

**Changes to the Clearing Rules and Forms and formats of the documents and reports, coming into force since 06.12.2021г.**

From 06.12.2021 new edition of the following NCC documents is in effect:

**Clearing Rules. Part I. Common part**

**Clearing Rules. Part II. The Clearing Rules on the Securities Market, Deposit Market and Credit Market Clearing**

**Rules. Part III. The Clearing Rules on the FX Market and Precious Metals Market**

**Clearing Rules. Part IV. The Clearing Rules on the Derivatives Market**

**Clearing Rules. Part VI. The Clearing Rules on the Standardised Derivatives Market**

The main changes are presented in below table:

<b>№</b>	<b>Changes</b>	<b>Clearing Rules</b>	<b>Description of changes</b>	<b>Impact on rights and obligations of the Clearing Member</b>	<b>Reason for changes</b>
1)	<b>Early trading on the stock market</b>	Sub-paragraph 7.4.5, paragraph 43.12 of the Clearing Rules on the Securities market, paragraphs 1.4, 2 of the Supplement №2 to the Clearing Rules on the Securities market; paragraphs 1.2.1, 1.2.2, 2.2-2.6 of the Supplement №6 to the Common part of the Clearing Rules.	In connection with start of early trading on the stock market, the possibility to limit the start time for execution of trades with the Clearing Center on the securities market is provided to the Clearing Members.	Clearing Members are granted the right to limit start time for execution of trades.	The changes are made as part of the development of services of Moscow Exchange securities market in order to grant the right to Clearing Members not to participate in early trading.
2)	<b>Opening separate special Settlement account to pay taxes to the Clearing Member</b>	Article 2, paragraphs 7.6-7.11, 16.13, 17.8-17.11, 21.4, 25.5, 30.6-30.8, sub-paragraphs 33.11.3, 33.13.3, article 41 of the Common part of the Clearing Rules, paragraphs 1.3, 5.5 of the Supplement №6 to the Common part of the Clearing Rules.	The clearing rules are supplemented with provisions describing the margining procedure and procedure of fulfilment of obligations to pay taxes of the Russian Federation arising from income payment to Non-resident Clearing Members by NCC using separate special Settlement account to pay taxes. In order to realize this opportunity, Clearing Member must submit Request to open Settlement account to pay taxes.	Clearing member is entitled to replace Settlement account under which the obligations to pay amounts corresponding to income tax of foreign organizations sourced at the Russian Federation are recorded and fulfilled to the separate special Settlement account to pay taxes.	The changes are made as part of the development of the NCC's services as a tax agent in relation to the income of foreign organizations sourced at the Russian Federation.

3)	<b>Revocation of insurance license of the Clearing Member – Non-credit Institution which is insurance organization by the Bank of Russia as the ground of termination of admission to the Clearing member – Non-credit Institution which is insurance organization to the clearing service</b>	Sub-paragraph 15.17.3, paragraph 62.4 of the Common part of the Clearing Rules.	<p>The list of grounds according to which the NCC terminates an admission of the Clearing Member to the clearing service (regardless the category) on all on-exchange markets is supplemented with the new ground - the revocation of the insurance license of the Clearing Member – Non-credit Institution which is insurance organization and mutual insurance society by the Bank of Russia.</p> <p>Revocation of insurance license by the Bank of Russia of the Clearing Member – Non-credit Institution which is insurance organization is the ground for execution of liquidation netting procedure in relation to such Clearing member.</p>	If case of revocation of the insurance license of the Clearing member – Non-credit Institution which is insurance organization by the Bank of Russia, the NCC terminates admission to the clearing service of such Clearing Member and is entitled to execute liquidation netting in relation to such Clearing Member.	The changes describe the procedure of the NCC’s actions in case of revocation of the insurance license of the Clearing member – Non-credit Institution which is insurance organization by the Bank of Russia.
4)	<b>Refusal to use FORTS accounts on the Derivatives market</b>	Exemption to the text of the Clearing Rules on the Derivatives market and the Common part of the Clearing Rules.	The possibility to post Collateral in securities on the Derivatives market (for Settlement accounts which are not Unified Pool Settlement accounts) is excluded.	Clearing Members lose the right to post Collateral in securities on the Derivatives market (for Settlement accounts which are not Unified Pool Settlement accounts), meanwhile the Clearing Members are offered to use similar service – Unified Collateral Pool.	Changes within refusal to use FORTS accounts on the Derivatives market from 01.12.2021, due to the existence of alternative current service – Unified Collateral Pool.
5)	<b>Special aspect of execution of deliverable futures contracts on wheat</b>	Paragraphs 32.3, 32.5, 32.10 of the Clearing Rules on the Derivatives market.	<p>The Clearing Rules have been amended to allow under deliverable wheat futures contracts delivery of goods of several types of quality at price increased/ decreased for the amount of discount /premium for the quality, as well as delivery of goods to the new delivery basis (location) at price increased/decreased for the amount of discount /premium for delivery basis (location).</p> <p>The Clearing Rules are also supplemented with provisions regulating the procedure of compensation payment in case of partial non-fulfillment by the Clearing Member of its obligations to deliver goods under deliverable wheat futures contracts.</p>	<p>The changes expand the Clearing Members' opportunities to execute delivery under deliverable wheat futures contract by enlarging the types of qualities of the delivered goods and the list of delivery basis (location) on which the delivery is executed with simultaneous fair adjustment of the contract price of buy-sell trade of goods.</p> <p>Also, the obligations to pay compensation by the Clearing Member who partially non-fulfilled the obligation to deliver goods under deliverable wheat futures contracts are defined more precisely.</p>	The changes are aimed at developing the mechanism of delivery under deliverable wheat futures contract and enlarging the possibilities of Clearing Members.
6)	<b>Clarification of the provisions regarding the performance by the NCC of functions of the Qualified derivatives</b>	Paragraphs 8.6 – 8.9 of the Common part of the Clearing Rules	Within performance by the NCC of the Qualified derivatives dealer (QDD) functions in relation to income sourced at USA, it is clarified that:	1) The Clearing Member agrees that the NCC and/or Settlement Depository transfers to the Internal Revenue Service of the USA	The changes are supplemented with the current legal model within performance by the NCC of functions of

	<b>dealer (QDD) in relation to the income sourced at USA</b>		<p>1) The Clearing Member agrees that the NCC and/or Settlement Depository transfers information, including confidential information defined in the reporting forms to the Internal Revenue Service of the USA.</p> <p>2) The NCC does not return the exceeding amount of withhold tax and does not correct relevant reporting if the reason for withholding larger amount is tax identification forms incorrectly filled in by the Clearing Member, and provision of incorrect information by the Trading Member in the Client form.</p> <p>3) NCC does not forward to the Clearing Members requests or notifications on necessity to provide information in relation to every separate REPO trade. Ensuring that the NSD has identification forms of the Clearing Member, Beneficial owner of income and Subordinate Intermediaries (if required), accepted by the Settlement Depository, is a duty of the Clearing Member.</p>	<p>the information (including confidential) defined in the reporting forms.</p> <p>2) The Clearing Member is not entitled to demand from the NCC to return the exceeding amount of withhold tax and to correct relevant reporting, if the reason for withholding larger amount is tax identification forms incorrectly filled in by the Clearing Member, and provision of incorrect information by the Trading Member in the Client form.</p> <p>3) The Clearing Member must ensure that NSD has accepted identification forms of the Clearing Member, Beneficial owner of income and Subordinate Intermediaries (if required).</p>	the QDD in relation to the income sourced at USA by the norms, which determine the obligations of the Clearing Member more precisely.
7)	<b>Making changes according to the comments of the Bank of Russia to the Clearing Rules on the Derivatives market</b>	Article 1, paragraph 18.12 of the Clearing Rules on the Derivatives market	The procedure of execution of the Request for Collateral return or Standing Instruction to return Collateral has been clarified.	Does not affect the rights and obligations of the Clearing Member	The changes are made according to the comments of the Bank of Russia.
8)	<b>Determination of conditions of execution of the Application for correspondence of the Sub-accounts Cluster to the Settlement Account</b>	Paragraph 5.14 of the Clearing Rules on the Derivatives Market	According to the changes, NCC impose the following restrictions on the execution of the Application for correspondence of the Sub-accounts Cluster to the Settlement Account: during one Settlement Day no more than one Sub-accounts Cluster can be associated with one Settlement Account.	Restriction on the execution of the Application for correspondence of the Sub-accounts Cluster to the Settlement Account is imposed.	The changes are made due to the necessity to reflect the current restrictions in the Clearing Rules.
9)	<b>Clarification of Time Specifications on the Derivatives market</b>	Paragraph 4 of section 4 of Supplement 1 to the Clearing Rules on the Derivatives market	The time of execution of futures contracts on estimated value (0,1 of the price of one "Transneft" share) on raw sugar during day clearing session on the contract settlement date is set.	Does not affect the rights and obligations of the Clearing Member.	The changes are made in connection with introduction of new futures contracts.
10)	<b>Changing the deadlines for providing the Certificate of tax residence to the NCC acting as a tax agent</b>	Section III, IV of Supplement 4 to the Common part of the Clearing	The deadlines for providing the Certificate of tax residence by Non-resident Clearing Members are extended – not later than April 30 (earlier – February 28) of the current	In order to secure Non-resident Clearing Members and their clients with more comfortable conditions for receiving and providing the	On 23.09.2021, the Executive Board of the NCC decided to approve the change of deadlines for providing the

		Rules	year.	Certificate of tax residence to the NCC acting as a tax agent deadlines for providing them are extended.	Certificate of tax residence from February 28, 2022 to April 30, 2022 by Non-resident Clearing Members and their clients to the NCC acting as a tax agent.
11)	<b>NCC does not reimburse to the Clearing Members the expenses related to the ownership of securities, which are subject to REPO trades</b>	Paragraph 46.8 of the Clearing Rules on the Securities market	The Clearing Rules are supplemented with the provision defining that the NCC does not reimburse to the Clearing Members the expenses related to the ownership of securities, which are subject to REPO trades.	Does not affect the rights and obligations of the Clearing Members, since the right of Clearing Member to receive reimbursement of expenses related to the ownership of securities which are subject to REPO trades is not provided by the current version of the Clearing Rules. The changes provide certainty to the rights of the Clearing Members and the obligations of the NCC.	The amendments are aimed at establishing certainty regarding the absence of the NCC's obligation to reimburse the expenses incurred by the Clearing Member related to the ownership of securities which are subject to REPO trades.
12)	<b>Reorganization of the Clearing Member resulting in termination of the legal entity (except for reorganization in the form of transformation), as the right of the Clearing House to suspend an admission of the Clearing Member to the clearing service</b>	Sub-paragraphs 15.1.27, 60.1.5. of the Common part of the Clearing Rules	The list of grounds according to which the NCC is entitled to suspend an admission of the Clearing Member to the clearing service is supplemented with the new ground - reorganization of the Clearing Member resulting in termination of the legal entity (except for reorganization in the form of transformation).	In case of reorganization of the Clearing Member resulting in termination of the legal entity (except for reorganization in the form of transformation), the Clearing House is entitled to suspend an admission of such Clearing Member to the clearing service.	The changes describe the procedure of the NCC's actions in case of reorganization of the Clearing Member resulting in termination of the legal entity (except for reorganization in the form of transformation).
13)	<b>Clearing Members – Non-credit Institutions, which are securities issuers are entitled to provide financial reporting through its mandatory public disclosure.</b>	Paragraph 12.8 of the Common part of the Clearing Rules	The Clearing Rules are supplemented with provision which grant the right to the Clearing Members – Non-credit Institutions which are not professional participants of the securities market or entities that perform licensed activity on the financial market, which are securities issuers that do not have special permission (license) for the right to execute operations on financial markets, issued by the authorized body of the state of incorporation of the Clearing Member to provide financial reporting through its mandatory public disclosure in accordance with the legislation of the Russian Federation and the legislative acts of the Bank of Russia. If the volumes and/or terms of mandatory public disclosure of financial reporting do not meet the requirements of the Clearing Rules, upon request of the NCC such Clearing Member must provide reporting by forwarding it to the NCC.	The rights of the Clearing Members – Non-credit Institutions, which are securities issuers are expanded: they are granted the right to provide financial reporting through its mandatory public disclosure.	The Clearing Rules allow variability: the NCC receives financial reporting of the Clearing Members – Non-credit Institutions, which are securities issuers from legally available sources and in case if such information is not available in the volume required by the NCC – the Clearing Member must provide it to the NCC in terms and volumes, stipulated by the Clearing Rules.

14)	<b>Replace Handwritten Signature Analogue (HSA) by Simple Electronic Signature (SES)</b>	On the text of the Clearing Rules	In connection with the transition to use Simple Electronic Signature instead of Handwritten Signature Analogue, on the text of the Clearing Rules Handwritten Signature Analogue (HSA) is replaced with Simple Electronic Signature (SES). The procedure for using SES is similar to the procedure for using HSA.	Does not affect the rights and obligations of the Clearing Members since the procedure for using SES is similar to the procedure for using HSA.	Changes in connection with transition from HSA to SES
15)	<b>Changing execution time of the clearing session on the Standardised Derivatives market</b>	Paragraphs 1-4, 6 of Supplement 1 to the Clearing Rules on the Standardised Derivatives market	Due to the extension of period of execution of trades till 18:00, time of execution of settlement clearing session is shifted by an hour – new time of execution is 19:00 on the Settlement Day. Execution time of the following operations is also changed: – time of submission of Offers or of Offers «Strategy» – from 10:00 till 18:00 on the Settlement Day; – time of calculation of obligations to be settled under Standardised Derivatives Contracts according to the Specification of the relevant Standardised Derivatives Contract under the Unified Pool Settlement Accounts – 11:00, 15:15, 18:00 on the Settlement Day; – time of transfer by the Clearing House to Clearing Members of Clearing reports – till 21:00 on the Settlement Day; – time of transfer by the Clearing House to Clearing Members of Reports on Margin – till 22:30 on the Settlement Day.	The change allow the Clearing Members to execute trades with the central counterparty for one hour longer from 10:00 till 18:00. Current Time Specification stipulates the time of execution of trades with the Central Counterparty on the Standardised Derivatives market from 10:00 till 17:00.	Extention of working hours of the Standardised Derivatives market is necessary to bring the working conditions of this market to the working conditions which are available on the OTC market without Central Counterparty's participation, which in turn allow in more comfortable mode for the Clearing Members to execute trades with Central Counterparty on the Standardised Derivative market in significantly higher volume. This is related to nessesity to observe by the Clearing Members the requirements of the Instruction of the Bank of Russia No. 5352-U dated December 16, 2019 (on mandatory clearing), the provisions of which come into force from October 01, 2021.
16)	<b>Clarification of the definition of Settlement Day</b>	Article 2 of the Common part of the Clearing Rules	Clarified that the Settlement Day is also the day when the Settlement Institution performs payments in Russian rubles only under bank accounts, opened with this Settlement Institution.	The change will allow the Clearing Members to execute trades and to perform settlement under trades on holidays under the legislation of the Russian Federation, which are working days in the banking systems of the countries - issuers of foreign currencies.	Change within the development of the stock market - on the stock market on public holidays in the Russian Federation, it becomes possible to execute trades and performed settlement under trades in foreign securities.

## NCC Tariffs

1. Extension of the marketing period in the tariffication of fees for provision of clearing service under credit agreements (paragraph 8 Section III).
2. Introduction of marketing period in the tariffication of early return of funds from deposit with CCP (fee for execution of the Application for changing the deposit amount) (sub-paragraph 7.7.1 Section III).
3. Introduction of fee for providing possibility to replenish deposit on the next Settlement Day and providing possibility to change the date of deposit return (sub-paragraphs 7.5, 7.6 Section III).

4. Setting on the permanent basis the rates for variable part of the fee for clearing services under OTC spot trades in foreign currency, where one of the Counterparty to a Related Central Counterparty Trade is Liquidity Provider (paragraph 6.1 Section IV).
5. Introduction of refundable bonus under OTC spot trades in foreign currency with Clearing Members executed within the Mode for the execution of OTC trades «Trades with CCP» (terms and procedure for bonus provision are defined in reference 6 to paragraph 5.1 Section IV).
6. Unification of procedure for retaining fee for provision of clearing services for the execution of futures and margining option contracts by the group of contracts (on underlying asset) (paragraphs 8, 9 Section V).
7. Supplementing the Group of Currency contracts on the Derivatives market by subgroup - euro exchange rate to foreign currency (paragraph 4 Section V).

#### **Forms and Formats of the Documents. Part I. Common part**

1. Changes to the form of Request for an access to Clearing Terminal in connection with the fulfillment of the requirements of the Bank of Russia related to the mandatory deanonymization from January 1, 2022 of logins used by members to log into trading terminals of Moscow Exchange are made (see clause 2.5).
2. New form is added: Application for changing Settlement Account type for execution of trades at the expense of collateral, transferred by the client to his ownership on the basis of the title transfer agreement on assets, which are subject of the collateral (see clause 2.12) in relation to paragraph 16.4.2 of the Common part of the Clearing Rules.
3. New form is added: Request for opening Trade Account for paying taxes (see clause 2.15) in relation to paragraph 17.8 of the Common part of the Clearing Rules.
4. New form is added: Application on including (excluding) Settlement Account into (from) the list of Settlement Accounts, under which obligations to pay sums, equal to the organization profits tax on income of foreign organizations from sources located in Russian Federation are recorded and settled under the Settlement Account for paying taxes (see clause 2.16) in relation to paragraph 7.8.2 of the Common part of the Clearing Rules.
5. Standing Instruction to limit start time for execution of Trades with the Clearing House (see clause 5.26) is also extended to the Securities market, Deposit market and Credit market due to start of morning additional trading session on the stock market of Moscow Exchange from 06.12.2021.
6. Supplements to the Report on Settlement Accounts and Details of the Clearing Member (CCX98, see clause 6.7) in connection with the provision to Non-resident Clearing Members of service for margining and tax withdrawal in favor of the Russian Federation from separate special Settlement Account for recording obligations to pay taxes of Russian Federation are introduced.

#### **Forms and Formats of the Documents. Part II. Securities market, Deposit market and Credit market.**

1. Form of the Standing Instruction to limit start time for execution of Trades with the Clearing House (see clause 2.15) is added which created exclusively to limit the possibility to execute trades in stocks during morning additional trading session from 06.12.2021.
2. Supplements to the Report for Collateral assessment (EQM84, see clauses 7.1.18 and 8.19) in connection with the provision to Non-resident Clearing Members of service for margining and tax withdrawal in favor of the Russian Federation from separate special Settlement Account for recording obligations to pay taxes of Russian Federation are introduced.
3. Changes to the clearing reports EQM06 (EQM06P/ EQM06R), EQM6C, EQM08 in relation to the possibility of Refusal of settlement of the first part of the negotiated REPO with CCP are made.

#### **Forms and Formats of the Documents. Part III. FX market and Precious metal market.**

New electronic formats of the Application for submission of Offers through the informing Clearing Member (see clause 4.4), the Respond to Application for submission of Offers through the informing Clearing Member, forwarded by the Clearing House (see clause 4.5) and the Cancellation of Application for submission of Offers through the informing Clearing Member (see clause 4.6) in relation to article 12 of the Part III of the Clearing Rules. Clearing Rules on the FX market and Precious metal market are added.

## **Forms and Formats of the Documents. Part Часть IV. Derivatives market.**

1. Forms of the Request for registration of the parameters of the Account for Collateral return, the Request for registration of the parameters of the Account for Collateral return to the client of the Clearing Member, the Request for changing the registration parameters of the Account for Collateral return and the Request for annulment of the registration parameters of the Account for Collateral return are deleted in connection with the decommission of service of collateral return from the derivatives market through MOEX Spectra Terminal.
2. Forms of the Application for assignment of FORTS account for the clearing registers section, the Notification of provision of information under FORTS account and the Application for annulment of assignment of FORTS account for the clearing registers section are deleted in connection with decommission of «FORTS accounts» service.
3. Changes to the form of the Application for opening Settlement Account for the Sub-accounts Cluster (see clause 2.39) and Application for correspondence of the Sub-accounts Cluster to the Settlement Account (see clause 2.40) are made according to the imposed restrictions for the execution of Application for correspondence of the Sub-accounts Cluster to the Settlement Account: within one Settlement Day with one Settlement Account can be connected only one Sub-accounts Cluster (see paragraph 5.14 of the Clearing Rules on the Derivatives market ).
4. Changes to the Notification of the seller on delivery intention (on NAMEX spot market) are made (see clause 2.28) in connection with changes to the Clearing Rules on the Derivatives market which allow to perform under deliverable wheat futures contracts delivery of goods of several types of quality (see paragraphs 32.3, 32.5, 32.10 of the Clearing Rules on the Derivatives market).