clearing Member and the Holder respectively on the first Trade day of each month.

Reports on the Return Premium shall be sent to the Clearing Members who fulfil the terms and conditions established for receipt of the return premium at the end of the calendar month, on the first Trade day of the month following the reporting month.

- 38.8. At written request the Clearing Member shall also have the right to receive the reports repeatedly in hard copy or in the form of electronic documents, as well as the reports that are not provided for in clauses 38.1 and 38.2 of the Clearing Rules (substandard reports) in hard copy.
- 38.9. To receive the reports specified in clause 38.8 of the Clearing Rules in hard copy the Clearing Centre shall provide the Clearing Member with a Power of Attorney for Receipt and Submission of Documents.
- 38.10. Reports in hard copy or in the form of electronic documents listed in clause 38.8 of the Clearing Rules, as well as substandard reports in hard copy shall be provided/sent to the Clearing Member within 5 working days from the Trade day following the date of payment by the Clearing Member of the invoice issued by the Clearing Centre according to the Rates of the Clearing Centre on the Securities Market provided for by Appendix No. 2 to the Clearing Rules.
- 38.11. If there are any errors, the Clearing Centre shall have the right to form and send to the Clearing Members corrected reports. In this case, the effective report shall be the report of the latest date and time of formation.
- 38.12. Formats and forms of the reports to be submitted by the Clearing Centre according to this article of the Clearing Rules are established in the document "Formats and Forms of the Reports to be Submitted to the Clearing Members, Clients of the Clearing Members, Holders and Clearing Banks according to the Clearing Rules of CJSC JSCB National Clearing Centre on the Securities Market, which is disclosed on the Website of the Clearing Centre.

## SECTION VII MISCELLANEOUS

### Article 39. Procedure for Settlement of the Obligations in Case of Termination of Admission to the Clearing Services

39.1. In case of withdrawal (cancellation) of the license of the Clearing Member to carry out banking operations by the Bank of Russia, the clearing services of the Clearing Member being a credit organization shall be terminated from the date of withdrawal (cancellation) of the said license of the Clearing Member to carry out banking operations by the Bank of Russia, except for the calculation by the Clearing Centre of the net obligation / net claim of the Clearing Member – credit institution pursuant to the clause 39.3 of the Clearing Rules.

39.1.1. The fact of withdrawal (cancellation) of the license of the Clearing Member being a credit organization to carry out banking operations shall be a written notice of the Bank of Russia sent to the Clearing Centre (including by fax) and/or information on the decision of the Bank of Russia on withdrawal (cancellation) of the license to carry out banking operations issued to the Clearing Member being a credit organization published by the Press Centre of the Bank of Russia on the website of the Bank of Russia in the Internet and/or an electronic message sent by the Press Centre of the Bank of Russia to the e-mail of the Clearing Centre containing the information on withdrawal (cancellation) of the license of the Clearing Member being a credit organization to carry out banking operations.

39.1.2. In case of withdrawal of the license of the Clearing Member being a credit organization to carry out banking operations the obligations under the trades executed before withdrawal of the said license shall be terminated in full on the date preceding the date of withdrawal of the license of the Clearing Member being a credit organization to carry out banking operations.

The said obligations under the T+ Trades shall be terminated with arising of the Net Obligation/Net Claim of the Clearing Member being a credit organization calculated according to clause 39.3 of the Clearing Rules.

The above obligations under the trades of purchase and sale with settlement code B0—B30 and repo trades with settlement code Rb, S0-S2, Z0 shall be terminated with arising of the Net Obligations/Net Claims of the Clearing Member being a credit organization in respect of other Clearing Members being its contractors under the same trades. Amount of the said Net Obligations/Net Claims shall be calculated according to clause 39.5 of the Clearing Rules. Such Net Obligations/Net Claims of the Clearing Member being a credit organization shall be fulfilled not earlier than on the effective date of the arbitration court decision on acknowledgement of the Clearing Member insolvent (bankrupt) or on liquidation of the Clearing Member.

39.1.3. In case of withdrawal (cancellation) of the license of the Clearing Member being a credit organization to carry out banking operations, the trades executed on the date of withdrawal (cancellation) of such license and (or) after the said date shall be null and void.

The Clearing Centre or the Clearing Member being its contractor under the said trades shall have the right to claim from the Clearing Member being a credit organization the damages related to invalidity of such trades, as well as the penalties (fines and penalty

interests) and Commission Fees payable according to the Clearing Rules, in the general order, provided for in the laws on insolvency (bankruptcy).

- 39.1.4. The Clearing Centre shall send to the Clearing Member being a credit organization with the withdrawn (cancelled) license to carry out banking operations a notice on termination of the obligations under the trades in the form of an electronic document on or before the working day following the date of termination of the obligations under such trades. The said notice shall also contain information on the Net Obligations/Net Claims of the Clearing Member being a credit organization in respect of its contractors under the trades of purchase and sale with settlement code B0—B30 and repo trades with settlement code Rb, S0-S2, Z0 calculated according to clause 39.5 of the Clearing Rules.

The Clearing Centre shall send to the Clearing Member being a credit organization with the withdrawn (cancelled) license to carry out banking operations a notice on termination of the Clearing Agreement in the form of an electronic document.

Notices on termination of the obligations under the trades of purchase and sale with settlement code B0—B30 and repo trades with settlement code Rb, S0-S2, Z0, containing information on the Net Obligations/Net Claims of the Clearing Members being the contractors of the Clearing Member being a credit organization with the withdrawn (cancelled) license to carry out banking operations calculated according to this article of the Clearing Rules, under the said trades shall be sent to the above Clearing Members being the contractors according to the same procedure and within the same periods.

- 39.1.5. The Clearing Centre shall calculate the amount of the Net Obligation/Net Claim of the Clearing Member being a credit organization according to the procedure established in clause 39.3 of the Clearing Rules and shall send to the said Clearing Member a notice on the amount of the Net Obligation or Net Claim of the Clearing Member calculated according to clause 39.3 of the Clearing Rules in the form of an electronic document.

- 39.1.6. The cash shall be returned to the Clearing Member being a credit organization by the Clearing Centre within three (3) banking days after receipt by the Clearing Centre of a letter on return of the cash from the authorized body of the credit organization containing the bank details, as well as the documents confirming the authorities of the said body (unless they are transferred to the Clearing Centre earlier).

The cash shall be returned to the Clearing Member being a credit organization by the Clearing Centre in the amount of the Net Claim of the Clearing Member calculated according to the procedure established in clause 39.3 of the Clearing Rules.

- 39.1.7. The Clearing Centre shall have the right to claim payment by the Clearing Member being a credit organization the amount of the Net Obligation of the Clearing Member calculated according to the procedure established in clause 39.3 of the Clearing Rules, in the general order provided for in the laws on insolvency (bankruptcy).

- 39.2. In case of appointment of a temporary administration or adoption by the arbitration court of a decision on introduction in respect of the Clearing Member of one of the bankruptcy proceedings, the clearing services of the Clearing Member not being a credit organization shall be terminated from the date established by the temporary administration or date of adoption by the arbitration court of the decision on introduction in respect of the Clearing Member of one of the bankruptcy proceedings, whichever is earlier, except for the calculation by the Clearing Centre of the net obligation / net claim of the Clearing Member pursuant to the clause 39.4 of the Clearing Rules.



- 39.2.1. In case of appointment of a temporary administration or adoption by the arbitration court of a decision on introduction in respect of the Clearing Member not being a credit organization of one of the bankruptcy proceedings, the obligations under the trades shall be terminated in full on the date of termination of the clearing services.

The said obligations under the T+ Trades shall be terminated with arising of the Net Obligation/Net Claim of the Clearing Member not being a credit organization calculated according to clause 39.4 of the Clearing Rules.

The above obligations under the trades of purchase and sale with settlement code B0—B30 and repo trades with settlement code Rb, S0-S2, Z0 shall be terminated with arising of the Net Obligations/Net Claims of the Clearing Member not being a credit organization in respect of other Clearing Members being its contractors under the said trades. Amount of the said Net Obligations/Net Claims shall be calculated according to clause 39.5 of the Clearing Rules. Such Net Obligations/Net Claims of the Clearing Member being a credit organization shall be fulfilled not earlier than on the effective date of the arbitration court decision on acknowledgement of the Clearing Member insolvent (bankrupt) or on liquidation of the Clearing Member.

- 39.2.2. The Clearing Centre shall send to the said Clearing Member not being a credit organization a notice on termination of the obligations under the trades in the form of an electronic document on or before the Working Day following the date of termination of the obligations under the said trades. The said notice shall also contain information on the Net Obligations/Net Claims of the Clearing Member not being a credit organization in respect of its contractors under the trades of purchase and sale with settlement code B0—B30 and repo trades with settlement code Rb, S0-S2, Z0 calculated according to clause 39.5 of the Clearing Rules.

Notices on termination of the obligations under the trades of purchase and sale with settlement code B0—B30 and repo trades with settlement code Rb, S0-S2, Z0, containing information on the Net Obligations/Net Claims of the Clearing Members being the contractors of the Clearing Member not being a credit organization in respect of which there is appointed a temporary administration or introduced one of the bankruptcy proceedings, under the said trades, shall be sent to the above Clearing Members being the contractors according to the same procedure and within the same periods.

- 39.2.3. The Clearing Centre shall calculate the amount of the Net Obligation/Net Claim of the Clearing Member not being a credit organization according to the procedure established in clause 39.4 of the Clearing Rules and shall send to the said Clearing Member a notice on the amount of the Net Obligation or Net Claim of the Clearing Member calculated according to clause 39.4 of the Clearing Rules in the form of an electronic document.

- 39.2.4. The cash shall be returned to the Clearing Member not being a credit organization by the Clearing Centre within three (3) banking days after receipt by the Clearing Centre of a letter on return of the cash from the authorized body of the Clearing Member not being a credit organization containing the bank details, as well as the documents confirming the authorities of the said body (unless they are transferred to the Clearing Centre earlier).

The cash shall be returned to the Clearing Member not being a credit organization by the Clearing Centre in the amount of the Net Claim of the Clearing Member calculated according to the procedure established in clause 39.4 of the Clearing Rules.

- 39.2.5. The Clearing Centre shall have the right to claim from the Clearing Member not being a credit organization payment of the amount of the Net Obligation of the Clearing Member calculated according to the procedure established in clause 39.4 of the Clearing Rules, as

well as the penalties (fines and penalty interests) and Commission Fees payable according to the Clearing Rules, in the general order, provided for in the laws on insolvency (bankruptcy).

39.2.6. Upon appointment of a temporary administration or adoption by the arbitration court of a decision on introduction in respect of the Clearing Member not being a credit organization of one of the bankruptcy proceedings and sending to it of the notice on the calculated Net Obligations/Net Claims the Clearing Centre shall send to the said Clearing Member a notice on termination of the Clearing Agreement in the form of an electronic document.

39.3. In case of revocation (invalidation) by the Bank of Russia of the banking license held by the Clearing Member – credit institution, the Clearing Centre shall calculate the amount of the Net Obligation/Net Claim of the Clearing Member in Russian rubles according to the following procedure:

- 1) In respect of each security included on the Clearing List for the T+ Trades there shall be calculated the net position of the Clearing Member for the security as the aggregate (with account of the sign) of the Net Obligations/Net Claims of the Clearing Member under the T+ Trades in all Sections for registering securities in the Collateral and with all Settlement Dates for the security registered at the end of the day preceding the date of withdrawal (cancellation of the license of the Clearing Member to carry out banking operations).
- 2) If the net position of the Clearing Member for the security is a position for sale, the Clearing Centre shall calculate the product of the absolute value of the net position of the Clearing Member for the security and the difference between the last determined Settlement Price of the security and the price of the trade executed by the Clearing Centre according to clause 29.13 of the Clearing Rules in the amount equal to the net position of the Clearing Member for the security with the sign that is contrary to the sign of the net position of the Clearing Member for the security (for purchase).
- 3) If the net position of the Clearing Member for the security is a position for purchase, the Clearing Centre shall calculate the product of the net position of the Clearing Member for the security and the difference between the price of the trade executed by the Clearing Centre according to clause 29.13 of the Clearing Rules in the amount equal to the net position of the Clearing Member for the security with the sign that is contrary to the sign of the net position of the Clearing Member for the security (for purchase) and the last determined Settlement Price of the security.
- 4) For each Clearing Member there shall be calculated the aggregate of the following amounts with account of the sign:
  - In respect of all securities included on the Clearing List for the T+ Trades, the products calculated according to subclauses 2 and 3 of this clause of the Clearing Rules,
  - The Collateral of the Clearing Member in Russian rubles (to be registered as a positive value),
  - The Collateral of the Clearing Member in foreign currencies converted into Russian rubles using the exchange rate established by the Bank of Russia on the date of withdrawal of the license of the Clearing Member to carry out banking operations (to be registered as a positive value),

- The contributions of the Clearing Member to the Guarantee Funds (to be registered as a positive value),
- Amounts (with account of the sign) of the obligation/claim of the Clearing Member in Russian rubles on return of the Collateral Deposits calculated as at the date preceding the date of withdrawal (cancellation) of the license of the Clearing Member to carry out banking operations, and
- Debt (to be registered as a negative value) of the Clearing Member in Russian rubles arising before the date of withdrawal (cancellation) of the license of the Clearing Member to carry out banking operations.

If the resulting amount is a negative value, this means that there exist Net Obligations of the Clearing Member to the Clearing Centre, if it is a positive value, this means that there exist Net Claims of the Clearing Member against the Clearing Centre.

39.4. In case of appointment of a temporary administration or adoption by the arbitration court of a decision on introduction in respect of the Clearing Member not being a credit organization of one of the bankruptcy proceedings (except for the committee of bankruptcy), the Clearing Centre shall calculate the amount of the Net Obligation of the Clearing Member in Russian rubles according to the procedure established in clause 39.3 of the Clearing Rules, taking into account the parameters of the T+ Trades executed by the Clearing Member before the time of withdrawal (cancellation) of its license to carry out banking operations on the date of withdrawal (cancellation) of the said license, as well as the penalties (fines and penalty interests) and Commission Fees payable by the Clearing Member according to the Clearing Rules.

39.5. The Clearing Centre shall calculate the amount of the Net Obligations/Net Claims of the Clearing Member (the “Person to Be Liquidated”) in Russian rubles in respect of other Clearing Members being its contractors under the trades of purchase and sale with settlement code B0—B30 and repo trades with settlement code Rb, S0—S2, Z0 according to the following procedure.

39.5.1. The Net Obligation (Net Claim) of the Person to Be Liquidated in cash in every currency in respect of each Clearing Member being its contractor under the trades shall be calculated for the trades in the relevant currency executed with the said Clearing Member using the following formula:

**NOD = ST – SO**, where:

**NOD** shall mean the Net Obligation (Net Claim) of the Person to Be Liquidated in cash in the relevant currency;

**ST** shall mean the amount of claims and **SO** shall mean the amount of obligations of the Person to Be Liquidated in cash under:

- The trades with settlement code B0—B30,
- The first legs of the repo trades with settlement code S0—S2,
- The second legs of the repo trades with settlement code Rb, S0—S2, Z0.

The negative value of NOD shall mean that there exists the Net Cash Obligation of the Person to Be Liquidated, while the positive value of NOD shall mean that there exists the Net Cash Claim of the Person to Be Liquidated.

- 39.5.2. The Net Securities Obligation (Net Securities Claim) of the Person to Be Liquidated in respect of each Clearing Member being its contractor shall be calculated under the trades executed with the said Clearing Member using the following formula:

**NOTs = STTs – SOTs**, where:

**NOTs** shall mean the Net Obligation (Net Claim) of the Person to Be Liquidated on the security;

**STTs** shall mean the amount of claims and **SOTs** shall mean the amount of obligations of the Person to Be Liquidated on the relevant security under:

- The trades with settlement code B0—B30,
- The first legs of the repo trades with settlement code S0—S2,
- The second legs of the repo trades with settlement code Rb, S0—S2, Z0.

The negative value of NOTs shall mean that there exists the Net Obligation of the Person to Be Liquidated on the security, while the positive value of NOTs shall mean that there exists the Net Claim of the Person to Be Liquidated on the security.

- 39.5.3. The Net Obligation (Net Claim) of the Person to Be Liquidated in cash in Russian rubles in respect of each Clearing Member being its contractor under the trades determined according to subclause 39.5.1 of the Clearing Rules shall be summed up with account of the sign with the Net Obligation (Net Claim) of the Person to Be Liquidated in cash in foreign currencies in respect of the same Clearing Member being its contractor under the trades determined according to subclause 39.5.1. of the Clearing Rules and converted into Russian rubles using the exchange rate established by the Bank of Russia as at the date of termination of the clearing services of the Clearing Member and with the Net Securities Obligation (Net Securities Claim) of the Person to Be Liquidated in respect of the same Clearing Member being its contractor under the trades determined according to subclause 39.5.2 of the Clearing Rules and converted into Russian rubles at the market price of the security determined as at the date of termination of the obligations under the trades.

If the amount calculated according to this subclause of the Clearing Rules is a negative value, this means that there exist the Net Obligations of the Person to Be Liquidated in Russian rubles in respect of the Clearing Member being its contractor, whereas, if the said amount is a positive value, this means that there exist the Net Claims of the Person to Be Liquidated in Russian rubles in respect of the Clearing Member being its contractor.

- 39.6. In case of withdrawal (cancellation) of the license to carry out banking operations of the Clearing Centre the obligations under the T+ Trades executed before the date of withdrawal (cancellation) of the said license shall be terminated in full on the date preceding the date of withdrawal (cancellation) of the license of the Clearing Centre to carry out banking operations.

The said obligations shall be terminated with arising of the Net Obligation/Net Claim of the Clearing Centre calculated according to clause 39.7 of the Clearing Rules.

- 39.6.1. In case of withdrawal (cancellation) of the license of the Clearing Centre to carry out banking operations the obligations under the T+ Trades executed on the date of withdrawal (cancellation) of such license shall be null and void.

The Clearing Member shall have the right to claim from the Clearing Centre the damages related to invalidity of such trades, as well as penalties (fines and penalty interests) payable according to the Clearing Rules, in the general order, provided for in the laws on insolvency (bankruptcy).

39.7. In case of revocation (invalidation) of the banking license held by the Clearing Centre, the amount of the Net Obligation/Net Claim of the Clearing Centre in Russian rubles in respect of each Clearing Member shall be calculated as the aggregate of the following amounts with account of the sign:

- In respect of each security included on the Clearing List for the T+ Trades, the products of the net position of the Clearing Member for the security calculated as the aggregate (with account of the sign) of the Net Obligations/Net Claims of the Clearing Member under the T+ Trades in all Sections for registering securities in the Collateral and on all Settlement Dates for the security registered at the end of the day preceding the date of withdrawal (cancellation) of the license of the Clearing Centre to carry out banking operations, and the last determined Settlement Price of the security.
- The Collateral of the Clearing Member in Russian rubles (to be registered as a positive value),
- The Collateral of the Clearing Member in foreign currencies converted into Russian rubles using the exchange rate established by the Bank of Russia as at the date of withdrawal of the license of the Clearing Centre to carry out banking operations (to be registered as a positive value),
- The outstanding Margin Calls arising before the date of withdrawal (cancellation) of the license of the Clearing Centre to carry out banking operations (to be registered as a negative value),
- The contributions of the Clearing Member to the Guarantee Funds (to be registered as a positive value),
- Amounts (with account of the sign) of the obligation/claim of the Clearing Member in Russian rubles on return of the Collateral Deposits calculated as at the date preceding the date of withdrawal (cancellation) of the license of the Clearing Centre to carry out banking operations, and
- Debt (to be registered as a negative value) of the Clearing Member in Russian rubles arising before the date of withdrawal (cancellation) of the license of the Clearing Centre to carry out banking operations.

If the amount calculated according to this clause of the Clearing Rules is a negative value, this means that there exist the Net Claims of the Clearing Centre against the Clearing Member, if the said amount is a positive value, this means that there exist the Net Obligations of the Clearing Centre to the Clearing Member.

39.8. Information on the amount of the Net Obligation/Net Claim of the Clearing Centre in Russian rubles in respect of the Clearing Member determined according to clause 39.7 of the Clearing Rules shall be sent by the Clearing Centre to the Clearing Member in the form of an electronic document.

#### **Article 40. Interaction with the Exchange at Occurrence of the Circumstances that May Affect the Ability to Organize Trading**

40.1. The Clearing Centre shall notify the Exchange and/or the Settlement Organization and/or the Depository without delay by any available communication means on occurrence of any circumstances that cause and/or increase the risk of breakdowns (failures) at operation of the Clearing System and/or directly prevent its normal (design) operation, including force majeure circumstances, as well as breakdowns, malfunctions and failures

of the equipment; breakdowns and errors of the software; breakdowns, malfunctions and failures of the communication means, power supply, air conditioning and other life support systems, as well as other circumstances such as violation of the access control rules and/or attempts of unauthorized access to the Clearing System, and shall take all possible measures to eliminate the said circumstances.

#### **Article 41. Emergencies**

41.1. Emergency shall mean the situation related to occurrence of the circumstances preventing the clearing services of the Clearing Members, including the following:

- Circumstances that cause and/or increase the risk of breakdowns (failures) at operation of the Clearing System and/or directly prevent its normal (design) operation, including force majeure circumstances, as well as breakdowns, malfunctions and failures of the equipment; breakdowns and errors of the software; breakdowns, malfunctions and failures of the communication means, power supply, air conditioning and other life support systems, as well as other circumstances such as violation of the access control rules and/or attempts of unauthorized access to the Clearing System, if the consequences thereof are not eliminated within three (3) hours from the time of termination of trading.
- Military actions, terrors, diversions and sabotage, mass disorders, strikes, political regime change and other political complications,
- Amendment of legislative and other acts of the state bodies of the Russian Federation, resolutions of the legislative and executive authorities,
- Fire and other accidents, destructions or major damage to the premises occupied by the Clearing Centre,
- Any other circumstances which threaten or may threaten life and health of the employees of the Clearing Centre.
- Receipt from the Exchange of the message on occurrence of an emergency that may cause suspension of the clearing services of the Clearing Members,
- Other circumstances preventing the clearing services of the Clearing Members beyond the control of the Clearing Centre.

41.2. A situation shall be acknowledged an emergency by resolution of the Clearing Centre.

41.3. If a situation is acknowledged an emergency, the Clearing Centre shall notify the Clearing Members, the Exchange and the Settlement Organization/the Depository by any available communication means on occurrence of the emergency and measures taken in relation thereto.

41.4. The measures for settlement of an emergency (to be approved by the Exchange, if required) may include the following decisions of the Board of the Clearing Centre:

- On modification of the time of carrying out of the operations in the Clearing System and/or period of documents circulation in the course of interaction of the Clearing Centre with the Clearing Members, the Settlement Organization, the Depository and the Exchange,
- On cancellation of the results of the Collateral Control Procedure for several or all trades, under which the obligations are included into the Clearing Pool for Settlements in the Course of Trading or Clearing Pool for Settlements at the End of

- Trading, having passed the Collateral Control Procedure on the current Trade day and under which settlements are not performed,
- On exclusion of obligations under several or all trades from the Clearing Pool for Settlements in the Course of Trading or Clearing Pool for Settlements at the End of Trading,
  - On transfer to the following Trade day of the Settlement Date of the obligations of the Clearing Members under the trades, under which the obligations are not excluded from the Clearing Pool for Settlements in the Course of Trading or Clearing Pool for Settlements at the End of Trading, but for which the results of the Collateral Control Procedure are cancelled or the said procedure is not performed on the current Trade day,
  - On transfer to the following Trade day of the Settlement Date of the obligations of the Clearing Members on payment of the Commission Fee and/or obligations of the Clearing Members on payment of the Compensation under several or all trades, under which the obligations are included into the Clearing Pool.
  - On performance of other actions aimed at settlement of the emergency.

Upon adoption by the Clearing Centre of the relevant decisions on settlement of the emergency, there shall be performed the adjustment of the relevant clearing registers in the Clearing System.

- 41.5. While adopting the decisions on settlement of emergencies (by agreement of the Exchange, if required), the Clearing Centre shall have the right:
- To establish the period and procedure for fulfillment of its decisions by the Clearing Members,
  - To determine the procedure for bringing into effect its decisions in case of specific circumstances.
- 41.6. The Clearing Members and the Exchange shall be notified on the measures taken by decision of the Clearing Centre for settlement of the emergency by any available communication means on or before the date when such measures are taken.
- 41.7. The Clearing Centre shall not be liable for the losses that may arise due to suspension of the clearing services of the Clearing Members if the situation is acknowledged an emergency due to occurrence of the circumstances specified in clause 41.1 of the Clearing Rules.

## **Article 42. Procedure for Dispute Settlement**

- 42.1. All civil law disputes and disagreements arising between the Clearing Members or the Clearing Member and the Clearing Centre in relation to performance of the clearing (rendering the clearing and other related services) and/or fulfillment of the obligations at the end of clearing according to the Clearing Rules shall be considered and settled by the Arbitration Board of Moscow Exchange according to the documents determining its legal status and procedure for dispute settlement that are effective as at the date of submission of the statement of claim.
- 42.2. Decisions of the Arbitration Board of Moscow Exchange shall be final and binding on the parties. A decision of the Arbitration Board of Moscow Exchange that is not voluntarily

fulfilled shall be enforced according to the laws of the Russian Federation or the laws of another country at the place of enforcement and/or international treaties.



**Appendix 1**  
to the Securities Market Clearing Rules of  
CJSC JSCB National Clearing Centre

**Clearing Service Agreement No \_\_\_\_\_**

**Moscow**

\_\_\_\_\_, 2012

<b>Clearing Member (full trade name)</b>	
<b>Clearing organization</b>	Joint-Stock Commercial Bank National Clearing Centre (Closed Joint-Stock Company)

1. The clearing organization undertakes, in accordance with the Clearing Rules, to render to the Clearing Member the clearing and other associated services, and the Clearing Member undertakes to pay for the same.
2. The composition of such services, procedure for their rendering, the amount and procedure for payment, as well as other rights and obligations of the parties related to the clearing services are established by the Clearing Rules of the clearing organization. The clearing organization is entitled to approve any clearing rules regulating various segments of the clearing operations.

	<b>On behalf of the clearing member</b>	<b>On behalf of the clearing organization</b>
<b>Full name</b>		
<b>Title</b>		
<b>Basis for powers</b>		
<b>Signature, seal</b>		

**Appendix 2**  
to the Securities Market Clearing Rules of  
CJSC JSCB National Clearing Centre

**Clearing Centre fees for the securities market**

No	Fees for services/operations	Fee
1.	<b>Clearing Services for Clearing Members as for on-exchange trades in shares, depositary receipts representing shares and fund units (except for repo trades and trades with settlement code K0)</b>	
1.1.	<b>Flat rate of the commission fee, outside of scope of VAT</b>	It is payable in Russian rubles for each calendar month on the first Valuation date of a month in which the clearing services took place, by each Clearing Member that was admitted to the clearing services on one or more days of the month regardless of whether it entered orders, execute and/or settle on-exchange trades
1.1.1.	Fee Schedule 1	-
1.1.2.	Fee Schedule 1a	15,000
1.1.3.	Fee Schedule 2	10,625
1.1.4.	Fee Schedule 2a	25,625
1.1.5.	Fee Schedule 3	191,250
1.1.6.	Fee Schedule 3a	206,250
1.1.7.	Fee Schedule 4	850,000
1.1.8.	Fee Schedule 4a	865,000
1.1.9.	Fee Schedule 5	2,125,000
1.1.10.	Fee Schedule 5a	2,140,000
1.2.	<b>Volume-based rate of the commission fee, outside of scope of VAT</b>	It is payable in per cent of each trade value on the trade execution date by each trade party. The amount shall be no less than RUB 0.01
1.2.1.	Fee Schedule 1	0.00425%
1.2.2.	Fee Schedule 1a	0.00425% <sup>1</sup>
1.2.3.	Fee Schedule 2	0.0039525%
1.2.4.	Fee Schedule 2a	0.0039525% <sup>1</sup>
1.2.5.	Fee Schedule 3	0.0036125%
1.2.6.	Fee Schedule 3a	0.0036125% <sup>1</sup>
1.2.7.	Fee Schedule 4	0.0031875%
1.2.8.	Fee Schedule 4a	0.0031875% <sup>1</sup>
1.2.9.	Fee Schedule 5	0.0027625%
1.2.10.	Fee Schedule 5a	0.0027625% <sup>1</sup>
2.	<b>Commission fee for on-exchange trades with settlement code K0, outside of scope of VAT</b>	It is payable in per cent of each trade value on the trade execution date by each trade party. The amount shall be no less than RUB 0.01
		0.004%, but no more than RUB600
3.	<b>Commission fee for on-exchange trades in bonds , Eurobonds, depositary receipts representing bonds</b>	It is payable on the trade execution date by each trade party. The amount

	<b>(except for repo trades, Clearing Members and trades stipulated by the Section 9 of this Appendix), outside of scope of VAT</b>	shall be no less than RUB 0.01
3.1.	for trades executed in the Main trading mode	product of multiplication of 0.0000425% of a trade value and term to maturity <sup>2</sup> , but no more than 0.00425% of the trade value
3.2.	for trades executed in the Negotiated trades mode and the Trading Mode “Qualified investors – Negotiated trades mode”	Product of multiplication of 0.0000425% of a trade value and term to maturity <sup>2</sup> , but no more than 0.00425% of the trade value and no more than RUB765
3.3.	for trades executed in the Trading Mode “Settlement of derivatives contracts”	0.0007% of a trade value
3.4.	for trades executed in the trading modes other than the Main Trading mode, Negotiated trades mode, Trading Modes “Qualified investors - Negotiated trades mode” and “Settlement of derivatives contracts”	Product of multiplication of 0.0000425% of a trade value and term to maturity <sup>2</sup> , but no more than 0.0053125% of a trade value
<b>4.</b>	<b>Clearing Services for on-exchange repo trades<sup>4</sup></b>	
4.1.	<b>Flat rate of the commission fee for on-exchange repo trades, except for T+ Trades, outside of scope of VAT</b>	It is payable in Russian rubles, per each Clearing Member for each calendar month on the first Valuation date of a month in which the clearing services took place, by a Clearing Member that was admitted to the clearing services on one or more days of the month regardless of whether it entered orders, execute and/or settle on-exchange trades
4.1.1.	Fee Schedule REPO_0	0
4.1.2.	Fee Schedule REPO_150	63,750
4.1.3.	Fee Schedule REPO_500	212,500
4.1.4.	Fee Schedule REPO_6500	2,762,500
4.1.5.	Fee Schedule REPO_16250	6,906,250
4.1.6.	Fee Schedule REPO_32500	13,812,500
4.2.	<b>Volume-based rate of the commission fee for on-exchange repo trades, except for T+ Trades, outside of scope of VAT</b>	It is payable on a repo trade execution day by each trade party. It shall be no less than RUB 5 <sup>1</sup>
4.2.1.	Fee Schedule REPO_0	product of multiplication of 0.000102% of repo amount by repo term <sup>3</sup>
4.2.2.	Fee Schedule REPO_150	product of multiplication of 0.00007225% of repo amount by repo term <sup>3</sup>
4.2.3.	Fee Schedule REPO_500	product of multiplication of 0.00005525% of repo amount by repo term <sup>3</sup>
4.2.4.	Fee Schedule REPO_6500	product of multiplication of 0.0000425% of repo amount by repo term <sup>3</sup>
4.2.5.	Fee Schedule REPO_16250	product of multiplication of 0.00002975% of repo amount by repo term <sup>3</sup>
4.2.6.	Fee Schedule REPO_32500	product of multiplication of

		0.00002125% of repo amount by repo term <sup>3</sup>
4.3.	<b>Commission fee for on-exchange repo trades being the T+ Trades being subsequent upon order book orders, outside of scope of VAT</b>	It is payable on a repo trade execution day by each trade party. It shall be no less than RUB 5 <sup>1</sup>
4.3.1.	for a Clearing Member with a repo trade executed based on an repo order residing the book	product of multiplication of 0.000035% of repo amount by repo term <sup>3</sup>
4.3.2.	for a Clearing Member with a repo order filling an repo order residing the book	Product of multiplication of 0.000105% of repo amount by repo term <sup>3</sup>
4.4.	<b>Commission fee for on-exchange repo trades being the T+ Trades being subsequent upon off order book orders, outside of scope of VAT</b>	It is payable on a repo trade execution day by each trade party. It shall be no less than RUB 5
4.4.1.	for all Clearing Members	product of multiplication of 0.000105% of repo amount by repo term <sup>3</sup>
4.5.	for repo trades being Trades with partial collateral, effective until April 30, 2013 inclusive instead of fees stipulated by clauses 4.3-4.4 herein	RUB 5 per each on-exchange repo trade. It is payable on a repo trade execution day by each trade party.
5.	<b>Clearing Services for OTC trades (except for repo trades), outside of scope of VAT</b>	In per cent of each trade value. It is payable by each trade party on registration day of the OTC trade clearing instruction. It shall be no less than RUB 0.01
5.1.	Commission fee for OTC trades in shares, depositary receipts representing shares, eurobonds and fund shares	0.004%
5.2.	Commission fee for OTC trades in bonds, depositary receipts representing bonds (except for Eurobonds)	0.0065%
6.	<b>Clearing services for OTC repo trades of Clearing Members of the categories B1, B2 or B, outside of scope of VAT</b>	product of multiplication of 0.00015% of repo amount by repo term <sup>3</sup> , but no less than RUB 5. It is payable on the registration day of the OTC trade clearing instruction.
7.	<b>Clearing services for OTC repo trades of Clearing Members of the category “A”, outside of scope of VAT</b>	RUB 5 per each OTC trade. It is payable on the registration day of the OTC trade clearing instruction.
8.	<b>Commission fee for provision (reissue) of reports with clearing results stipulated in the Clearing Rules at Clearing Member’s request, outside of scope of VAT</b>	In Russian rubles, per each reissue of one report for one Valuation date
	a) electronic form	20
	b) hard copy	200
	c) non-standard hard copy	250
9.	<b>Fee for admission to clearing for those Clearing Members that have chosen the package “Placements-Flat”, outside of scope of VAT</b>	One-off payment in Russian rubles per each Clearing Member for 3 (three) consecutive calendar months. It is payable on the first Valuation date within the reporting period, regardless of whether the Clearing Member entered orders, executed and/or settle on-exchange trades.
9.1.	For on-exchange trades in bonds and/or eurobonds of	3,706,500

	<p>2 (two) issuers indicated in the Application for selection of the Fee Schedule “Placement-Flat”, in which the Clearing Member acts as a seller while carrying out the placement or additional placement (selling to original owners) in the Main trading mode, Trading Modes “Placement: off order book orders” and “Placement: auction”, or acts as buyer in the Trading Modes “Redemption: off order book orders” and “Redemption: Auction”.</p>	
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<sup>1</sup> a rebate shall be applied to Clearing Members with the Fee Schedules 1a, 2a, 3a, 4a, 5a, chosen for on-exchange trades in shares as well as to Clearing Members with on-exchange repo trades executed, except for the T+ Trades as follows, provided that the following requirements are met:

- the rebate shall be applied where non CCP cross agency trades and trades executed with the CCP subsequent upon two opposite orders entered by one Clearing Member take place;
- the trade rebate size shall be 50% of the volume-based rate of the commission fee paid by a Clearing Member, while the rebate size under a repo trade shall not exceed the difference between the volume-based rate of the commission fee paid under the repo trade and RUB 5 (five);
- rebate under repo trades is provided to the Clearing Member in case if its size for the calendar month equals or exceeds 15,000 (fifteen thousand) rubles (whereas the amount of rebate calculated for the previous calendar months is not accounted for);
- the rebate shall be paid monthly and transferred to a Clearing Member no later than on the third Trade day of the month following the month in which the clearing services took place.

<sup>2</sup> term to maturity shall mean the number of calendar days for the period from the trade execution date exclusive, to the bond redemption date inclusive.

<sup>3</sup> repo amount and repo term shall mean relevant parameters determined when executing respective repo trade. For the purpose of the commission fee calculation the repo term shall be deemed equal 1 day for intraday repo trades.

<sup>4</sup> for the Clearing Members for which, on the date of implementation of these Fee Schedules of the Clearing Centre on the Securities Market, Fee Schedule 1 “Basic”, or Fee Schedule 2 “Economical”, or Fee Schedule 3 “Leader” have been established for repo trades, shall be assigned the REPO\_0, REPO\_150 and REPO\_500 Fee Schedules respectively beginning from the date of implementation of these Fee Schedules of the Clearing Centre on the Securities Market..

**Appendix 3**  
to the Securities Market Clearing Rules of  
CJSC JSCB National Clearing Centre

**Technical examination procedure**

- 1) In case a dispute related to the HSA use occurs which cannot be resolved in the normal course of business, technical examination regarding such dispute shall be carried out by the technical commission.
- 2) Unless Parties have agreed on the contrary, equal number, but no less than one authorized representative of each conflicting party and Technical centre should be in the technical commission. Right to represent a Party on the commission should be proved by power of attorney issued for each representative for the term of commission's operation.
- 3) Following peculiarities of Clearing System technical examination upon dispute settlement should be conducted using special software and informational basis either for carrying out required inspections and proper recording of used data.
- 4) Technical examination procedure requires:
  - description of electronic message subjected to technical expertise, presented by claimant (Clearing Member or Clearing Centre);
  - time and date when the message was created;
  - number of electronic message registered in the Clearing System;
  - features of electronic message necessary for studying the claim;
  - archive of trades registered in the Clearing System as of the specified date (TransLog file);
  - files with electronic messages as of the specified date;
  - workstation where data of TransLog file and files with electronic messages can be reviewed and printed out in the form convenient for commission members;
  - reporting documents confirming proper submitting of notice on assignment of Clearing identifier to claimant's authorized representative.
- 5) Technical examination procedure includes:
  - production (printing out) of hard copy of electronic message subjected to technical expertise;
  - control of presence in produced (printed out) hard copy of electronic message under inspection details of its registration;
  - control of correspondence of the HSA in the hard copy of the electronic message to the Clearing identifier assigned to the Clearing Member/Clearing Centre;
  - reflecting inspection results in technical commission's work report.
- 6) In case:
  - the electronic message under examination is found in TransLog file;
  - the electronic message under examination corresponds to the electronic message hard copy produced (printed out);
  - the HSA in the of electronic message hard copy corresponds to the Clearing identifier assigned to the Clearing Member/Clearing Centre;

it should be considered that:

- the electronic message in question is created by the Clearing Member/Clearing Centre;
- after the electronic message was submitted by the Clearing Member/Clearing Centre via the Clearing System, none of the message's parameters has been changed.

7) All steps taken by the technical commission to clarify actual circumstances, as well as conclusions made shall be entered in Technical commission work report. The report shall include the following:

- composition of the commission specifying a position and employment of each commission member;
- brief description of the circumstances from which the dispute has arisen;
- actions taken by the commission to determine causes and outcomes of the dispute specifying their date, time and venue;
- conclusions to which the commission has arrived upon the completion of actions taken;
- signatures of all the technical commission members.

Report should be produced in hard copy. Number of versions should be equal to number of organizations whose authorized representatives participated in technical commission work.

**Appendix 4**  
to the Securities Market Clearing Rules of  
CJSC JSCB National Clearing Centre

**I. List of documents to be submitted by a resident legal entity**

1) The questionnaire of a Clearing Member (client) (Registration card) in hard copy and electronic format.

2) Duly notarized copies of the certificates of entries into the Unified State Register of Legal Entities issued by the authorized agency carrying out the state registration of legal entities, and certifying the fact of introduction of entries on the state registration of the legal entity into the Unified State Register of Legal Entities (or on legal entities registered before July 01, 2002).

3) Copies of constitutive documents (with all amendments and supplements thereto) with a record on the registration introduced by the federal executive body authorized to carry out the state registration of legal entities. These copies shall be certified by the federal executive body authorized to carry out the state registration of legal entities, or be notarized (public corporations shall be exempt from provision of the above-mentioned documents).

4) Extract from the Unified State Register of Legal Entities being valid at the time of submitting the documents or duly notarized copy of such extract. This extract shall be issued by the registration authority no earlier than 30 days before the extract submission day to the Clearing Centre.

5) Duly notarized copy of the document certifying registration with the tax authority.

6) Duly notarized copy of the information letter on assigning statistical codes or copy certified by the signature of the authorized person and the stamp of the legal entity;

7) Duly notarized copies of licenses authorizing to conduct activity that is subject to licensing (if available).

8) As for the sole executive body (hereinafter – the head):

- duly notarized copy of the Bank of Russia's territorial entity letter on approving a candidate to the position of the head (for credit institutions only);

- original or duly notarized copy of the resolution of the legal entity's authorized body to elect the sole executive body (duly notarized extract from the resolution or original extract from the resolution certified by the signature of the authorized person can also be submitted);

- copy of a document proving identity of the person, certified by the signature of the authorized person and the stamp of the legal entity or a letter of the legal entity containing information on details of the document proving identity of the person, and date and place of birth, registered address or home address;

- copy of the certificate on registration with the tax authority (taxpayer ID) certified by the signature of the authorized person and the stamp of the legal entity, or a letter produced in any form with the taxpayer ID indicated therein (if available).

9) In case the Clearing Service Agreement and/or other documents pursuant hereto have been signed on behalf of the legal entity by a person other than its sole executive body, the legal entity shall submit original or notarized copy of the power of attorney issued in the name of such person, or a copy of the power of attorney certified by a person that has granted it. Where such power of attorney authorizes to conduct operations in cash or other assets, the following documents shall be submitted in addition:



- copy of a document proving identity of the person, certified by the signature of the authorized person and the stamp of the legal entity or a letter of the legal entity containing information on details of the document proving identity of the person, and date and place of birth, registered address or home address;

- copy of the certificate on registration with the tax authority (taxpayer ID) certified by the signature of the authorized person and the stamp of the legal entity, or a letter produced in any form with the taxpayer ID indicated therein (if available).

10) Duly notarized copy of the card with samples of signatures and stamp sample of the legal entity.

11) Original or duly notarized copy of a resolution of the authorized body of the legal entity to approve trades concluded with the Clearing Centre in accordance with the Clearing Rules (duly notarized extract from the resolution or original extract certified by the signature of the person authorized to sign the resolution can be submitted) as well as the Clearing Service Agreement if the trades/agreement between the legal entity and the Clearing Centre are considered to be related party trades. Otherwise the legal entity shall submit a letter proving the lack of related party trades attributes in such trades (agreements).

12) Consent to process personal information signed by persons indicated in the legal entity's documents submitted by it to the Clearing Centre as per the Clearing Rules. The consent shall be produced according to the form published on the Clearing Centre's website (if the documents contain personal information of the subject of personal data according to the Federal Law "On Personal Data" and unless otherwise stipulated by the legislation).

13) Other documents that can be requested by the Clearing Centre where necessary for the purposes not contradicting the effective law of the Russian Federation.

14) If the individual for which the copy of the document proving its identity certified by the signature of the authorized person and the stamp of the legal entity is a foreign citizen (stateless person), the following document are also required:

- copy of the document proving the right of the foreign citizen (stateless person) to stay (reside) in the Russian Federation (permanent resident card, temporary residence permit, visa or other document proving the right of a foreign citizen or stateless person to stay (reside) in the Russian Federation in accordance with the law of the Russian Federation. The copy shall be certified by the stamp of the legal entity and the signature of the authorized person of the legal entity;

- copy of the migration card certified by the stamp of the legal entity and the signature of the authorized person of the legal entity;

- a letter containing information on the registered address or home address (unless this information is contained in other documents provided as per this list).

15) Reports indicated in clauses 1) or 2) of the appendix 5 hereto: for credit organizations - for the last three reporting months (except for the profit and loss account), and the profit and loss account – as of the last reporting date per the quarter; for non-credit organizations – for the last two quarters (except for the count of the proprietary funds (capital)), and the count of the proprietary funds (capital) – as of the last three reporting dates.

The Clearing Centre is entitled to request additional documents (information) for identification of the legal entity and its representatives that are individuals and/or beneficiaries. The Clearing Centre is also entitled to request more accurate information contained in documents submitted before.

Documents submitted by the legal entity shall be valid at the moment of submitting thereof to the Clearing Centre.

A covering letter shall be enclosed to the documents submitted. The covering letter shall contain the list of documents to be submitted to the Clearing Centre made up by the MS EXCEL “Inventory List” add-on, published on the Clearing Centre’s website.

## **II. List of documents to be submitted by a non-resident legal entity**

- 1) The questionnaire of a Clearing Member (client) (Registration card) in hard copy and electronic format.
- 2) Checklist of a non-resident bank (for non-resident banks).
- 3) Valid constitutive documents with all amendments and supplements thereto.
- 4) Document proving the state registration of the legal entity.
- 5) Document proving the authority of top managers of the legal entity or powers of attorney in the name of authorized persons.
- 6) As for persons authorized to act on behalf of the legal entity:
  - copies of passports and other documents that are documents proving the identity of a person in accordance with the law of the Russian Federation. Such documents shall contain samples of signatures authorized to act in the name of the legal entity. These copies shall be certified by the stamp of the legal entity and the signature of the authorized person.
  - Copies of certificates on registration with a tax authority (taxpayer ID) certified by the signature of the authorized person and the stamp of the legal entity, or a letter produced in any form with the taxpayer ID indicated therein (if available).
- 7) Document proving the registration of the legal entity with a tax authority in the Russian Federation (correctness of the copy shall be certified by a notary or the legal entity) (if available).
- 8) Consent to process personal information signed by persons indicated in the legal entity’s documents submitted by it to the Clearing Centre as per the Clearing Rules. The consent shall be produced according to the form published on the Clearing Centre’s website (if the documents contain personal information of the subject of personal data according to the Federal Law “On Personal Data” and unless otherwise stipulated by the legislation).
- 9) Duly executed special purpose permit (license or other basis) entitling to conduct activity which is subject to relevant special purpose permission of the authorized body as per the national law of the non-resident legal entity’s country. The permit shall be issued by the authorized body of the non-resident legal entity’s country.
- 10) If the individual for which the copy of the document proving its identity certified by the signature of the authorized person and the stamp of the legal entity is a foreign citizen (stateless person), the following document are also required:
  - copy of the document proving the right of the foreign citizen (stateless person) to stay (reside) in the Russian Federation (permanent resident card, temporary residence permit, visa or other document proving the right of a foreign citizen or stateless person to stay (reside) in the Russian Federation in accordance with the law of the Russian Federation. The copy shall be certified by the stamp of the legal entity and the signature of the authorized person of the legal entity;
  - copy of the migration card certified by the stamp of the legal entity and the signature of the

authorized person of the legal entity;

- a letter containing information on the registered address or home address (if such information is not contained in other documents submitted as per this list).

Documents (except for copies of the passports) executed in foreign countries shall be legalized or endorsed with an apostille, unless otherwise provided for in the international treaties of the Russian Federation.

Documents (except for copies of the passports and document containing samples of signatures) executed in a foreign language shall be translated into Russian. Translation and the signature of a translator shall be certified by a notary.

The legal entity shall submit only valid documents to the Clearing Centre.

**Appendix 5**  
to the Securities Market Clearing Rules of  
CJSC JSCB National Clearing Centre

**Reporting Requirements for Clearing Members**

- 1) Credit organizations shall submit to the Clearing Centre:
  - balance sheet in the form of a trial balance of accounts (form 0409101), monthly;
  - information on statutory ratios (form 0409135), monthly;
  - count of own funds (capital) (form 0409134), monthly;
  - profit and loss account (form 0409102), quarterly.
  - reference on a value of the ratio for a maximum exposure per one borrower or a group of related borrowers (H6) (to be made based on data of the form 0409118), monthly;
    - quarterly report of the professional securities market participant (form 1100), quarterly;
- 2) Non-credit organizations shall submit to the Clearing Centre:
  - balance sheet (form 0710001), quarterly;
  - profit and loss account(form 0710002), quarterly;
  - count of own funds (capital) for professional securities market participants, monthly;
  - quarterly report of the professional securities market participant (form 1100), quarterly.
- 3) Clearing Members shall submit the reports indicated in clauses 1-2 herein within the following terms:
  - count of own funds (capital):
    - not later than by the 15<sup>th</sup> business day of the month following the reporting month (for credit organizations);
    - within one calendar month following the reporting month (for non-credit organizations);
  - balance sheet in the form of a trial balance of accounts (form 0409101) - not later than the 15<sup>th</sup> business day of the month following the reporting month;
  - profit and loss account (form 0409102) – not later than the 15<sup>th</sup> business day of the month following the reporting quarter;
  - balance sheet of a non-credit organization (form 0710001), profit and loss account of a non-credit organization (form 0710002) – within 45 (forty five) calendar days following the reporting quarter except for the reports as of 1 January that shall be submitted until 15 April of the year following the reporting year;
  - information on statutory ratios and other performance indicators of a credit organization (form 0409135), reference on a value of the ratio for a maximum exposure per one borrower or a group of related borrowers (H6) of a credit organization (based on data from the form 0409118) – not later than the 15<sup>th</sup> business day of the month following the reporting month;
  - quarterly report of the professional securities market participant (form 1100) – within 55 (fifty five) calendar days following the reporting quarter except for the reports as of 1 January that shall be submitted until 25 April of the year following the reporting year.
- 4) Format requirements for the reports indicated in clauses 1-2 herein are set forth in the Procedure for provision of information and reports.

**Appendix 6**  
to the Securities Market Clearing Rules of  
CJSC JSCB National Clearing Centre

## Clearing Schedule

1. The times (periods) for processing documents (making trades) involved in the Clearing Centre dealing with Clearing Members in the course of clearing and settlement of securities trades are set forth in Table 1.
2. The time periods for processing documents (making trades) involved in the Clearing Centre dealing with Clearing Members at Collateral posting/returning and in the course of clearing of T+ Trades are specified in Table 2.
3. All other documents not indicated in the tables 1 and 2 shall be given to the Clearing Centre and/or the Clearing Centre shall provide such documents while the Clearing Centre interacts with Clearing Members from 9:00 until 19:00 MSK.

**Table 1**

NN	OPERATION	TIME
1.	Setting of initial values for securities and cash positions of Clearing Members in the Clearing System.	until 9:30
2.	<b>Securities trades with settlement in Russian rubles</b>	
2.1.	Collateral Control Procedure.	9:30– 19:00
2.2.	Order registration period. Receipt of Special and Immediate Settlement Instructions by the Clearing Centre from Clearing Members.	9:30 – 18:30
2.3.	Order registration period. Receipt of Settlement Instructions, Variation Margin Payment Instructions and Variation Margin Payment Waivers by the Clearing Centre from the Clearing Members.	9:30 – 19:00
2.4.	Order registration period. Receipt of OTC Trade Clearing Instructions by the Clearing Centre from Clearing Members.	9:30 – 19:00
2.5.	Collateral Control Procedure for orders with deferred activation date.	On the activation date at time as agreed with the Exchange
3.	<b>Security trades with settlement in foreign currency (US dollar)</b>	
3.1.	Collateral Control Procedure.	9:30 – 17:30
3.2.	Order registration period. Receipt of Special and Immediate Settlement Instructions by the Clearing Centre from Clearing Members.	9:30 – 17:00
3.3.	Order registration period. Receipt of Settlement Instructions, Variation Margin Payment Instructions and Variation Margin Payment Waivers by the Clearing Centre from the Clearing Members, except for under trades in bonds with the Bank of Russia acting as the issuer or the general agent thereof.	9:30 – 17:30
3.4.	Order registration period. Receipt of OTC Trade Clearing Instructions by the Clearing Centre from Clearing Members.	9:30 – 17:30
3.5.	Order registration period. Receipt of Settlement Instructions, Variation Margin Payment Instructions and Variation Margin Payment Waivers by the Clearing Centre from the Clearing Members under trades in bonds with the Bank of Russia acting as the issuer or the general agent thereof.	9:30 – 17:15

3.5.	Collateral Control Procedure for trades with deferred activation date.	On the activation date at time as agreed with the Exchange
4.	Sending of electronic reports upon completion of clearing to Clearing Members (as per the article 38 of the Clearing Rules).	Within the time frames set forth in the regulatory acts of the federal executive body for financial markets

**Table 2**

<i>NN</i>	<b>OPERATION</b>	<b>TIME</b>
1.	Clearing session.	from 9:45 to 10:00
2.	Sending of the Margin Call Reports, Notices of debt payment, Collateral reports, Reports on obligations under T+ Trades	until 10:15
3.	Execution of margin calls.	until 17:30 on the margin call day
4.	Repayment of the Collateral Deposit Debt.	until 17:30 on the Collateral Deposit Debt emergence day
5.	Repayment of the Trade Debt and Fees and Compensation Debt.	until 17:30 on a business day following the day when the Trade Debt or Fees and Compensation Debt was incurred
6.	Count of Total net obligations/Total net claims.	16:00
7.	Dispatch of the Reports on the Total net obligations/Total net claims by the Clearing Centre.	from 16:00 to 16:15
8.	Fulfillment of the Total net obligations before the Clearing Centre by a Clearing Member.	until 17:00
9.	Execution of the Total net claims before a Clearing Member by the Clearing Centre.	until 17:30
10.	Settlement of failed T+ Trades.	from 17:00 to 17:30
11.	Sending of instructions to post money/securities as Collateral by Clearing Members to the Clearing Centre.	from 10:00 to 18:50
12.	Sending of Requests to withdraw money/securities from Collateral by Clearing Members to the Clearing Centre.	from 10:00 to 18:50
13.	Fulfillment of obligations to pay the commission fee under T+ Trades by Clearing Members.	until 19:00
14.	Dispatch of Reports on obligations under T+ Trades by the Clearing Centre to Clearing Members.	until 20:00

**Appendix 7**  
to the Securities Market Clearing Rules of  
CJSC JSCB National Clearing Centre

## Position Change Procedure

**Signs used in the tables:**

S – operation value specified in the order, request, or register (in rubles, unless otherwise specified).

V – operation volume specified in the order, request, trade, or register (quantity of securities).

K – commission fee amount calculated under the order (in rubles).

Strade - operation value in compliance with trade terms (in rubles, unless otherwise specified), where  $Strade \leq S$  for buy orders,  $Strade \geq S$  for sell orders.

Ktrade – commission fee amount (in rubles) calculated under the trade, where  $Ktrade \leq K$  is for buy orders,  $Ktrade \geq K$  is for sell orders.

**Position+ (or P+)** the securities position corresponding To the Section T+, or cash position corresponding To the Collateral Accounts T+.

**Position0 (or P0)** - the securities position corresponding To the Section T0, and cash position corresponding To the Collateral Accounts T0.

↑ - increase.

↓ - decrease.

### 1. Procedure of fixation and change of cash positions

No	Operation	Cash position value (in a relevant currency)	
		Initial	Planned
1.	Settlement Organization executes the Clearing Centre's instruction to transfer money to the clearing banking account. Such instruction shall be sent by the Clearing Centre after receiving the Trading accounts statement from the Settlement Organization (S – an amount of money registered on the Trading account).	= S (P0)	= S (P0)
2.	<b>Crediting/debiting of cash</b>		
2.1.	Crediting cash to the clearing banking account after increasing amount of cash registered on the Trading account by S.		↑ by S (P0)
2.2.	Crediting cash to the clearing banking account by S as the Collateral.		↑ by S (P+)
2.3.	Execution of the instruction of the Clearing Member or the Clearing Centre to credit cash to the Collateral from the Collateral Account T0 using the Clearing System.		↓ by S (P0) ↑ by S (P+)
2.4.	Execution of the request to return cash from the Collateral to the Collateral Account T0 sent using the Clearing System.		↓ by S (P+) ↑ by S (P0)
2.5.	Execution of the request to return cash from the Collateral to the Account for Return of Cash.		↓ by S (P+)
2.6.	Debiting of cash from the Trading Account in the course of the Negotiated Trades upon request of the Settlement Organization Y.		↓ by S (P0)
3.	<b>Registration and cancellation of orders to conclude trades</b> T0, Z0, Rb (executed using P0 or P+, depending on the Trade and Clearing Account specified in the order)		
3.1.	Registration of a buy order to conclude trade under the settlement code T0 or Rb; X=S+K (here and hereinafter – in Russian rubles unless otherwise stated)		↓ by X

3.2.	Registration of a buy order to conclude a trade to buy/sell securities or a repo trade under the settlement code Z0; X=S+K		↓ by X
3.3.	Registration of a sell order to conclude a trade to buy/sell securities or a repo trade under the settlement code Z0		↓ by K
3.4.	Registration of a buy/sell order to conclude a trade under the settlement codes B0 – B30, S0 – S2		↓ by K
3.5.	Registration of a buy order to conclude a trade under the settlement code T0 or Rb in foreign currency; S – in foreign currency, K – in Russian rubles; Positions in foreign currency and Russian rubles shall be verified and changed separately		↓ by S ↓ by K
3.6.	Registration of a buy order to conclude a trade to buy/sell securities or a repo trade under the settlement code Z0 in a foreign currency; S – in a foreign currency, K – in Russian rubles; Positions in foreign currency and Russian rubles shall be verified and changed separately		↓ by S ↓ by K
3.7.	Registration of a buy order to conclude a trade under the settlement code B0 – B30, S0 – S2 in foreign currency; S – in a foreign currency, K – in Russian rubles		↓ by K
3.8.	Registration of a sell order to conclude a trade under any settlement code in a foreign currency; S – in a foreign currency, K – in Russian rubles		↓ by K
3.9.	Cancellation of a buy order to conclude trade under the settlement code T0 or Rb in Russian rubles; X=S+K		↑ by X
3.10.	Cancellation of a buy order to execute a repo trade under the settlement code T0/Yn in Russian rubles		↑ by S
3.11.	Cancellation of a sell order to conclude a trade to buy/sell securities or a repo trade under the settlement code Z0		↑ by K
3.12.	Cancellation of a buy order to conclude a trade to buy/sell securities or a repo trade under the settlement code Z0 in a foreign currency; S – in a foreign currency, K – in Russian rubles		↑ by S ↑ by K
3.13.	Cancellation of a buy/sell order to conclude a trade under the settlement codes B0 – B30, S0 – S2, in Russian rubles and foreign currency		↑ by K
3.14.	Cancellation a buy order to conclude a trade under the settlement code T0, Rb in a foreign currency; S – in a foreign currency, K – in Russian rubles		↑ by S ↑ by K
3.15.	Cancellation of a sell order to conclude a trade under any settlement code in a foreign currency; S – in a foreign currency, K – in Russian rubles		↑ by K
4.	<b>Registration and cancellation of orders to conclude trades</b> T0/Yn, submitted by the Clearing Member and being subsequent upon the Security with the Trade and Clearing Account with admission to Clearing with partial Collateral. (Position change on the first part of the Repo Trade shall be executed using P+)		
4.1.	Registration of a buy order to conclude the Repo Trade with the Settlement Code T0/Yn in Russian rubles		↓ by S (P+)
4.2.	Cancellation of a buy order to conclude the Repo Trade with the T0/Yn Settlement Code in Russian rubles		↑ by S (P+)



5.	Registration and cancellation of orders to conclude trades T0/Yn, submitted by the Clearing Member and/or being subsequent upon the Security with/without the Trade and Clearing Account with admission to Clearing with partial Collateral (Position change on the first part of the Repo Trade shall be executed using P+)		
5.1.	Registration of a buy order to settle the Repo Trade with the Settlement Code T0/Yn in Russian rubles X – positive difference of the first and the second parts of the Repo Trade or 0.		↓ by S (P+) ↓ by X (P+)
5.2.	Registration of a sell order to settle the Repo Trade with the Settlement Code T0/Yn in Russian rubles X – positive difference of the second and the first parts of the Repo Trade or 0.		↓ by X (P+)
5.3.	Cancellation of a buy order to settle the Repo Trade with the Settlement Code T0/Yn in Russian rubles X – positive difference of the first and the second parts of the Repo Trade or 0.		↑ by S (P+) ↑ by X (P+)
5.4.	Cancellation of a sell order to settle the Repo Trade with the Settlement Code T0/Yn in Russian rubles X – positive difference of the second and the first parts of the Repo Trade or 0.		↑ by X (P+)
6.	<b>Registration and cancellation of orders with Settlement Code Yn, Y0/Yn, Y1/Yn submitted by the Clearing Member and/or upon the Security with/without the Trade and Clearing Account without admission to the Clearing with partial Collateral</b> (executed using P+ planned position calculated for all execution dates)		
6.1.	Registration of a buy order to settle the trade with the Settlement Code Yn.		↓ by S
6.2.	Registration of a sell order to settle the trade with Settlement Code Y0/Yn, Y1/Yn; X – positive difference of the second and the first parts of the Repo Trade or 0.		↓ by X
6.3.	Registration of a buy order to settle the trade with Settlement Code Y0/Yn, Y1/Yn; X – positive difference of the first and the second parts of the Repo Trade or 0.		↓ by X
6.4.	Cancellation of a buy order to settle the trade with Settlement Code Yn.		↑ by S
6.5.	Cancellation of a sell order to settle the trade with Settlement Code Y0/Yn, Y1/Yn; X – positive difference of the second and the first parts of the Repo Trade or 0.		↓ by X
6.6.	Cancellation of a buy order to settle the trade with Settlement Code Y0/Yn, Y1/Yn; X – positive difference of the first and the second parts of the Repo Trade or 0.		↓ by X
7.	<b>Registration and cancellation of orders to conclude T+ Trades</b> , submitted by the Clearing Member and being subsequent upon the Security with the Trade and Clearing Account with admission to Clearing with partial Collateral.		
7.1.	Positions shall not be changed		
8.	<b>Registration trades based on orders T0, Z0 (executed using P0 or P+, depending on the Trade and Clearing Account specified in the order)</b>		
8.1.	Conclusion of a trade being subsequent upon a sell order with the settlement code T0, Rb, K0, in Russian rubles;		↑ by X

	$X = \text{Strade} - K\text{trade}$		
8.2.	Conclusion of a trade being subsequent upon a buy order with the settlement code T0, Rb, in Russian rubles; $X = S - \text{Strade} + (K - K\text{trade})$		↑ by X
8.3.	Conclusion of a trade being subsequent upon a buy order with the settlement code K0, in Russian rubles; $X = \text{Strade} + K\text{trade}$		↓ by X
8.4.	Conclusion of a trade being subsequent upon a sell order with the settlement code T0, K0, Rb in a foreign currency; S – in a foreign currency		↑ by S
8.5.	Conclusion of a trade being subsequent upon a buy order with the settlement code T0, Rb, in a foreign currency; $X = S - \text{Strade}$ (in a foreign currency) $Y = (K - K\text{trade})$ (in Russian rubles)		↑ by X ↑ by Y
8.6.	Conclusion of a trade being subsequent upon a buy order with the settlement code K0, in a foreign currency; Strade – in a foreign currency, Ktrade – in Russian rubles		↓ by Strade ↓ by Ktrade
8.7.	Conclusion of a trade being subsequent upon a sell order with the settlement code T0/Yn, in Russian rubles		↑ by Strade
8.8.	Conclusion of a trade being subsequent upon a buy order with the settlement code T0/Yn, in Russian rubles $X = S - \text{Strade}$		↑ by X
9.	<b>Conclusion of trades based on orders T0, Yn</b> , submitted by the Clearing Member and being subsequent upon the Security with the Trade and Clearing Account with admission to Clearing with partial Collateral. (Position change on the first part of the Repo Trade shall be executed using P+)		
9.1.	Registration of a sell trade to settle the Repo Trade with Settlement Code T0/Yn in Russian rubles		↑ by S (P+)
10.	<b>Conclusion of trades based on orders T0, Yn</b> , submitted by the Clearing Member and/or being subsequent upon the Security with/without the Trade and Clearing Account without admission to Clearing with partial Collateral. (Position change on the first part of the Repo Trade shall be executed using P+)		
10.1.	Conclusion of the Repo trade with Settlement Code T0/Yn in Russian rubles on the first part of which the Clearing Member acts as a buyer X – positive difference of the second and the first parts of the Repo Trade or 0.		↑ by X (P+)
10.2.	Conclusion of the Repo trade with Settlement Code T0/Yn in Russian rubles on the first part of which the Clearing Member acts as a seller X – positive difference of the first and the second parts of the Repo Trade or 0.		↑ by S (P+) ↑ by X (P+)
11.	<b>Conclusion of trades based on orders with Settlement Code Yn, Y0/Yn, Y1/Yn</b> submitted by the Clearing Member and/or upon the Security with/without the Trade and Clearing Account without admission to the Clearing with partial Collateral (executed using the planned position P+ calculated for all execution dates)		
11.1.	Conclusion of the trade with Settlement Code Yn where the Clearing Member acts as a seller		↑ by S
11.2.	Conclusion of the Repo trade with Settlement Code T0/Yn on the first part of which the Clearing Member acts as a seller		↑ by X

	X – positive difference of the first and the second parts of the Repo Trade or 0.		
11.3.	Conclusion of the repo trade with the T0/Yn Settlement Code on the first part of which the Clearing Member shall be the buyer; X – positive difference of the second and the first parts of the Repo Trade or 0.		↑ by X
12.	<b>Conclusion of the T+ Trades</b> by the Clearing Member and being subsequent upon the Security with the Trade and Clearing Account with admission to Clearing with partial Collateral		
12.1.	Positions shall not be changed		
13.	<b>Registration and revocation of Settlement Instructions</b> (executed using P0 or P+, depending on the Trade and Clearing Account specified in the order)		
13.1.	Registration of the Settlement Instruction containing the obligation to pay securities in the Clearing System		↓ by Strade
13.2.	Revocation of the Settlement Instruction containing the obligation to pay securities in the Clearing System		↑ by Strade
13.3.	Applying the Collateral Control Procedure to the Settlement Instruction containing a claim to pay securities		↑ by Strade
13.4.	Registration of the Special Settlement Instruction containing contingent bilateral net obligation in cash in the Clearing System (X, X<0)		↓ by (-X)
13.5.	Revocation of the Special Settlement Instruction containing contingent bilateral net obligation in cash in the Clearing System (X, X<0)		↑ by (-X)
13.6.	Applying the Collateral Control Procedure to the Special Settlement Instruction containing a contingent bilateral net claim in cash (X)		↑ by X
13.7.	Registration of the Immediate Settlement Instruction containing the net obligation in cash in the Clearing System (X, X<0)		↓ by (-X)
13.8.	Revocation of the Immediate Settlement Instruction containing the net obligation in cash in the Clearing System (X, X<0)		↑ by (-X)
13.9.	Registration of the Variation Margin Payment Instructions as for the variation margin in cash in the Clearing System		↓ by S
13.10.	Registration of the Variation Margin Payment Instructions as for the variation margin in cash by a Clearing Member that is the counterparty to the trade in the Clearing System		↑ by S
13.11.	Registration of the Delivery Settlement Instruction in the Clearing System (as for deliverable derivatives contracts):		
13.11.1	regarding Clearing Member's obligations to pay the underlying asset under the derivatives contract		↓ by S
13.11.2	regarding Clearing Member's claims to pay the underlying asset under the derivatives contract		↑ by S
14.	<b>Collateral Transfer (under the Collateral Account T+)</b>		P+
14.1.	Obligation / claim for payment / receipt of Collateral Transfer		↓ by S / ↑ by S
15.	<b>Settlement upon the end of the clearing</b>		
15.1.	Execution of a claim to pay for securities or the net cash claim in the amount X during trading opening hours		↑ by X
15.2.	Fulfillment of the net cash obligation in the amount X under trades included in the clearing pool by the end of trading opening hours		↓ by X
15.3.	Execution of the net cash claim in the amount X under trades		↑ by X

	included in the clearing pool by the end of trading opening hours		
15.4.	Return of Collateral after the trading	↓ by S (P+) ↑ by S (P0)	↓ by S (P+) ↑ by S (P0)

## 2. Procedure for fixation and change of securities positions

No	Operation	Securities position value (per each security code)	
		Initial	Planned
1.	Receipt of the Settlement Depository's abstract of Sections (V0 – number of securities registered in the Sections T0) (V+ – number of securities registered in the Sections T+)	= V0 (P0)	= V0 (P0)
2.	<b>Crediting/debiting of securities</b>		
2.1.	Increasing the number of securities registered in the Sections T0 and T+ by V as a result of crediting of the securities to the relevant section of the Trading Securities Account.	↑ by V	↑ by V
2.2.	Execution of the instruction of the Clearing Member or the Clearing Centre to credit securities to the Collateral from the Collateral Account T0 using the Clearing System.		↓ by V (P0) ↑ by V (P+)
2.3.	Execution of the request to return securities from the Collateral to the Account T0 sent using the Clearing System		↓ by V (P+) ↑ by V (P0)
2.4.	Writing-off the securities from the Sections T0 and T+ in the course of the Negotiated Trades based on the request of the Settlement Depository	↓ by V	↓ by V
3.	<b>Registration and cancellation of orders T0, Rb, T0/Yn, Z0</b> (executed using P0 or P+, depending on the Trade and Clearing Account specified in the order)		
3.1.	Registration of a sell order to conclude a trade under the settlement code T0, Rb, or T0/Yn in Russian rubles and/or foreign currency		↓ by V
3.2.	Registration of a sell order to conclude a trade to buy/sell securities or a repo trade under the settlement code Z0 in Russian rubles and in a foreign currency		↓ by V
3.3.	Cancellation of a sell order to conclude a trade under the settlement code T0, Rb, or T0/Yn in Russian rubles and/or in a foreign currency		↑ by V
3.4.	Cancellation of a sell order to conclude a trade to buy/sell securities or a repo trade under the settlement code Z0 in Russian rubles and in a foreign currency		↑ by V
4.	<b>Registration and cancellation of orders with Settlement Code Yn submitted by the Clearing Member and/or upon the Security with/without the Trade and Clearing Account without admission to the Clearing with partial Collateral</b> (executed using P+ planned position calculated for all execution dates)		
4.1.	Registration of a sell order to settle the trade with Settlement Code Yn.		↓ by V
4.2.	Cancellation of a sell order to settle the trade with Settlement Code Yn.		↑ by V
5.	<b>Conclusion of the Trades T0, Rb, T0/Yn, Z0</b> (executed using P0 or P+, depending on the Trade and Clearing Account specified in the order)		
5.1.	Conclusion of the trade under the buy order with settlement code T0, K0, Rb, T0/Yn		↑ by V
5.2.	Conclusion of the trade under the buy order with settlement		↓ by V

	code K0 in Russian rubles and foreign currency		
6.	<b>Conclusion of trades with Settlement Code Yn submitted by the Clearing Member and/or upon the Security with/without the Trade and Clearing Account without admission to the Clearing with partial Collateral</b> (executed using P+ planned position calculated for all execution dates)		
6.1.	Conclusion of the trade under the buy order with settlement code Yn		↑ by V
7.	<b>Registration and revocation of Settlement Instructions</b> (executed using P0 or P+, depending on the Trade and Clearing Account specified in the order)		
7.1.	Registration of the Settlement Instruction containing the obligation to transfer securities in the Clearing System		↓ by V
7.2.	Revocation of the Settlement Instruction containing the obligation to transfer securities in the Clearing System		↑ by V
7.3.	Applying the Collateral Control Procedure to the Settlement Instruction containing the claim to transfer securities		↑ by V
7.4.	Registration of the Special Settlement Instruction containing contingent bilateral net obligation in securities in the Clearing System (X, X<0)		↓ by (-X)
7.5.	Revocation of the Special Settlement Instruction containing contingent bilateral net obligation in securities in the Clearing System (X, X<0)		↑ by (-X)
7.6.	Applying the Collateral Control Procedure to the Special Settlement Instruction containing a contingent bilateral net claim in securities (X)		↑ by X
7.7.	Registration of the Immediate Settlement Instruction containing the net obligation in securities in the Clearing System (X, X<0)		↓ by (-X)
7.8.	Revocation of the Immediate Settlement Instruction containing the net obligation in securities in the Clearing System (X, X<0)		↑ by (-X)
7.9.	Registration of the Variation Margin Payment Instructions as for the variation margin in securities in the Clearing System		↓ by V
7.10.	Registration of the Variation Margin Payment Instructions as for the variation margin in securities by a Clearing Member that is the counterparty to the trade in the Clearing System		↑ by V
7.11.	Registration of the Delivery Settlement Instruction in the Clearing System (as for deliverable derivatives contracts):		
5.11.1.	regarding Clearing Member's obligations to deliver the underlying asset		↓ by V
5.11.2.	regarding Clearing Member's claims to deliver the underlying asset		↑ by V
8.	<b>Settlement upon the end of the clearing opening hours</b>		
8.1.	Fulfillment of the obligation to transfer securities or the net obligation in securities in the amount V during trading opening hours	↓ by V	
8.2.	Execution of a claim to transfer securities or the net security claim in the amount V during trading opening hours	↑ by V	↑ by V
8.3.	Fulfillment of the net obligation in securities in the amount V under trades included in the clearing pool by the end of trading opening hours	↓ by V	
8.4.	Execution of the net claim in securities in the amount V under trades included in the clearing pool by the end of trading opening hours	↑ by V	

8.5.	Return of Collateral after the trading in the amount equal to V	↓ by V (P+) ↑ by V (P0)	↓ by V (P+) ↑ by V (P0)
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