

APPROVED BY

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of the CCP NCC

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**CLEARING RULES  
OF THE CENTRAL COUNTERPARTY NATIONAL CLEARING CENTRE  
PART I. THE COMMON PART**

**Moscow, 2022**

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## **SECTION I. THE GENERAL PROVISIONS**

### **Article 1. Structure, content and application of the Clearing Rules**

1.1. The Clearing Rules of the Central Counterparty National Clearing Centre include:

1) these “Clearing Rules of the Central Counterparty National Clearing Centre. Part I. The Common Part” that regulate / contain:

- methods to secure fulfilment of obligations, accepted for clearing;
- rights and liabilities of Clearing Members and of the Clearing House;
- procedure for using simple electronic signature;
- general requirements to Clearing Members;
- list of general measures aimed at risk management when executing clearing;
- provisions on limitation of the liability of the Clearing House;
- procedure for Collateral posting and return;
- procedure for posting and returning Collateral for Stress and contributions to Default Funds;
- general procedure for Margin Calls emergence and satisfaction;
- general requirements to the procedure for including obligations into clearing pools and to the procedure for the fulfilment of obligations;
- procedure for the fulfillment of obligations and claims in cash funds / precious metals;
- general course of action in case of obligations non-fulfillment;
- procedure for conclusion and terms of swap trades / buy-sell trades in foreign currency / precious metals, REPO trades and buy-sell trades in securities, executed with the aim to settle non-fulfilled obligations;
- procedure for using and replenishment of Default Funds and other funds in order to pay out Debts of Clearing Members (cross default procedure);
- grounds for and procedure for transfer of obligations and Collateral from one Clearing Member to another Clearing Member;
- procedure for settling obligations in case of suspension of a Clearing Member’s admission to the clearing service (liquidation netting in respect of a Clearing Member);
- terms of an agreement on keeping clearing registers, concluded between the Clearing House and a Non-clearing Member-Trading Member;
- other general provisions,

hereinafter referred to as “the Common Part of the Clearing Rules”;

2) “The Clearing Rules of the Counterparty National Clearing Centre. Part II. The Clearing Rules on the Securities Market, Deposit Market and Credit Market”, which contain specifics of settlement of buy-sell trades in securities, executed when trading on the Securities Market Section of the PJSC Moscow Exchange or not within organized trading in accordance with the Clearing Rules; REPO trades, executed within the Repo Market Section of the PJSC Moscow Exchange, credit agreements, executed on the Credit Market of the PJSC Moscow Exchange Deposit Market; procedure for execution of OTC trades in securities with Clearing Members; and

define terms of the Asset Pool Agreement (hereinafter referred to as “the Clearing Rules on the Securities Market, Deposit Market and Credit Market”);

- 3) “The Clearing Rules of the Central Counterparty National Clearing Centre. Part III. The Clearing Rules on the FX Market and Precious Metals Market” which contain specifics of the settlement of trades with foreign currency and precious metals, executed within trading, organized by the PJSC Moscow Exchange or on the off-exchange trading in accordance with the Clearing Rules, and also the rules of execution of OTC Trades in foreign currency, OTC Trades in precious metal with Clearing Members and Liquidity Providers (hereinafter referred to as “the Clearing Rules on the FX Market and Precious Metals Market”);
- 4) “The Clearing Rules of the Central Counterparty National Clearing Centre. Part IV. The Clearing Rules on the Derivatives Market” which contain specifics of the execution of contracts, which are derivatives, executed on the Derivatives Market of the PJSC Moscow Exchange (hereinafter referred to as “the Clearing Rules on the Derivatives Market”);
- 5) “The Clearing Rules of the Central Counterparty National Clearing Centre. Part V. The Clearing Rules on the Commodities Market” which contain specifics of the execution of contracts, which are derivatives, an underlying asset of which is a commodity, executed within trading, organized by the JSC NAMEX (hereinafter referred to as “the Clearing Rules on the Commodities Market”);
- 6) “The Clearing Rules of the Central Counterparty National Clearing Centre. Part VI. The Clearing Rules on the Standardised Derivatives Market” which contain specifics of the conclusion and settlement of contracts, which are derivatives, executed within the trading organized by the PJSC Moscow Exchange on the Standardised Derivatives Market or executed not within the organized trading in accordance with the Clearing Rules (hereinafter referred to as “the Clearing Rules on the Standardised Derivatives Market”).

The Clearing Rules on the Securities Market, Deposit Market and Credit Market, the Clearing Rules on the FX Market and Precious Metals Market, the Clearing Rules on the Derivatives Market, the Clearing Rules on the Commodities Market, the Clearing Rules on the Standardised Derivatives Market hereinafter collectively referred to as “the special parts of the Clearing Rules” but separately referred to as “a special part of the Clearing Rules”.

The Common Part of the Clearing Rules and the special parts of the Clearing Rules collectively referred to as “the Clearing Rules” but separately referred to as “a part of the Clearing Rules”.

- 1.2 In case of making changes in and additions to any part of the Clearing Rules, including the adoption of a new edition of a part of the Clearing Rules, the relevant changes and additions, as of the date of coming into force, apply to relations arising from abovementioned Trades (contracts), executed before the relevant changes and additions come into force and not settled (not terminated) on the date of coming into force of changes and additions to the part of the Clearing Rules (new edition of the Clearing Rules).
- 1.3 In case if provisions set out in the Common Part of the Clearing Rules differ from provisions containing in the relevant special part of the Clearing Rules, provisions of a special part of the Clearing Rules shall be applied.



Article 2. **Terms and definitions**

<b><i>Account for Collateral Return -</i></b>	<p>Account, registered in the Clearing House, designed to be credited with cash funds / precious metals in order to fulfil obligations of the Clearing House to return Collateral / Collateral for Stress / contributions to Default Funds / assets from an asset pool.</p> <p>An account of a Clearing Member / a client of a Clearing Member, registered in a Credit Institution on the territory of the Russian Federation or in a bank outside the territory of the Russian Federation, in the Clearing House inclusively, can be used as an Account for Collateral Return of cash funds.</p> <p>Precious metals bank account opened with the Clearing House may be defined as Account for the return of Collateral in precious metals.</p>
<b><i>Asset Pool Settlement Account -</i></b>	<p>Clearing register, designed for recording foreign currency and Russian rubles, posted into an asset pool.</p>
<b><i>Asset Profile -</i></b>	<p>Information on Collateral, recorded under the Settlement Account / Trade Account with the feature the “Unified Pool” in the Clearing System of the relevant on-exchange market, transferred to the Clearing System of the other on-exchange market / received from the Clearing System of the other on-exchange market.</p>
<b><i>Authentication -</i></b>	<p>Procedure for verifying belonging of a SES to a Clearing Member / Trading Member / Clearing House.</p>
<b><i>Authorized Clearing Member -</i></b>	<p>Clearing Member that provides the Clearing House with the cash funds through execution with the Clearing House swap trades in accordance with the Clearing Rules with the purpose of fulfilment by the Clearing House of its obligations, arising from trades, towards Non-defaulting Clearing Members on the Markets, where the Clearing House performs functions of a clearing organization and a central counterparty.</p>
<b><i>Bloomberg System -</i></b>	<p>Aggregate of programs and equipment provided by the “Bloomberg” company, which is used for transmission / receipt of informational messages to the Clearing System / from the Clearing System.</p>
<b><i>Clearing Broker -</i></b>	<p>Clearing Member performing functions of a Clearing Broker, in accordance with the Law on Clearing and the Clearing Rules.</p>
<b><i>Clearing House -</i></b>	<p>Central Counterparty National Clearing Centre acting on the basis of a license on performing clearing activity and in accordance with the Law on Clearing.</p>
<b><i>Clearing House’s website -</i></b>	<p>Website <a href="http://www.nationalclearingcentre.ru">www.nationalclearingcentre.ru</a>, where the Clearing House discloses information both as a clearing organization and a central counterparty.</p>

<b><i>Clearing Login -</i></b>	Unique code formed by figures and symbols, which is assigned by the Technical House to a Clearing Member / Trading Member / Clearing House in order to execute operations in the Clearing System, if such is provisioned in the relevant special part of the Clearing Rules.
<b><i>Clearing Member -</i></b>	Legal entity, to which the Clearing House provides clearing services on the basis of the Clearing Membership Agreement, concluded with such entity.
<b><i>Clearing Member-Trading Member -</i></b>	Trading Member, which is party to a Trade, executed on its own behalf within the trading.
<b><i>Clearing of non-secured trades -</i></b>	Clearing of a Trade, which is executed without checking the availability of Collateral of a Clearing Member.
<b><i>Clearing of partially secured trades -</i></b>	Clearing of a Trade, which is executed under the condition of the sufficiency of Collateral of a Clearing Member, supervised by the Clearing House in an order, defined in the Clearing Rules.
<b><i>Clearing of secured trades -</i></b>	Clearing of a Trade, which is executed under the condition of the availability of securities / cash funds / precious metal / commodity of a Clearing Member and/or of a claim of a Clearing Member to receive securities / cash funds / precious metal / commodity with the Settlement Date that is not later than the Settlement Date for obligations under executed Trade in an amount required to fulfill obligations under this Trade in a full amount.
<b><i>Clearing System -</i></b>	Aggregate of hardware, databases, telecommunications, other equipment and software of the Clearing House, designed for performing of the clearing activity in accordance with the Clearing Rules.
<b><i>Clearing Terminal, Web-clearing -</i></b>	Web-services, designed for execution of electronic document interchange between Clearing Members and the Clearing House.
<b><i>Collateral -</i></b>	Individual clearing collateral of a Clearing Member in securities, and/or in commodities, and/or in cash funds (Russian rubles and/or foreign currency), and/or in precious metals, and/or other collateral of a Clearing Member in foreign currency, which is used to secure fulfilment of a Clearing Member's obligations under Trades with the CCP, obligations of the Clearing Member to pay sums, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation and also sum of tax on income from sources in USA and/or income equivalent to it. Collateral is used to fulfil obligations of a Clearing Member under Trades and also other obligations of a Clearing Member, defined in the Clearing Rules. Assets, posted to an asset pool, does not constitute Collateral. The procedure for using assets, posted to an asset pool, in order to secure the fulfilment of obligations under an agreement

	on asset pool and under Trades, is defined in the Clearing Rules on the Securities Market, Deposit Market and Credit Market.
<b><i>Collateral for Stress -</i></b>	Individual clearing collateral of Clearing Members, which are defined in the Clearing Rules, denominated in Russian rubles, and/or in foreign currency, and/or in securities, and/or “the other” collateral of the Clearing Member in the foreign currency, which is used to secure fulfillment of Clearing Member’s obligations under Partially Secured Trades on the relevant Market.
<b><i>Collateral for Stress Calculation Methodology -</i></b>	Internal document of the Clearing House, which defines the procedure for the calculation of the minimum amount of the Collateral for Stress of Clearing Members on the relevant Markets. Collateral for Stress Calculation Methodology is disclosed on the Clearing House’s website.
<b><i>Collateral for Stress Margin Call -</i></b>	Claim to make the amount of funds, transferred by a Clearing member as a Collateral for Stress, corresponding to the amount of Collateral for Stress, defined by the Clearing House for a Clearing Member.
<b><i>Collateral for Stress Settlement Account -</i></b>	Clearing register designed for recording information on cash funds, transferred by a Clearing member as Collateral for Stress.
<b><i>Collateral for Stress Single Limit -</i></b>	Amount calculated by the Clearing House, denominated in Russian rubles, for each Clearing Member in order to check the fulfilment of obligations of a Clearing member to post Collateral for Stress.
<b><i>Collateral for Stress Trade Account -</i></b>	Clearing register, which defines a set of accounts, where funds / securities, posted by a Clearing member as Collateral for Stress, are kept, and/or designed for recording information on securities, posted by a Clearing Member as Collateral for Stress.
<b><i>Commodities Trading Rules -</i></b>	Rules of organized trading of the JSC “National Mercantile Exchange” on the commodities market, which regulate execution of organized trading on the Commodities Market.
<b><i>Commodity Delivery Operator -</i></b>	Central Counterparty National Clearing Centre, which performs functions of a Commodity Delivery Operator, executing operations connected with the fulfilment of obligations on commodities transfer that have arisen after the clearing, executed by the Clearing House.
<b><i>Concentration Risk Margin Call -</i></b>	Claim of the Clearing House in respect of a Clearing Member on posting Collateral for concentration risks to issuers.
<b><i>Concentration Risk Mitigation Collateral -</i></b>	Collateral, posted with the aim to reduce concentration risk to issuers (securities issuers groups).

<b>Concentration Risk Settlement Account -</b>	Clearing register, designed for recording information on cash funds, posted by the Clearing Member as Concentration Risk Mitigation Collateral
<b>Concentration Risk Single Limit -</b>	Value, calculated by the Clearing House in Russian rubles for each Clearing Member with the aim to control concentration risk to issuer (securities issuers groups).
<b>Concentration Risk Trade Account -</b>	Clearing register, which defines set of accounts, under which cash funds / securities, posted by the Clearing Member as Concentration Risk Mitigation Collateral, are recorded, and/or designed for recording information on securities posted as Concentration Risk Mitigation Collateral.
<b>Counterparty to a Related Central Counterparty Trade -</b>	Clearing Member, which is party to a Related Central Counterparty Trade.
<b>Credit Institution -</b>	Credit institution, which maintains a Resident status.
<b>Debt -</b>	Cash obligation of a Clearing Member arising from termination of its unfulfilled obligations, including obligations under trades, obligations to pay fees, Tax debts and/or other obligations, defined in the Clearing Rules.
<b>Dedicated Own Resources of the Central Counterparty -</b>	Part of own resources of the Clearing House, designed to cover potential losses of the Clearing House, resulting from improper performance or non-performance of obligations of Defaulting Clearing Members, which have been accepted for clearing, and that is used by the Clearing House before using funds, posted to Default Funds by Non-defaulting Clearing Members.
<b>Dedicated Own Resources of the Central Counterparty Calculation Methodology -</b>	Internal document of the Clearing House, which sets the order for establishing amount of the Dedicated Own Resources of the Clearing House for all Markets and the procedure for allocating Dedicated Own Resources of the CCP across exchange markets. Dedicated Own Resources of the CCP Calculation Methodology is disclosed on the Clearing House's website.
<b>Default Fund -</b>	Collective clearing collateral, formed by the Clearing House from the contributions of Clearing Members and other entities, defined in the Clearing Rules, to secure performance of obligations under Partially Secured Trades, executed on the relevant markets.
<b>Default Funds Margin Call -</b>	Claim to make the amount of Default Fund contributions, made by a Clearing Member, correspond to the amount of Default Fund contributions, defined by the Clearing House.
<b>Default Funds Settlement Account -</b>	Clearing register, designed for recording information on funds, contributed to Default Funds by a Clearing Member.

<b><i>Default Funds Single Limit -</i></b>	Amount calculated by the Clearing House, denominated in Russian rubles, for each Clearing member in order to check the performance of obligations of a Clearing Member to post contributions to Default Funds.
<b><i>Default Funds Trade Account -</i></b>	Clearing register, which defines a set of accounts, where funds / securities, deposited by a Clearing member as a contribution to the Guarantee funds, are recorded, and/or which is designed for recording information on securities, posted by a Clearing Member as a contribution to Default Funds.
<b><i>Defaulting Clearing Member -</i></b>	Clearing Member that failed to fulfill obligations or fulfilled it improperly in respect of the Clearing House, including Margin Call and/or maintaining Debt to the Clearing House.
<b><i>Derivatives Trading Rules -</i></b>	Rules of the organized trading of the PJCS Moscow Exchange, which regulate execution of organized trading on the Derivatives Market.
<b><i>EAEU Bank -</i></b>	Non-resident Bank, registered on the territory of the state that is a party to the Agreement on cooperation in the field of organizing an integrated FX Market of the member-states of the EAEU from 25.01.2006 (hereinafter – Agreement on Cooperation) and/or the states – parties to the Agreement on Eurasian Economic Union from 29.05.2014 (hereinafter EAEU Agreement).
<b><i>EAEU Non-credit Institution -</i></b>	legal entity, which is Non-resident Non-credit Institution, registered on the territory of the state, which is the party to the Agreement on Cooperation / EAEU Agreement.
<b><i>EDI -</i></b>	Electronic document interchange, organized by the PJSC "Moscow Exchange MICEX-RTS" and by the Clearing House, used by the Clearing House to cooperate with the participants of the EDI of the Moscow Exchange and the Sponsor of the EDI.
<b><i>EDI of the Moscow Exchange -</i></b>	Electronic document interchange system of the PJSC "Moscow Exchange MICEX-RTS".
<b><i>Exchange -</i></b>	Exchange that has entered into cooperation agreement with the Clearing House.
<b><i>Law on specifics in conducting financial transactions with foreign citizens and legal entities -</i></b>	Federal Law No. 173-FZ of 28 June 2014 "On specifics in conducting financial transactions with foreign citizens and legal entities, on amendments to the Russian Administrative Offences Code and invalidation of certain provisions of Russian legislative acts.
<b><i>FATCA -</i></b>	US law "On foreign account tax compliance", the aim of which is combating in the US evasion of taxation of income of American taxpayers, received through financial institutions located outside the US.

<b><i>Form for the purposes of identification of foreign taxpayers -</i></b>	Form according to the rules and provisions of the FATCA, Law on specifics in conducting financial transactions with foreign citizens and legal entities and requirements of the Russian legislation on realization of international automatic exchange of financial information for tax purposes.
<b><i>FX Trading Rules -</i></b>	Rules of the organized trading of the PJSC Moscow Exchange regulating the arrangement of the organized trading on the FX Market and Precious metals Market.
<b><i>General Clearing Member -</i></b>	Clearing Member, which has the right to become a party to Trades (including cases when he acts as a Clearing Broker), executed on the trading by more than two Trading Members.
<b><i>ID code (Identifier of a Clearing Member) -</i></b>	Unique code consisting of symbols and figures, assigned to a Clearing Member by the Clearing House and undoubtedly identifying a Clearing Member.
<b><i>Imposed Limitation -</i></b>	Limitation (positive value), which the Clearing House impose in respect of a value, recorded on a clearing register, in cases and terms defined by the Clearing Rules, that does not allow to execute operations that may result in reduction of such value lower than the Imposed Limitation.
<b><i>Individual Clearing Member -</i></b>	Clearing Member that has the right to become party to Trades (including cases, when he acts as a Clearing Broker), executed within the trading by not more than two Trading Members (including such Clearing Member in case if he is a Trading Member).
<b><i>International Organization -</i></b>	Legal entity, organized in accordance with an international agreement of the Russian Federation, and which is entitled to execute banking operations, including currency operations, and/or is entitled to allocate deposits on the territory of the Russian Federation, in accordance with the international agreements of the Russian Federation and the Applicable Law of the Russian Federation.
<b><i>Margin Call -</i></b>	Claim of the Clearing House in respect of a Clearing Member on the security for the fulfilment of obligations, arising from Partially Secured Trades, executed between the Clearing House and a Clearing Member, submitted in situations, defined in and in accordance with procedures, prescribed by the Clearing Rules.
<b><i>Margin Call in respect of the Settlement Account for paying taxes -</i></b>	claim of the Clearing House towards the Clearing Member to secure fulfillment of obligations of the Clearing Member to pay sums, corresponding to sums of tax on income of foreign organizations from sources located in the Russian Federation.
<b><i>Market -</i></b>	One of the trade (exchange) sections of the "Moscow Exchange MICEX-RTS" PJSC, where "Moscow

	Exchange MICEX-RTS" PJSC operates as an Exchange, organized trading on the Commodities Market of the National Mercantile Exchange JSC and execution of OTC trades, clearing on these markets is regulated by the Clearing Rules. In the Clearing Rules markets are meant to be: Securities Market, Deposit Market and Credit Market, FX Market and Precious Metals Market, Derivatives Market, Commodities Market, Standardised OTC Derivatives Market.
<b>Methodology for choosing securities accepted as collateral -</b>	Internal document of the Clearing House, which sets criteria in respect of securities, accepted as collateral to secure fulfillment of obligations under Partially Secured Trades
<b>Methodology for controlling limits of concentration on issuers -</b>	Internal document of the Clearing House that sets procedure for calculation of values, used by the Clearing House to check the opportunity to return Collateral.
<b>Net Claim of a Clearing Member -</b>	Sum of cash funds in Russian rubles / relevant foreign currency / amount of the relevant precious metal / relevant securities / relevant commodity, which represents an excess of claims of a Clearing Member over its obligations towards the Clearing House in Russian rubles / such foreign currency / such precious metal / such securities / such commodity under Trades with the central counterparty and other obligations, set out in the relevant special part of the Clearing Rules, defined for each Settlement Date in the order, set out in the relevant special part of the Clearing Rules.
<b>Net Obligation of a Clearing Member -</b>	Sum of cash funds in Russian rubles / relevant foreign currency / amount of precious metal / relevant securities / relevant securities / relevant commodity, which represent the excess of obligations of a Clearing Member over its claims towards the Clearing House in Russian rubles / such foreign currency / such precious metal / such security / such commodity under Trades with the central counterparty and other obligations, set out in the relevant special part of the Clearing Rules, defined for each Settlement Date, set out in the order, set out in the relevant part of the Clearing Rules.
<b>Non-clearing Member-Trading Member -</b>	Trading Member that is not party to a Trade, executed on the Exchange.
<b>Non-credit Institution -</b>	Legal entity that maintains a Resident status and is not entitled to execute banking operations.
<b>Non-defaulting Clearing Member -</b>	Clearing Member that does not have any unfulfilled obligations in respect of the Clearing House.
<b>Non-resident -</b>	Entity that maintains a Non-resident status, in accordance with the law of the Russian Federation on Currency Regulation and Currency Control.

<b><i>Non-resident Bank -</i></b>	Legal entity, which maintains a Non-resident status, that is entitled to perform banking activities, specified in the applicable law under the special approval document (license or any other document) of the competent authority of the home state.
<b><i>Non-resident Non-credit Institution -</i></b>	Legal entity, which maintains a Non-resident status, and is not entitled to execute banking operations.
<b><i>Offer -</i></b>	1) forwarded by the Clearing Member or by the Clearing House electronic message, which contains offer to execute OTC Trade, or 2) forwarded by the Clearing Member or by the Clearing House electronic message, which contains acceptance of the offer to execute OTC Trade. Requirements to the content of the Offer is set out in the relevant special part of the Clearing Rules.
<b><i>OTC Trade -</i></b>	OTC Trade in securities, executed not within organized trading in accordance with the Clearing Rules on the Securities Market, Deposit Market and Credit Market, or OTC Trade in foreign currency / OTC Trade in precious metal, executed not within organized trading in accordance with the Clearing Rules on the FX Market and Precious Metals Market, or OTC Derivative Contract, executed not within organized trading in accordance with Clearing Rules on the Standardized Derivatives Market.
<b><i>Partially Secured Trade -</i></b>	Trade under which the Clearing House executes Clearing of Partially Secured Trades, including a Derivative Contract and a Standardised OTC Derivative Contract.
<b><i>Password -</i></b>	Consequence of symbols, used for authentication of a Clearing Member, of a Trading Member or of the Clearing House.
<b><i>Payment equivalent to dividend or interest -</i></b>	Income payment to the Clearing Member from a Trade with the CCP falling within tax liabilities under Chapters 3 and 4 of the US Tax Code according to the requirements of the section 871(m).
<b><i>Procedure for EDI -</i></b>	Procedure for organization of an electronic document interchange of the Central Counterparty National Clearing Centre.
<b><i>Procedure for Provision of information and reporting -</i></b>	Internal document of the Clearing House, which sets content, terms and forms of the information and reporting provided by Clearing Members to the Clearing House. Procedure for Provision of information and reporting is disclosed on the Clearing House's website.
<b><i>Regional public authority -</i></b>	Executive body of the constituent entity of the Russian Federation, which forms and provides execution of the budget of the Russian Federation (ministry of finance, finance department, finance office etc.).
<b><i>Related Central Counterparty Trade -</i></b>	Each of both trades, executed with the central counterparty on the basis of two approved matched orders



	/ Offers / Offers “Strategy” / on the basis of valid opposite orders and confirmation in the order and on terms, set out in the trading rules of the relevant Market or in the special part of the Clearing Rules.
<b><i>REPO of the Clearing House -</i></b>	REPO, executed between the Clearing House and a Clearing Member in accordance with the Clearing Rules in order to fulfil obligations of the Clearing House under Trades towards Non-defaulting Clearing Members.
<b><i>Resident -</i></b>	Legal entity that maintains a Resident status, in accordance with the law of the Russian Federation on Currency Control and Currency Regulation.
<b><i>Reuters System (Reuters) -</i></b>	Complex of programs and equipment provided by the “Thomson Reuters” company used to transmit / receive informational messages in the Clearing System / from the Clearing System.
<b><i>Risk parameters for the FX and Precious metals Market Calculation Methodology -</i></b>	Internal document of the Clearing House, which sets the procedure for the determination of risk-parameters for the FX Market and Precious metals Market of the PJSC Moscow Exchange. Risk parameters for the FX and Precious metals Market Calculation Methodology is disclosed on the Clearing House’s website.
<b><i>Risk parameters for the Securities and Deposit Market Calculation Methodology -</i></b>	Internal document of the Clearing House, which sets the procedure for the determination of risk-parameters for the Securities market and Deposit Market of the PJSC Moscow Exchange. Risk parameters for the FX and Precious metals Market Calculation Methodology is disclosed on the Clearing House’s website.
<b><i>Securities -</i></b>	Shares / bonds / investment units / depository receipts / clearing participation certificates, as they are set out in the law of the Russian Federation.
<b><i>Securities Market, Deposit Market and Credit Market Trading Rules -</i></b>	Rules of organized trading of the PJSC Moscow Exchange regulating arrangement of the organized trading, where Trades in securities, deposit agreements and credit agreements are executed.
<b><i>Securities Sub-account -</i></b>	Trading section of trading depo account, opened in the Settlement Depository, with entitlement of the Clearing House as a clearing organization, which is entitled to issue instructions in respect of this trading account, and trading sub-accounts of trading depo accounts, opened in Settlement Depository and defined in the Securities Market, Deposit Market and Credit Market Clearing Rules.
<b><i>Segregated Client -</i></b>	Client of a Clearing Member, including a Trading Member or a client of a Trading Member, registered by a Clearing Member as a Segregated Client in the order, specified in the Article 19 of the common part of the Clearing Rules, to obtain an opportunity to use Portability of obligations and Collateral under terms defined in the

	Article 30 of the common part of the Clearing Rules.
<b>Settlement Account -</b>	Settlement Account of a Clearing Member, or a Settlement Account of the 1 <sup>st</sup> level, or a Default Funds Settlement Account, or a Collateral for Stress Settlement Account, or an Asset Pool Settlement Account, or the Settlement Account for recording Collateral for concentration risks to issuers, or Settlement Account for paying taxes.
<b>Settlement Account for paying taxes -</b>	Clearing register, designed for recording information on cash funds, posted by the Clearing Member to secure fulfillment of obligations of the Clearing Member to pay sums, corresponding to sums of tax on income of foreign organizations from sources located in the Russian Federation, and other obligations according to the Clearing Rules, and for recording these obligations.
<b>Settlement Account of the 1<sup>st</sup> level / Settlement Account of a Clearing Member -</b>	Clearing register of the 1 <sup>st</sup> level, designed for recording information on Collateral of a Clearing Member in cash and/or obligations arising from trades, to which a Clearing Member is a party.
<b>Settlement Account of the 2<sup>nd</sup> level -</b>	Clearing register of the 2 <sup>nd</sup> level, designed for recording information on Collateral in cash, posted with an indication of the Settlement Account of the 2 <sup>nd</sup> level.
<b>Settlement Account of the 3<sup>rd</sup> level -</b>	Clearing register of the 3 <sup>rd</sup> level, designed for recording information on Collateral in cash, posted with an indication of the Settlement Account of the 3 <sup>rd</sup> level.
<b>Settlement Account Single Limit -</b>	Amount calculated by the Clearing House, denominated in Russian rubles, for each Settlement Account of a Clearing member, which limits risks arising from Partially Secured Trades (except for Derivatives contracts), executed between the Clearing House and a Clearing Member, for which a Settlement Account Single Limit is calculated.
<b>Settlement Bank -</b>	Bank or a credit institution, which is not a bank, including foreign credit institutions, where the Clearing House opened a correspondent account to record Collateral, Collateral for Stress in foreign currency and precious metals.
<b>Settlement Date -</b>	date, when the Clearing Member and/or the Clearing House must fulfill its obligations in accordance with the terms of the executed Trade or other obligations in the order, defined in the Clearing Rules. In cases, defined in the Clearing Rules, the Settlement Date is considered to be the date, when the Clearing Member and/or the Clearing House fulfills its obligations, which will emerge in case if conditions, defined the Trading Rules and/or in the Clearing Rules, are met.
<b>Settlement Day -</b>	day, weekends or non-workday (holidays), according to the legislation of the Russian Federation, when the

Settlement Institution performs payments in Russian rubles, or the day, when the Settlement Institution performs payments in Russian rubles only under bank accounts, opened with this Settlement Institution (hereinafter referred to as the Settlement Day for Russian rubles).

Settlement Day for the relevant foreign currency is the Settlement Day for Russian rubles and the workday in the banking system of the country / group of countries, which are the issuers of such foreign currency, except for workdays, which are the reduced workdays regarding relevant foreign currencies, according to the information received by the Clearing House from the Settlement Bank.

Settlement Day for Russian rubles is the Settlement Day for the precious metals.

Settlement Day for the aims of determination of the Date for the fulfillment of obligations to pay variation margin / deposit margin in Russian rubles is the Settlement Day for Russian rubles, except for the days, when the Clearing House does not perform clearing session.

Settlement Day for the aims of determination of the Date for the fulfillment of obligations to pay variation margin / deposit margin in foreign currency is the Settlement Day for this particular foreign currency, except for the days, when the Clearing House does not perform clearing session.

Settlement Day for the aims of determination of the Date for the fulfillment of obligations under Trades in foreign currency / precious metals is the Settlement Day for such currency / such precious metal, on which the Exchange admits conclusion of trades in such foreign currency / precious metal with the Date for the fulfillment of obligations on the Trading Day.

Settlement Day for the aims of determination of the Date for the fulfillment of obligations under Trades in securities with settlements in Russian rubles is the Settlement Day, on which the Exchange admits conclusion of trades in such security with the Settlement Date on the Trading Day.

Settlement Day for the aims of determination of the Date for the fulfillment of obligations under Trades in security with settlements in foreign currency is the Settlement Day, on which the Exchange admits conclusion of trades in such foreign currency and of trades in such security with the Date for the fulfillment of obligations on the Trading Day.

Settlement Day for the aims of determination of the Date for the fulfillment of obligations under Trades in precious

	<p>metals with settlements in foreign currency is the Settlement Day, when the Exchange admits execution of such trades in such foreign currency and of trades in such precious metals with the Date for the fulfillment of obligations on the Trading Day.</p> <p>Specifics of the determination of the Settlement (Work) day for the aims of determination of the Date for the fulfillment of the other obligations can be set out in the Specification of the relevant Standardised Derivative Contract.</p>
<b><i>Settlement Depository -</i></b>	Settlement Depository, which executes operations, linked / relating to the performance of securities delivery obligations as a result of clearing executed by the Clearing House.
<b><i>Settlement Organization -</i></b>	National Settlement Depository, and/or the Central Bank of Russia, and/or any other credit institution, which maintains a Resident status, where the Clearing House has opened a clearing bank account and/or where Clearing Member has opened trading bank account for precious metal to record individual and/or collective clearing collateral.
<b><i>Settlement regime -</i></b>	Set out by the Clearing Rules limits, which are valid for the Settlement Account. Forced close out of positions regime is imposed and removed by the Clearing House in the order and in cases, defined in the Clearing Rules.
<b><i>Simple Electronic Signature / SES -</i></b>	Information in the electronic form, which is contained in the Offer or other electronic message forwarded through the Clearing System that with the use of the Clearing Identifier of the Clearing Member and password confirms generation of the electronic signature by the particular person – representative of the Clearing Member.
<b><i>Single Limit of the Settlement Account for paying taxes -</i></b>	value, calculated by the Clearing House in Russian rubles for each Clearing Member with the aim to control Collateral sufficiency for the following: 1) to secure fulfillment of obligations of the Clearing Member to pay sums, corresponding to the sums of tax on income of foreign organizations from sources located in the Russian Federation; and 2) to fulfill such obligations.
<b><i>Specification -</i></b>	In cases, defined in the Trading Rules or in the Clearing Rules, the document, which, together with the Trading Rules and/or the Clearing Rules, defines the standard Trade terms and its settlement procedure.
<b><i>Standardized OTC Derivatives Trading Rules -</i></b>	Rules of the organized trading of the PJSC Moscow Exchange regulating arrangement of organized trading on the Standardised OTC Derivatives Market.
<b><i>Tariffs of the Clearing House -</i></b>	Document of the Clearing House, which determines the size of the fee for clearing services, provided by the Clearing House to Clearing Members and to other entities

	in accordance with the Clearing Rules.
<b><i>Tax Debt -</i></b>	part of the Debt that emerges in case if there is obligation of the Clearing Member to pay the sum, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in the Russian Federation and/or obligations of the Clearing Member to pay sum, corresponding to the sum of the calculated tax on income from the source located in the USA and/or income equivalent to it.
<b><i>Technical Centre -</i></b>	Entity defined in a special part of the Clearing Rules, which provides Clearing Members with the technical access to the Clearing System on the relevant Market on the basis of the relevant agreement.
<b><i>The Law on Clearing -</i></b>	Federal Law №7-FZ «On clearing, clearing activity and central counterparty» enforce since 07.02.2011.
<b><i>Total net claim of a Clearing Member -</i></b>	Claim of a Clearing Member in favor of the Clearing House to transfer Russian rubles / relevant foreign currency / relevant precious metal / relevant securities emerged in relation to the termination of obligations with the occurred Settlement Date under Trades with the central counterparty and the other obligations defined in the relevant part of the Clearing Rules, the procedure for the execution of which is defined in the relevant part of the Clearing Rules.
<b><i>Total net obligation of a Clearing Member -</i></b>	Obligation of a Clearing Member in favor of the Clearing House to transfer Russian rubles / relevant foreign currency / relevant precious metal / relevant securities emerged in relation to obligations with the occurred Settlement Date under Trades with the central counterparty and the other obligations defined in the relevant part of the Clearing Rules after clearing, the procedure for the execution of which is set out in the relevant Clearing Rules.
<b><i>Trade -</i></b>	Buy-sell trade in securities / REPO trade / deposit contract / trade with foreign currency / precious metal / commodity, Derivative contract / Standardised Derivative Contract, OTC Trade inclusively, under which the Clearing House executes clearing.
<b><i>Trade Account -</i></b>	Trade Account of a Clearing Member, or a Trade Account of the 1 <sup>st</sup> level, or a Default Funds Trade Account, or a Collateral for Stress Trade Account, or an Asset Pool Trade Account, or Conclusion of Deposit Contracts Trade Account, or Trade Account for recording Concentration Risk Mitigation Collateral or Trade Account for paying taxes.
<b><i>Trade Account for paying taxes -</i></b>	Clearing register, which defines group of accounts, under which cash funds / securities, posted by the Clearing Member to secure fulfillment of obligations of the

	Clearing Member to pay sums corresponding to sums of tax on income of foreign organizations from sources located in the Russian Federation and to fulfill such obligations, and other obligations according to the Clearing Rules, are recorded, and/or designed for recording information on securities, posted by the Clearing Member, to secure fulfillment of such obligations.
<b><i>Trade Account of the 1<sup>st</sup> level / Trade Account of a Clearing Member -</i></b>	Clearing register of the 1 <sup>st</sup> level that defines a set of accounts through which the obligations arising from a trade must be fulfilled, if it is applicable by the relevant special part of the Clearing Rules, and/or that is designed for recording information on Collateral of a Clearing Member in cash or commodities. Settlement Account of a Clearing Member and Collateral Account T0, Securities sub-account, trading sub-account of the trading commodities account may form a part of a Trade Account of a Clearing Member.
<b><i>Trade Account of the 2<sup>nd</sup> level -</i></b>	Clearing register of the 2 <sup>nd</sup> level, opened upon request of a Clearing Member, linked to a Trade Account of a Clearing Member. Settlement Account of the 2 <sup>nd</sup> level forms a part of Trade Account of the 2 <sup>nd</sup> level.
<b><i>Trade Account of the 3<sup>rd</sup> level -</i></b>	Clearing register 3 <sup>rd</sup> level, opened upon request of a Non-clearing Member – Trading Member, or upon request of the Clearing Member, which is not Trading Member, linked to a Trade Account of a Clearing Member. Settlement Account of the 3 <sup>rd</sup> level forms a part of Trade Account of the 3 <sup>rd</sup> level.
<b><i>Trade T+ -</i></b>	REPO trade with the settlement codes T0/Yn, Ym/Yn, or a buy-sell trade in securities with the settlement code Yn, Nn, or a deposit contract, executed with the central counterparty in accordance with the Clearing Rules on the Securities Market, Deposit Market and Credit Market and/or the Clearing Rules, and also a REPO of the Clearing House.
<b><i>Trading Rules -</i></b>	FX Trading Rules and/or Standardised OTC Derivatives Trading Rules and/or Derivatives Trading Rules and/or Commodities Trading Rules and/or Securities Market, Deposit Market and Credit Market Trading Rules
<b><i>Triparty Agreement -</i></b>	Triparty agreement when performing regulated trading and executing clearing of trades with foreign currency and precious metals, executed between the Bank of Russia, the Exchange and the Clearing House.
<b><i>Unified Clearing Pool -</i></b>	Clearing pool, formed in the Clearing System of the Securities Market, Deposit Market and Credit Market, consisting of all obligations with the similar, arrived Settlement Date: (1) obligations under Trades T+; (2) other defined in the Clearing Rules obligations between

	Clearing Members and the Clearing House; (3) obligations, recorded under the Unified Pool Settlement Account, transferred to the Clearing System of the Securities Market Deposit Market for execution from the Clearing Systems of others Markets.
<b>Work place of a Clearing Member -</b>	Set of programs and equipment designed for the use of a Clearing Member in order to receive technical access to the Clearing System. There are the following types of Work places of the Clearing Member: <ul style="list-style-type: none"><li>• Workplace RWP – Workplace of the Clearing Member that receives technical access using the Clearing System;</li><li>• Workplace ESH – Workplace of the Clearing Member that receives technical access using external software and hardware integrated with the Clearing System via the universal software and hardware gateway;</li><li>• Reuters Workplace – Workplace of a Clearing Member that receives technical access to the Clearing System using the Reuter System.</li></ul>

Terms, not specially defined in the Common part of the Clearing Rules, are used with the meanings ascribed to them in the special parts of the Clearing Rules, in the other documents of the Clearing House disclosed on the Clearing House's website, in the rules of organized trading, in the admission rules and in the other internal documents of the Exchanges, in laws, in regulations of the Bank of Russia and in other acts of the Russian Federation.

### **Article 3. The general provisions**

- 3.1. The Clearing House performs clearing executing functions of the central counterparty and without executing functions of the central counterparty.
- 3.2. The Clearing House performs clearing of partially secured trades, clearing of secured trades and clearing of non-secured trades.
- 3.3. The Clearing House performs clearing with settlement in Russian rubles and with settlement in foreign currency.
- 3.4. Specifics of the procedure for performing clearing on each Market is set out in the relevant special part of the Clearing Rules.
- 3.5. The Clearing House uses Collateral of Clearing Members, Collateral for Stress of Clearing Members, Default Funds as methods to secure fulfillment of obligations, accepted for clearing. Terms of establishing Collateral, Collateral for Stress and Default Funds are defined in the Clearing Rules.
  - 3.5.1. Collateral / Collateral for Stress in Russian rubles, securities, precious metals and commodities constitutes individual clearing collateral.
  - 3.5.2. Collateral / Collateral for Stress in foreign currency may constitute either the individual clearing collateral or the other collateral.

- 3.5.3. The other collateral type is the Collateral of the Clearing Member in foreign currency, which does not constitute individual clearing collateral, which constitutes asset, transferred by the Clearing Member to the Clearing House and is used to secure fulfillment of obligations of the Clearing Member towards the Clearing House regarding Trades with the central counterparty according to the Clearing Rules and to fulfill of obligations of the Clearing Member towards the Clearing House regarding Trades, and also to secure fulfillment of the other obligations, including net obligations of the Clearing Member, calculated in the order and in cases, set out in the Articles 59-63, and for the fulfillment of the defined obligations.
- 3.5.4. The Clearing House, at its sole discretion that is disclosed on the Clearing House's website, is entitled to set a list of foreign currencies, Collateral / Collateral for Stress that constitute the individual clearing collateral only.
- 3.5.5. The Clearing House is entitled to take a decision on the fact that the Collateral in the foreign currency, recorded under all Settlement Accounts on one or several exchange markets, and/or Collateral for Stress is "the other" collateral. The abovementioned decision is disclosed on the Clearing House's website.
- 3.5.6. Collateral / Collateral for Stress in foreign currency that constitutes the individual clearing collateral is posted on clearing bank accounts of the Clearing House, opened with the Settlement Organization, Collateral / Collateral for Stress in foreign currency that constitutes the other collateral is posted on correspondent accounts of the Clearing House, opened in a Settlement Bank, or on clearing banking accounts of the Clearing House, opened with the Settlement Institution.
- 3.5.7. Collateral of a Clearing Member on one Market in all foreign currencies, excluding foreign currencies, defined in the decision of the Clearing House that was made in accordance with the sub-paragraph 3.5.3, and foreign currencies, recorded on the Unified Pool Settlement Account, defined in the Article 21, may constitute either individual clearing collateral or the other collateral.

The Clearing Rules define a procedure for changing Collateral / Collateral for Stress in foreign currency that refers to individual clearing collateral to Collateral / Collateral for Stress in foreign currency that refers to "the other" collateral, upon request, submitted by a Clearing Member.

This order does not apply to foreign currencies in respect of which is stated that they may constitute only individual clearing collateral, by the decision of the Clearing House made in accordance with the subparagraph 3.5.3.

- 3.5.8. The Clearing House is entitled to take reasonable and available measures to find out the origin of funds and (or) other assets, posted by a Clearing Member as Collateral, as Collateral for Stress, as contributions to Default Funds, as contributions to asset pools.
- 3.6. The Clearing House records Collateral in cash funds and in precious metals and records obligations under Trades in cash funds and in precious metals under each Settlement Account, procedure for the registration of which is defined in the Article 16.
- The Clearing House records Collateral in securities and in commodities and records obligations under Trades in securities and in commodities under each Trade Account, procedure for the registration of which is defined in the Article 17 and in relevant special parts of the Clearing Rules.



- 3.6.1. The Clearing House does not net obligations, recorded under different Settlement Accounts / Trade Accounts, except for the liquidation netting procedure, executed in respect of the Clearing Member (in accordance with the Article 62), liquidation netting in respect of the Clearing House (according to the Article 65), calculation of net obligations / net claims of the Clearing Member in case of the Clearing House's default in respect of the Clearing Member (according to the Article 64), calculation of net obligations / net claims of the Clearing Member in case if the Clearing Member is included into the list of organizations, in respect of which there is data on their involvement in extremist activity or terrorism, or into the list of organizations, in respect of which there is data on their involvement in spreading weapons of mass destruction (according to the Article 61).
- 3.6.2. The Clearing House does not use Collateral in cash funds and in precious metals, recorded under the client Settlement Account and the Trust Settlement Account, for the fulfillment / termination of obligations, recorded under other Settlement Accounts.
- 3.6.3. The Clearing House does not use Collateral in cash funds and in precious metals, recorded under Proprietary Settlement Account, for the fulfillment of obligations, recorded under other Settlement Accounts, except for the cases of cross-default procedure (in accordance with the Article 53), of liquidation netting procedure, executed in respect of the Clearing Member (in accordance with the Article 62), liquidation netting in respect of the Clearing House (according to the Article 65), calculation of net obligations / net claims of the Clearing Member in case of the Clearing House's default in respect of the Clearing Member (according to the Article 64), calculation of net obligations / net claims of the Clearing Member in case if the Clearing Member is included into the list of organizations, in respect of which there is data on their involvement in extremist activity or terrorism, or into the list of organizations, in respect of which there is data on their involvement in spreading weapons of mass destruction (according to the Article 61).
- 3.6.4. In case if the Clearing Member does not fulfill obligations in cash funds or does not satisfy the Margin Call, recorded under the Settlement Account, for the fulfillment / termination of obligations in cash funds or of the Margin Call, the Clearing House is entitled to use Collateral in securities / commodities, recorded under any Trade Account, into the structure of which such Settlement Account is included.
- 3.6.5. The Clearing House does not use Collateral in securities / commodities, recorded under Trade Account, into the structure of which the Client Settlement Account or the Trust Settlement Account are included, for the fulfillment of obligations, recorded under other Trade Accounts, into the structure of which another Settlement Account is included.
- 3.6.6. The Clearing House does not use Collateral in securities / commodities, recorded under the Trade Account, into the structure of which proprietary Settlement Account is included, for the fulfillment of obligations, recorded under other Trade Accounts, into the structure of which another Settlement Account is included, except for cases of the cross-default procedure (in accordance with the Article 53) and of the liquidation netting procedure, executed in respect of the Clearing Member (in accordance with the Article 63), liquidation netting in respect of the Clearing House (according to the Article 65), calculation of net obligations / net claims of the Clearing Member in case of the Clearing House's default in respect of the Clearing Member (according to the Article 64), calculation of net obligations / net claims of the Clearing Member in case if the Clearing Member is included into the list of organizations, in respect of which there is data on their involvement in extremist activity

or terrorism, or into the list of organizations, in respect of which there is data on their involvement in spreading weapons of mass destruction (according to the Article 61).

3.7. The Clearing Member must inform its clients on stipulated by the Clearing Rules procedure for recording obligations by the Clearing House under Trades, executed on behalf of and (or) at the expense of the Clearing Members clients, and Collateral of the defined obligations, on Settlement Accounts types, and also on the opportunity to register Segregated Clients and this procedure, according to the grounds and in the order, defined in the Article 60.

3.8. The list of types of trading and clearing accounts in use, is set out in the Article 10.

3.9. Information on details of clearing accounts of the Clearing House, designed for posting the individual and/or collective clearing collateral and/or assets into an asset pool, and/or details of correspondent accounts of the Clearing House, registered in Settlement Banks and designed for posting Collateral in foreign currency that refers to the other collateral, is disclosed by the Clearing House through placing it on the Clearing House's website.

The Clearing House notifies Clearing Members about changes in details through directing them new details in a form of an electronic document and through placement of the relevant information on the Clearing House's website not later than 3 (three) workdays before such changes come into force, unless other time frames for details changes are not stated by the Clearing House, at its sole discretion.

3.10. Recording by the Clearing House of individual clearing collateral and the other collateral, posted by Clearing Members, is a service that is provided by the Clearing House to a Clearing Member as a part of clearing activity of the Clearing House.

3.10.1. List of types of the individual clearing and of the other collateral: Collateral; assets, constituting asset pool; Collateral for Stress and/or Default Fund, and also foreign currencies and precious metals, in respect of which the Clearing House levies the fee for recording individual clearing collateral and other collateral is determined by the decision of the Clearing House.

The abovementioned decision of the Clearing House also determines the list of markets, in respect of which the Clearing House levies the fee for Collateral recording.

3.11. The Clearing House is entitled to use in its own interest cash funds and precious metals, constituting the individual clearing collateral and/or collective clearing collateral and also "the other" collateral of Clearing Members in foreign currency, taking into account limitations, set out by the Clearing House in its document that defines criteria for placing temporary available cash funds of the Clearing House.

3.11.1. Income from the use of cash funds, which constitute the individual and/or collective clearing collateral, does not form a part of individual and/or collective clearing collateral.

3.12. On occasion if such is determined by the decision of the Clearing House, which is disclosed on the Clearing House's website, the Clearing House accrues and pays out percent on cash funds, which constitute individual and/or collective clearing collateral and/or the other collateral type, to Clearing Members as the payment for the right to use the abovementioned cash funds according to the procedure, defined in the Clearing Rules and/or by the decision of the Clearing House to accrue and pay out to Clearing Members

percent on cash funds, which constitute the individual and/or collective clearing collateral and/or the other collateral type.

- 3.12.1. The decision of the Clearing House to accrue and pay out percent on cash funds, which constitute the individual and/or collective clearing collateral and/or the other collateral type, to Clearing Members shall contain a list of types of individual and/or collective clearing collateral and/or the other collateral type (Collateral, Collateral for Stress and Default Funds) and currencies, to which such decision is applicable, and also an interest rate(-s), according to which such percent is accrued, and/or the procedure for calculating such rate(-s).
- 3.12.2. The decision of the Clearing House to credit and pay out percent on cash funds, which constitute the individual and/or collective clearing collateral, to Clearing Members shall be made in relation to separated Markets.
- 3.12.3. Percent on funds, which constitute the individual and/or collective clearing collateral and/or the other collateral type, forms a part of individual and/or collective clearing collateral and/or the other collateral type of a Clearing Member.
- 3.13. Except for cases set out in the paragraph 3.12 and special parts of the Clearing Rules, Clearing Members do not have the right to receive from the Clearing House any percent for the use of cash funds, which constitute the individual and collective clearing collateral or the other collateral that is defined in the Clearing Rules, transferred by Clearing Members to the Clearing House and recorded by the Clearing House.
- 3.14. Electronic documents interchange between a Clearing Member and the Clearing House is organized via the EDI, and/or Clearing terminal, and/or Web-clearing and/or S.W.I.F.T. system and/or via Financial messaging system of the Bank of Russia (hereinafter referred to as the SPFS of the Bank of Russia).
  - 3.14.1. Procedure for creating and transferring electronic documents via the EDI, Clearing Terminal, Web-clearing is defined in the electronic data interchange rules of the Moscow Exchange and in the Procedure for EDI.
  - 3.14.2. Electronic documents, sent via EDI, through the Web-clearing inclusively, are created according to formats, set out by documents of the Clearing House. The abovementioned documents are disclosed by the Clearing House through its placement on the Clearing House's website.
  - 3.14.3. Electronic documents, forwarded via the Clearing Terminal, are formed by the instruments of the Clearing Terminal and/or according to the formats, supported by the software of the Clearing Terminal. The document, which contains the description of the formats, supported by the software of the Clearing Terminal, is disclosed by the Clearing House through its placement on the Clearing House's website.

The Clearing House via the Clearing Terminal forwards to a Clearing Member notification on the execution / denial to execute requests, forwarded by a Clearing Member via the Clearing Terminal.
  - 3.14.4. Electronic documents, sent via S.W.I.F.T. system or via SPFS of the Bank of Russia, are created according to formats, defined by S.W.I.F.T. standards, taken into consideration

specifics, set out in an internal document of the Clearing House. Such document is disclosed by the Clearing House through its placement on the Clearing House's website.

- 3.15. Offers and other electronic messages, documents, signed by SES of the Clearing Member and sent by the Clearing Member to the Clearing House via the Clearing System, are recognized as electronic documents, equal to documents in written paper form and signed by SESSES of Clearing member.

Documents, electronic messages and information, received by a Clearing Member via the Clearing System, are recognized as electronic messages in written paper form, signed by SESSES of the Clearing House.

Procedure for using SESSES is set out in the Article Article 7.

- 3.16. List of documents, provided by Clearing Members, clients of Clearing Members and other entities defined in the relevant part of the Clearing Rules, to the Clearing House in accordance with the common and special parts of the Clearing Rules via the EDI, Clearing Terminal, S.W.I.F.T. system, via SPFS of the Bank of Russia or in paper form, and also forms and formats of the provided documents, are set out in the relevant documents of the Clearing House (relevant parts of documents of the Clearing House), unless otherwise stated in the Clearing Rules. Abovementioned documents are disclosed by the Clearing House through its placement on the Clearing House's website.

Cases of provision of documents to the Clearing House via the Clearing system shall be set out in the Clearing Rules.

- 3.17. Time frames for the fulfilment of obligations, set out in the Common part of the Clearing Rules, and time frames for provision of documents to the Clearing House / by the Clearing House as a part of cooperation process with Clearing Members, which is set out in the Common part of the Clearing Rules, are defined by the Time Specification that constitutes Supplement №6 to the Common part of the Clearing Rules (hereinafter – the Time Specification).

Time frames for fulfilment of obligations, set out in special parts of the Clearing Rules, time when clearing sessions take place, and time frames for provision of documents to the Clearing House / by the Clearing House as a part of cooperation process with Clearing Members when the clearing and settlement take place under trades, set out in special parts of the Clearing Rules, are defined by Time Specifications that are attached to special parts of the Clearing Rules.

Time frames, defined by Time Specification of Time Specifications, which are supplements to the relevant parts of the Clearing Rules, in relation to specific transactions shall be changed by the decision of the Clearing House. The Clearing House notifies Clearing Members about any changes in time frames for specific transactions via placement relevant information on the Clearing House's website, and/or via EDI, and/or via the Clearing System not later than 2 (two) Settlement Days before the date, on which such changes come into force, unless otherwise stated in the decision of the Clearing House. Clearing House is entitled to notify Clearing Members on changing time (terms) for the execution of separate operations in shorter terms in case if circumstances, which do not allow to notify the Clearing Member on changing time (terms) for the execution of separate operations in not less than 2 (two) Settlement Days till the date of such change, including cases when time of execution of operations by Settlement Institutions, Settlement Banks and Settlement Depository is changed, arise.

- 3.18. The Clearing House is entitled to take decision on limiting performance of specific transactions in particular Settlement Day. The Clearing House notifies Clearing Members on such decision via placement of relevant information on the Clearing House's website, and/or via EDI, and/or via the Clearing System not later than 2 (two) days Settlement Days before the Settlement Day, until which such limitations will be in force.
- 3.19. The Clearing House cooperates with the Exchange according to concluded agreements, which define procedure for and terms of cooperation when the Exchange organize Trading, and when the Clearing House performs clearing and other functions, related to clearing of trades, executed while Trading, organized by the Exchange.
- 3.20. With the aim to fulfil obligations under Trades, and also regarding other aims, stipulated by the Clearing Rules, the Clearing House is entitled to execute Trades on the basis of orders, submitted via the System of Trading / Trading System of the Exchange by the Clearing House, and Offers / Offers «Strategy», submitted by the Clearing House via the Clearing System.

#### **Article 4. Rights and liabilities of Clearing Members and the Clearing House**

- 4.1 Rights and liabilities of Clearing Members and the Clearing House are determined in the Clearing Membership Agreement and in the Clearing Rules.
- 4.2 The form of the Clearing Membership Agreement is set by the Supplement 1 to the Common part of the Clearing Rules.
- 4.3 Conclusion of the Clearing Membership Agreement is made by accession to the agreement, terms of which are defined in the Clearing Rules.
- 4.4 When concluding a Clearing Membership Agreement Clearing Member accedes to the EDI procedure and agrees with its terms.
- Concluding Clearing Membership Agreement Clearing Member gives its consent upon electronic document interchange, stipulated by these Clearing Rules, including Offers submission and withdrawal. Abovementioned agreement is concluded with the aim to execute part 2 of the article 6 of the Federal Law "On electronic signature" according to which electronic document, signed by simple electronic signature, is recognized as the one equal to the document in paper form, signed by the handwritten signature.
- 4.5 An amount of charge for clearing services, provided to Clearing Members by the Clearing House, are defined in the Tariffs of the Clearing House.
- 4.6 The general procedure for charging fees for clearing services of the Clearing House is defined in the Article 58.
- Specifics of the procedure for charging fees for clearing services of the Clearing House can be defined in the relevant special parts of the Clearing Rules.
- 4.7 Clearing services of the Clearing House is considered to be provided in a proper way if during 5 (five) workdays after the end of the month a Clearing Member does not state the opposite in writing.

- 4.8 A Clearing Member is entitled to refuse from execution of a Clearing Membership Agreement only in case of absence of any asset obligations under such agreement and any unfulfilled obligations, accepted for clearing, notifying the Clearing House on this issue in writing not later than 5 (five) workdays before termination date of the Clearing Membership Agreement.
- 4.9 The Clearing House is entitled to refuse from execution of the Clearing Membership Agreement, concluded with a Clearing Member, in case of breach by a Clearing Member of requirements, applied to him by the Clearing Rules.
- 4.10 The Clearing House is entitled to refuse to execute Clearing Membership Agreement in case if during 6 (six) months since the conclusion of the defined agreement, a Clearing Member did not receive the admission to the clearing service, or during 6 (six) months in a row, a Clearing Member did not have the admission to the clearing service on any Market in relation with the suspension / termination of an admission to the clearing service.
- 4.11 The Clearing Membership Agreement can be terminated in the following cases:
- 7) termination of admission of a Clearing Member to the clearing service on all Markets, where a Clearing Member was admitted to the clearing service. Clearing Membership Agreement is terminated since of the date when admission of the Clearing Member is terminated on the last on-exchange market;
  - 8) liquidation of a Clearing Member or termination of his activity in case of reorganization (except for reorganization in the form of transformation) and also cases of reorganization of a Clearing Member under the condition that the activity of a Clearing Member is terminated as the result of reorganization. Clearing Membership Agreement is terminated since of the date of the Clearing Member's winding up / reorganization (except for reorganization in the form of transformation).
- 4.12. In case of termination of the Clearing Membership Agreement with a Clearing Member, the Clearing House returns to a Clearing Member cash funds, precious metals and securities, recorded as Collateral of a Clearing Member / Default Funds contributions of a Clearing Member / Collateral for Stress of a Clearing Member by the date of termination of the Clearing Membership Agreement, not later than 3 (three) workdays of the date of termination of the Clearing Membership Agreement. Russian rubles are returned to the correspondent account of a Clearing Member – Credit Institution, registered in the Bank of Russia, to Clearing Members, which are not Credit Institutions, Russian rubles, foreign currency and precious metals are returned according to the details of any Account for Collateral Return, which is registered by a Clearing Member in accordance with the Clearing Rules, in the relevant currency / precious metal, the owner of which is a Clearing Member, or according to the details of the relevant trading bank account of a Clearing Member, registered in the Non-credit Institution National Settlement Depository Joint-stock company, with the indication of the Clearing House as the clearing organization, which is entitled to give instructions in respect of these accounts, securities are returned to the owner trading depo account of a Clearing Member.
- 4.12.1. Return to a Clearing Member of cash funds, recorded as Collateral on Collateral Accounts, which correspond to Settlement Accounts, established for a Segregated Client, registered with signification of the necessity to protect cash funds of a Segregated Client, is executed according to the details of the Account for Collateral Return in respect of a Settlement Account, opened for such Segregated Client (in case of the Clearing House obtains such registered details).

- 4.12.2. Return to a Clearing Member of cash funds and/or securities in accordance with this paragraph is executed, taken into account provisions of the Article 61 Article 62 and Article 65.
- 4.13. A Clearing Member is obliged to replenish to the Clearing House defined at the moment of use the value of assets of Default Funds, estimated in Russian rubles, from contributions of Non-defaulting Clearing Members, which were used when terminating obligations of such Clearing Member, in accordance with the Article 62.
- 4.14. Termination of the Clearing Membership Agreement does not exempt a Clearing Member and the Clearing House from the fulfillment of obligations arisen before the termination of the Clearing Membership Agreement.
- 4.15. The Clearing House is entitled to disclose on its website information about facts of violation by Clearing Members of requirements under the Clearing Rules, including facts of non-fulfilment of obligations by Clearing Members in the order defined in the Clearing Rules.
- 4.16. The legislation of the Russian Federation is an applicable law for a Clearing Member, including a Clearing Member – Non-resident Bank, International Organization or a separate group of legal entities, which regulates the Clearing Membership Agreement and relations between a Clearing Member and the Clearing House connected with the abovementioned agreement.
- 4.17. In accordance with the article 431.2 of the Civil Code of the Russian Federation, an entity, applying for obtaining an access to the clearing service / a Clearing Member / a Trading Member, which concluded an Agreement on keeping clearing registers, assures the Clearing House that in order to obtain an access to clearing service and to realize actions as a Clearing Member / Trading Member, which concluded an Agreement on keeping clearing registers, they obtained all required decisions of the managing bodies / third entities on approval, and also consents, receipt of which is stipulated by the legislation, statute, other documents stipulating the activity of such legal entity / Clearing Member / Trading Member, which concluded such Agreement on keeping clearing registers. Such entity gives assurances that execution of any Trades according to the Clearing Rules or related to them, both with such entity and in respect of such entity (including but not limited to execution of closing and balancing trades), also performing any other actions according to the Clearing Rules both by such entity and in respect of such entity, under any circumstances will not result in breaching any law regarding neither this entity, nor any asset which is subject of such trades. Assurances, defined in this paragraph, are given by the entity that applies for admission to the clearing service / by the Clearing Member / by the Trading Member that concluded agreement on keeping clearing registers, each of them may act both in its own interest / at its own expense and in the interest / at the expense of other entities – broker, trustee, managing company or the other status, which expects action in the interest and/or at the expense of the other entity, including status, defined according to the applicable personal law.

In case if the Clearing Member / Trading Member, which concluded agreement on keeping clearing registers, performs any actions stipulated by the Clearing Rules, including the ones that initiate execution by the Clearing House of any procedures, stipulated by the Clearing Rules, due to execution of which, according to the assessment of the Clearing House, any assurances may be breached, the Clearing House is entitled to suspend such actions, by

refusing to perform any procedures, stipulated by the Clearing House, initiated by such Clearing Member / Trading Member. In case if the defined assurances were violated either at the moment of granting admission or during the process of granting admission / executing actions as a Clearing Member / Trading Member, which concluded the Agreement on keeping clearing registers, the abovementioned assurances were invalid, and/or inaccurate, the Clearing House is entitled to terminate an access and/or to recover its losses, arisen as the result of such violation or invalidity and/or inaccuracy of the abovementioned assurance. In case if the abovementioned assurances were violated either at the moment of granting admission or during the process of granting admission / executing actions as a Clearing Member / Trading Member, which concluded the agreement on keeping clearing registers, the abovementioned assurances were invalid, and/or inaccurate, the Clearing House is entitled to suspend access and/or to recover its losses, arisen as the result of such violation or invalidity and/or inaccuracy of the abovementioned assurance.

In case if the defined assurances were violated either at the moment of granting admission and during the process of granting admission / executing actions as a Clearing Member / Trading Member, which concluded the agreement on keeping clearing registers, were invalid, and/or inaccurate, and led to claims of third party and / or the authorities, such as but not limited to provisions of the Bank of Russia, the entity applying for admission to clearing services / Clearing member / Trading Member, concluded the Agreement on keeping clearing registers, violated or submitted these assurances, is obliged to recover all losses of the Clearing House, including losses connected with recovery of losses to third party and / or payment fines connected with settlement defined claims.

## **Article 5. Agreement on keeping clearing registers**

- 5.1 A Non-Clearing Member-Trading Member is entitled to conclude with the Clearing House an Agreement on keeping clearing registers, in accordance to which the Clearing House provides the Trading Member with the following clearing services:
- 5.1.1. registers for a Trading Member relevant clearing registers of the 3<sup>rd</sup> level (procedure is defined in the Article 20 and/or in special parts of the Clearing Rules) and provides the information, stipulated by the Clearing Rules (hereinafter referred to as the clearing services upon registration of clearing registers of the 3<sup>rd</sup> level);
  - 5.1.2. records in the Clearing System and provides to a Trading Member information on Collateral in cash funds, posted with signification of the relevant clearing register of the 3<sup>rd</sup> level, and on Collateral in securities and precious metals, information on which is recorded under the relevant clearing register of the 3<sup>rd</sup> level, and on emergence and termination of obligations arising from trades, executed by a Trading Member with the signification of a clearing register of the 3<sup>rd</sup> level (procedure is defined in the Article 45 and/or in special parts of the Clearing Rules);
  - 5.1.3. provides services to a Trading Member upon limiting operations in the Clearing System, executed by a Trading Member at the expense of clients of a Trading Member (procedure is defined in the Article 25 and/or in special parts of the Clearing Rules);
  - 5.1.4. provides to a Trading Member reports, as set out in the Clearing Rules (procedure is defined in special parts of the Clearing Rules);
  - 5.1.5. provides other services to a Trading Member, as set out in the Clearing Rules.



- 5.2 Clearing services, listed in sub-paragraphs 5.1.2-5.1.5 hereinafter referred to as the clearing services upon keeping clearing registers of the 3<sup>rd</sup> level.
- 5.3 Rights and liabilities of a Trading Member and of the Clearing House are defined in an Agreement on keeping clearing registers and in the Clearing Rules.
- 5.4 The form of an Agreement on keeping clearing registers is defined in the Supplement 2 to the Common part of the Clearing Rules.
- 5.4.1. Agreement on keeping clearing registers is provided by Trading Member to the Clearing House in paper form, signed by the designated person of the legal entity and affixed by the seal of the legal entity (if available), and/or in the form of electronic document. Agreement on keeping clearing registers in the form of electronic document is provided via EDI. Electronic document has the same legal right as the document in paper form, signed by a handwritten signature of the designated person of the legal entity and affixed by the seal of the legal entity.
- 5.4.2. Rights and liabilities of parties to the Agreement on keeping clearing registers arise since of the date of its conclusion. Date of the conclusion of the Agreement on keeping clearing registers is the date when the Clearing House assigns number to such agreement. Clearing House informs Trading Member on assignment of number to the Agreement on keeping clearing registers by forwarding relevant notification not later than the following workday. Clearing House assigns number to the Agreement on keeping clearing registers in not later than 10 (ten) workdays since of the date of provision by the Trading Member of the full set of documents and data, stipulated by the sub-paragraph 5.4.3. In case if the Trading Member provides to the Clearing House incomplete set of required documents and data, and/or the Clearing House requires additional documents and data, the abovementioned time is calculated since of the date of receipt by the Clearing House of all required documents and data, necessary for the conclusion of the Agreement on keeping clearing registers.
- 5.4.3. In order to conclude an Agreement on keeping clearing registers a Trading Member shall provide the Clearing House with a set of documents in accordance with the list, set out in the Supplement 4 to the Common part of the Clearing Rules, except for the FATCA Form. In case if any of the documents, defined in the supplement 4 to the Common part of the Clearing Rules, has been provided to the Clearing House earlier and is available, then the Trading Member, upon provisional approval of the Clearing House, may be released from the obligation regarding resubmission of such document.
- 5.4.4. Provision of service under an Agreement on keeping clearing registers is executed only if a Trading Member has a technical access to the Clearing System.
- 5.5 Conclusion of an Agreement on keeping clearing registers is realized through entering into an agreement, terms of which are defined in the Clearing Rules.
- 5.6 Concluding an Agreement on keeping clearing registers a Trading Member accedes to the EDI Procedure and agrees with its terms.
- Concluding Agreement on keeping clearing registers, Trading Member gives its consent upon electronic document interchange, stipulated by these Clearing Rules. Abovementioned agreement is concluded with the aim to execute part 2 of the article 6 of the Federal Law “On electronic signature” according to which electronic document, signed

by simple electronic signature, is recognized as the one equal to the document in paper form, signed by the handwritten signature.

Electronic messages, documents, signed by SES of the Trading Member and forwarded by the Trading Member of the Clearing House via the Clearing system, are recognized as electronic documents equal to the ones in written paper form and signed by a handwritten signature of the representative of the Clearing Member.

Documents, electronic messages and information, received by the Market Participant from the Clearing system are recognized as electronic documents equal to the documents in written paper form and signed by a handwritten signature of the representative of the Clearing House.

Procedure for using SES is defined in the Article 9.

5.7 Clearing services upon registering clearing registers of the 3<sup>rd</sup> level are provided to the Trading Member by the Clearing House.

5.8 Trading Member, which within the Agreement on keeping clearing registers gains access to the inside information of the Clearing House on emergence and termination of Trades, executed by the Trading Member with the indication of the relevant clearing register of the 3<sup>rd</sup> level, and information on Collateral in cash funds, posted as with the indication of the relevant clearing register of the 3<sup>rd</sup> level, and on Collateral in securities and in precious metals, information about which is recorded under the relevant clearing register of the 3<sup>rd</sup> level, confirms that when concluding Agreement on keeping clearing registers he was informed on the following:

- 1) on requirements of the Federal Law N 224-FZ of 27 July, 2010 on Countering the Illegal Use of Inside Information and Market Manipulation and on Amending Certain Legislative Acts of the Russian Federation (hereinafter referred to as the Law N 224-FZ);
- 2) on responsibility for illegal usage of the inside information;
- 3) on the fact that he will be included into the insiders list of the Clearing House according to the requirement of the Law N 224-FZ in the order, stipulated by legislative acts of the Bank of Russia;
- 4) on the fact that the inside information may be transferred to the Trading Member according to the Agreement on keeping clearing registers only after including such Trading Member into the insiders list of the Clearing House.

5.9 In case if the Trading Member does not provide the Clearing House with the request, stipulated by the sub-paragraph 18.3.2, then clearing services upon keeping relevant clearing registers of the 3<sup>rd</sup> level are provided by the Clearing House to the Trading Member.

In case if the Trading Member provides the Clearing House with the request, stipulated by the sub-paragraph 18.3.2, then clearing services upon keeping relevant clearing registers of the 3<sup>rd</sup> level are provided by the Clearing House to the Trading Member according to the Clearing Membership Agreement.

In case if the Clearing Member refuses from the provision by the Clearing House of clearing services upon keeping relevant clearing registers of the 3<sup>rd</sup> level in accordance with the sub-paragraph 18.3.2, then services upon keeping clearing registers of the 3<sup>rd</sup> level are provided to the Trading Member by the Clearing House.

- 5.10 An amount of charge for the clearing services upon registering and/or keeping clearing registers of the 3<sup>rd</sup> level under an Agreement on keeping clearing registers, provided to a Trading Member by the Clearing House in accordance with the Clearing Rules, and an amount of charge for the clearing services upon keeping clearing registers of the 3<sup>rd</sup> level, provided by the Clearing House / Clearing Member, according to the Clearing Rules, is defined in the Tariffs of the Clearing House.
- 5.11 The general procedure for charging fees for services of the Clearing House under an Agreement on keeping clearing registers is defined in the Article 58.  
Specifics of the procedure for charging fees for services of the Clearing House under an Agreement on keeping clearing registers may be defined in relevant special parts of the Clearing Rules.
- 5.12 Services of the Clearing House under an Agreement on keeping clearing registers are considered to be provided in a proper way if during 5 (five) workdays after the end of a month, during which services have been provided, a Trading Member does not state the opposite in writing.
- 5.13 A Trading Member is entitled to refuse from the execution of an Agreement on keeping clearing registers, giving a notification to the Clearing House in a written form not later than 5 (five) days before the termination of an agreement on keeping clearing registers.
- 5.14 Provision of services under an Agreement on keeping clearing registers is suspended in case of closure of all clearing registers of the 3<sup>rd</sup> level, registered by the Clearing House on the basis of the request, submitted by a Trading Member, which is a party to such agreement on keeping clearing registers.
- 5.15 An Agreement on keeping clearing registers, suspended on the basis of paragraph 5.14, is in force again since of the date of registration of not less than one clearing register of the 3<sup>rd</sup> level on the basis of request, provided by a Trading Member, which is a party to such agreement on keeping clearing registers.
- 5.16 Agreement on keeping clearing registers can be suspended due to the breach by the Trading Member of assurances, stipulated by the Article 9.
- 5.16.1. In case if the Trading Member addressed the circumstances that resulted in the breach of assurances, stipulated by the Article 9, agreement on keeping clearing registers is renewed in not later than 10 (ten) workdays since of the date when the Clearing House receives confirmation of the fact that Trading Member has addressed the circumstances that resulted in the breach of assurances, about which Clearing House informs the Trading Member in not later than the next workday by forwarding relevant information .
- 5.17 A charge for the provision of services under an Agreement on keeping clearing registers for a suspension period of such agreement is not levied.
- 5.18 An Agreement on keeping clearing registers terminates in the following cases:
- 1) in case of termination of an access to trading to a Trading Member, on all Markets, where a Trading Member is admitted to trading;

- 2) in case if an agreement on keeping clearing registers, suspended on the basis of the paragraph 5.14 or paragraph 5.16, has not recommenced during 6 (six) months since the moment of a suspension.
- 5.19 Termination of an Agreement on keeping clearing registers does not exempt a Trading Member and the Clearing House from the fulfilment of obligations, arisen before the termination of such agreement.
- 5.20 The legislation of the Russian Federation is an applicable law for a Trading Member, which regulates an agreement on keeping clearing registers and relations between a Trading Member and the Clearing House connected to such agreement.

## Article 6. **Confidentiality**

- 6.1 A Clearing Member and the Clearing House shall treat the content of the Clearing Membership Agreement and terms of executed Trades as confidential information and will not disclose it to any third parties (except for auditors of a Clearing Member or of the Clearing House, authorized state bodies, Trading Members that executed such Trades and its clients, in whose interests such trades have been executed, and also except for cases of information disclosure in according with the requirements of the law of the Russian Federation), if other is not agreed between a Clearing Member and the Clearing House in a special way.
- 6.2 A Trading Member and the Clearing House shall treat the content of the Agreement on keeping clearing registers as confidential information and will not disclose it to third parties (except for auditors of a Clearing Member or of the Clearing House, authorized state bodies, and also except for cases of information disclosure in according with the requirements of the law of the Russian Federation), if other is not agreed between a Trading Member and the Clearing House in a special way.
- 6.3 Any documents provided and prepared by a Clearing Member, by a Trading Member and/or by the Clearing House to execute Clearing Membership Agreement / Agreement on keeping clearing registers and/or Trades, executed within the Clearing Membership Agreement, shall be treated as confidential.
- 6.4 Clearing Members / Trading Members, which concluded an Agreement on keeping clearing registers with the Clearing House, agree that on request, submitted by the Bank of Russia, the Clearing House transfers to the Bank of Russia information on progress and results of clearing, on the basis of the agreement, concluded between the Clearing House and the Bank of Russia.
- 6.5 Clearing Member agrees that information on obligations and collateral of the Clearing Member becomes available to the Exchange.
- 6.6 Clearing Member agrees with transfer of documents and information, provided to the Clearing House according to the Clearing Rules, to the following companies of the Moscow Exchange group: Moscow Exchange, NSD, NAMEX. Documents and information in respect of Clearing Members, which have valid agreement with the relevant company of the Moscow Exchange Group or are party to a trade, executed within organized trading of the Moscow Exchange, also documents and information in respect of beneficial owners of such Clearing Members, are transferred to the abovementioned companies of the Moscow

Exchange Group. These companies of the Moscow Exchange Group use documents and information, received from the Clearing House, including the aim to meet legal requirements concerning combating money laundering and terrorist financing in the order defined by the relevant internal regulation, also with the aim to prevent violation of this legislation resulted from orders submission and trades execution within organized trading inclusively.

6.7 A Clearing Member agrees that a Trading Member, with which the Clearing House concluded an Agreement on keeping clearing registers, is granted an access, including transfer, initiated by the Clearing House, to information on obligations and collateral of a Clearing Member, which is party to Trades, executed by this particular Trading Member, and to other information related to such Clearing Member in volume, which is defined in the Clearing Rules and which is sufficient to provide service to a Trading Member by the Clearing House under an Agreement on keeping clearing registers.

A Clearing Member agrees that abovementioned information becomes available to the Exchange and the Exchange may provide this information to a Trading Member that concludes trades, to which a Clearing Member is a party.

6.8 Specifics of this article application can be set out in the relevant special part of the Clearing Rules.

**Article 7. Clearing House acting as tax agent in respect of income of foreign organizations from sources located in the Russian Federation**

7.1. Clearing House acting as tax agent withholds and pays to the budget of the Russian Federation sum of the tax on income of foreign organizations from sources located in Russian Federation in cases set by Russian tax legislation.

7.2. In order to enable the Clearing House to act as a tax agent, Non-resident Clearing Member and the Clearing Member – International Organization must provide documents, stipulated by the Supplement 4 to the Common Part of the Clearing Rules, in respect of themselves and in respect of each entity, including foreign structure with no corporate status, that has the actual right to receive the income according to the article 7 of the Tax Code of the Russian Federation (hereinafter referred to as the beneficial owner of the income), on behalf of which they will become party to Trades, executed with the Clearing House.

7.2.1. Clearing House registers beneficial owners of income of such Clearing Members on the basis of the documents provided according to the paragraph above. With the aim to register foreign structures with no corporate status can be recognized as beneficial owners of income.

7.2.2. Individual person cannot be registered as beneficial owner of income of the Clearing Member, Russian organization (as defined in the article 11 of the Tax Code of Russian Federation) and foreign structure, if received income, defined in the Clearing Rules, is referred to permanent office of such foreign organization in the Russian Federation.

7.2.3. Clearing House is entitled to refuse the Clearing Member to register the entity as the beneficial owner of income of the Clearing Member or to annul registration of the beneficial owner of income of the Clearing Member in case if the Clearing Member provides false / incomplete data or data that does not allow to unambiguously identify beneficial owner of income, and also if there is any reputational risk to the Clearing House in case of execution of trades with the Clearing Member on behalf of such entity.

- 7.3. Considering that the Clearing House acts as a tax agent in respect of income of Non-resident Clearing Members or Clearing Members – International Organizations or beneficial owner of income registered by such Clearing Members, the Clearing House is entitled at its sole discretion to limit instruments, in which can be executed the Trades, party to which Non-resident Clearing Member or Clearing Member – International Organization is entitled to become, on behalf of the beneficial owner of income inclusively. Information on decisions made by the Clearing House on limiting instruments, regarding which Non-resident Clearing Members or Clearing Members – International Organizations have the right to become party to Trades, on behalf of the beneficial owner of income inclusively, is disclosed on the website of the Clearing House. Such decision of the Clearing House comes into force on the 3<sup>rd</sup> workday since of the date when relevant information has been disclosed, unless other date of entering into force is defined in the decision.
- 7.4. When the Clearing House receives information from the Exchange on the submitted order / Quotation of Trading Member when the Clearing Member submits the Offer to execute a trade, party to which will become the Non-resident Clearing Member or the Clearing Member – International Organization on behalf of the entity not registered by the Clearing House as the beneficial owner of income of such Clearing Member, or on behalf of the entity and in the instrument, in respect of which the Clearing House has made the decision according to the paragraph 7.3, except for orders / Offers to execute spot and swap trades in foreign currency, the Clearing House forwards to the Exchange information (report) on the impossibility to register the order / Quotation of Trading Member Clearing House forwards to the Clearing Member refusal to register the Offer.
- 7.5. Clearing House calculates organization profits tax on income of foreign organizations from sources located in Russian Federation, to be paid by Non-resident Clearing Member or Clearing Member – International Organization, including on beneficial owners of income of such Clearing Members, according to the procedure and within time limits, set by the Tax Code of the Russian Federation.
- 7.6. Obligation of the Clearing Member to pay the sum, equal to the organization profits tax on income of foreign organizations from sources located in Russian Federation, is recorded under the Settlement Account of the Clearing Member under which income arising from Trade or other income of a foreign organization from the sources located in the Russian Federation is recorded.
- 7.7. Clearing Member is entitled to replace Settlement Account under which obligations to pay the sum, equal to the organization profits tax on income of foreign organizations from sources located in Russian Federation, shall be recorded and settled.
- 7.8. In order to make a replacement, defined in the paragraph 7.7, Clearing Member must do the following:
- 7.8.1. provide to the Clearing House Request for opening Trade Account for paying taxes (if the Trade Account for paying taxes is not opened).
- 7.8.2. provide to the Clearing House 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, where Settlement Account, defined in the paragraph 7.6, is indicated.

- 7.9. Application, defined in the sub-paragraph 7.8.2, which contains indication on inclusion of the Settlement Account into 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 (hereinafter referred to as the list of Settlement Accounts, connected with Settlement Accounts for paying tax), is executed if the following condition is met:
- Settlement Account, which is required to be included into the list of Settlement Accounts, connected with the Settlement Account for paying taxes, is not the Settlement Account opened for the Segregated Client or the Settlement Account with which Segregated Sub-accounts Cluster is connected.
- 7.10. Application, defined in the sub-paragraph 7.8.2, which contains indication on exclusion of the Settlement Account from the list of Settlement Account, connected with the Settlement Accounts for paying tax, is executed if the following condition is met:
- Obligations to pay sums, equal to the organization profits tax on income of foreign organizations from sources located in Russian Federation, recorded under the Settlement Account, which is to be excluded from the list of Settlement Accounts, connected with the Settlement Account for paying taxes, are not recorded under the Settlement Account for paying taxes.
- 7.11. Application defined in the sub-paragraph 7.8.2 is executed not later than on the following Settlement Day.
- 7.12. After execution of the application, defined in the sub-paragraph 7.8.2, which contains indication of the Settlement Account which is required to be included into the list of Settlement Accounts connected with the Settlement Account for paying taxes, Clearing House stops recording obligations to pay sums, equal to the organization profits tax on income of foreign organizations from sources located in Russian Federation, under the Settlement Account, defined in the application, and starts recording these obligations under the Settlement Account for paying taxes.
- 7.13. After execution of the application, defined in the sub-paragraph 7.8.2, which contains indication of the Settlement Account which is required to be excluded from the list of Settlement Accounts connected with the Settlement Account for paying taxes, obligations to pay sums, equal to the organization profits tax on income of foreign organizations from sources located in Russian Federation, stop being recorded under the Settlement Account, defined in the application, that have arisen after execution of the application, will be recorded under the Settlement Account defined in the application.
- 7.14. Clearing House excludes all Settlement Accounts from the list of Settlement Accounts, connected with the Settlement Account for paying taxes, in case of suspension or termination of Clearing Member's admission to the clearing service. Meanwhile obligations to pay sums, equal to the organization profits tax on income of foreign organizations from sources located in Russian Federation, stop being recorded under the Settlement Account for paying taxes and start being recorded under Settlement Accounts, defined in the paragraph 7.6.
- 7.15. If after performing actions, defined in the paragraph 7.14, value of the Single Limit of Settlement Accounts, defined in the paragraph 7.6, is negative, Clearing House imposes

Settlement Regime for the Settlement Account for paying taxes, procedure for imposing of which is given in the Article 38, and performs actions in the following order (each next action is taken in case if the previous one did not result in non-negative value of the Single Limit of the defined Settlement Accounts):

- 7.15.1. transfers Collateral for the Clearing Member (except for general collateral certificates) in the amount for which terms of Collateral return are met, stipulated by the relevant part of the Clearing Rules, recorded under proprietary Settlement Accounts / Trade Accounts, into the structure of which proprietary Settlement Account is included (upon choice of the Clearing House) and assets of the Clearing Member from an asset pool in the amount for which for which terms of general collateral certificates repayment when releasing relevant assets from an asset pool are met, recorded under the Asset Pool Settlement Account / Asset Pool Trade Accounts, into the structure of which Settlement Account of the Clearing Member is included (upon choice of the Clearing House), to the Settlement Account which has negative value of the Single Limit / Trade Account into the structure of which Settlement Account which has negative value of the Single Limit is included;
- 7.15.2. sells foreign currency / securities, recorded under the Settlement Account for paying taxes / Trade Account for paying taxes in the amount required for non-negative value of the Single Limit of the defined Settlement Accounts;  
transfers Collateral in Russian rubles from the Settlement Account for paying taxes to the Settlement Account of the Clearing Member that has negative Single Limit in the amount required for the Single Limit to become non-negative.
- 7.16. If after taking actions defined in the paragraph 7.15, values of Single Limit of all Settlement Accounts, under which according to the paragraph 7.14. obligations to pay sums, equal to the organization profits tax on income of foreign organizations from sources located in Russian Federation, are recorded, Clearing House removes Settlement Regime for the Settlement Account for paying taxes, if there is no other grounds for imposing Settlement Regime, stipulated by the Clearing Rules.
- 7.17. Obligation of the Clearing Member to pay the sum, equal to the organization profits tax on income of foreign organizations from sources located in Russian Federation, is accepted for clearing since of the Trade execution date (when the Clearing Member receives income under Trade) / date when the Clearing Member receives income (when the Clearing Member receives other income according to this article of the Clearing Rules). This obligation is fulfilled according to the order, set out in the Common Part of the Clearing Rules.
- 7.18. When calculating Single Limit for the Settlement Account (for Unified Pool Settlement Accounts, for Settlement Accounts on the FX market and Precious Metals market) or the value  $SZ_{SC}$  (free Collateral) (on the Derivatives market) Clearing House includes the sum, equal to the organization profits tax on income of foreign organizations from sources located in Russian Federation under Trades, which are derivatives, to be charged according to the Russian Tax Code, which will be charged by the Clearing House in case if the date of calculation of the Single Limit for the Settlement Account or of the value  $SZ_{SC}$  is the date when the tax is paid, since of the date when the Clearing Member receives income under Trades, which are derivatives, till the date when the Clearing Member pays out organization profits tax on income of foreign organizations from sources located in Russian Federation (defined sum is included with “minus”).



- 7.19. Since the 1<sup>st</sup> of January and till the date of provision by the Non-resident Clearing Member (in respect of itself and its clients) and the Clearing Member – International organization (in respect of its clients) of the document, stipulated by the article 312 of the Tax Code of the Russian Federation in order to confirm permanent location within the territory of the state, with which the Russian Federation has an international treaty regarding tax issues (hereinafter referred to as certificate of tax residence), set out in the Supplement 4, or till the actual date of provision by the Non-resident Clearing Member or by the Clearing Member – International organization of the certificate of tax residence for the current calendar year (depending on which event comes earlier) (except for banks, permanent location of which is confirmed via public information source), the Clearing House calculates and withholds tax on income of foreign organizations from sources located in Russian Federation, in respect of trades, executed on behalf of the Non-resident Clearing Member or beneficial owner of the income of the Non-resident Clearing Member, or beneficial owner of the income of the Clearing Member – International organization, in respect of which certificate of tax residence has not been received, since the 1<sup>st</sup> of January of the current calendar year according to tax rates in effect for the current calendar year, defined by the applicable agreement on avoiding dual taxation, entered into with the state, which is the state of tax residence for the Non-resident Clearing Member, beneficial owner of income of the Non-resident Clearing Member or the International Organization for the previous calendar year (tax period).
- 7.20. In case if the Non-resident Clearing Member does not provide the certificate of tax residence) and/or does not provide the certificate of tax residence of the beneficial owner of income of the Non-resident Clearing Member, or in case if the Clearing Member – International Organization does not provide the certificate of tax residence of the beneficial owner of income for the next tax period (calendar year) within the period of time, defined in the Supplement 4 to the Common Part of the Clearing Rules (except for banks, permanent location of which is confirmed via public information source), the Clearing House acting as a tax agent withholds tax on income of foreign organizations from sources located in Russian Federation without applying provisions of the treaty on avoiding dual taxation according to tax rates, stipulated by the Tax Code of the Russian Federation, on the income, paid starting from the 1<sup>st</sup> of January of the current year.
- 7.20.1. If the certificate of tax residence, of the beneficial owner of income, is provided with the delay, the Non-resident Clearing Member / Clearing Member – International Organization must pay penalty to the Clearing House, which is calculated according to the following formula:
- Penalty = 1,2 × S, where
- S is the sum of cash funds, calculated according to the procedure, stipulated by the Tax Code of the Russian Federation for the calculation of late payment interest for undue tax payment regarding operations of the entity, in respect of which certificate of tax residence has not been provided, starting from the 1<sup>st</sup> of January of the current year.
- 7.21. Non-resident Clearing Member / Clearing Member – International Organization must repair pecuniary losses of the Clearing House (including all applicable taxes, penalties and late payment interest) in case if tax authorities make claims towards the Clearing House due to not withholding (non-payment) and/or withholding (payment) of taxes in the amount less than required when the Clearing House acts as a tax agent in respect of income of such Non-resident Clearing Member / Clearing Member – International Organization and/or beneficial owner of income of such Clearing Members. Clearing Member is relieved of the

defined obligation (except for the obligation to reimburse the sum equal to the sum of tax (additionally accrued tax) on income of foreign organizations from sources located in the Russian Federation) in case if these circumstances have been caused due to undue performance by the Clearing House of tax agents functions. To undue performance by the Clearing House of tax agents functions is not referred cases when the Clearing House follows clarifications of tax bodies of the Russian Federation (in particular, addressed answers to requests to tax bodies, motivated opinion of the tax body).

- 7.22. In case of provision of false data, resulted in not withholding (non-payment) and/or withholding (payment) of taxes in the amount less than required when the Clearing House acts as a tax agent, the Non-resident Clearing Member and/or the Clearing Member – International Organization, which has provided such data in respect of himself and/or in respect of the other entity, which is the beneficial owner of income, must pay the penalty to the Clearing House according to the following formula:

Penalty =  $1,2 \times S$ , where

S is the sum of cash funds that consists of the following:

- sum of cash funds, which constitutes difference between the tax amount, calculated according to the maximum rate, set by the Russian tax legislation, and the tax amount, calculated according to the rate, corresponding to the documents, provided earlier, regarding operations of the entity, in respect of which false data has been provided;
- sum of cash funds, calculated according to the procedure, stipulated by the Tax Code of the Russian Federation for the calculation of late payment interest and fines in respect of which false data has been provided.

- 7.23. Unless otherwise stated by the Clearing Rules, size of fees of the Clearing House to be paid by Non-resident Clearing Members / Clearing Member – International Organization, payments and debits executed in respect of the Non-resident Clearing Members / Clearing Member – International Organization on the basis of and according to the Clearing Rules in favor of the Clearing House, size of obligations/claims of the Non-resident Clearing Members / Clearing Member – International Organization, calculated on the basis of results clearing of trades, executed with the Clearing House, is not lessened by tax and charges, including but not limited to tax on income from the source of payment and VAT, emerged in the state of tax residence of the Non-resident Clearing Members / Clearing Members – International Organization / beneficial owner of income of such Clearing Members (regardless the fact whether relevant Clearing Member / beneficial owner of income of the Clearing Member must fulfill the obligation to pay taxes and charges in favor of the budget of the state, of which he is the tax resident, as taxpayer or as tax agent). Taxes and charges, other levies, stipulated by the legislation of the country of tax residence of the Non-resident Clearing Members / Clearing Members – International Organization / beneficial owner of income of such Clearing Members, and additional costs are paid without participant of the Clearing House.

- 7.24. Provisions of Clearing Rules which set out rights and liabilities of Clearing Members and of the Clearing House when he acts as a tax agent are not applicable to Non-resident Clearing Members, recognized as such ones according to the Article 2, which perform activity in the Russian Federation via permanent representation in the Russian Federation and which have provided the Clearing house with the following documents (subparagraph 1 of the paragraph 2 of the article 310 of the Tax Code of the Russian Federation):

- copy of the certificate of registration with the tax authorities of the Russian Federation, issued not earlier than during the previous tax period;
- letter of application, made according to the form of the Clearing House on the fact that received income, defined in the Clearing Rules, refers to the permanent representation on the territory of the Russian Federation and permanent representation of such entity will be acting as a tax agent in respect of income of beneficial owners of income;
- provision on the branch or office of the legal entity in the Russian Federation.

**Article 8. Clearing House acting as a qualified derivatives dealer (QDD) in respect of source of income in the USA**

- 8.1. When making Payments, equivalent to dividends or interest, to the Clearing Member, Clearing House in cases, set by the US tax legislation, performs functions of the Qualified derivatives dealer (QDD) and pays to be USA budget tax on income from sources in the USA and/or income equivalent to it within Chapters 3 and 4 of the US tax legislation in accordance with the requirements of the section 871(m).
- 8.2. Clearing Member must pay to the Clearing House the sum corresponding to the sum of the tax to be paid by the Clearing House to the budget of the USA in accordance with the paragraph 8.3.
- 8.3. Clearing House calculates sum of the tax on income from sources within the USA and/or income equivalent to it, to be paid by the Clearing House to the budget of the USA due to acting as Qualified derivatives dealer (QDD), including the ones on income of those, who have actual right to receive income and are direct beneficiary of such income (hereinafter referred to as income owner) in the order defined in special parts of the Clearing Rules, taking into accounts specifics of the US tax legislation.
- 8.4. Obligation of the Clearing Member to pay sum, corresponding to the amount of tax on income from sources located in the USA and/or income equivalent to it, is accepted for clearing since of the date when the Clearing Member receives Payment equivalent to dividends or interest. Abovementioned obligation is fulfilled in the order, defined in the Common Part of the Clearing Rules and in special parts of the Clearing Rules.
- 8.5. Clearing Member must reimburse Clearing House for property losses (including all applicable taxes, fines, and late payment) and in case if US tax authorities submit a claim against the Clearing House due to taxes not being withheld (paid) and/or taxes have been withheld (paid) in an amount less than required when Clearing House performed as a tax agent in respect of income from sources located in the USA and/or income of such Clearing Members and/or beneficiaries of such Clearing Members of income equivalent to it. Clearing Member is relieved of the defined obligation (except for the obligation to reimburse the sum equal to the sum of tax (additionally accrued tax) on income of foreign organizations from sources located in the USA and/or income equal to it) in case if these circumstances have been caused due to punishable actions of the Settlement Depository or undue performance by the Clearing House of tax agents functions in respect of the income from sources located in the USA. To undue performance by the Clearing House of tax agents functions is not referred cases when the Clearing House follows clarifications of tax bodies of the Russian Federation (in particular, addressed answers to requests to tax bodies, motivated opinion of the tax body).

- 8.6. In case of provision of false data, resulted in not withholding (non-payment) and/or withholding (payment) of taxes in the amount less than required when the Clearing House acts as a tax agent in respect of the income from sources located in the USA and/or income equal to it of such Clearing Members and/or beneficial owners of income of such Clearing Members, Clearing Member, which has provided such data in respect of himself and/or in respect of the other entity, which is the beneficial owner of income, must pay the penalty to the Clearing House according to the following formula:

Penalty =  $1,2 \times S$ , where

S is the sum of cash funds that consists of the following:

- sum of cash funds, which constitutes difference between the tax amount, calculated according to the maximum rate, defined in the paragraph 8.8, and the tax amount, calculated according to the rate, information about which has been provided on the day of making Payment, equal to dividends or interest, by the Settlement Depository, which is the part of the consolidated compliance group of qualified intermediaries (QI CCG) with the Clearing House, corresponding to the documents, provided earlier, regarding operations of the entity, in respect of which false data has been provided;
- sum of cash funds, calculated according to the procedure, stipulated by the Tax Code of the USA for the calculation of late payment interest and fines in respect of which false data has been provided.

- 8.7. Sum of tax on income from USA sources and/or income equivalent to it is calculated by the Clearing House based on the tax rate, information about which is provided on the date of making Payment, equivalent to dividends or interest, by the Settlement Depository, which is member of one consolidated compliance group of Qualified intermediaries (QI CCG) with the Clearing House. Settlement Depository collects and analyses forms of tax identification of Clearing Members, intermediaries in the order of making Payments, equivalent to dividends or interest, and beneficial owners of income (hereinafter referred to as tax identification forms). Information on applicable tax rate and other information, required for withholding tax and generating relevant reporting to the Internal Revenue Service of the USA, is provided to the Clearing House by the Settlement Depository under the terms and within the time, stipulated by the agreement between the Clearing House and the Settlement Depository. Clearing Member, executing Trade with the central counterparty, under terms of which the Payment, equivalent to dividends or interest, in favor of the Clearing Member can be made, agrees with the transfer by the Clearing House and/or by the Settlement Depository to the Internal Revenue Service of the USA of the information, including the confidential one, stipulated by the reporting forms. Clearing Member must receive consent of the beneficial owner of income and of the intermediary (if any) upon provision by the Clearing House to the foreign tax authority, including Internal Revenue Service of the USA and (or) professional consultants or auditors that perform periodic checks performance of the Clearing House and/or of the Settlement Depository as a Qualified Derivatives Dealer (QDD), of information and data, required for filling in the reporting forms.

- 8.8. In order for the Clearing House to perform functions of the Qualified Derivatives Dealer Clearing Members must provide to the Settlement Depository tax identification forms. Structure of tax identification forms, filling in procedure, also terms and timing for its provision are defined in the Procedure for the provision by the Clearing Member of the information for the Clearing House acting as Qualified Derivatives Dealer (QDD)

(hereinafter in this Article referred to as the Procedure), disclosed on the Clearing House's website. In case of incorrect provision / non-provision by the Clearing Member of tax identification forms within the terms, defined in the Procedure, also in case of impossibility of identification by the Settlement Depository of the beneficial owner of income tax rate is considered to be equal to the maximum rate for the relevant income of the source, calculated in respect of the relevant Payment, equal to dividends or interest. Procedure for identification of beneficial owners of income by the Settlement Depository is defined in this Procedure.

- 8.9. Ensuring that the Settlement Depository has tax identification forms of the Clearing Member, beneficial owner of income and client of the Clearing Member, which is not beneficial owner of income (if required), accepted by the Settlement Depository, is a duty of the Clearing Member. Clearing House does not to Clearing Members requests or notifications on necessity to provide tax identification forms and other information, stipulated by the Procedure, in respect of each separate trade, under terms of which Payment, equivalent to dividends or interest, in favor of the Clearing Member can be made.
- 8.10. Clearing House does not return exceeding amount of debited sum, corresponding to the sum of tax on the income from sources within the USA and/or income, equal to it, 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, stipulated by the Procedure in respect of the entity, which is the client of the Clearing Member.

#### **Article 9. Procedure for the use of the Simple Electronic Signature**

- 9.1. The Simple Electronic Signature (SESSES) is used when submitting (forwarding) Offers and electronic messages via the Clearing system, as set out in the Clearing Rules. The Offer or the electronic message, signed with the SESSES, is recognized as an electronic document equal to a document in paper form, signed by handwritten signature of the representative of a Clearing Member / Trading Member / Clearing House.
- 9.2. Rules for identifying the person who signs electronic document, according to his SES, are defined by the Technical Centre according to the agreement on provision of integrated technical service.
- 9.3. The Simple Electronic Signature of the Clearing Member, Trading Member or of the Clearing House is considered to be the Clearing Login, which allows to identify the Clearing Member / Trading Member or the Clearing House, who forwarded the Offer or the electronic message via the Clearing System, unambiguously and reliably ascertain that the Offer or the electronic message comes from the representative of the Clearing Member / Trading Member or from the Clearing House, to which this particular Clearing Login is assigned.

Procedure for the assignment of the Clearing Login to the Clearing Member / Trading Member is defined in the Article 22.

- 9.4. The Clearing House guarantees security and integrity of Offers and other electronic messages, submitted by a Clearing Member, Trading Member and the Clearing House, as a result of using a set of organized and technical measures.

- 9.5. The Offer or the electronic message is regarded as signed with the SESSES since of the moment of sending of such Offer or electronic message by a Clearing Member / Trading Member / Clearing House via the Clearing System if a Clearing Member / Trading Member / Clearing House has successfully passed authentication procedure, as defined in this article.
- 9.6. A unique symbolic code of a Clearing Member / Clearing House in the Reuters System is assigned by the Reuters System; information about this code is added into the data base of the Clearing System.
- 9.7. The authentication procedure related to electronic messages of a Clearing Member, of a Trading Member or of the Clearing House, for the technical excess to the Clearing System using the RWP Workplace or ESHT (external software and hardware tools), is executed by the Technical Centre with the usage of the Clearing System when realizing technical excess for a Clearing Member, for a Trading Member or for the Clearing House to the Clearing System through comparing entered details, which is the SESSES, password and also IP-address of remote work place or ESHT of a Clearing Member, of a Trading Member or of the Clearing House, from which a particular message was received, with the corresponding details, which is the SESSES, password and IP-address of a remote workplace / ESHT of a Clearing Member / Trading Member / Clearing House, information about which is kept in the data base of the Clearing System.
- 9.8. The authentication procedure, related to electronic messages of a Clearing Member or of the Clearing House, which uses the Reuters Workplace for technical access to the Clearing System, is executed by the Technical Centre with the usage of the Clearing System when the Clearing System receives an electronic message through checking the correspondence of Clearing Login , assigned by the Technical Centre to a Clearing Member or to the Clearing House, to a unique symbol code, assigned to a Clearing Member or to the Clearing House in the Reuters System, information about which is kept the data base of the Clearing System, and to a relevant ID Code of a Clearing Member / of the Clearing House, assigned by the Clearing House in accordance with the Clearing Rules.
- 9.9. In case if a Clearing Member / Trading Member / Clearing House successfully passes the authentication procedure, a Clearing Member / Trading Member / Clearing House gets an opportunity to execute operations in the Clearing System.
- 9.10. When submitting (forwarding) Offers or other electronic messages, signed with the SES, the Technical Centre with the use of the Clearing System realizes the identification of an entity, which signed an electronic message, through comparing the SES from this particular message with the details, which is the SES, assigned to a Clearing Member / Trading Member / Clearing House, information about which is kept in the data base of the Clearing System.

A Clearing Member / Trading Member agrees that the Clearing House can make (print out) hard copies of electronic messages (signed with the SES), which are reassured by the sign of an authorized representative of the Clearing House and reveal itself as an evidence to the fact of directing the Offer or the other electronic message via the Clearing System, and also prove the correspondence of the Offer / electronic message to the content of the Offer / electronic message made (printed out) in hard copy.

- 9.11. On a written request, submitted by a Clearing Member / Trading Member, the Clearing House provides a Clearing Member / Trading Member with a hard copy of the Offer or of the electronic message, sent by a Clearing Member (to a Clearing Member) / by a Trading Member.
- A request, submitted by a Clearing Member / Trading Member, shall contain the date or the period of time for which electronic messages are to be provided.
- 9.12. Electronic interchange is performed according to the provisions of the Civil Code of the Russian Federation, Federal Law No. 63-FZ dated 06.04.2011 “On electronic signature” and taking into account requirements for information security provision, set by the Regulation of the Bank of Russia dated 20.04.2021 No. 757-P “On Mandatory Requirements for Non-bank Financial Institutions to Ensure Data Protection in Operations in the Financial Markets to Counter Illegal Financial Transactions”.
- 9.13. According to the article 431.2 of the Civil Code of the Russian Federation, Clearing Member / Trading Member assures the Clearing House of the following circumstances: person that signs Offer and/or other electronic message by SES of the Clearing Member / Trading member, is duly authorized representative of the Clearing Member / Trading Member and has all required powers to sign Offers (for the Clearing Member) and/or other electronic messages, and (for the Clearing Member) for execution of trades through submitting Offers, signed by this person.
- 9.14. In case if the abovementioned assurances have been violated by the Clearing Member / Trading Member or came up as invalid or incorrect ones at the moment of signing the Offer by the Clearing Member and/or the other electronic document by SES of the Clearing Member / Trading Member, Clearing House is entitled to suspend admission of the Clearing Member to the clearing service / provision to the Trading Member of the service regarding keeping clearing registers and/or claim losses of the Clearing House, resulted from such breach or invalidity and/or inaccuracy of the defined assurance.
- 9.15. In case of the abovementioned assurances have been violated by the Clearing Member / Trading Member or came up as invalid or incorrect ones at the moment of signing the Offer by the Clearing Member and/or other electronic document by SES of the Clearing Member / Trading Member and resulted in claims of third parties and/or state authorities, including but not limited to ordinances of the Bank of Russia, Clearing Member / Trading Member that violated or provided such assurances, must cover all losses and costs of the Clearing House, including the ones, connected with recouping by the Clearing House of losses to third parties and/or with payment of fines due to settling such claims.
- 9.16. A Clearing Member / Trading Member and the Clearing House agree that any conflicts that arise from the usage of the SES will preferably be settled in a pretrial order.
- 9.17. In case if any conflicts connected to the usage of the SES arise a technical expert examination is conducted, in accordance with the Supplement 3.
- 9.18. In case if according to the results of a technical expert examination, conducted in accordance with the Supplement 3, a conflict is still unsettled, such conflict is to be heard in an order, defined in the Article 68.

## Article 10. **Trading and clearing accounts**

10.1. When executing clearing in accordance with the Clearing Rules the Clearing House uses the following types of clearing bank accounts in Russian rubles / foreign currencies, opened in a Settlement Organization:

- clearing bank account, designed for posting individual clearing collateral;
- clearing bank account, designed for posting collective clearing collateral (Default Funds).

10.2. When executing clearing in accordance with the Clearing Rules the Clearing House uses the following types of clearing depo accounts, registered in a Settlement Depository:

- clearing depo account, designed for execution of operations with securities on Securities sub-account / depo sub-accounts after clearing;
- clearing depo account, designed for posting collective clearing collateral (Default Funds);
- clearing depo account, designed for posting individual clearing collateral;
- clearing depo accounts, designed for posting assets into an asset pool.

For each Clearing Member, which is obliged to post funds to Default Funds / Collateral for Stress / Concentration Risk Mitigation Collateral and which provided to the Settlement Depository set of documents, stipulated by the Terms and Conditions of Depository Operations, required for opening depo sub-account of the relevant type, Default Funds depo sub-accounts / Collateral for Stress depo sub-accounts / Concentration Risk Mitigation Collateral depo sub-account are opened within the clearing securities accounts, defined in this paragraph, designed for posting collective clearing collateral (Default Funds) / individual clearing collateral.

For each Pool Member asset pool depo sub-accounts are opened within clearing depo accounts, defined in this paragraph, designed for posting assets to an asset pool.

Default Funds depo sub-accounts, Collateral for Stress depo sub-accounts, Asset pool depo sub-accounts, Concentration Risk Mitigation Collateral depo sub-account hereinafter are commonly referred to as depo sub-accounts.

10.3. When executing clearing in accordance with the Clearing Rules the Clearing House may use trading bank accounts in Russian rubles / foreign currencies, registered in a Settlement Organization with the signification of the Clearing House as a clearing organization that is entitled to give instructions in respect of these accounts.

A trading bank account may be registered in the name of a Clearing Member, in the name of a client of a Clearing Member, in the name of the Clearing House.

10.4. When executing clearing in accordance with the Clearing Rules, the Clearing House uses the following types of trading bank accounts for precious metals, opened with the Clearing House:

- trading bank account for precious metal, designed for posting individual clearing collateral;
- trading bank account for precious metal, designed for posting assets into an asset pool.

The trading bank account for precious metals can be opened for the Clearing Member.



- 10.4.1. The trading bank account for precious metal is registered on the basis of the agreement on the trading bank account for precious metal, concluded by the Clearing Member with the Clearing House, in the order, set out in the agreement.
- 10.4.2. When opening trading bank account for the precious metal, designed for posting individual clearing collateral, Clearing Member indicates Settlement Account of the Clearing Member (hereinafter referred to as the Settlement Account corresponding to the trading bank account for precious metal) in the application for opening trading account.
- 10.4.3. When opening trading bank account for precious metal, designed for posting assets into an asset pool, Clearing Member indicates Asset Pool Settlement Account (hereinafter referred to as the Asset Pool Settlement Account corresponding to the trading bank account for precious metal) in the application for opening trading account.
- 10.4.4. When opening metal trading bank account for recording precious metals which are in trust management of the Clearing Member, Clearing Member in the application for opening trading account shall define Trust Settlement account.
- 10.4.5. Precious metal is recorded under the trading bank account in grams.
- 10.4.6. Operations under trading bank account for precious metal, opened with the Clearing House, are executed on the basis of the Clearing House's instructions without any additional instructions of the Clearing Member in the order, defined in the Clearing House or on the basis of instructions of the Clearing Member.
- 10.4.7. Consent of the Clearing House upon performance of operations under metal trading bank account on the basis of instruction of the Clearing Member, is given by forwarding notification to the Settlement Organization via the Clearing system.
- 10.5. When executing clearing in accordance with the Clearing Rules the Clearing House may use the following types of trading depo accounts, registered in a Settlement Depository with the signification of the Clearing House as a clearing organization that is entitled to give instructions in respect of these accounts, and also the following types of accounts, registered in a Settlement Depository:
  - owner trading depo account;
  - nominee trading depo account;
  - foreign nominee trading depo account;
  - trustee trading depo account;
  - broker account;
  - issuer account;
  - treasury depo account.

When executing clearing in accordance with the Clearing Rules the Clearing House uses Securities Sub-accounts.
- 10.6. When executing clearing in accordance with the Clearing Rules the Clearing House may use the following types of trading commodity accounts, opened by the Commodity Delivery Operator with the signification of the Clearing House as a clearing organization that may give instructions in respect of these accounts:
  - trading commodity account for recording commodities of a Clearing Member;
  - trading commodity account for recording commodities of a client of a Clearing Member;

- trading commodity account of the Clearing House.
- 10.7. Trading bank accounts for Russian rubles / foreign currencies, trading depo accounts, trading commodities accounts used when executing clearing on the relevant markets are designed for posting individual clearing collateral. Trading bank accounts for precious metals, used for clearing, are designed for posting individual clearing collateral or for posting assets into an asset pool.
- Types of trading bank accounts, trading depo accounts, trading commodity accounts used when executing clearing on the relevant markets are defined in the relevant special parts of the Clearing Rules.
- 10.8. Procedure for executing operations on clearing accounts in connection with posting and return of contributions to Default Funds and Collateral for Stress is set out in the Article 34, Article 36.
- Procedure for executing operations on clearing and/or trading accounts in connection with Collateral posting and return is set out in the Article 30, Article 33 and/or in the relevant special parts of the Clearing Rules.
- Procedure for executing operations on clearing and/or trading accounts in connection with fulfillment of obligations under Trades is set out in the Article 43 and/or in the relevant special parts of the Clearing Rules.

## Article 11. **Clearing registers**

- 11.1. The Clearing House executes internal recording, stipulated by the Law on Clearing, under clearing registers. Clearing registers are kept by the Clearing House in the Clearing System.
- 11.2. Under clearing registers of the 1<sup>st</sup> level the Clearing House records:
- information on the sum of cash funds / amount of precious metals, recorded as Collateral with a breakdown by codes of currencies / precious metals, Settlement Accounts of a Clearing Member or information of the Debt of the Clearing Member towards the Clearing House with a breakdown by codes of currencies, Settlement Accounts (positive value of the clearing register means that there is information of Collateral, negative – on the Debt);
  - information on the amount of securities, recorded as Collateral with a breakdown by codes of securities and Trade Accounts of a Clearing Members;
  - information on Margin Calls, recorded on Settlement Accounts of a Clearing Members (if any);
  - Assets Profiles with a breakdown by Settlement Accounts / Trade Accounts of Clearing Members, currencies / precious metals codes / securities, Clearing Systems of the relevant markets (with plus or minus) (only under Unified Pool Settlement Accounts / Unified Pool Trade Accounts);
  - Total Net Obligations / Total Net Claims of a Clearing Member in each currency and in each precious metal under each Settlement Account of a Clearing Member, calculated in the Clearing System of the relevant market;
  - Total Net Obligations / Total Net Claims of a Clearing Member in each security under each Trade Account of a Clearing Member, calculated in the Clearing System of the Securities Market;

- Total Net Obligations / Total Net Claims of a Clearing Member in each currency and in each precious metal under each Settlement Account of a Clearing Member, received via the Clearing System of the relevant Market (only in the Clearing System of the Securities Market under Unified Pool Settlement Accounts).
  - information on Margin Calls under Settlement Account for paying taxes (only in respect of the Settlement Account for paying taxes if applicable);
  - information on the sum, corresponding to the sum of tax on income of foreign organizations from sources located in Russian Federation, to be withheld from the Clearing Member;
  - other information, stipulated by the special parts of the Clearing Rules.
- 11.3. The Clearing House records under clearing registers, designed for recording Collateral for Stress / Default Funds contributions / Concentration Risk Mitigation Collateral, the following:
- information on amount of cash funds, posted as Collateral for Stress / Default Funds contributions / Concentration Risk Mitigation Collateral with a breakdown by currency codes, Collateral for Stress / Default Funds contributions Settlement Account / Concentration Risk Settlement Account;
  - information on amount of securities, posted as Collateral for Stress / Default Funds contributions / Concentration Risk Mitigation Collateral with a breakdown of securities codes and Collateral for Stress / Default Funds contributions Trade Accounts / Concentration Risk Trade Account;
  - information on obligations of Clearing Members to make contributions to the Default Fund with a breakdown by Clearing Members and on-exchange markets;
  - information on obligations of Clearing Members to post Collateral for Stress with a breakdown by Clearing Members and exchange markets;
  - information on claims towards Clearing Members to secure concentration risks;
  - information on Default Funds Margin Calls, recorded under Default Funds Settlement Accounts (if any);
  - information on Collateral for Stress Margin Calls, recorded under Collateral for Stress Margin Calls (if any);
  - information on Concentration Risk Margin Calls, recorded under Concentration Risk Settlement Account (if any).
- 11.4. ***Collateral Account*** – personal account, opened in the Clearing House to the balance account №30420 (30421) “Funds for fulfillment of obligations, accepted for clearing, for the individual clearing and the other collateral” (“Funds of Non-residents for fulfillment of obligations, accepted for clearing, for the individual clearing and the other collateral”) and designed for recording Collateral in cash funds in an asset pool, or a personal account, opened in the Clearing House to the balance account №47405 “Settlement with clients under buy and sell of foreign currency”, and designed for recording Collateral in foreign currency, which is not the individual clearing collateral.
- 11.4.1. Collateral Accounts designed for recording Collateral in Russian rubles and foreign currency are opened when opening relevant Settlement Account of a Clearing Member in accordance with the Article 16.

- 11.4.2. Procedure for opening of Collateral Accounts designed for recording cash funds in an asset pool is defined in the Clearing Rules on the Securities Market, Deposit Market and Credit Market.
- 11.4.3. Collateral of a Clearing Member in Russian rubles and foreign currency recorded under a Settlement Account of a Clearing Member are also recorded under a Collateral Account in the relevant currency corresponding to a Settlement Account of a Clearing Member.
- 11.5. **Default Funds Account** – a personal account opened in the Clearing House to the balance account №30422 (30423) “Funds for collective clearing collateral (Default Fund)” (“Funds of Non-residents for collective clearing collateral (Default Fund)”) and designed for recording contributions of a Clearing Member to Default Funds in cash funds.
- 11.5.1. Default Funds Accounts are opened by the Clearing House for the Clearing Member of the category “B” or “O” when opening a Default Funds Contributions Settlement Account in accordance with the paragraph 16.6.
- 11.5.2. For one Default Funds Contributions Settlement Account, one Default Fund Account in Russian rubles and one Default Funds Account in each currency, cash funds in which are accepted by the Clearing House as contributions to Default Funds, are opened.
- 11.5.3. Contributions of a Clearing Member to Default Funds in Russian rubles or in foreign currency, recorded under a Default Funds Contributions Settlement Account are also recorded under a Default Funds Account in the relevant currency, corresponding to a Default Funds Contributions Settlement Account.
- 11.6. **Collateral for Stress Account** – a personal account opened in the Clearing House to the balance account №30420 (30421) “Funds for fulfillment of obligations, admitted to clearing, for the individual clearing and the other collateral” (“Funds of Non-residents for fulfillment of obligations, admitted to clearing, for the individual clearing and the other collateral”) and designed for recording Collateral for Stress of a Clearing Member in cash funds, which constitute individual clearing collateral, or the account, opened with the Clearing House under 47405 balance account “Settlement with clients under foreign currency buy and sell”, and designed for recording Collateral for Stress of the Clearing Member in the foreign currency, which is not individual clearing collateral.
- 11.6.1. Collateral for Stress Accounts are opened by the Clearing House for the Clearing Member of the category “B” or “O” when opening Collateral for Stress Settlement Account in accordance with the paragraph 16.7.
- 11.6.2. For one Collateral for Stress Settlement Account, one Collateral for Stress Account in Russian rubles and one Collateral for Stress Account in each currency, cash funds in which are accepted by the Clearing House as Collateral for Stress, are opened.
- 11.6.3. Collateral for Stress of a Clearing Member in Russian rubles and foreign currency recorded under a Collateral for Stress Settlement Account is also recorded under Collateral for Stress Account in the relevant currency, corresponding to a Collateral for Stress Settlement Account.
- 11.7. When opening a Default Funds Contributions Settlement Account or a Collateral for Stress Settlement Account in the relevant currency, the value of such clearing register is set as equal to zero.

- 11.7.1. Procedure for and events of changes of the values of clearing registers in connection with posting and return of contributions to Default Funds and Collateral for Stress are defined in Article 34, Article 36.
- 11.8. Upon demand of the Clearing Member, submitted towards the Clearing House through the provision of the Request for opening Settlement Account of the 2<sup>nd</sup> level in accordance with the Article 19 or in accordance with the special part of the Clearing Rules, the Clearing House records under the clearing registers of the 2<sup>nd</sup> level the following:
- information on Collateral in Russian rubles, posted with the indication of the clearing register of the 2<sup>nd</sup> level;
  - information on Collateral in each foreign currency, posted with the indication of the clearing register of the 2<sup>nd</sup> level (if applicable);
  - information on Collateral in securities or in precious metal, recorded under the clearing register of the 2<sup>nd</sup> level (if applicable);
  - information on Net Obligations / Net Claims with each Settlement Date for each currency, each precious metal and each security, calculated under Trades, executed with the indication of the 2<sup>nd</sup> level, and Trades, executed with the indication of the clearing register of the 3<sup>rd</sup> level, linked with the clearing register of the 2<sup>nd</sup> level (if applicable);
  - information on obligations to pay variation margin in respect of Trades, executed with the indication of the clearing register of the 2<sup>nd</sup> level, and Trades, executed with the indication of the clearing register of the 3<sup>rd</sup> level, linked with the clearing register of the 2<sup>nd</sup> level (if applicable);
  - information on termination of obligations under Trades, executed with the indication of the clearing register of the 2<sup>nd</sup> level, and Trades, executed with the indication of the clearing register of the 3<sup>rd</sup> level, linked with the clearing register of the 2<sup>nd</sup> level, including information on termination of obligations to pay variation margin in respect of the abovementioned Trades;
  - information on the Single Limit in respect of the clearing register of the 2<sup>nd</sup> level (if applicable).
- 11.9. Upon demand of the Non-clearing member – Trading Member, which concluded with the Clearing House the Agreement on keeping clearing registers in accordance with the Article 5, or upon demand of the Clearing Member – Trading Member, submitted in respect of the Clearing House through the provision of the Request for opening Settlement Account of the 3<sup>rd</sup> level in accordance with the Article 20 or in accordance with the special part of the Clearing Rules, the Clearing House records under the clearing registers of the 3<sup>rd</sup> level the following:
- information on Collateral in Russian rubles, posted with the indication of the clearing register of the 3<sup>rd</sup> level;
  - information of Collateral in each foreign currency, posted with the indication of the clearing register of the 3<sup>rd</sup> level;
  - information on Collateral in securities and in precious metal, recorded under the clearing register of the 3<sup>rd</sup> level (if applicable);
  - information on Net Obligations / Net Claims with each Settlement Date in each currency, each precious metal and in each security, calculated under Trades, executed with the indication of the clearing register of the 3<sup>rd</sup> level (if applicable);

- information on obligations to pay variation margin in respect of Trades, executed with the indication of the clearing register of the 3<sup>rd</sup> level (if applicable);
  - information on termination of obligations under Trades, executed with the indication of the clearing register of the 3<sup>rd</sup> level, including information on termination of obligations to pay variation margin under the abovementioned Trades;
  - information on the Single Limit in respect of the clearing register of the 3<sup>rd</sup> level (if applicable).
- 11.10. List of the other clearing registers used when executing clearing on the relevant Markets is defined in the relevant special parts of the Clearing Rules.
- 11.11. Obligations and information on obligations are recorded under clearing registers with the “plus”, while claims and information on claims are recorded with the “minus”.
- 11.12. Information on Collateral in precious metal is recorded under clearing registers corresponding to trading bank accounts with the feature Loco Moscow in grams.
- 11.12.1. Information on Collateral in precious metal is recorded under clearing registers corresponding to trading bank accounts with the feature Loco London in troy ounces.
- For the purposes of such recording amount of Collateral in precious metal, recorded under trading bank account, is converted from grams into troy ounces according to the order, similar to the order set by the regulation of the Bank of Russia, which sets the rules for recording and keeping bullions with the credit institutions in the Russian Federation when conducting operations with precious metals.
- 11.12.2. Obligations in precious metals are recorded under clearing registers in grams or troy ounce depending on the currency of the lot of Trades in precious metals.
- 11.13. Procedure for keeping clearing registers stipulated by the Clearing Rules and used when executing clearing on the relevant Markets is defined in the Common Part of the Clearing Rules and/or in the relevant special parts of the Clearing Rules.

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

### **Article 12. Requirements for Clearing Members**

12.1. In order to conclude a Clearing Membership Agreement a legal entity provides the Clearing House with the following:

- Clearing Membership Agreement in a form, stipulated by the Supplement 1 in 2 (two) paper copies, signed by an authorized representative of a legal entity and sealed by this legal entity (if any), and/or in the form of an electronic document. Clearing Membership Agreement in an electronic form is provided via EDI. Electronic document has the same legal effect as the document in paper form, signed by handwritten signature of the representative of a legal entity and sealed by this legal entity;
- set of documents in accordance with the list given in the Supplement 4.

In case if any of the documents, listed in the Supplement 4, has been provided to the Clearing House earlier and is still available for the Clearing House, with a prior approval of the Clearing House, a legal entity may be exempt from the resubmission of this document.

Clearing House is entitled to refuse to conclude Clearing Membership Agreement with the legal entity if there are facts similar to the ones, which serve as grounds for clearing service suspension or termination, set out in the Article 15, in the performance of such legal entity.

Clearing House refuses to conclude Clearing Membership Agreement with the legal entity in cases, stipulated by the legislation.

Rights and liabilities of parties to the Clearing Membership Agreement arise since of the date of its conclusion. Date of conclusion of the Clearing Membership Agreement is the date when the Clearing House assigns number to such agreement. Clearing House within the period not later than the following workday informs Clearing Member on assigning number to the Clearing Membership Agreement by forwarding relevant notification.

12.2. A legal entity must secure actuality, accuracy and completeness of the set of documents provided to the Clearing House in accordance with the Supplement 4, and the provision of changes and additions to any of these documents on time.

12.3. The Clearing House is entitled to require additional documents from a legal entity. Meanwhile a legal entity must provide these documents within the period of time, determined in the request, and if such period is not defined then within 5 (five) workdays from the date of receipt of a request, submitted by the Clearing House.

12.4. In order to get information about a legal entity the Clearing House is entitled to use data (information) related to a legal entity from official sources, including Federal Tax Service electronic source.

12.5. A Clearing Member at least once a year must provide the Clearing House with a Legal entity form in a form of an electronic document or the Letter that confirms the fact that there is no changes in data and documents, provided to the Clearing House earlier, including data on representatives, beneficiaries and beneficial owners of the Clearing Member (hereinafter referred to as No Changes Letter), or the Letter that contains

information on changed data, containing in the Legal entity form, and in the documents, provided to the Clearing House earlier, including data on representatives, beneficiaries and beneficial owners (hereinafter referred to as the Letter Of Changes).

Clearing Member provides Legal entity Form in the format, defined in the Procedure for Provision of Information and Reporting.

In case if there is no changes in the information, which is contained in Legal Entity Form or in the other documents, provided to the Clearing House earlier, the Clearing Member responding to the request of the Clearing House must provide the Clearing House with the No Changes Letter in an electronic form or in hard copy.

- 12.6. In case of changes in data, which is contained in a Legal entity Form or in other documents provided to the Clearing House earlier, within 5 (five) workdays before such changes come into force a Clearing Member must provide the Clearing House with a Legal entity Form containing renewed information or the Letter Of Changes, attaching documents that confirm such changes, in the form of electronic document or in paper.
- 12.7. Documents, defined in the Supplement 4, forwarded by the Clearing member are processed by the Clearing House within the period of time not exceeding 3 (three) workdays since of the day when such documents have been received.
- 12.8. In order to approve its financial capacity, at all times while a Clearing Membership Agreement is in force, Clearing Members, except for Clearing Members with the category “A” or “K”, must provide the Clearing House with the reporting according to the Supplement 5 and Procedure for the information and reporting provision.

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, are entitled to provide financial reporting through its public disclosure. In case if terms and/or timing of obligatory information disclosure do not correspond to the requirements set by the Common Part of the Clearing Rules in respect of provision of reporting by the Clearing Member to the Clearing House, upon request of the Clearing House such Clearing Member must provide reporting by forwarding it to the Clearing House according to the Supplement 5 and Procedure for the information and reporting provision.

In order to evaluate financial capacity of a Clearing Member the Clearing House is entitled to ask a Clearing Member for additional information and reporting that is not defined in the Supplement 5.

In case if time requirements, defined by laws, legislative acts of the Bank of Russia and other legislative acts of the Russian Federation, for preparation of reporting according to the Supplement 5, are changed then the Clearing Member is entitled to provide reporting within the time, different from the one given in the Supplement 5, notifying Clearing House on such changes in advance.

- 12.9. A Clearing Member, except for a Clearing Member of the category “A”, provides the Clearing House with the FATCA/CRS Form in a form of and electronic document and attaches to the FATCA/CRS Form other documents and data that are provided according



to the FATCA, necessity of provision of which results from the FATCA/CRS Form and (or) the applicable law.

In case if a Clearing Member is the subject to the FATCA requirements, this Clearing Member is entitled to not provide in the Form for the foreign taxpayers identification information, which relates only to the FATCA requirements, and also to not provide other documents and data, which are to be attached to the Form for the foreign taxpayers identification for the FATCA purposes.

In case if a Clearing Member is the subject to the requirements of the legislation of the Russian Federation to provide information to the federal executive authority, authorized to control and supervise taxes and fees, in connection with the automatic exchange of the financial information, this Clearing Member is entitled to not provide in the Form for the foreign taxpayers identification information, which relates to the fulfillment of requirements of the international financial information for the tax purposes.

- 12.9.1. In case if information, which contains in the FATCA/CRS Form, has been changed, within 30 (thirty) workdays after such changes have occurred a Clearing Member shall provide the Clearing House with the FATCA/CRS Form with renewed information and attaches to the FATCA/CRS Form relevant documents and data approving such changes in a form of an electronic document.
- 12.9.2. FATCA/CRS Form, required to be fulfilled by Clearing Members, is available on the Clearing House's website. Documents and data, attached to the FATCA/CRS Form, are provided to the Clearing House by Clearing Members in a form of PDF documents, containing scans of these documents.
- 12.10. Liability of a Clearing Member to provide reporting, defined in the Supplement 5, Legal entity Form and FATCA/CRS Form is fulfilled under the condition that documents, provided by a Clearing Member, satisfy the requirements to its content, forms and formats, defined in the Clearing Rules and (or) in the Procedure for Provision of Information and Reporting.
- 12.11. A Clearing Member is responsible for the risk of negative results connected with a non-provision or late provision to the Clearing House of the information (documents) according to the requirements of the Clearing Rules.
- 12.12. The Clearing House is not responsible for any damages in the event of:
- incompleteness or inaccuracy of information in documents, provided in accordance with requirements of this Article;
  - non-provision of documents in accordance with the requirements of this Article.

### **Article 13. Categories of Clearing Members**

- 13.1. There are following categories of Clearing Members:
- Category "A" Clearing Members;
  - Category "K" Clearing Members;
  - Category "O" Clearing Members;
  - Category "B" Clearing Members;
  - Category "C" Clearing Members.

- 13.2. Clearing Members of the category “A” are the Bank of Russia and other entities, to which a requirement for posting assets as an individual and collective clearing collateral is not applicable in accordance with the Law on Clearing and which are not referred to the Category “K” Clearing Members.

Provisions of the Clearing Rules do not apply to Clearing Members of the category “A”, unless otherwise provided by the Law on clearing or by the agreement, concluded between a particular Clearing Member of the category “A” and the Clearing House.

A Clearing Member of the category “A” can accept responsibility for posting assets as an individual clearing collateral in securities and/or in cash funds.

- 13.3. Category “K” Clearing Members are the Federal Treasury, and also the other federal executive bodies, which exercise functions regarding control over federal budget performance in accordance with the legislation of the Russian Federation. Requirement for the transfer of assets to the individual and collective clearing collateral, according to the Law on Clearing, is not applied to such bodies.

Provisions of the Clearing Rules are applicable to Clearing Members of the category “K” unless otherwise stated in the legislation of the Russian Federation, Law on Clearing inclusively, or unless otherwise stated in the Clearing Rules,

The Clearing House provides Category “K” Clearing Members with the clearing services free of fees in case if such is stipulated by the legislation of the Russian Federation.

- 13.4. Clearing Members of the category “O” are General Clearing Members.

- 13.4.1. A Clearing Member of the category “O” may become a party to Trades, executed by more than two Trading Members, information about which is provided by a Clearing Member to the Clearing House in accordance with paragraphs 17 and/or 18.2; and a party to Trades executed on its own behalf as a Trading Member, and/or party to Trades, executed by himself as the Clearing Member in his name on non-exchange trading according to the Clearing Rules.

- 13.4.2. A Clearing Member of the category “O” is admitted to Clearing of Partially Secured Trades, except for cases, defined in the Clearing Rules.

- 13.5. Clearing Members of the category “B” are Individual Clearing Members that are admitted to Clearing of Partially Secured Trades.

- 13.5.1. A Clearing Member of the category “B” may be a party to Trades, executed on its own behalf as a Trading Member, and by not more than one Non-clearing Member – Trading Member, or a party to Trades, executed by Non-clearing Members – Trading Members, information about which is provided by a Clearing Member to the Clearing House in accordance with the paragraphs 17 and/or 18.2, and/or a party to Trades, executed on its own behalf as a Trading Member within OTC trading in accordance with the Clearing Rules.

- 13.6. Clearing Members of the category “C” are Individual Clearing Members that are not admitted to Clearing of Partially Secured Trades.

- 13.6.1. A Clearing Member of the category “C” may be a party to Trades, executed on its own behalf as a Trading Member, and by not more than one Non-clearing Member – Trading

Member or may be a party to Trades, executed by not more than two Non-clearing Members – Trading Members, information about which is provided by a Clearing Member to the Clearing House in accordance with paragraph 17 and/or 18.2, and/or by the party to Trades, executed by him as the Clearing Member in its own name not within organized trading in accordance with the Clearing Rules.

13.7. The Clearing Rules can stipulate restrictions in respect of particular types of trades, party to which can become Clearing Members of the relevant categories, stipulated by the paragraph 13.1.

13.8. A list of categories of Clearing Members for each Market is set out in the relevant special part of the Clearing Rules, stipulated by the paragraph 13.1, applicable for the relevant exchange market.

13.9. Except for Clearing Members categories, stipulated by the paragraph 13.1, the following categories of the Clearing Members, which are Clearing Members of the category “A”, “B” or “C”, exist:

13.9.1. Residents, include the following:

- Credit Institutions;
- Non-credit Institutions, include the following:
  - State Corporations;
  - Non-credit Institutions that perform licensed activity on the financial market, include the following:
    - Non-credit Institutions which are professional securities Trading Members;
    - Non-credit Institutions which are insurance organizations and mutual insurance societies;
    - Non-credit Institutions that perform activity on the basis of the license to carry out activities regarding pension maintenance and pension insurance;
    - Non-credit Institutions which are joint stock investment funds;
    - Non-credit Institutions that perform activity on the basis of the license to carry out management of investment funds, share investment fund and non-state pension funds;
  - Non-credit Institutions which are not professional securities Trading Members, or entities that perform any other licensed activity on the financial market, include the following:
    - Regional public authorities;
    - Non-credit Institutions which are microfinance organizations;

13.9.2. International Organizations;

13.9.3. Non-residents, include the following:

- Non-resident banks, includes the following:
  - EurAsEC/EAEU Bank, includes the following:
    - national (central) banks of EurAsEC/EAEU member states;

- Non-resident Non-credit Institutions, include the following:
    - Non-resident Non-credit Institutions which have valid special permission to perform operations on financial markets, issued by the authorized body of the state of incorporation of the Clearing Member;
    - Non-resident Non-credit Institutions which do not have valid special permission to perform operations on financial markets, issued by the authorized body of the state of incorporation of the Clearing Member;
    - EurAsEC/EAEU Non-credit Institutions – EAEU Non-credit Institutions, which do not have valid special permission to perform operations on financial markets, issued by the authorized body of the state of incorporation of the Clearing Member.
- 13.10. Clearing Rules may state special requirements regarding admission to the clearing service and clearing service specifics in respect of particular group of Clearing Members, stipulated by the paragraph 13.9.

**Article 14. Terms of the clearing service. Procedure for granting admission to the clearing service**

- 14.1. Admission to the clearing service on each Market is granted to a Clearing Member, satisfying requirements, set out in the paragraphs 14.2 and/or 14.3, and/or 14.4, on the basis of the Application on granting admission to the clearing service on the relevant Market.
- Additional requirements for the admission to the clearing service on the relevant Market for Clearing Members of any category may be stipulated in the relevant special part of the Clearing Rules.
- 14.2. For the admission to the clearing service on any Market a Clearing Member of the category “C” must satisfy the following requirements:
- 14.2.1. to have valid Clearing Membership Agreement, concluded with the Clearing House;
  - 14.2.2. to have valid agreement on provision of integrated technologic service, concluded with the Technical Centre;
  - 14.2.3. to have valid banking license, issued by the Bank of Russia (for Credit Institutions);
  - 14.2.4. to have a license, issued by the Bank of Russia, on performing the particular type(s) of activity by non-credit financial institutions (for Non-credit Institutions, which perform licensed activities on the financial Market) or to be the legal entity, information about which is put by the Bank of Russia on the register of microfinance organizations (for Non-credit Institutions, which perform microfinance activities), or to be the Regional public authority;
  - 14.2.5. to have a special permission (a license or other basement), issued by a competent authority of the state of establishment of a Non-resident Bank, on the basis of which a Non-resident Bank is entitled to execute banking operations, stipulated by a personal law of a Non-resident Bank (for Non-resident Banks);
  - 14.2.6. to have a special permission on performing operations on financial markets, issued by a competent authority of the state of establishment of a Clearing Member, or to possess assets (capital) in the amount not less than 1 000 000 000 (one billion) Russian rubles (for

- Clearing Members that are Non-credit Institutions, not defined in the sub-paragraph 14.2.4, or Non-resident Non-credit Institutions);
- 14.2.7. to be a member of the EDI System of the Moscow Exchange;
- 14.2.8. to meet the requirements of the Clearing House for the provision of information and reporting, stipulated by the paragraphs 12.5-12.9;
- 14.2.9. to have valid license for brokerage activities and/or license for dealing activities, and/or license for securities management (for Clearing Members – Non-credit Institutions, which perform licensed activities on the financial Market).
- 14.3. For the admission to the clearing service on any Market a Clearing Member of the category “B”, except for national (central) banks of EurAsEC / EAEU member states, apart from the requirements, stipulated by the paragraph 14.2, must satisfy the following requirements:
- 14.3.1. to make a contribution to a Default Fund of the relevant Market in a size stipulated in the relevant special part of the Clearing Rules;
- 14.3.2. in the activity of a Clearing Member there shall be no facts showing decline in the financial statement and/or there shall be no information that gives reasons to consider decline in the financial statement of a Clearing Members possible and/or inability of a Clearing Member to fulfil its obligations under Partially Secured Trades, to pay Margin Calls and/or other obligations of a Clearing Member, arising from the Clearing Rules, in full and on time.
- 14.4. For an admission to the clearing service on any of On-exchange Markets, a Clearing Member of the category “B”, which is a national (central) bank of the EurAsEC / EAEU member states, besides the requirements, set out in the paragraph 14.2, shall correspond to the following requirements:
- 14.4.1. make a contribution to the Default Fund of the relevant On-exchange Market in the amount, defined in the relevant special part of the Clearing Rules
- 14.5. For the admission to the clearing service on any Market a Clearing Member of the category “O” apart from the requirements, set out in the paragraphs 14.2-14.3, must satisfy the following requirements:
- 14.5.1. to possess own funds (capital) in an amount not less than 50 000 000 000 (fifty billions) Russian rubles, or;
- 14.5.2. to possess own funds (capital) in an amount not less than 20 000 000 000 (twenty billions) Russian rubles and
- international long-term credit rating in respect of obligations in Russian rubles or in foreign currency not lower than BB+ according to the rating agencies "Standard & Poor's" or "Fitch Ratings" or "Ba1" according to the rating agency "Moody's Investors Service", or
  - national credit rating not lower than A- according to the Analytical Credit Rating Agency (ACRA) or the rating agency «Expert RA»;
- or
- 14.5.3. to possess own funds (capital) in an amount not less than 20 000 000 000 (twenty billions) Russian rubles under condition that an organization that is entitled directly or indirectly supervise the activity of a Clearing Member, has:

- international long-term credit rating in respect of obligations in Russian rubles or in foreign currency not lower than BB+ according to the rating agencies "Standard & Poor's" or "Fitch Ratings" or "Ba1" according to the rating agency "Moody's Investors Service", or
  - national credit rating not lower than A- according to the Analytical Credit Rating Agency (ACRA) or the rating agency «Expert RA»;
- 14.5.4. to have a license issued by the Bank of Russia on executing banking operations with funds in Russian rubles and foreign currencies and/or a license on performing clearing activity (for Clearing Members - Residents);
- 14.5.5. to have valid special permission (license or other basement), issued by a competent authority of the state of establishment of a Clearing Member, on the basis of which a Clearing Member is entitled to perform banking operations and/or operations on financial markets, stipulated by a personal law of a Non-resident (for Clearing Members that are Non-resident Non-credit Institutions).
- 14.6. The Clearing Member of the category "A" or "K" shall correspond to the following requirements in order to get the admission to any on-exchange market:
- 14.6.1. have the Clearing Membership Agreement, executed with the Clearing House, in effect;
- 14.6.2. have agreement on provision of integrated technologic service, which is executed with the Technical Centre and which provides technical access to the Clearing System, in effect, and install soft- and hard- ware, required for the clearing services provision, which corresponds to the requirements of the Technical Centre;
- 14.6.3. become a member of the Moscow Exchange EDI system.
- 14.7. In order to check the correspondence of own funds (capital) of a Clearing Member – Non-residents to the requirements, set out in sub-paragraphs 14.2.6, 14.5.1-14.5.3 and also in special parts of the Clearing Rules, an amount of own funds (capital) of a Clearing Member is converted into Russian rubles according to the exchange rate, set out by the Bank of Russia on the first day of a calendar quarter.
- 14.8. In case if the sovereign rate of the Russian Federation is changed, values of the international long-term credit ratings in respect of obligations in Russian rubles and in foreign currency, applied for granting and admission to the clearing service in accordance with the sub-paragraphs 14.5.2-14.5.3 and also in accordance with special parts of the Clearing Rules, can be changed by the decision of the Clearing House, disclosed on the Clearing House's website.
- 14.9. The Clearing House is entitled to require from a Clearing Member that provided to the Clearing House Application on granting the admission to the clearing service of the category "O" or an Application on changing category of a Clearing Member to the category "O" for:
- information on the property structure of a Clearing Member;
  - internal documents, describing the risk management system, and also methodology and results of the stress testing of a Clearing Member.
- 14.10. The Clearing House is entitled to require from a Clearing Member that corresponds to the requirements, set out in the sub-paragraph 14.5.3, and that provided the Clearing House with an Application on granting admission to the clearing service of the category "O" and

an Application on changing a category of a Clearing Member to the category “O”, a letter, issued by an organization that is entitled to control directly or indirectly the activity of a Clearing Member, that contains:

- 1) confirmation that the defined organization recognizes the intention of an entity, in respect of which such letter is issued, to get a status of a Clearing Member of the category “O”;
- 2) information on the part of the participation of an organization, issuing this letter, in the capital of an organization, in respect of which such letter is granted and/or approval of the control execution and reassuring on absence of intentions to cut down on the defined part / stop executing control;
- 3) confirmation of the intention of an organization that issues the defined letter in case if a Clearing Member in respect of which such letter is granted does not have sufficient cash funds to fulfill its obligations towards the Clearing House to provide to a Clearing Member required financing.

Defined in this paragraph letter may be provided in Russian or in English language.

- 14.11. As a result of the analysis of information and/or documents received by the Clearing House from a Clearing Member, in accordance with the paragraphs 14.9 or 14.10, or in case of non-provision of the defined information and/or documents, the Clearing House is entitled to refuse to a Clearing Member to execute an Application on provision of an admission to the clearing service with the category “O” or an Application on changing the category of a Clearing Member on the category “O”.
- 14.12. The Clearing House does not provide the Clearing Member of the category “O”, “B” or “C” admission to the clearing service in respect of Trades in securities, whose source of income is located in the USA, if there is information on the fact that the Clearing Member does not apply FATCA and/or is not recognized as the one, following FATCA requirements, and/or information, which gives grounds to consider that the Clearing Member is the entity, which does not apply FATCA and/or lost status of the entity, which is recognized as the one, following FATCA requirements.
- 14.13. Clearing Members must correspond to the following requirements to the financial stability:
  - 14.13.1. Clearing Members – Credit Institutions shall follow obligatory regulations and requirements to minimum amount of own funds (capital), set by the Bank of Russia for Credit Institutions;
  - 14.13.2. in the activity of Clearing Members – Credit Institutions shall be no grounds for the withdrawal or annulment of a banking license by the Bank of Russia in accordance with the legislation of the Russian Federation;
  - 14.13.3. in the activity of Clearing Members must be no grounds for performing measures on preventing bankruptcy in accordance with the legislation of the Russian Federation on bankruptcy or in accordance with a personal law of a Clearing Member;
  - 14.13.4. follow obligatory regulations and/or requirements to the minimum size of own funds (capital) set out by a competent authority of the state of establishment, in case if in accordance with the national legislation of the state of establishment of the Clearing Member such regulations / requirements are set out;
  - 14.13.5. in the activity of Clearing Members – Non-resident Banks should be no grounds for withdrawal of a special permission (license or other basement) in accordance with the

national legislation of the state of establishment, issued by a competent authority of the state of establishment of a Non-resident Bank on the basis of which a Non-resident Bank is entitled to perform banking operations.

- 14.14. Clearing Members of the category “B” and “O” shall meet the requirements for financial stability stipulated in the paragraph 14.12 during the whole period of an admission to the clearing service.
- 14.15. Clearing Members shall immediately notify the Clearing House on its non-correspondence to the requirements for the financial stability stipulated on the paragraph 14.12.
- 14.16. Clearing Members must notify the Clearing House of submission to the Bank of Russia (or to the other authorized body) of the request (if applicable):
- for the banking license annulment;
  - for the annulment of the license for performing activity of non-credit financial operations, including the one for the annulment of the license on professional activity on the securities market or annulment of the license to carry out management of investment funds, share investment fund and non-state pension funds;
  - annulment of license (other type of permission) to perform relevant type of activity according to the legislation of the Russian Federation.

not later than on the day following the day when such decision is made.

- 14.17. Non-resident Clearing Members must notify Clearing House on submitting to the relevant body of the state of incorporation of the Clearing Member of the request for annulment of the special permission (license or other ground), issued by the relevant body of the state of incorporation of the Non-resident Clearing Member, on the basis of which Non-resident Clearing Member has the right to perform banking operations and/or other operations on financial markets, stipulated by own law of the Non-resident Clearing Member, not later than on the day following the day when such decision is made.
- 14.18. Clearing Members must notify Clearing House on adoption of the decision on liquidation or reorganization of the Clearing Member not later than the day following the day when such decision is made.
- 14.19. The Clearing House is entitled to not grant an admission to the clearing service on one or several markets to Clearing Members of the categories “O”, “B”, “C” that do not correspond to the following conditions:
- 14.19.1. In case if the requirement for positive financial result under balance on the last reporting date is not met or in case if there is no uncovered loss on balance on the last reporting date;
- 14.19.2. Not meeting the requirements of the Clearing House for financial stability of a Clearing Member stipulated by the paragraph 14.13;
- 14.19.3. in case if there is risk to lose the business reputation of the Clearing House connected with the provision of clearing service to a Clearing Member.
- 14.20. The Clearing House is entitled to define specifics of the application of requirements for an admission to the clearing service for several categories of legal entities, including Non-resident Banks, taking into account the provisions of the relevant international treaty



(agreement), for International Organizations – taking into account provisions of the relevant international treaty.

14.21. Clearing House is entitled to grant admission to the clearing service with the category “B” or “C” to the entity, which does not correspond to the requirements, set for the Clearing Member of the relevant category, during the period when in respect of such entity measures to prevent bankruptcy (hereinafter referred to as Rehabilitated organization) in case if one of the following terms is met:

14.21.1. Bank of Russia and/or Limited liability company “Fund of Banking Sector Consolidation Asset Management Company” and/or other specialized organization, founded in accordance with the Federal Law No. 86-FZ, dated 10 July 2002, “On the Central Bank of the Russian Federation” with the aim to implement measures to prevent bankruptcy, is directly involved in procedure for preventing bankruptcy of the Rehabilitated organization;

14.21.2. Investor that implements measures to prevent bankruptcy of the Rehabilitated organization according to the Federal Law No. 127-FZ, dated 26 October 2002, “On insolvency (bankruptcy)” and/or the Federal Law No. 86-FZ, dated 10 July 2002, “On the Central Bank of the Russian Federation” and which is not the entity, defined in the paragraph 14.21.1 (hereinafter referred to as the Investor), meets the following requirements:

- 1) Investor has provided the letter that guarantees fulfillment of obligations of the Rehabilitated organization to the Clearing House;
- 2) Activity of the investor does not have any grounds for implementing measures aimed at bankruptcy prevention according to the legislation of the Russian Federation on the insolvency (bankruptcy);
- 3) Activity of the investor does not have any facts suggesting worsening of financial state and/or there shall be no information that gives reason to suggest possible worsening of financial state of the Investor and/or inability of the Investor to fulfill obligations of the Rehabilitated organization in full, that has arisen from the paragraph 1) of the this sub-paragraph.

14.22. Admission to the clearing service on the relevant Market is granted to a Clearing Member by the Clearing House during the period not exceeding 5 (five) workdays after the fulfillment by a Clearing Member of requirements and conditions stipulated by the Clearing Rules.

About the fact of granting to a Clearing Member of an admission to the clearing service and about the category of a Clearing Member the Clearing House notifies a Clearing Member and the Exchange not later than the workday following the day of granting of an admission to the clearing service.

14.23. A Clearing Member is entitled to provide to the Clearing House an Application on changing the category of a Clearing Member.

14.23.1. The Application on changing the category of a Clearing Member from the category “B” to the category “C” on the relevant Market is performed if the following conditions are fulfilled:

- 1) a Clearing Member does not have unfulfilled Margin Calls through all Settlement Accounts opened for such market, and
- 2) a Clearing Member does not have unpaid Debts through all Settlement Accounts recorded in accordance with the Clearing Rules.

- 14.23.2. Changing of the category of a Clearing Member from the category “O” to the category “B” or “C” on the relevant Market is performed if the conditions defined in the sub-paragraph 14.23.1 are fulfilled, and when one of the following conditions is met:
- 3) a Clearing Member does not have any non-fulfilled obligations under Trades, executed on the relevant On-exchange Market by a Trading Member with the indication of the relevant Clearing Member of the category “O” as a clearing broker, or
  - 4) a Clearing Member has non-fulfilled obligations under Trades, executed on the relevant On-exchange Market by only one Non-clearing Member – Trading Member, or obligations under Trades, executed by not more than two Non-Clearing Members – Trading Members.
- 14.23.3. The Clearing House is entitled to change the category of a Clearing Member from the category “B” to the category “C” on the relevant Market without submission of an application when a Clearing Member fulfils requirements set out for Clearing Members of the category “B” on the relevant Market.
- 14.23.4. The Clearing House notifies a Clearing Member and the Exchange on changing the category of a Clearing Member not later than the workday following the day when the new category for a Clearing Member has been assigned.
- 14.24. When changing the category of a Clearing Member from the category “B” or “O” to the category “C” on the relevant Market or when terminating an admission to the clearing service of a Clearing Member of the category “B” or “O” on the relevant market, the Clearing House stops recording obligations of a Clearing Member on posting a contribution to the Default Fund of such market, under the condition that for the return to a Clearing Member of cash funds and/or securities, recorded as the contribution of a Clearing Member to the Default Fund / Collateral for Stress, set out in the sub-paragraph 36.1.1.
- Return to a Clearing Member of cash funds and/or securities recorded as a contribution of a Clearing Member to a Default Fund / Collateral for stress of a Clearing Member is performed in an order stipulated by the Article 36.
- 14.25. A Clearing Member or the Clearing House has an opportunity to submit Requests for selection of securities using WEB-service of the Settlement Depository in cases set out in the Clearing Rules, in case if a deponent of the Settlement Depository for which a depo sub-account or a trading depo account is opened and which is a Clearing Member and/or client of a Clearing Member and/or a Custodian that provides depository service to such Clearing Member and/or to its clients:
- concluded the Clearing Membership Agreement with the Settlement Depository;
  - concluded the agreement on provision of collateral management service with the Settlement Depository;
  - provided to the Settlement Depository an instruction on marking resources for selection of securities stipulated by an agreement on provision of collateral management service, concluded with the Settlement Depository.
- 14.25.1. A deponent of the Settlement Depository, set out in the paragraph 14.25, is entitled to provide to the Settlement Depository of a separate instruction on marking resources for selection of securities for clearing by the CCP NCC stipulated by the agreement on provision of collateral management service, concluded with the Settlement Depository.

- 14.26. To provide to the Clearing House of the right for the direct debit of cash funds from the correspondent account of a Clearing Member – Credit Institution opened in the Bank of Russia in cases set out in the Clearing Rules, a Clearing Member is entitled to conclude with the Bank of Russia an additional agreement to the Correspondent account agreement that contains data on the Clearing House as a receiver of funds and that have a right to direct *debit instructions* through the correspondent account.

**Article 15. Procedure for suspension and termination of an admission to the clearing service**

- 15.1. The Clearing House is entitled to suspend from the clearing service a Clearing Member of the category “O”, category “B” or category “C” on one or more Markets under all Trades or under several types of Trades and also in several Trading regimes, or under Trades in the separate security / foreign currency / precious metal / instrument / Derivative contract / Standardised Derivatives contract / Contract underlying asset of which is the commodity, in any of the following reasons:
- 15.1.1 on the basis of the information received from the Exchange on suspension or termination of an admission of a Clearing Member to participation in trading on the Exchange on the relevant Market due to annulment of the license on professional activity on the securities market or annulment of the license to carry out management of investment funds, share investment fund and non-state pension funds(for Clearing Members that are Trading Members);
- 15.1.2. on the basis of the information received from the Exchange on suspension or termination of an access of the Clearing Member to trading on the Exchange on the relevant market except for suspension or termination of an access of the Clearing Member to the trading on the Exchange due to annulment of the license on professional activity on the securities market or annulment of the license to carry out management of investment funds, share investment fund and non-state pension funds (for Clearing Members – Trading Members);
- 15.1.3. when appearing of circumstances that are obstacles to the fulfilment by a Clearing Member of trades that became known to the Clearing House;
- 15.1.4. when a Clearing Member breaches requirements stipulated by the Clearing Rules;
- 15.1.5. when the Bank of Russia applies to a Clearing Member – Credit Institution sanctions for breaching of the banking legislation including: introduction on prohibition to perform several banking operations by a Clearing Member if this leads to the inability to fulfil trades by a Clearing Member and appointment of the interim administration to manage a Clearing Member – Credit Institution within the measures to prevent bankruptcy of a credit institution;
- 15.1.6. when applying to a Clearing Member of sanctions of authorized bodies for breaching of the legislation of the Russian Federation including application of administrative punishment;
- 15.1.7. when applying to a Clearing Member – Non-resident of sanctions of authorized bodies for breaching of national legislation of the state of establishment of a Non-resident;
- 15.1.8. when receiving by the Clearing House of a message in written form from a competent authority of the state of establishment of a Non-resident in respect of a Non-resident from which follows the fact of inability of further clearing service of a Non-resident, and/or

- placement of the relevant information of the website of the abovementioned competent authority on the Internet;
- 15.1.9. in case of suspension of an international treaty (contract) for the Russian Federation or in case of suspension of an international treaty (contract) for the state that is party to an international treaty and is the state of establishment of the relevant Clearing Member;
- 15.1.10. in case of suspension of an international treaty (contract) for the Russian Federation in accordance with which an International Organization has been established or in case of making by authorized bodies of parties to the defined international treaty a decision to suspend the activity of an International Organization;
- 15.1.11. any grounds in the activity of a Clearing Member for taking measures to prevent bankruptcy in accordance with the legislation of the Russian Federation on bankruptcy and also any reasons for withdrawal (annulment) by an authorized body / by the Bank of Russia of a license for performing relevant type of activity in accordance with the legislation of the Russian Federation;
- 15.1.12. any grounds in the activity of a Clearing member for withdrawal (annulment) by a competent authority / decision on withdrawal (annulment) by authorized body / Bank of Russia of the license (any other type of permission) to perform the relevant type of activity in accordance with the legislation of the Russian Federation;
- 15.1.13. any grounds in the activity of a Clearing Member – Non-resident Bank for withdrawal (annulment) by a competent authority of the state of establishment of a Non-resident of a permission (license or other basement) on the basis of which a Non-resident is entitled to perform banking operations and/other operations on financial markets stipulated by a personal law of a Non-resident;
- 15.1.14. any grounds in the activity of a Clearing Member, which is Non-resident Non-credit Institution for the withdrawal (annulment) by the competent authority of the residence state of a Clearing Member of the special permission on execution of operations on financial markets;
- 15.1.15. in case of non-provision by the Clearing Member of information and documents in accordance with the paragraphs 12.5-12.8 within the period of time, set out in the Clearing Rules, or in case of provision by the Clearing Member of incorrect information and documents;
- 15.1.16. any facts of degradation of the financial state of a Clearing Member and/or of information that gives grounds to consider possible the degradation of the financial state of a Clearing Member and/or inability of a Clearing Member to fulfil its obligations under Trades, Margin Calls and/or other obligations of a Clearing Member arising from the Clearing Rules;
- 15.1.17. any facts of non-fulfillment or improper fulfilment by a Clearing Member of its obligations towards the Clearing House arisen from the Clearing Membership Agreement;
- 15.1.18. in case if there is no positive financial results in the reporting of a Clearing Member, stipulated by the paragraph 14.19, on two and more reported dates;
- 15.1.19. in case of non-provision of the FATCA form by a Clearing member in accordance with the paragraph 12.9;
- 15.1.20. in case of receipt from a foreign tax body of a notification on non-fulfilment by a Clearing Member of the requirements of the legislation of the foreign state;

- 15.1.21. in case if there is a risk to lose a business reputation of the Clearing House in respect of further clearing service of a Clearing Member;
- 15.1.22. in case if a Clearing Member does not provide a copy of the document, which identifies the chief executive officer of a Clearing Member (hereinafter referred to as the Head), certified according to the requirements of the Clearing Rules, within 90 (ninety) days after the identification document, which has been provided earlier, is changed;
- 15.1.23. in case of non-correspondence of the size of own capital (funds) of the Clearing Member, which is Non-credit Institution, defined in the paragraph 14.2.4, or Non-resident Non-credit Institution, to the requirement, defined in the paragraph 14.2.6;
- 15.1.24. in case if the Clearing House suspects that operations of the Clearing Member or his client are performed with the aim to legalize funds (money laundering) obtained by criminal means or to finance terrorism or are in any way connected with legalization of funds (money laundering) or terrorism financing or appear to be suspicious;
- 15.1.25. in case if the Clearing Member provides to the Clearing House Application for suspension of admission of the Clearing Member to the clearing service (hereinafter referred to as Application for suspension of admission). In the Application for suspension of admission shall be defined the date, since of which the admission to the clearing service of the Clearing Member shall be suspended, also the date when admission to the clearing service shall be renewed, can be defined. In case if the Clearing House makes decision to suspend admission of the Clearing Member to the clearing service, admission of the Clearing Member to the clearing service is suspended since of the date defined in the Application for suspension of admission unless otherwise stated in the decision of the Clearing House;
- 15.1.26. in case of breach of assurances of the Clearing Member, provided according to the Clearing Rules;
- 15.1.27. in case of making decision on reorganization of the Clearing Member resulting in termination of the legal entity (except for reorganization in the form of transformation);
- 15.1.28. in case of revocation by the Bank of Russia of the insurance license of the Clearing Member – Non-credit Institution, which is insurance company or mutual insurance society due to refusal of such Clearing Member to perform activity stipulated by the license;
- 15.1.29. in case if the Clearing House receives from the Bank of Russia information on necessity to suspend admission of the Clearing Member, in emergency cases inclusively.
- 15.2. If there are several grounds for suspension of admission of the Clearing Member to the clearing service, Clearing House is entitled to suspend admission of such Clearing Member to the clearing service due to one or several such grounds.
- 15.3. The Clearing House suspends admission of the category “O” Clearing Member to the clearing service in case if the Bank of Russia revokes (annuls) clearing license of the Resident Clearing Member, which does not have banking license of the Bank of Russia.
- 15.4. The Clearing House is entitled to suspend admission to the clearing service of the Clearing Member of the category “O”, “B” or “C” in respect of trades in securities, whose source of income is located in the USA, if there is information on the fact that the Clearing Member does not applies the FATCA, and/or is not recognized as the entity, which follows FATCA requirements, and/or information, which gives grounds to consider that the Clearing Member is the entity, which does not apply FATCA and/or lost the status of the entity, which is considered to follow FATCA requirements.

The Clearing House renews the clearing service of the Clearing Member, suspended on the basis of this paragraph, after receiving the information on the fact that grounds for the suspension of the admission to the clearing service. The Clearing House is entitled to make decision on renewing access to the clearing service of the Clearing Member on the basis of the relevant documents and/or on the basis of the information, received from the Clearing Member.

- 15.5. The Clearing House is entitled to set the category “C” for a Clearing Member of the category “B” on one or several Markets on the grounds stipulated by the paragraph 15.1 and also:
- 15.5.1. in case of non-correspondence of the size of a contribution of a Clearing Member of the category “B” to a Default Fund of the relevant Market to the size set out in the relevant special part of the Clearing Rules;
- 15.5.2. in case of non-correspondence of the size of Collateral for Stress of a Clearing Member on the relevant Market to the size, set in accordance with the Clearing Rules;
- 15.5.3. by complying with the term, defined in the sub-paragraph 48.2.3, 49.4.5 or 49.4.6.
- 15.6. The Clearing House is entitled to set on all Trade Accounts and Settlement Accounts of a Clearing Member of the category “O” on one or several Market the feature “short sales prohibition” and the feature “uncovered sales prohibition” or take other measures stipulated by the relevant special part of the Clearing Rules on the grounds stipulated by the paragraph 15.5 also:
- 15.6.1. when a Clearing Member does not meet the requirements set out in the sub-paragraph 14.5.1, or in the sub-paragraph 14.5.2, or in the sub-paragraph 14.5.3.
- Meanwhile in order to check the correspondence of own funds (capital) of a Clearing Member – Non-resident to requirements, set out in the sub-paragraphs 14.5.1-14.5.3, the amount of own funds (capital) of a Clearing Member – Non-resident in foreign currency is converted into Russian rubles according to the exchange rate of the foreign currency to Russian ruble set out by the Bank of Russia on the first date of each calendar quarter.
- 15.7. In case if the application of the defined in sub-paragraph 15.6.1 grounds to set for a Clearing Member of the category “O” of the feature “short sales prohibition” and the feature “uncovered sales prohibition” or taking other measures stipulated by the relevant special part of the Clearing Rules has not been terminated during 3 (three) Settlement Days after setting of the defined feature (taking other measures stipulated by the relevant special part), the Clearing House is entitled to suspend admission to the clearing service of a Clearing Member of the category “O” beginning from the 4<sup>th</sup> (fourth) Settlement Day since the date of setting the defined feature (taking defined measures).
- 15.8. The Clearing House is entitled to assign the category “B” to a Clearing Member of the category “O” in case if during 2 (two) years after the date of assignment to a Clearing Member of the category “O” to such a Clearing Member the Clearing House did not register any Trade Account of the 2<sup>nd</sup> level for a Trading Member and no other actions were performed stipulated by the relevant special part of the Clearing Rules that evidence the start of provision of client clearing service to other Trading Members.
- 15.9. The Clearing House is entitled to provide to suspend an admission of a Clearing Member to the clearing service on the Market where the category “C” is not presented on the grounds set out in sub-paragraphs 15.5.1, 15.5.2.

- 15.10. When the Clearing House sets to a Clearing Member of the category “B” the category “C” or sets the feature “short sales prohibition” and the feature “uncovered sales prohibition” to a Clearing Member of the category “O”, the Clearing House is entitled to perform transfer of Asset Profiles in order to meet the condition of nonnegative values calculated, in accordance with the paragraph 33.14, for each Settlement Date through all Settlement Accounts of the Clearing Member, which are the Unified Pool Settlement Accounts / Trade Account, into the structure of which the Unified Pool Settlement Account is included.
- 15.11. The Clearing House is entitled to not suspend admission to the clearing service if there are grounds, stipulated by the paragraph 15.1, in case if any of the terms, defined in the paragraph 14.21 is met.
- 15.12. Suspension of an admission to the clearing service of the Clearing Member on one or several exchange markets means that it is impossible for the Clearing Member to become party to Trades, executed on such exchange markets by Trading Members (except for the Clearing House), and that it is impossible for such Clearing Member to submit Offers to execute OTC Trades in accordance with the Clearing Rules of the exchange market, on which the clearing service has been suspended.

In case of suspension of an admission to the clearing service on one or several Markets including some types of trades or some Trading regimes, the Clearing house continues clearing and other functions connected with clearing of Trades on the relevant Market, party to which is this particular Clearing Member till the moment of suspension of an admission to the clearing service concluded before the moment of suspension of an admission to the clearing service of a Clearing Member and, accordingly, till the moment of the suspension of an admission to the clearing service under several types of trades or several Trading regimes and also under Trades that are aimed at settlement of unfulfilled obligations of a Clearing Member that the Clearing House in the order and in cases stipulated by the Clearing Rules is entitled to conclude with such Clearing Member, and also in respect of other obligations of the Clearing Member, emerged after suspension of an admission to the clearing service, including obligations to pay fees and penalties.

- 15.13. In case of suspension of access to the clearing service on the Market, the Clearing House sets the feature “short sales prohibition” and the feature “uncovered sales prohibition” in respect of all Trade Accounts of the Clearing Member of the category “O” or “B” on such market (if applicable).
- 15.14. In case of suspension of the admission to the clearing service, the Clearing House is entitled to do the following:
- 15.14.1. to set in respect of all Trade Accounts of Clearing Members of the category “O” or “B” on one or on several other markets the feature “short sales prohibition” and the feature “uncovered sales prohibition”;
- 15.14.2. in case of non-fulfillment or undue fulfillment by the Clearing Member of obligations, accepted for clearing, to make decision on execution in the name of the Clearing Member of closing trades, aimed at termination of obligations of the Clearing Member in respect of all Settlement Accounts / Trade Accounts on the on-exchange market, where admission of the Clearing Member to the clearing service on which is suspended.

When making the abovementioned decision the Clearing House also executes balancing trades.

Procedure for the execution of closing and balancing trades is defined in the Article 29.

In case of making decision, defined in this sub-paragraph, the Clearing Member, in respect of which this particular decision is made, is considered to be Defaulting Clearing Member.

- 15.15. After receiving of information on termination of the application of the grounds for suspension of an admission to the clearing service on one or several Markets and on the basis of the relevant letter of a Clearing Member, the Clearing House is entitled to make a decision on renewing of an admission to the clearing service of a Clearing Member.
  - 15.15.1. To renew an admission to the clearing service, suspended on the basis of the sub-paragraph 15.1.1 or sub-paragraph 15.1.25 in case if in the Application for suspension of admission there is a date, when admission to the clearing service shall be renewed, provision of the relevant letter of a Clearing Member is not obligatory.
  - 15.15.2. The Clearing House is entitled to make a decision on renewal of an admission to the clearing service, suspended on the basis of the sub-paragraphs 15.5.1, 15.5.2, without provision of the relevant letter of a Clearing Member.
- 15.16. In order to renew admission to the clearing service, suspended on basis of the paragraph 15.1.25, in case if in the Application for suspension of admission the date when the clearing service shall be renewed is not defined, admission of the Clearing Member to the clearing service is renewed on the basis of the relevant letter from the Clearing Member.
- 15.17. The Clearing House terminates an admission of a Clearing Member to the clearing service (regardless the category) on all Markets (taking into account specifics defined in the Article 63) according to any of the following grounds:
  - 15.17.1. termination of the Clearing Membership Agreement;
  - 15.17.2. withdrawal by the Bank of Russia of a banking license from a Clearing member – Credit Institution;
  - 15.17.3. appointment of the interim administration in respect of a Clearing Member – Non-credit Institution or in respect of a Non-resident Clearing Member – Non-credit Institution and (or) appointment of the person, who is entitled to perform bankruptcy procedure in respect of such Clearing Member according to the applicable law (liquidator, administrator etc.);
  - 15.17.4. arbitration court (authorized body of the state of incorporation of the Non-resident Clearing Member) makes decision on the introduction in respect of the Clearing Member – Non-credit Institution or Non-resident Clearing Member – Non-credit Institution of any of the bankruptcy procedures;
  - 15.17.5. appointment of the interim administration to manage Clearing Member – Credit Institution within measures to prevent bankruptcy of the credit institution and to establish a moratorium on fulfillment of claims of creditors of the Clearing Member – Credit Institution;
  - 15.17.6. withdrawal (annulment) of a special permission (license or other basement) issued by the competent authority of the state of establishment of a Non-resident Clearing Member on the basis of which a Non-resident Clearing Member is entitled to execute banking operations and/or other operations on financial markets stipulated by a personal law of a Non-resident Clearing Member;
  - 15.17.7. termination of the Cooperation Agreement/Treaty on Eurasian Economic Union by the Russian Federation or by the state – party to the Cooperation Agreement/Treaty on



- Eurasian Economic Union, which is the state of incorporation for the Clearing Member – EurAsEC/EAEU;
- 15.17.8. termination of an international treaty, in accordance with which the Clearing Member - International Organization has been established, for the Russian Federation or the decision of the officials of the parties to the abovementioned international treaty on termination of activity of the Clearing Member - International Organization;
- 15.17.9. placement on the official website of an authorized body of the information on inclusion of a Clearing Member into the list of organizations in respect of which there is information on their relation to extremist activity or terrorism, or into the list of organizations in respect of which there is information on its involvement into spread of the weapon of mass destruction, or placement on the official website of an authorized body of a decision on taking measures to freeze (block) cash funds or other assets that belong to a Clearing Member in respect of which there are essential grounds to suspect its connection with the terrorist activity (including financial aid to terrorists) when there is no essential evidence to include into the defined list (hereinafter referred to as inclusion into the list);
- 15.17.10. adopting decision on liquidation of the Clearing Member;
- 15.17.11. federal law on liquidation of the state corporation comes into force.
- 15.18. The Clearing House terminates admission of the Clearing Member to the clearing service on one or several on-exchange markets in case if the Clearing Member provides Application for the termination of admission to the clearing service.
- 15.18.1. The Clearing House terminates admission of the Clearing Member on the basis of the Application for the termination of admission to the clearing service on the on-exchange market, defined in the application, in case if on the application receipt date the Clearing Member does not have any obligations, recorded under all Settlement Accounts and Trade Accounts of the Clearing Member, opened for the Clearing Member on such on-exchange market, including obligations under Trades, Debts, obligations according to the Clearing Rules, obligations to transfer / claims to receive Income, calculated by the Clearing House in accordance with the Clearing Rules on the securities market, deposit market and credit market when calculating Single Limit in respect of the Settlement Account, obligations to pay fees, including fees for recording individual collateral and the other type of collateral in the month of provision by the Clearing Member of the Application for the termination of admission to the clearing service or for the month preceding to the month, when the Clearing Member has provided Application for the termination of admission to the clearing service.
- 15.18.2. In case if the terms, defined in the sub-paragraph 15.18.1, are met, the Clearing House terminates admission of the Clearing Member to the clearing service on the basis of the Application for the termination of admission to the clearing service, including the case when the Clearing Member has the claim to return Collateral, Collateral for Stress, Default Funds contributions.
- 15.19. The Clearing House is entitled to terminate admission of the Clearing Member to the clearing service on all on-exchange markets:
- 15.19.1. in case of appointment of the interim administration to manage Clearing Member – Credit Institution within the measures to prevent bankruptcy of the credit institution, except for the case when the Bank of Russia publicly announce financial support for the Clearing Member – Credit Institution with the aim to secure continuity of business, also in case of

- appointment of the interim administration to manage Clearing Member – Non-resident Bank or application of the similar procedure in respect of the Clearing Member – Non-resident Bank, stipulated by the legislation of the state of residence of the Clearing Member – Non-resident Bank;
- 15.19.2. in case if non-fulfillment or undue fulfillment by the Clearing Member, admission to the clearing service of which is suspended, of obligations under Trades, Margin Call and/or other obligations of the Clearing Member, emerged according to the Clearing Rules, or in case if in respect of the Clearing Member, admission to the clearing service of which is suspended, there is information on the fact that events, which will not let the Clearing Member fulfill the abovementioned obligations, have arrived;
- 15.19.3. in case of receipt from the Bank of Russia or from authorized state body of the information on referring any operation of the Clearing Member or of the client of the Clearing Member to the suspicious one and/or in case if enforcement actions have been taken in respect of the Clearing Member or his client by the body authorized with the competence for combating legalization of funds (money laundering) obtained by criminal means or terrorism financing, for breaching legislation in the area of combating legalization of funds (money laundering) obtained by criminal means or terrorism financing;
- 15.19.4. in case if Clearing Member forwards request on annulment of banking license not related to termination of performance of the Clearing Member;
- 15.19.5. in case of revocation by the Bank of Russia of the insurance license of the Clearing Member – Non-credit Institution, which is insurance organization or mutual insurance society.
- 15.20. The Clearing House is entitled to terminate an admission of a Clearing Member to the clearing service on one or several Markets:
- 15.20.1. when receiving the information from the Exchange on termination of an admission of a Clearing Member to the participation in trading of the Exchange on the relevant Market (for Clearing Members that are Trading Members);
- 15.20.2. repeated (two and more times) during one year non-fulfillment by a Clearing Member of its obligations, accepted for clearing, and/or other obligations in cash of a Clearing Member on the basis of the Clearing Rules;
- 15.20.3. repeated (two and more times) during one year breach by a Clearing Member of the requirements stipulated by the Clearing Rules;
- 15.20.4. in case if the Clearing House receives from the Bank of Russia information on necessity to suspend admission of the Clearing Member, in emergency cases inclusively.
- 15.21. Termination of the clearing service of the Clearing Member on one or several exchange markets means that the Clearing House stops clearing services provision in respect of the Clearing Member in accordance with the Clearing Rules on such exchange market(s), except for the clearing services, defined in the Article 62, and clearing services, connected with recording and returning Collateral, Collateral for Stress, Default Funds contributions.
- 15.22. The Clearing House notifies a Clearing Member and the Exchange on suspension / termination or renewal of suspended admission to the clearing service on one or several Markets (including under separate types of trades or in several Trading regimes) or on changing of the category of a Clearing Member not later than the Settlement Day following the date of suspension / termination or renewal of suspended admission to the clearing service / date of assignment to a Clearing Member of other category.

**Article 16. Procedure for registration of Clearing Members, clients of a Clearing Member, procedure for opening and closing Settlement Accounts of a Clearing Member**

16.1. The Clearing House registers Clearing Members.

16.1.1. Procedure for registration of a Clearing Member, executed after conclusion of the Clearing Membership Agreement between the Clearing House and the Clearing Member, stipulates assignment (opening) to a Clearing Member of the following codes / ID codes:

- Clearing Member code in accordance with the requirements of a regulatory document of the Bank of Russia;
- ID code (assigned by the Clearing House). If a Clearing Member is a Trading Member, ID code is assigned on the basis of the data received from the Exchange;
- proprietary Settlement Account of the Clearing Member for the Securities Market, deposit market and credit market (opened without request of the Clearing Member).

16.1.2. Change of the ID code of a Clearing Member is assigned on the basis of the information, provided by a Clearing Member in accordance with the Article 12 and / or on the basis of the data (information) on the legal entity from the official sources, including the electronic service of the Federal Tax Service.

16.1.3. The Clearing House notifies a Clearing Member on assigned/changed ID code of a Clearing Member by forwarding notification in the form of an electronic document.

16.1.4. Information on an ID code of a Clearing Member is recorded in the list of Clearing Members and is granted upon request of the Bank of Russia, other authorized entities and bodies, and contains data corresponding to the requirements of the Bank of Russia for the registration of Clearing Members (ID codes of Clearing Members).

16.2. The Clearing House registers clients of a Clearing Member upon demand of a Clearing Member.

Registration of Segregated Clients is performed in accordance with the Article 23.

16.3. Registration of a Settlement Account of a Clearing Member is performed for each Market or for all Markets that are included into the unified collateral pool, defined in the paragraph 20, in the order and in cases, set out in this Article of the Common part of the Clearing Rules.

16.3.1. To one Settlement Account of a Clearing Member one Collateral Account for Russian rubles and one Collateral Account for each foreign currency, in which settlement under Trades is performed and/or in which cash funds are accepted by the Clearing House as Collateral, are registered.

16.3.2. Specifics / the other procedure for opening of Settlement Accounts / Collateral Accounts of a Clearing Member for the relevant Market can be set out in special parts of the Clearing Rules.

16.4. The following types of Settlement Accounts of a Clearing Member can be registered in the name of a Clearing Member:

- proprietary – for recording cash funds of a Clearing Member;
- client – for recording cash funds of a client of a Clearing Member / clients of a Clearing Member;

- trust management – for recording cash funds that are in trust management of a Clearing Member, or for recording cash funds on non-state pension fund, which has the license to carry out activities regarding pension maintenance and pension insurance when placing pension reserves of the non-state pension fund or when placing pension savings of the non-state pension fund.
- 16.4.1. Unlimited number of Settlement Accounts of a Clearing Member of any types can be opened in the name of a Clearing Member.
- 16.4.2. Non-resident Clearing Member is entitled to change Settlement Account type (except for the Settlement Account opened for the Segregated Client and the Settlement Account with which Segregated Sub-accounts Cluster is connected) from the client one to proprietary one if transfer of ownership of Collateral, recorded under the Settlement Account, on the basis of the title transfer agreement concluded between Non-resident Clearing Member and its client on assets, which are subject to collateral through provision to the Clearing House of the Application for changing Settlement Account type.
- 16.5. Settlement Account has one of the following features, which indicate the Settlement Account usage model:
- Settlement Account for execution of trades by the Clearing Member – Trading Member and/or for execution of OTC Trades by the Clearing Member (set by default);
  - Settlement Account for the execution of trades in the name and on behalf of the Clearing Member on the basis of orders / Quotation of the Trading Member, submitted by the Non-clearing member – Trading Member (hereinafter referred to as the Settlement Account for the execution of trades in the name and on behalf of the Clearing Member);
  - Settlement Account for the execution of trades on the basis of orders / Quotation of the Trading Member, where the Clearing Member is defined as the Clearing Member (hereinafter referred to as the Settlement Account of the Clearing Broker).
- The defined feature may be changed on the basis of the Request for changing Settlement Account usage model.
- 16.6. The Clearing House opens a Default Funds Settlement Account for a Clearing Member without an application from a Clearing Member.
- 16.6.1. One Default Funds Settlement Account is registered in the name of one Clearing Member of the category “B” or “O”.
- 16.7. The Clearing House opens one Collateral for Stress Settlement Account for a Clearing Member of the category “B” or “O” when the obligation to post Collateral for Stress emerges for the first time without an application from a Clearing Member.
- 16.7.1. One Collateral for Stress Settlement Account is registered in the name of one Clearing Member of the category “B” or “O”.
- 16.8. Clearing House without request of the Clearing Member opens Settlement Account for recording Concentration Risk Mitigation Collateral for the Clearing Member of the category “B”, “C” or “O”, admitted to the clearing on the securities market, deposit market and credit market.

- 16.8.1. One Settlement Account for recording Concentration Risk Mitigation Collateral is opened for one Clearing Member of the category “B”, “C” or “O”.
- 16.9. In order to execute trades at the expense of clients of a Clearing Member and/or using cash funds which is in trust management of a Clearing Member, a Clearing Member must perform actions required for the registration of a separate client Settlement Account of a Clearing Member (separate client Settlement Accounts of a Clearing Member) and/or separate Trust Settlement Account of a Clearing Member (separate Trust Settlement Accounts of a Clearing Member).
- 16.10. In order to execute trades at the expense of a client of a Clearing Member in respect of which in accordance with the regulatory documents of the Russian Federation, a Clearing Member shall require the Clearing House to keep a separate recording of cash funds and other assets of this client furnished to the Clearing House as individual clearing collateral, a Clearing Member must execute actions required for the registration by the Clearing House to a Clearing Member of a separate client Settlement Account for such client, and also actions required for opening by the Clearing House for a Clearing Member of a separate Trade Account of a Clearing Member for such client of a Clearing Member into which a client Settlement Account of a Clearing Member, opened in the name of a Clearing Member in respect of such client of a Clearing Member, is included (on the Markets where opening of Trade Accounts of a Clearing Member is a condition of an admission to the clearing service).
- 16.11. Registration of Settlement Accounts of a Clearing Member is executed on the basis of the Request for opening Settlement Account of the 1<sup>st</sup> level, submitted by a Clearing Member to the Clearing House or on the basis of the Application for Trade Account registration, that contains indication of the necessity to open new Settlement Account according to the paragraphs 17.2-17.5, in case if it is stipulated by the relevant special part of the Clearing Rules and also without an application of a Clearing Member in cases set out in the relevant special part of the Clearing Rules.
- 16.11.1. The Request for Settlement Account of the 1<sup>st</sup> level registration may contain identification data of a client of a Clearing Member in accordance with the requirements of the Exchange when registering client of a Clearing Member.
- 16.12. On the basis of the Request for Settlement Account of the 1<sup>st</sup> level registration or on the basis of the Request for changing identification data of a client, corresponding to the Settlement Account, the Clearing House sets the correspondence between the Settlement Account of a Clearing Member and identification data of a client of a Clearing Member, defined in a request.
- 16.13. Opening Settlement Account for paying taxes is executed on the basis of the Request for opening Trade Account for paying taxes, defined in the paragraph 7.8.1, provided by the Clearing Member to the Clearing House. Settlement Account for paying taxes is of the “proprietary” type. Clearing Member is entitled to open one Settlement Account for paying taxes.
- 16.14. A Clearing Member is entitled to register in the Clearing House Accounts for Collateral Return and set the correspondence between a Settlement Account of a Clearing Member and an Account for Collateral Return.

- 16.14.1. Return of Collateral in cash funds recorded under a Settlement Account of a Clearing Member is performed by the Clearing House through registered Accounts for Collateral Return that correspond to such Settlement Account of a Clearing Member.
- 16.15. Registration of Accounts for Collateral Return is performed on the basis of the Request for registration of the Account for Collateral Return details.
- 16.15.1. In case if the owner of an Account for Collateral Return is a client of a Clearing Member, a Clearing Member is entitled to provide the Clearing House with the following in the form of an electronic document:
- The letter of identification of a client;
  - a copy of a service contract / contract on provision of services concluded between a client of a Clearing Member and a Clearing Member notarized or certified by a Clearing Member (in case if the owner of an Account for Collateral Return is a Non-resident), or statement from the agreement, affirmed by the signature of the authorized person and by the seal of the legal entity (if any);
  - Beneficiary's form (in cases when the Clearing House conducts identification of the beneficiary according to the requirements of the law on counteraction of the legitimization (laundering) of proceeds of crime and the financing of terrorism);
  - other documents (upon demand of the Clearing House).
- 16.15.2. The Clearing House is entitled to not register the Account for Collateral Return in case if a Clearing Member did not provide the documents, defined in the sub-paragraph 16.15.1 within 30 days from the moment when the Clearing House received the Request for the registration of the Account for Collateral Return details or from the moment when the Clearing House required to provide the other documents (in case if such requirement is claimed).
- 16.15.3. The Clearing House is entitled to not register an Account for Collateral Return and (or) to not satisfy the requirement of a Clearing Member for cash funds return, which are the Collateral of a Clearing Member, and also to annul registration of earlier registered Account for Collateral Return, in case if according to the assumption of the Clearing House registration of an Account for Collateral Return or satisfaction of the requirement of a Clearing Member may result in the breach of the Russian legislation on FX regulation and FX control, and/or in increase in risks that the Clearing House is in charge of, and/or in the breach of the rules and internal control order performed by the Clearing House in accordance with the regulatory documents of the Bank of Russia.
- 16.16. Setting correspondence between a Settlement Account of a Clearing Member and an Account for Collateral Return is performed on the basis of the Request for setting correspondence of an Account for the Collateral Return with a Settlement Account.
- 16.16.1. Clearing House refuses to set correspondence between the Settlement Account, opened for the Segregated Client with the indication of cash funds protection necessity, and Account for Collateral Return, owner of which is the person other than such Segregated Client.
- 16.17. In case of changing details of an Account for Collateral Return a Clearing Member shall provide the Clearing House with the Request for changing details of an Account for Collateral Return that contains information about new details of an Account for Collateral Return.

- 16.17.1. The Clearing House is entitled to refuse in registration of new details of an Account for Collateral Return according to the reason defined in sub-paragraph 16.15.3.
- 16.17.2. New details of an Account for Collateral Return in the relevant foreign currency become valid since of the moment of directing to a Clearing Member of a notification on execution of the Request for changing details of an Account for Collateral Return.
- 16.18. Annulment of registration of an Account for Collateral Return is performed by the Clearing House on the basis of submitted by a Clearing Member of the Request on annulment of registration of details of an Account for Collateral Return.
- Specifics of annulment of registration of an Account for Collateral Return can be set out in a special part of the Clearing Rules.
- 16.19. A Clearing Member is in charge of consequences resulted from non-provision (late provision) to the Clearing House of the Request for registration of details of an Account for Collateral Return, or of the Request for opening of a Trade Account, or of the Request for changing details of an Account for Collateral Return, or of the Request for annulment of registration of details of an Account for Collateral Return.
- 16.20. In order to execute Trades, party to which is the Non-resident Clearing Member, acting in its own name on behalf of the client and at the expense of collateral, transferred to such Non-resident Clearing Member by his clients to his ownership on the basis of the title transfer agreement concluded between Non-resident Clearing Member and his clients on assets, which are subject of the collateral, Non-resident Clearing Member must provide to the Clearing House application for using Settlement Account 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.
- 16.21. The Clearing House is entitled to close all or several Settlement Accounts of the Clearing Member, opened for the Clearing Member for the relevant on-exchange market, when terminating admission of the Clearing Member to the clearing service on such on-exchange market.
- 16.22. Closing a Settlement Account of a Clearing Member is also performed on the basis of the Request for closing a Settlement Account, provided by the Clearing Member to the Clearing House.
- 16.23. Closing a Settlement Account of a Clearing Member is performed if a Clearing Member does not have any unfulfilled obligations recorded on such Settlement Account, and also Collateral, recorded under such Settlement Account.
- 16.23.1. When closing a Settlement Code of a Clearing Member all Settlement Account of the 2<sup>nd</sup> and 3<sup>rd</sup> level that corresponds to this Settlement Account of a Clearing Member are also closed.
- 16.24. In case if terms of closing Settlement Account, defined in the paragraph 16.22, are not met while the Clearing Member submits Application for closing Settlement Account, then in order to close Settlement Account the Clearing Member must provide new Application for closing Settlement Account after meeting the defined terms, required for its closure.

16.25. The Clearing House informs a Clearing Member on opening, closing or changing parameters of a Settlement Account of a Clearing Member not later than the workday following the day of the execution of the relevant operation.

**Article 17. General procedure for Trade Accounts of Clearing Members registration and closure**

17.1. In case if in accordance with the Clearing Rules of the relevant Market a Trade Account is one of details of an order / Quotation of the Trading Member, a Trade Account of a Clearing Member is to be registered in the name of a Clearing Member, it includes a Settlement Account of a Clearing Member, and/or accounts defined in the relevant part of the Clearing Rules.

17.2. Trade Account is opened on the basis of the Request for opening Trade Account or on the basis of the Request for opening Settlement Account of the 1<sup>st</sup> level.

17.2.1. Trade Account, designed for execution of trades on the securities market, deposit market and credit market and/or for posting Collateral in securities, is opened on the basis of the Request for opening Trade Account, other Trade Accounts are opened on the basis of the Request for opening Settlement Account of the 1<sup>st</sup> level.

17.2.2. Request for opening Trade Account must contain the following:

- indication of the Settlement Account, which will be the part of the Trade Account to be opened, or indication of the necessity to open new Settlement Account;
- indication of the Sub-accounts Cluster, which will be the part of the Trade Account to be opened.

17.2.3. Request for opening Trade Account may contain any other information, allowed by the special part of the Clearing Rules, form and/or format of the Request for opening Trade Account.

17.3. On the basis of the Request for opening Trade Account, which contains indication of the necessity to open new Settlement Account, new Settlement Account of the type, corresponding to the type of the Sub-accounts Cluster, which forms Trade Account together with such Settlement Account, is opened.

17.4. In case if in accordance with the Clearing Rules of the relevant Market a Trade Account is one of details of an order, a Trade Account of a Clearing Member can be marked as a Trade Account in order to conclude a Trade by a Clearing Member-Trading Member.

17.5. Unlimited number of Trade Accounts of a Clearing Member can be registered in the name of a Clearing Member.

17.6. Special part of the Clearing Rules may define specifics regarding Trade Account opening.

17.7. Procedure for Trade Accounts of a Clearing Member closure is set out in the relevant special parts of the Clearing Rules.

17.7.1. When closing a Trade Account of a Clearing Member all, Trade Accounts of the 2<sup>nd</sup> and 3<sup>rd</sup> level, which correspond to such Trade Account of a Clearing Member, are closed.



- 17.8. Opening Trade Account for paying taxes is executed on the basis of the Request for opening Trade Account for paying taxes, defined in the sub-paragraph 7.8.2, provided by the Clearing Member to the Clearing House.
- 17.9. On the basis of the Request for opening Trade Account for paying taxes, the Clearing house does the following:
- 17.9.1. opens for the Clearing Member Settlement Account for paying taxes;
- 17.9.2. opens one Collateral account for Russian rubles and one Collateral account for each foreign currency, accepted to secure fulfillment of obligations under Partially secured trades for the Settlement Account for paying taxes, opened according to the sub-paragraph 17.9.1;
- 17.9.3. opens Trade Account for paying taxes, into the structure of which Settlement Account for paying taxes, opened according to the sub-paragraph 17.9.1, is included;
- 17.9.4. forwards to the Settlement Depository instruction to open depo sub-accounts for the Clearing Member that submitted Request for opening Trade Account for paying taxes. In order to open depo sub-account Clearing Member, for whom depo sub-account is to be opened, must become depositor of the Settlement Depository, also take other actions, stipulated by internal documents of the Settlement Depository;
- 17.9.5. after receiving from the Settlement Depository information on opening depo sub-account as a part of the list of Securities sub-accounts / depo sub-accounts, this depo sub-account is included into the structure of the Trade Account for paying taxes.
- 17.10. Clearing Member is entitled to open one Settlement Account for paying taxes.
- 17.11. Trade Account for paying taxes can be indicated by the Trading Member and by the Clearing House in the order to sell securities. Clearing of secured trades in securities will be executed in respect of such trade.
- Trade Account for paying taxes can be indicated by the Clearing House in the order to sell foreign currency. Clearing of secured trades in foreign currency will be executed in respect of such trade.
- 17.12. The Clearing House informs a Clearing Member on opening / closing of a Trade Account of a Clearing Member not later than the workday following the day when the relevant operation is executed.

**Article 18. Procedure for the provision of information on the Non-clearing member – Trading Member**

- 18.1. In order to execute trades on the basis of orders / Quotation of the Trading Member, where a Clearing Member will be marked as a Clearing Broker, such Clearing Member of the category “B” or “O” provides to the Clearing House information on the code of a Trading Member that will make relevant orders / Quotation of the Trading Member.
- This information is provided in a form of a Request for the relevant clearing register of the 2<sup>nd</sup> level registration.
- Procedure for the provision and execution of the abovementioned request is defined in the Article 17 or in the relevant special part of the Clearing Rules.
- Submission of this request is regarded as an agreement of a Clearing Member to be marked as a Clearing Broker in orders of a Trading Member / Quotation of the Trading Member

with the relevant clearing register of the 2<sup>nd</sup> level and/or clearing register of the 3<sup>rd</sup> level that corresponds to the clearing register of the 2<sup>nd</sup> level, opened by a Clearing Member for such Trading Member.

Clearing register of the 2<sup>nd</sup> level is opened to the Settlement Account of the Clearing Member with the feature “Settlement Account of the Clearing Broker”.

18.2. In order to execute trades in the name and on behalf of a Clearing Member on the basis of orders of a Non-Clearing Member-Trading Member / Quotation of the Trading Member, a Clearing Member provides to the Clearing House:

18.2.1. information on the code of a Trading Member that will make relevant orders / Quotation of the Trading Member.

This information is provided in a form of a Request for the relevant clearing register of the 2<sup>nd</sup> level registration.

Submission of this request is regarded as an agreement of a Clearing Member to be marked as a party to a Trade in orders of a Trading Member / Quotation of the Trading Member with the relevant clearing register of the 2<sup>nd</sup> level and/or a clearing register of the 3<sup>rd</sup> level that corresponds to the Trade Account of the 2<sup>nd</sup> level opened by a Clearing Member for a Trading Member;

The clearing register of the 2<sup>nd</sup> level is opened to the Settlement Account of the Clearing Member with the feature “Settlement code for the execution of trades in the name and on behalf of the Clearing Member”.

18.3. Under the clearing register of the 2<sup>nd</sup> level, the feature, corresponding to the procedure for separation of powers of the Clearing Member and of the Trading Member regarding receive of clearing services under clearing registers of the 3<sup>rd</sup> level, opened to such clearing register of the 2<sup>nd</sup> level, is recorded.

18.3.1. The Clearing House provides clearing services regarding opening and keeping clearing registers of the 3<sup>rd</sup> level of the Trading Member (such procedure is used by default).

18.3.2. Upon request of the Trading Member, in respect of the clearing register of the 2<sup>nd</sup> level, the feature, which means that clearing services, regarding keeping clearing registers of the 3<sup>rd</sup> level, are provided by the Clearing House to the Clearing Member, can be set.

18.3.3. The Clearing Member is entitled to refuse to receive from the Clearing House clearing services regarding keeping clearing registers of the 3<sup>rd</sup> level through the provision to the Clearing House of the relevant request.

18.4. In case if services regarding keeping of clearing registers of the 3<sup>rd</sup> level are provided to the Trading Member, the information on codes and identification data of Trading Member clients’ is not available to the Clearing Member, except for the case, stipulated by the subparagraph 18.4.2.

18.4.1. The Trading Member is entitled to forward to the Clearing House the request on provision to the Clearing Member of an access to the information on clients codes of Trading Members, indicated by the Trading Member when submitting orders / Quotation of the Trading Member with the indication of clearing registers of the 2<sup>nd</sup> and/or of the 3<sup>rd</sup> level, and identification data of such clients of the Trading Member.

18.4.2. If the Settlement Account is opened to Clearing Member – Non-Trading Member for the execution of trades in the name and in the interest of the Clearing Member, information on codes and identification data of Trading Member clients’, defined by the Trading Member

when submitting orders / Quotation of the Trading Member with the indication of clearing registers of the 2<sup>nd</sup> and/or 3<sup>rd</sup> level, connected with such Settlement Account, is available to the Clearing Member.

- 18.4.3. The Clearing Member is entitled to provide the Clearing House with the information on identification data of clients, at which expense Trading Members are not entitled to execute trades, party to which must become the Clearing Member (hereinafter referred to as the blocked clients list).

Prohibition on submission by the Trading Member of orders / Quotation of the Trading Member and execution of trades, party to which is the Clearing Member, at the expense of clients from the blocked clients list is in effect in case if the services, regarding keeping of clearing registers of the 3<sup>rd</sup> level, are provided to the Clearing Member or information on codes and identification data of Trading Member clients' is available to the Clearing Member.

The Clearing Member is entitled to change the blocked clients list.

#### **Article 19. Procedure for opening Settlement Accounts of the 2<sup>nd</sup> level and Trade Accounts of the 2<sup>nd</sup> level**

- 19.1. If in accordance with the Trading Rules of the relevant on-exchange market, Trade Account is one of details of the order / Quotation of the Trading Member, for the execution of trades by the Non-clearing member – Trading Member, the Clearing Member must register the Trade Account of the 2<sup>nd</sup> level.
- 19.2. In case if it is stipulated by the relevant special part of the Clearing Rules, the Clearing Member – Trading Member, is entitled to register Trade Accounts of the 2<sup>nd</sup> level.
- 19.3. The Trade Account of the 2<sup>nd</sup> level is registered on the basis of the Request for opening Settlement Account of the 2<sup>nd</sup> level, provided by the Clearing Member to the Clearing House.
- 19.4. Request for opening Settlement Accounts of the 2<sup>nd</sup> level shall contain direction to a Trade Account of a Clearing Member.
- 19.4.1. Request for opening Settlement Account of the 2<sup>nd</sup> level may contain identification data of a client of a Clearing Member in accordance with the requirements of the Exchange for registration of clients of Trading Members.
- 19.4.2. Request for opening Settlement Account of the 2<sup>nd</sup> level can contain other information, the compound of which is defined by a form/format of the Request for opening Settlement Account of the 2<sup>nd</sup> level and/or in the special part of the Clearing Rules.
- 19.5. On the basis of the Request for opening Settlement Account of the 2<sup>nd</sup> level received from a Clearing Member, the Clearing House:
- registers a separate Settlement Account of the 2<sup>nd</sup> level, connected with a Settlement Account of a Clearing Member, which forms the part of the Trade Account of the Clearing Member, defined in a request;
  - registers a Trade Account of the 2<sup>nd</sup> level into the composition of which is included opened Settlement Account of the 2<sup>nd</sup> level;

- sets the correspondence between opened Settlement Account of the 2<sup>nd</sup> level and a Trading Member, information on the code of which is set out in a request (when opening for a Clearing Member of a Trade Account of the 2<sup>nd</sup> level);
- sets the correspondence between a Settlement Account of the 2<sup>nd</sup> level and identification data of a client of a Clearing Member, defined in a request (if specified).

Through the defined Settlement Account of the 2<sup>nd</sup> level the correspondence between a Settlement Account of a Clearing Member and a Trade Account of the 2<sup>nd</sup> level, into the structure of which a Settlement Account of the 2<sup>nd</sup> level, is set.

- 19.6. If in accordance with the Clearing Rules of the relevant Market a Trade Account is one of the details of an order, a Trade Account of the 2<sup>nd</sup> level can be marked as a Trade Account in an order / Quotation of the Trading Member to conclude a Trade:
- in case of placing by a Trading Member of an order / Quotation of the Trading Member with the signification of a Clearing Member as a Clearing Broker, or
  - in case of placing by a Trading Member of an order / Quotation of the Trading Member in the name and on behalf of such Clearing Member, or
  - in case of placing by a Trading Member-Clearing Member of an order / Quotation of the Trading Member by a Clearing Member – Trading Member.
- 19.7. Unlimited number of Settlement Accounts of the 2<sup>nd</sup> level may be registered upon request of a Clearing Member.
- 19.7.1. One Settlement Account of the 2<sup>nd</sup> level corresponds to one Settlement Account of the 1<sup>st</sup> level.
- 19.7.2. Several Settlement Accounts of the 2<sup>nd</sup> level (registered in the name of one or several Trading Members) may correspond one Settlement Account of the 1<sup>st</sup> level.
- 19.7.3. Different Settlement Accounts of the 2<sup>nd</sup> level opened in the name of a Trading Member may correspond Settlement Accounts of the 1<sup>st</sup> level of different Clearing Members (one Trading Member can be served by several Clearing Members).
- 19.8. Settlement Account of the 2<sup>nd</sup> level and Trade Account of the 2<sup>nd</sup> level is closed on the basis of the Request for the Settlement Accounts closure.
- 19.8.1. When closing of a Settlement Account of the 2<sup>nd</sup> level all Settlement Accounts of the 3<sup>rd</sup> level corresponding to such Settlement Account of the 2<sup>nd</sup> level are closed.
- 19.8.2. When closing of a Trade Account of the 2<sup>nd</sup> level all Trade Accounts of the 3<sup>rd</sup> level corresponding to such Trade Account of the 2<sup>nd</sup> level are closed.
- 19.9. The Clearing House informs a Clearing Member on registration / closure of Settlement Accounts of the 2<sup>nd</sup> level and Trade Accounts of the 2<sup>nd</sup> level not later than the workday following the day of execution of the relevant operation.

**Article 20. Procedure for opening of Settlement Accounts of the 3<sup>rd</sup> level and of Trade Accounts of the 3<sup>rd</sup> level**

- 20.1. In case if this is stipulated by the relevant part of the Clearing Rules a Non-clearing Member – Trading Member, which concluded with the Clearing House an agreement on keeping clearing registers, specified in the Article 5, or the Clearing Member – Trading

- Member, is entitled to require from a Clearing Member to register Trade Accounts of the 3<sup>rd</sup> level.
- 20.2. Trade Account of a 3<sup>rd</sup> level is registered on the basis of the Request for opening Settlement Account of the 3<sup>rd</sup> level provided by a Trading Member / Clearing Member to the Clearing House.
- 20.3. Trading Member / Clearing Member is charged for the provision of clearing services regarding opening and/or keeping Trade Accounts of the 3<sup>rd</sup> level according to the Tariffs of the Clearing House.
- 20.4. Request for opening Settlement Account of the 3<sup>rd</sup> level shall contain a direction to a Trade Account of the 2<sup>nd</sup> level.
- 20.4.1. Request for opening Settlement Account of the 3<sup>rd</sup> level may contain identification data of a client of the Trading Member / client of the Clearing Member in accordance with the requirements of the Exchange for registration of Trading Members.
- 20.4.2. Request for opening Settlement Account of the 3<sup>rd</sup> level may contain other information, composition of which is set by a form / format of the Request for opening Settlement Account of the 3<sup>rd</sup> level and/or in the special part of the Clearing Rules.
- 20.5. On the basis of the Request for opening Settlement Account of the 3<sup>rd</sup> level received from a Trading Member / Clearing Member, the Clearing House:
- opens a separate Settlement Account of the 3<sup>rd</sup> level connected with a Settlement Account of the 2<sup>nd</sup> level, which forms the part of the Trade Account of the 2<sup>nd</sup> level, defined in a request;
  - opens a Trade Account of the 3<sup>rd</sup> level, into the composition of which a Settlement Account of the 3<sup>rd</sup> level is included;
  - sets the correspondence between a Settlement Account of the 3<sup>rd</sup> level and identification data of a client of a Trading Member / client of the Clearing Member defined in a request.
- Through this Settlement Account of the 3<sup>rd</sup> level and this Settlement Account of the 2<sup>nd</sup> level the correspondence between a Settlement Account of a Clearing Member and a Trade Account of the 3<sup>rd</sup> level, into which such Settlement Account of the 3<sup>rd</sup> level is included, is set.
- 20.5.1. The Request for opening Settlement Account of the 3<sup>rd</sup> level, provided by a Trading Member, registration is executed under condition that this request is submitted by a Trading Member, to which the Trade Account of the 2<sup>nd</sup> level, with which the Trade Account of the 3<sup>rd</sup> level to be opened shall be connected.
- 20.6. In case if in accordance with the Clearing Rules of the relevant Market a Trade Account is one of the details of an order / Quotation of the Trading Member, a Trade Account of the 3<sup>rd</sup> level may be marked as a Trade Account of the 3<sup>rd</sup> level in an order / Quotation of the Trading Member to execute a Trade.
- 20.7. Unlimited number of Settlement Accounts of the 3<sup>rd</sup> level may be registered upon request of a Clearing Member / Trading Member.
- 20.7.1. One Settlement Account of the 3<sup>rd</sup> level corresponds to one Settlement Account of the 2<sup>nd</sup> level.

- 20.7.2. Several Settlement Accounts of the 3<sup>rd</sup> level may correspond to one Settlement Account of the 2<sup>nd</sup> level.
- 20.8. Closure of a Settlement Account of the 3<sup>rd</sup> level and of the Trade Account of the 3<sup>rd</sup> level is performed on the basis of the Request for the Settlement Account of the 3<sup>rd</sup> level closure.
- 20.9. The Clearing House informs a Trading Member / Clearing Member on registration / closure of a Settlement Account of the 3<sup>rd</sup> level and of a Trade Account of the 3<sup>rd</sup> level not later than the workday following a day of execution of an operation.

**Article 21. Procedure for assignment to a Settlement Account of the feature “Unified Pool”**

- 21.1. To a Settlement Account may be assigned the feature “Unified Pool” which means that Collateral of a Clearing Member recorded under this Settlement Account of a Clearing Member may be used:
- to secure fulfilment of obligations of a Clearing Member under Partially Secured Trades executed on the securities market, deposit market and credit market, and/or on the FX Market and Precious Metals market, and/or on the Derivatives Market, and/or on the Standardised Derivatives Market (hereinafter referred to as Markets included in the Unified Pool);
  - fulfilment of obligations of a Clearing Member under Trades executed on Markets included into the unified collateral pool and also others obligations of a Clearing Member, defined in the relevant special parts of the Clearing Rules.
- 21.2. Assignment to a Settlement Account of the feature “Unified Pool” is performed on the basis of the Request for the assignment to a Settlement Account of the feature “Unified pool”, provided to the Clearing House by a Clearing Member, or on the basis of the decision of the Clearing House, stipulated by the relevant special part of the Clearing House.
- 21.2.1. On the basis of the Request for assigning “Unified Pool” feature to the Settlement Account, provided by the Clearing House to the Clearing House, this feature can be assigned only to the Settlement Account, opened for the Securities market, Deposit Market and Credit Market.
- 21.3. In case if Collateral of a Clearing Member in foreign currency recorded under a Settlement Account registered for the Securities Market, Deposit Market and Credit Market constitutes individual clearing collateral, the Request for the assignment to a Settlement Account of the feature “Unified Pool” also constitutes an application for changing the status of Collateral in foreign currency recorded under such Settlement Account to the status of the other collateral. The Clearing House in respect of such Settlement Account performs actions stipulated by the sub-paragraphs 30.14.1-30.14.2.
- 21.4. “Unified Pool” feature can not be assigned to the Settlement Account for paying taxes.
- 21.5. In order to use such Settlement Account, to which the feature “Unified Pool” is assigned (hereinafter a Unified Pool Settlement Account), on the particular Market a Clearing Member shall provide to the Clearing House the Request for changing the scope of application of a Unified Pool Settlement Account.
- 21.5.1. The Request for changing the scope of application of a Unified Pool Settlement Account shall contain the direction to a Unified Pool Settlement Account.

- 21.5.2. The Request for changing the scope of application of a Unified Pool Settlement Account may contain:
- indication of the FX Market and Precious metals Market – in case if the application of a Unified Pool Settlement Account spreads over this particular Market without using Settlement Accounts registered for this particular Market earlier, or
  - indication of the Standardised Derivatives Market – in case if the application of a Unified Pool Settlement Account is spread over this Market without using Settlement Accounts, opened earlier for this Market, or
  - indication of a Settlement Account of a Clearing Member registered for the FX Market and Precious Metals Market or of a Settlement Account of a Clearing Member registered for the Derivatives Market, or of the Settlement Account of the Clearing Member, opened for the Standardised Derivatives Market – in case if the application of a Unified Pool Settlement Account spreads over this particular Market without using a Settlement Account registered for this particular Market earlier. Meanwhile the defined Settlement Account registered for the relevant Market shall have:
    - the same type (proprietary, client or trust) as the defined in a request Unified Pool Settlement Account;
    - the same feature, which defines the Settlement Account usage model.
- 21.5.3. By default the scope of application of a Unified Pool Settlement Account is the Securities Market and Deposit Market.
- 21.6. When executing the Request for changing the scope of application of a Unified Pool Settlement Account, a Unified Pool Settlement Account indicated in such request becomes available for using it in the Clearing System of the FX Market and Precious metals Market / Derivatives Market / Standardised Derivatives Market from the next Settlement Day after such request is received.
- 21.7. To execute the Request for changing the scope of application of a Unified Pool Settlement Account that contains indication of a Settlement Account of a Clearing Member registered for the FX Market and Precious metals market, or of a Settlement Account of a Clearing Member registered for the Derivatives market, or of a Settlement Account of a Clearing Member, registered for the Standardised Derivatives Market, the Clearing House after recording all clearing and other operations under the current Settlement Account:
- 21.7.1. in case if there is registered Settlement Account of the 2<sup>nd</sup> level connected with a Settlement Account of a Clearing Member registered for the FX Market and Precious metals Market defined in the Request for changing the scope of application of a Unified Pool Settlement Account, the Clearing House performs actions, defined in the paragraph 19.5 aimed at registration of a Settlement Account of the 2<sup>nd</sup> level connected with a Unified Pool Settlement Account defined in the Request for changing the scope of application of a Unified Pool Settlement Account and registration of a Trade Account of the 2<sup>nd</sup> level into the structure of which registered Settlement Account of the 2<sup>nd</sup> level is included;
- 21.7.2. in case if there is a Settlement Account of the 3<sup>rd</sup> level that correspond to a Settlement Account of a Clearing Member registered for the FX Market and Precious metals Market and indicated in the Request for changing the scope of application of a Unified Pool Settlement Account, the Clearing House performs actions, defined in the paragraph 20.5, aimed at registration of a Settlement Account of the 3<sup>rd</sup> level that correspond to a Unified Pool Settlement Account defined in the Request for changing the scope of application of a

- Unified Pool Settlement Account and registration of a Trade Account of the 3<sup>rd</sup> level into the structure of which a Settlement Account of the 3<sup>rd</sup> level is included;
- 21.7.3. in case of direction in the Request for changing the scope of application of a Unified Pool Settlement Account a Settlement Account of a Clearing Member registered for the Derivatives market, the Clearing House connects Sub-accounts Clusters, connected with a Settlement Account of a Clearing Member, registered for the Derivatives market, with a Unified Pool Settlement Account indicated in the Request for changing the scope of application of a Unified Pool Settlement Account;
- 21.7.4. stops recording relevant information on :
- obligations / claims through a Settlement Account of a Clearing Member, registered for the relevant Market and indicated in the Request for changing the scope of application of a Unified Pool Settlement Account;
  - obligations / claims through Settlement Accounts of the 2<sup>nd</sup> level connected with a Settlement Account of a Clearing Member registered for the relevant Market and indicated in the Request for changing the scope of application of a Unified Pool Settlement Account;
  - obligations / claims through Settlement Accounts of the 3<sup>rd</sup> level corresponding to a Settlement Account of a Clearing Member registered for the relevant Market and indicated in the Request for changing the scope of application of a Unified Pool Settlement Account;
  - Collateral through sections of clearing registers that have a code of a Sub-accounts Clusters connected with the indicated in a request Settlement Account of a Clearing Member registered for the Derivatives Market (in case of direction in the Request for changing the scope of application of a Unified Pool Settlement Account to a Settlement Account of a Clearing Member opened for the Derivatives market).
- 21.7.5. starts recording relevant information on obligations / claims and Collateral, defined in sub-paragraph 21.7.4:
- through a Unified Pool Settlement Account defined in the Request for changing the scope of application of a Unified Pool Settlement Account;
  - through Settlement Accounts of the 2<sup>nd</sup> level registered in accordance with the sub-paragraph 21.7.1;
  - through Settlement Accounts of the 3<sup>rd</sup> level registered in accordance with the sub-paragraph 21.7.2;
- 21.7.6. starts recording in the Clearing System of the Securities Market and under a Unified Pool Settlement Account, indicated in the Request for changing the scope of application of a Unified Pool Settlement Account of the Asset Profiles transferred to the Clearing System of the relevant Market, in a sum / amount that is equal / equal to a sum / equal to an amount of Collateral, defined in the sub-paragraph 21.7.5 (recorded with “minus”);
- 21.7.7. starts recording in the Clearing System of the relevant Market under a Unified Pool Settlement Account indicated in the Request for changing the scope of application of a Unified Pool Settlement Account, Asset Profiles received from the Clearing System of the relevant Market in a sum / number that is equal / equal to a sum / equal to a number of Collateral defined in the sub-paragraph 21.7.5 (recorded with “plus”);
- 21.7.8. starts recording in the Clearing System of the Derivatives Market under clearing registers sections, defined in sub-paragraph 21.7.4, Asset Profiles in respect of cash funds, received



- from the Clearing System of the Derivatives Market in a sum that is equal to the sum of Collateral, defined in sub-paragraph 21.7.5 (recorded with “plus”);
- 21.7.9. closes Settlement Accounts of the 3<sup>rd</sup> level, connected with a Settlement Account of the 2<sup>nd</sup> level defined in the sub-paragraph 21.7.10;
- 21.7.10. closes Settlement Accounts of the 2<sup>nd</sup> level connected with a Settlement Account of a Clearing Member defined in sub-paragraph 21.7.11;
- 21.7.11. closes Settlement Account of a Clearing Member registered for the relevant Market and indicated in the Request for changing the scope of application of a Unified Pool Settlement Account;
- 21.7.12. annuls fixation of trading accounts to clearing registers sections that have a code of a Sub-accounts Cluster, connected with direction in a Request of a Settlement Account of a Clearing Member opened for the Derivatives Market (in case if the Settlement Account, registered for the Derivatives market, is indicated in the request);
- 21.7.13. annuls the correspondence of Trade Accounts for delivery to the Sub-accounts Cluster set in accordance with the Clearing Rules on the Derivatives Market (in case of direction of a Settlement Account opened for the Derivatives Market in a request).
- 21.8. Clearing House does not execute the Request for changing scope of application of a Unified Pool Settlement Account that contains indication of the Settlement Account of the Clearing Member under which obligations with postponed fulfillment are recorded.
- 21.9. Request for changing scope of application of a Unified Pool Settlement Account is executed under the term that category of the Clearing Member, stipulated by the paragraph 13.1, on the Securities market, Deposit Market and Credit Market coincides with the category on the on-exchange market, on which scope of application of the Settlement Account is spread.
- 21.10. The Request for changing the scope of application of a Unified Pool Settlement Account that contains direction to a Settlement Account of a Clearing Member opened for the Derivatives Market, is not fulfilled by the Clearing House if any of the following conditions is met:
- under the position register sections that have a code of a Sub-account Cluster, connected with indicated in such request Settlement Account of a Clearing Member registered for the Derivatives market, delivery Derivative Contracts of regime T+, with a Settlement Date of the following contracts on a Settlement Day following the date of the execution of such request, are recorded;
  - the Settlement Account, which is indicated in the request, registered for the derivatives market, is the Settlement Account, connected with the Segregated Sub-accounts Cluster;
  - Settlement Account, defined in the request, opened for the Derivatives market, is opened in case if according to the legislation acts of the Russian Federation the Clearing Member does not have the right to use funds of the trustor(s), entrusted for trust management, by his client inclusively, and (or) use the abovementioned funds to secure fulfillment of own obligations or of obligations of third parties.

## **Article 22. Procedure for the Clearing Logins assignment**

22.1. To a Clearing Member that was granted an access to the clearing service / to a Trading Member that concluded with the Clearing House an agreement on keeping clearing registers, the Technical Centre assigns Clearing Logins in accordance with the agreement on integrated technologic services provision.

Total number of Clearing Logins, assigned to the Clearing Member, can be limited by the decision of the Clearing House.

Proposed form of the application for Clearing Logins is disclosed on the Clearing House's website.

22.2. The Technical Centre informs the Clearing House on assigned to a Clearing Member / Trading Member / on blocking / on annulment of the Clearing Login on the day when the relevant operation is executed.

22.3. The Clearing House informs the Clearing Member / Trading Member on the Clearing Login, assigned to him, not later than the workday, following the day when the Technical Centre receives the notification on the Clearing Login assignment in accordance with the paragraph 22.3 through including Clearing Login information into the report on Clearing Logins.

Inclusion of the information on the Clearing Login of a Clearing Member / Trading Member into a Report on Clearing Logins means to be the notification on assignment of a Clearing Login to a Clearing Member / Trading Member.

Information of Clearing Logins can be included into the report, set by the relevant special part of the Clearing Rules. In this case receipt of such report means to be the notification on assignment of a Clearing Login to a Clearing Member / Trading Member.

22.4. Data on assigned Clearing Logins refers to the confidential information. A Clearing Member, a Trading Member, the Clearing House provide the compliance with the requirements for confidentiality and are responsible for the risk of consequences, connected with the breach of such requirements.

## **Article 23. Procedure for the Segregated Clients registration**

23.1. To register a Segregated Client a Clearing Member shall register for such client of a Clearing Member a separate client Settlement Account of the 1<sup>st</sup> level or Trust Settlement Account of the 1<sup>st</sup> level (separate client Settlement Accounts of the 1<sup>st</sup> level / Trust Settlement Accounts of the 1<sup>st</sup> level) and also perform other actions if it is stipulated by the relevant special part of the Clearing Rules and provide to the Clearing House the Request for the Segregated Client registration, in which to specify:

- 1) Settlement Accounts of the 1<sup>st</sup> level registered by a Clearing Member for a Segregated Client and also other information if it is stipulated by the relevant special part of the Clearing Rules;
- 2) name / last name, first name and patronymic of a Segregated Client;
- 3) identification data of a Segregated Client that is analogous to the identification data specified in accordance with the requirements that are provided by the Exchange when registering clients of Trading Members;
- 4) in case if Segregated Client is Non-resident, following details, defined when

registering Accounts for Collateral Return of the Segregated Client: SWIFT BIC-code (if any) or name / surname, name and patronymic name (if any) and Segregated Client address;

- 5) e-mail addresses for directing to a Segregated Client of notifications of the Clearing House;

Together with the Request for the Segregated Client registration a Clearing Member shall provide to the Clearing House the Consent of a Segregated Client for processing of personal data in a form, placed on the Clearing House's website (in accordance with the Federal law dated 27.07.2006 № 152-FZ "On personal data").

A Clearing Member is responsible for the reliability of the information on a Segregated Client provided to the Clearing House in accordance with this paragraph of the Common part of the Clearing Rules.

In cases when the Clearing House identifies beneficial owner according to requirements of the legislation on combating money laundering and terrorism financing in order to register Segregated Client, Clearing Member must provide Beneficial owner form in respect of the Segregated Client to be registered. In case if the abovementioned form is not provided, Clearing House does not register such Segregated Client.

- 23.1.1. In the Request for the registration of a Segregated Client a Clearing Member is entitled to specify the necessity of a Segregated Client cash funds protection.

In this case:

- 1) as the details of the Account for Collateral Return for a Settlement Account of the 1<sup>st</sup> level registered in the name of a Segregated Client by a Clearing Member may be indicated details only of an account opened in the name of a Segregated Client, and
- 2) a Clearing Member loses the right to direct to the Clearing House Requests for transfer of collateral in cash funds / instructions to transfer cash funds from a Settlement Account of the 1<sup>st</sup> level opened in the name of such Segregated Client to Settlement Accounts registered in the name of other entities.

- 23.2. A Clearing Member is not entitled to use a Settlement Account of the 1<sup>st</sup> level registered in the name of a Segregated Client to conclude and settle trades using funds of other clients of a Clearing Member or using its own funds

- 23.3. A Clearing Member is entitled to annul registration of the Segregated Client or to indicate the necessity to protect cash funds of the Segregated Client under the condition that there is no Collateral, recorded under the Settlement Account, registered in the name of such Segregated Client.

- 23.4. The Clearing House notifies the Segregated Client on the registration, annulment, indication by a Clearing Member of the necessity to protect cash funds of the Segregated Client, indication by a Clearing Member that there is no necessity to protect cash funds of the Segregated Client in the electronic form via the e-mail address, indicated by a Clearing Member in the Request for the Segregated Client registration.

### **SECTION III. MEASURES AIMED AT MANAGING RISKS IN CLEARING**

#### **Article 24. List of measures aimed at managing risks when clearing**

- 24.1. In order to cut down on risks connected with clearing, the Clearing House:
- provides requirement for the financial stability of Clearing Members;
  - provides requirement to Clearing Members for posting Collateral;
  - calculates Upper and Lower Bounds of the Market Risks Range (except for the Standardised Derivatives Market);
  - calculates Upper and Lower Bounds of the Interest Risks Range (except for the Standardised Derivatives Market);
  - performs prior control of the Collateral sufficiency of a Clearing Member in making orders to execute trades;
  - at least once per each Settlement Day performs re-evaluation of the Collateral value and of obligations and claims of a Clearing Member under Partially Secured Trades on the net basis and other obligations and claims of a Clearing Member arising in accordance with the Clearing Rules, and controls the Collateral sufficiency in case of insufficiency gives to a Clearing Member Margin Call;
  - performs control of the Collateral sufficiency when returning Collateral;
  - establishes Default Funds to secure fulfilment of obligations under Partially Secured Trades;
  - at least once per each Settlement Day performs re-evaluation of the value of the foreign currency and securities recorded as contributions to Default Funds and in case of its insufficiency a Clearing Member obtains Default Funds Margin Call;
  - provides requirement to Clearing Members of the category “B” and “O” for posting Collateral for Stress;
  - at least once per a Settlement Day performs re-evaluation of the value of the foreign currency and securities recorded as Collateral for Stress of a Clearing Member, and in case of insufficiency gives to a Clearing Member Collateral for Stress Margin Call;
  - limits its responsibility in accordance with the Article 26.
- 24.2. The Clearing House is entitled to set the feature “short sale prohibition” for foreign currency / precious metal / security.
- 24.2.1. The feature “short sale prohibition” for the foreign currency / precious metal means that in respect of Trades in such foreign currency / precious metal under in respect of trades with the settlement in such foreign currency clearing of secured trades for such foreign currency / precious metal is executed.
- 24.2.2. The feature “short sale prohibition” for a security means that under Trades T+ in such security clearing of secured trades in such security is executed.
- 24.2.3. In respect of Trades in foreign currency / precious metals, for which the feature “short sales prohibition” is not set, and in respect of Russian rubles Clearing of Partially Secured Trades is executed.
- 24.2.4. In setting the feature “short sale prohibition” for foreign currency / precious metal / security under Trades T+ with which clearing of partially secured trades has been performed earlier, the Clearing House is entitled to perform transfer of Asset Profiles in order to fulfill

requirement for non-negative values calculated in accordance with the paragraph 33.14 for each Settlement Date through all Unified Pool Settlement Accounts / Trade Accounts, into the structure of which the Unified Pool Settlement Account is included.

- 24.2.5. The Clearing House is entitled to set the validity period of the feature “short sales prohibition” in respect of the security.

Period start date and the period end date or only the start date of the validity period defines the validity period of the feature “short sales prohibition”. If only the start date of the validity period is defined, it means that the feature “short sales prohibition” is in effect since of this particular date and is not limited in time or till its removal.

In case if the Clearing House sets the validity period of the feature “short sales prohibition” in respect of the security for the period, which has the start date of the validity period and the end date of the validity period, on the end date of the validity period of the feature in respect of Trades in such security for the Settlement Date, which arrives on the end date of the validity period of the feature, the Clearing House performs clearing of secured trades in such security; check of opportunity to execute other operations, executed in case if there is the feature “short sales prohibition” in respect of such security, is executed only for Settlement Date, which arrives on the end date of the validity period of the feature.

In case if the Clearing House sets validity period of the feature “short sales prohibition” in respect of the security for the period, which has only the start date of the validity period, from the fifth Settlement Day of the period Clearing House performs clearing of secured Trades in such currency; check of opportunity to execute other operations, executed in case if there is the feature “short sales prohibition” in respect of such security, is executed for all Settlement Dates starting from the fifth Settlement Day.

- 24.3. The list of foreign currencies / precious metals and/or list of commodities accepted as security for the fulfilment of obligations under Partially Secured Trades is set by the Clearing House.

- 24.3.1. Russian rubles are accepted as security for the fulfilment of obligations arising from Partially Secured Trades.

- 24.3.2. For particular Markets the Clearing House may establish a separate list of foreign currencies and/or commodities, accepted as security for the fulfilment of obligations under Partially Secured Trades.

- 24.3.3. Clearing House is entitled to decide to stop recording foreign currencies / precious metals and/or commodities, defined by such decision, as the way to secure fulfilment of obligations under Partially Secured Trades of one or several Clearing Members.

- 24.4. List of securities, accepted as security for the fulfilment of obligations arising from Partially Secured Trades, is formed in accordance with the Methodology for selecting securities, accepted as collateral. For particular Market, Methodology for selecting securities, accepted as collateral, may define particular list of securities, accepted as security for the fulfilment of obligations arising from Partially Secured Trades.

- 24.4.1. When redeeming a security this security is excluded from the list of securities accepted as security for the fulfilment of obligations under Partially Secured Trades, since of the redemption date without permission of the Clearing House.

- 24.4.2. Securities whose issuer is a Clearing Member or an affiliated entity, recorded under a Trade Account, into the structure of which a Securities Sub-account is included, on a trading

- securities account of the owner of such Clearing Member, are not recorded as security for fulfilment of obligations under Partially Secured Trades executed with such Clearing Member using its funds.
- 24.4.3. Bonds of the Bank of Russia are not recorded as Collateral of the Clearing Member, which is not the Credit Institution.
- 24.4.4. Clearing House is entitled to decide to stop recording foreign currencies / precious metals and/or commodities, defined by such decision, as the way to secure fulfillment of obligations under Partially Secured Trades of one or several Clearing Members.
- 24.5. A Default Fund of each Market is established by the Clearing House from contributions of all Clearing Members of the categories “B” and “O”.  
The minimum size of contribution to a Default Fund of the relevant Market of each Clearing Member of the categories “B” and “O” are set out in the relevant special part of the Clearing Rules.
- 24.6. Collateral for Stress on each Market shall be posted by Clearing Members of the categories “B” and “O”.
- 24.7. Procedure for defining the minimum amount of Collateral for Stress of a Clearing Member on the relevant Market is set out in the Collateral for Stress Calculation Methodology.
- 24.8. As a contribution to Default Funds, Collateral for Stress and/or Concentration Risk Mitigation Collateral Clearing Members may post cash funds in Russian rubles and in foreign currency and also in securities.
- 24.8.1. The list of foreign currencies and securities accepted by the Clearing House as contributions to Default Funds and/or Collateral for Stress and also List of foreign currencies and securities, accepted by the Clearing House as Concentration Risk Mitigation Collateral is set out by the decision of the Clearing House.
- 24.8.2. The security is excluded from the List of securities, accepted by the Clearing House as Default Fund contributions and/or Collateral for Stress, and also List of foreign currencies and securities, accepted by the Clearing House as Concentration Risk Mitigation Collateral, at the same time such security is also excluded from the List of securities, accepted with the aim to secure fulfillment of obligations under Partially Secured Trades, in the order defined in the paragraph 24.3, without the decision of the Clearing House.  
When redeeming a security, such security is excluded from the List of foreign currencies and securities accepted by the Clearing House as Default Funds contributions and/or Collateral for Stress, Concentration Risk Mitigation Collateral since the redemption date without the decision of the Clearing House.
- 24.8.3. Securities the issuer of which is a Clearing Member, or an affiliated entity are not recorded as contributions to Default Funds and Collateral for Stress, Concentration Risk Mitigation Collateral of such Clearing Member.
- 24.8.4. Obligation of the Bank of Russia is not recorded as the Default Fund contribution / Collateral for Stress, Concentration Risk Mitigation Collateral of the Clearing Member, which is not the Credit Institution.

**Article 25. Settlement Account Single Limit and risk parameters**

- 25.1. Settlement Account Single Limit is calculated by the Clearing House when the size of Collateral of a Clearing Member is changed, when a Trading Member submits orders to execute trades, party to which will be a Clearing Member, when Clearing Member submits Offers, when registering order, which is valid opposite one to the Quotation of the Trading Member according to the Equities & Bond Market, Deposit Market and Credit Market Trading Rules, submitted by the Trading Member with the aim to execute a Trade, party to which will be a Clearing Member (hereinafter referred to as the order, which is valid opposite one to the Quotation of the Trading Member), when trades are settled or obligations arising from Trades, party to which is a Clearing Member, are fulfilled / terminated, when risk parameters are changed, when an Asset Profile is transferred.
- 25.2. Settlement Account Single Limit is used for the prior control of the sufficiency of Collateral of a Clearing Member, when submitting orders to execute trades, party to which will be a Clearing Member, when Clearing Member submits Offers, when registering order, which is valid opposite one to the Quotation of the Trading Member, in order to check the possibility to fulfil / terminate obligations arising from Trades, party to which is a Clearing Member, to return of Collateral to a Clearing Member and also to execute other operations stipulated by the Clearing Rules, through Unified Pool Settlement Accounts and also through Settlement Accounts opened for Markets where the control of the sufficiency of Collateral is performed using Unified Pool Settlement Account. This check is performed on the basis of the analysis of changes of the value of a Settlement Account Single Limit before and after the execution of an operation.
- 25.2.1. If in accordance with the Clearing Rules in respect of the Single Limit of the Settlement Account the Imposed Limitation is set, then the Collateral sufficiency check in the defined cases is executed taking into account the Imposed Limitation. Meanwhile if by the moment when the Imposed Limitation is set, Single Limit of the Settlement Account is less than the Imposed Limitation then till the moment when the Single Limit of the Settlement Account exceeds the Imposed Limitation, the Single Limit of the Settlement Account can not become less than the Single Limit of the Settlement Account, recorded till the Imposed Limitation was set.
- 25.3. Settlement Account Single Limit is calculated taking into account:
- Collateral of a Clearing Member in Russian rubles, in foreign currency and precious metals, recorded on a Settlement Account. Meanwhile taking into consideration when calculating Settlement Account Single Limit size of Collateral of a Clearing Member in Russian rubles and foreign currency lessens for the size of obligations with settlement that is put away in the relevant currency, defined in the Article 28;
  - Collateral of a Clearing Member in securities recorded on all Trade Accounts T+ into the structure of which a Settlement Account is included;
  - Net Obligations / Net Claims of a Clearing Member arising from Trades in Russian rubles / foreign currency / precious metals, recorded on a Settlement Account for all Settlement Dates;
  - Net Obligations / Net Claims of a Clearing Member under Trades in securities recorded on all Trade Accounts T+ into the structure of which a Settlement Account is included, for all Settlement Dates;

- Debts of a Clearing Member towards the Clearing House recorded on a Settlement Account;
- obligations to transfer / claims to receive Income, recorded on a Settlement Account and/or Trade Accounts T+ that are related to a Settlement Account;
- obligations to pay fees;
- other obligations / claims of a Clearing Member if it is stipulated by the Clearing Rules;
- obligations / claims that may arise in case of execution on the basis of registered orders / Offers / Quotations of a Trading Member if there is order, which is valid opposite to the Quotation of a Trading Member of Trades, party to which will be a Clearing Member;
- sum, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation to be withheld from the Clearing Member, since the Trade execution date / date of income receipt by the Clearing Member till the date, following the date if income receipt by the Non-resident Clearing Member (in favor or the beneficial owner of income of the Non-resident Clearing Member inclusively) / Clearing Member – International Organization (in favor of the beneficial owner of income of the Clearing Member – International Organization) (including this date) (is recorded with minus);
- sum, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation to be withheld from the Clearing Member, since the Trade execution date / date of income receipt by the Clearing Member till the date, following the date if income receipt by the Non-resident Clearing Member (in favor or the beneficial owner of income of the Non-resident Clearing Member inclusively) / Clearing Member – International Organization (in favor of the beneficial owner of income of the Clearing Member – International Organization), calculated according to the maximum rate, set by the Russian tax legislation (recorded with minus during the period since January 1<sup>st</sup> till the date following the date of income receipt by the Non-resident Clearing Member (in favor or the beneficial owner of income of the Non-resident Clearing Member inclusively) / Clearing Member – International Organization (in favor of the beneficial owner of income of the Clearing Member – International Organization) or till the date of provision by the Non-resident Clearing Member (in respect of himself and beneficial owners of income) or by the Clearing Member – International Organization (in respect of beneficial owners of income) of the certificate of tax residence, set by the Supplement 4, or till the actual date of provision by the Non-resident Clearing Member (in respect of himself and beneficial owners of income) or by the Clearing Member – International Organization (in respect of beneficial owners of income) of the certificate of tax residence for the current calendar year depending on the fact, which of these events occurs earlier (except for banks, permanent location of which is confirmed by the public information source));
- difference between the sum, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation, calculated according to the maximum rate set by the Russian tax legislation, and the sum, corresponding to the sum of the tax, calculated according to the tax rate valid for the current calendar year, which is set by the applicable double taxation avoidance agreement, concluded with the state, which was the state of tax residence for the Non-resident Clearing Member, beneficial owner of income of the Non-resident Clearing



Member or beneficial owner of income of the Clearing Member – International Organization for the previous calendar year (tax period) (recorded with minus during the period since January 1<sup>st</sup> of the current calendar year, since the date following the date of income receipt (in favor of the beneficial owner of income of the Non-resident Clearing Member) / Clearing Member – International Organization (in favor of the beneficial owner of income of the Clearing Member – International Organization) till the date of provision by Non-resident Clearing Member (in respect of himself and beneficial owners of income) or by the Clearing Member – International Organization (in respect of beneficial owners of income) of the certificate of tax residence, set by the Supplement 4, or till the actual date of provision by the Non-resident Clearing Member (in respect of himself and beneficial owners of income) or by the Clearing Member – International Organization (in respect of beneficial owners of income) of the certificate of tax residence for the current calendar year depending on the fact, which of these events occurs earlier (except for banks, permanent location of which is confirmed by the public information source);

- obligations of the Clearing Member to pay sums, corresponding to the sums of tax on income from sources in the USA and/or income, equal to it, recorded under a Settlement Account (recorded with “minus”).

25.4. When calculating Settlement Account Single Limits except for values defined in the paragraph 25.3, the following is also recorded:

25.4.1. in the Clearing System of the Securities Market and :

- Asset Profile, taking into account the sign (Russian rubles, foreign currency, precious metal) transferred to the Clearing System / received from the Clearing System of the Derivatives market;
- Asset Profile taking into account the sign (Russian rubles, foreign currency, securities, precious metals) transferred to the Clearing System / received from the Clearing System;
- Asset Profile taking into account the sign (Russian rubles, foreign currency), transferred to the Clearing System / received from the Clearing System of the Standardised Derivatives Market;
- obligations / claims with the arrived Settlement Date, received from the Clearing System of the FX Market and Precious metals market, Clearing System of the Derivatives Market, Clearing System of the Standardised Derivatives Market.

25.4.2. in the Clearing System of the FX Market and Precious metals market:

- Asset Profile, taking into account the sign (Russian rubles, foreign currency, precious metal) received from the Clearing System / transferred to the Clearing System of the Securities Market and .

25.5. When calculating Single Limit of the Settlement Account for paying taxes except for values, defined in the paragraph 25.3, also tax risks limit is taken into account, this value is calculated by the Clearing House according to the Methodology for calculation of tax risks limits of the CCP NCC, taking into account size of proprietary funds (capital) of the Clearing Member, financial state of the Clearing Member (recorded with “plus”).

25.6. In cases, defined in the Clearing Rules, additional check of the Single Limit is executed: the Single Limit value of the Unified Pool Settlement Account, calculated in the Clearing System of the Securities Market and , after the operation, for which the abovementioned

additional check is made, shall exceed or be equal to the sum of the absolute value of the negative Single Limit of the Unified Pool Settlement Account, calculated in the Clearing System of the FX Market and Precious metals market, and the absolute value of the SZ<sub>SC</sub> (available Collateral), which has negative value, calculated in the Clearing System of the Derivatives Market, and of the absolute value of the Positions security ratio, which has the negative value, calculated in the Clearing System of the Standardised Derivatives Market.

- 25.7. Obligations to transfer / claims to receive the Income, calculated by the Clearing House in accordance with the Clearing Rules on the Securities Market, Deposit Market and Credit Market, are recorded when calculating Settlement Account Unified Pool on the Settlement Date for fulfilment of obligations to transfer the Income but obligations to transfer the Income in cash funds are additionally recorded since the date of execution of a Trade till the date that precedes to the Settlement Date of obligations to transfer such Income (inclusively) or till the date stipulated by the decision of the Clearing House.
- 25.8. Rules for calculating Settlement Account Unified Pool are defined in the document entitled “Single Limit Calculation Guidelines” disclosed on the Clearing House’s website.
- 25.9. The List of, calculating procedure for and changing of risk parameters used by the Clearing House to control and manage risks are defined in risk parameters calculation methodologies of relevant markets.
- 25.10. A Clearing Member of the category “O” or “B” / a Trading Member concluded with the Clearing House an agreement on keeping clearing registers stipulated by the Common part of the Clearing Rules, is entitled to set out individual risk parameters, defined in risk parameters calculation methodologies of relevant markets, through using the Clearing System.
- 25.11. A Clearing Member through the Clearing System is entitled to:
- impose / remove the feature that indicates the necessity of the control of a Settlement Account of the 2<sup>nd</sup> level Single Limit that is a part of a Trade Account of the 2<sup>nd</sup> level Single Limit and the minimum eligible value of such Single Limit (by default the defined feature is set, the minimum eligible value of a Settlement Account of the 2<sup>nd</sup> level Single Limit is equal to zero).
- 25.12. Trading Member / Clearing Member, to which clearing services regarding keeping clearing registers of the 3<sup>rd</sup> level, via the Clearing System is entitled to do the following:
- impose / remove the feature that indicates the necessity of the control of a Settlement Account of the 3<sup>rd</sup> level Single Limit that is a part of a Trade Account of the 3<sup>rd</sup> level Single Limit and the minimum eligible value of such Single Limit (by default the defined feature is set, the minimum eligible value of a Settlement Account of the 3<sup>rd</sup> level Single Limit is equal to zero).

**Article 26. Measures aimed at limitation of the responsibility of the central counterparty (central counterparty security levels)**

- 26.1. With the aim to limit the responsibility of the Clearing House for the non-fulfillment or undue fulfillment of obligations, included into the clearing pool on the relevant on-exchange market, towards the Clearing Members, in case if there are Defaulting Clearing

- Member, the Clearing House uses the following funds and measures in the following consequence
- 26.1.1. Collateral of Defaulting Clearing Members (except for general collateral certificates) on such on-exchange market and assets of Defaulting Clearing Members from the asset pool on such on-exchange market (in case if the market, where the Margin Call / Debt has arisen, is the securities market). Assets of Defaulting Clearing Members from an asset pool are used in the order, defined in the Article 37 and Article 53.
  - 26.1.2. Collateral of Defaulting Clearing Members (except for general collateral certificates) on other on-exchange markets and assets of Defaulting Clearing Members from the asset pool, used within the cross-default procedure, executed in accordance with the Article 53.
  - 26.1.3. Collateral for Stress of Defaulting Clearing Members on such on-exchange market.
  - 26.1.4. Contributions of Defaulting Clearing Members to the Default Fund of such on-exchange market.
  - 26.1.5. Collateral for Stress of Defaulting Clearing Members on other on-exchange markets, used within the cross-default procedure, executed in accordance with the Article 53.
  - 26.1.6. Contributions of Defaulting Clearing Members to Default Funds of other on-exchange markets, used within the cross default procedure, executed in accordance with the Article 53.
  - 26.1.7. Dedicated own resources of the CCP, determined for this on-exchange market.
  - 26.1.8. Additional dedicated own resources of the CCP, determined for all on-exchange markets (used upon the decision of the Clearing House).
  - 26.1.9. Contributions of Non-defaulting Clearing Members to the Default Fund of such on-exchange market and contribution of the PJSC Moscow Exchange to the Default Fund of the FX market and Precious Metals Market (if such on-exchange market is the foreign exchange market and precious metals market).
  - 26.1.10. Contribution of the PJSC Moscow Exchange to the Default Fund of such on-exchange market, posted upon demand of the Clearing House.
  - 26.1.11. Own funds of the Clearing House, determined for such on-exchange market on the basis of the decision of the Clearing House, not exceeding the difference between the amount of own funds (capital) of the Clearing House and the amount of capital, required for maintaining capital sufficiency standard of the Clearing House on the minimum required level, determined by the decision of the Clearing House (hereinafter referred to as the additional capital of the Clearing House).
  - 26.1.12. Procedure for discounting obligations of the Clearing House to return Collateral, stipulated by the Article 28.
  - 26.2. Amount of the PJSC Moscow Exchange to the Default Fund of the FX market and precious metals market is equal to the product of the number of Liquidity Provides and of the minimum contribution to the Default Fund of the FX market and Precious Metals Market of Clearing Members of categories “B” or “O”, set by the Clearing Rules on the FX Market and Precious Metals Market.
  - 26.3. Amount of the dedicated own resources of the CCP for all on-exchange markets and the amount of the dedicated own resources of the CCP for each on-exchange market is

- calculated by the Clearing House in accordance with the Dedicated Own Resources of the CCP Calculation Methodology.
- 26.3.1. Dedicated Own Resources of the CCP for the Securities Market, Deposit Market and Credit Market constitutes 2 500 000 000 (two billion and five hundred million) Russian rubles.
  - 26.3.2. Dedicated Own Resources of the CCP for the FX Market and Precious Metals Market constitutes 2 500 000 000 (two billion and five hundred million) Russian rubles.
  - 26.3.3. Dedicated Own Resources of the CCP for the Derivatives Market constitutes 1 500 000 000 (one billion and five hundred million) Russian rubles.
  - 26.3.4. Dedicated Own Resources of the CCP for the Commodities Market constitutes 0 (zero) Russian rubles;
  - 26.3.5. Dedicated Own Resources of the CCP for the Standardised Derivatives Market constitutes 1 000 000 000 (one billion) Russian rubles.
  - 26.4. Amount of the additional dedicated own resources of the CCP for all on-exchange markets constitutes 3 000 000 000 (three billion) Russian rubles.
  - 26.4.1. Additional dedicated own resources of the CCP for all on-exchange markets is used upon the decision of the Clearing House except for the case, set out in the sub-paragraph 27.1.3.
  - 26.5. Total amount of cash funds, posted by the PJSC Moscow Exchange to the Default Fund of one or several on-exchange markets, can not exceed 5 000 000 000 (five billion) Russian rubles.
  - 26.6. In case if the Dedicated Own Resources of the CCP is used, the Clearing House shall make decision upon the necessity of the replenishment of the Dedicated Own Resources in accordance with the Methodology for the calculation of the Dedicated Own Resources of the CCP and other internal documents of the Clearing House.
  - 26.7. In case if Dedicated Own Resources of the CCP are used on the on-exchange market, size of the Dedicated Own Resources of the CCP on such on-exchange market is calculated as the difference between the size of dedicated own resources, set by this article, and the sum of the used part of Dedicated Own Resources of the CCP, enlarged for the sum, for which Dedicated Own Resources of the CCP is replenished (hereinafter referred to as current dedicated own resources of the CCP).
  - 26.8. In case if Dedicated Own Resources of the CCP are used, size of the additional Dedicated Own Resources of the CCP is calculated as the difference between the size of the additional dedicated own resources, set by this Article, and the sum of the used part of the additional Dedicated Own Resources of the CCP, enlarged for the sum for which additional Dedicated Own Resources of the CCP is replenished (hereinafter referred to as current additional dedicated own resources of the CCP).
  - 26.9. Additional own resources of the Clearing House is used upon the decision of the Clearing House except for the case, set out in the sub-paragraph 27.1.5.

**Article 27. Limitation of the Clearing House liability on OTC trades in foreign currency and OTC trades in precious metals**

- 27.1. In accordance with the paragraph 1 article 15 of the Civil Code of the Russian Federation, liability of the Clearing House towards the Clearing Members on OTC trades in foreign currency and OTC trades in precious metals in the form of losses compensation in case of non-fulfillment / improper fulfillment by the Liquidity Provider(s) of obligations towards the Clearing House, is limited in the order, defined in the Article 26, meanwhile the following CCP security levels are used:
- 27.1.1. Contribution of the PJSC Moscow Exchange to the Default Fund of the FX Market and Precious Metals Market in the amount, which is equal to the product of the minimum contribution to the Default Fund of the FX Market and Precious Metals Market of Clearing Members of categories “B” or “O”, set by the Clearing Rules on the FX Market and Precious Metals Market, and of the number of Liquidity Providers, which did not fulfill its obligations towards the Clearing House.
  - 27.1.2. Dedicated Own Resources of the CCP for the FX Market and Precious Metals Market, set in accordance with the sub-paragraph 26.3.2.
  - 27.1.3. Additional dedicated own resources of the CCP for the FX Market and Precious Metals Market for all on-exchange markets, set in accordance with the sub-paragraph 26.4.
  - 27.1.4. Contributions of Non-defaulting Clearing Members to the Default Fund of the FX Market and Precious Metals Market and the contribution of the PJSC Moscow Exchange to the Default Fund of the FX Market and Precious Metals Market.
  - 27.1.5. Additional resources of the Clearing House.
  - 27.1.6. Procedure for discounting obligations of the Clearing House to return Collateral, stipulated by the Article 28.
- 27.2. Article 28 is applicable in case if the Liquidity Provider has not fulfilled its obligation towards the Clearing House, meanwhile the Debt of the Clearing Member is considered as the non-fulfilled obligation of the Liquidity Provider in the relevant currency / relevant precious metal and negative financial result from the balancing trades, executed by the Clearing House for the fulfillment of obligations of the Clearing House towards Non-Defaulting Clearing Member under OTC trades in foreign currency and/or OTC trades in precious metals due to non-fulfillment by the Liquidity Provider of obligations towards the Clearing House, while the contribution of the Clearing Member to the Default Fund of the on-exchange market is considered as the contribution of the PJSC Moscow Exchange to the Default Fund of the FX Market and Precious Metals Market, in the amount, equal to the product of the minimum contribution to the Default Fund of the FX Market and Precious Metals Market of Clearing Members of the category “B” or “O”, set out by the Clearing Rules on the FX Market and Precious Metals Market, and the number of Liquidity Providers, which did not fulfill its obligations towards the Clearing House.
- 27.3. Total amount of obligations with the deferred settlement on the FX Market and Precious Metals Market, calculated in accordance with the sub-paragraph 28.2.2, due to non-fulfillment of obligations by Liquidity Providers towards the Clearing House, is spread over:

- 27.3.1. firstly, between Clearing Members, which executed OTC Trades in foreign currency with Liquidity Providers and/or OTC trades in precious metal with Liquidity Providers and which as of the Settlement Day, on which obligations with the deferred settlement have been calculated, have the Net Claim with the arrived Settlement Date / Total Net Claim towards the Clearing House in cash funds in the relevant currency / relevant precious metal on the FX Market and Precious Metal, proportionally to the size of such Net Claim / Total Net Claim;
- 27.3.2. secondly, between Clearing Members, which executed OTC Trades in foreign currency with Liquidity Providers and/or OTC trade in precious metal with Liquidity Providers and which have the claim towards the Clearing House to return Collateral in cash funds, recorded under the Settlement Account, registered for the FX Market and Precious Metals Market, or under the Unified Pool Settlement Account, proportionally to the size of the abovementioned claims;
- 27.3.3. thirdly, between all Clearing Members, accepted to the clearing services on the FX Market and Precious Metals Market, in accordance with the paragraph 28.4.
- 27.4. In accordance with the paragraph 2 of the article 393 and article 15 of the Civil Code of the Russian Federation, the Clearing House is not liable to the Clearing Members under OTC Trades in foreign currency and OTC trades in precious metal in the form of interest payment on the total sum of cash funds if the payment is delayed in case of non-fulfillment / improper fulfillment by the Liquidity Provider of obligations towards the Clearing House.
- 27.5. Provisions, defined in the paragraphs 26 and 27.3, constitute the agreement between Clearing Members on the FX Market and Precious Metals Market and the Clearing House on limitation of the Clearing House liability towards the Clearing Members under OTC Trades in foreign currency and OTC trades in precious metal in case of non-fulfillment / improper fulfillment by the Liquidity Provider of obligations towards the Clearing House pursuant to the paragraph 1 of the article 15 and paragraph 2 of the article 393 of the Civil Code of the Russian Federation.

#### **Article 28. Discounting the Clearing House obligations to return Collateral**

- 28.1. With the aim to limit the responsibility of the Clearing House for non-fulfillment or unduly fulfillment of obligations, included into the clearing pool on the relevant market, towards Clearing Members, in case of there is at least one Defaulting Clearing Member, which did not fulfill its obligations towards the Clearing House, and/or in case if liquidation netting has been held in respect of Clearing Members / Clearing Members clients in accordance with the Article 63 and Article 63, the Clearing House applies the procedure for discounting obligations of the Clearing House to return Collateral in cash funds to Clearing Members / Authorized Accounts Owner, determined in this article.
- 28.2. On the basis of the mark-to-Market clearing session results, on each on-exchange Market the Clearing House calculates the sum of cash funds, within which obligations of the Clearing House to return Collateral in cash funds to Clearing Members / Authorized Accounts Owner (hereinafter referred to as the obligations with deferred fulfillment). Obligations with deferred fulfillment can be fulfilled by the Clearing House by the end of the fourth Settlement Day since of the date of its calculation in accordance with the terms of this article.

28.2.1. Obligations with deferred fulfillment on an On-exchange Market emerge in case if the total sum of the Debt of all Clearing Members, not secured with Collateral, Collateral for Stress, contribution to the Default Fund of such Clearing Member, lessened for the value of the Tax Debt of such Clearing Member (hereinafter referred to as the non-secured Debt of the Clearing Member) and absolute values of net obligations of Clearing Members, calculated on the basis of the liquidation netting results, executed in respect of the Clearing Member (client of the Clearing Member), exceeds the amount of available funds, procedure for the calculation of which is set out in the paragraph 28.3.

28.2.2. Obligations with deferred fulfillment emerge on the On-exchange Market under the following condition:

$NCD + LN > DW$ , where

NCD is the sum of non-secured Debts of Clearing Members on the particular on-exchange Market,

LN is the sum of net obligations of Clearing Members, calculated on the basis of the liquidation netting results, executed in respect of the Clearing Member (client of the Clearing Member),

DW is the amount of available funds on the On-exchange Market, procedure for the calculation of which is set out in the 28.3.

Total sum of obligations with deferred fulfillment on the particular On-exchange Market is calculated according to the following formula:

$OwPF = |NCD + LN - DW|$ , where

OwPF is the total sum of obligations with deferred fulfillment on the particular On-exchange Market.

28.2.3. The sum of non-secured Debts of Clearing Members on the particular On-exchange Market is calculated according to the following formula:

$NCD = \sum_{cm} |D_{cm}|$ , where

NCD is the sum of non-secured Debts of Clearing Members on the particular On-exchange Market,

$D_{cm}$  is the non-secured Debt of the Clearing Member;

$\sum_{cm}$  is the sum, extended over all Clearing Members on the On-exchange Market;

$D_{cm} = \min((\sum_{sa} \max(\min(D_{sa}; 0); \min(SI_{sa}; 0) + CfS_{cm} + DF_{cm}); 0)$ , where

$D_{sa}$  is the value, equal to the difference between the Debt, recorded under the Settlement Account of the Clearing Member and the size of the Tax Debt, recorded under the Settlement Account of such Clearing Member (recorded with minus). Debt in the foreign currency is converted into Russian rubles according to the Central exchange rate, the last one, calculated by the Clearing House,

$\sum_{sa}$  is the sum, extended over all Settlement Accounts of the Clearing Member on the On-exchange Market,

$SI_{sa}$  is the Single Limit in respect of the Settlement Account of the Clearing Member (for the securities Market and Deposit Market, for the fx Market and precious metals Market, for the commodities Market / the value  $SZ_{sc}$  (for the derivatives Market) / Security ratio (for the Standardised Derivatives Market),

$CfS_{cm}$  is the assessment of the Collateral for Stress of the Clearing Member on the

On-exchange Market,

$DF_{cm}$  is the assessment of the Default Fund contribution of the Clearing Member on the On-exchange Market,

$$CfS_{cm} = msCfS_m \times (1 + \min(Sl_{CfS}; 0) / \sum msCfS_m),$$

$$DF_{cm} = msDF_m \times (1 + \min(Sl_{DF}; 0) / \sum msDF_m), \text{ where}$$

$msCfS_m$ ,  $msDF_m$  is the minimum size of the Collateral for Stress / Default Fund contribution of the relevant On-exchange Market,

$Sl_{CfS}$ ,  $Sl_{DF}$  is the Single Limit of the Clearing Member in respect of the Collateral for Stress / Single Limit of the Clearing Member in respect of the Default Fund (taking into account the sign);

$\Sigma$  is the total sum of the Collateral for Stress minimum values / contributions to the <sub>m</sub>

- 28.3. The value of available funds is determined as the sum of funds, defined in sub-paragraphs 26.1.7-26.1.11.
- 28.4. The total sum of obligations with deferred fulfillment on the particular On-exchange Market, calculated in accordance with the sub-paragraph 28.2.2, is extended over Settlement Accounts of Clearing Members, which, as of the Settlement Day, on which obligations with deferred fulfillment are calculated, has the Net Claim with the arrived Settlement Date / Total Net Claim towards the Clearing House in cash in the relevant currency, proportionally to the size of such Net Claim / Total Net Claim in accordance with the sub-paragraph 28.5.3.
- 28.4.1. If allocation of the total sum of obligations with the deferred settlement on the on-exchange market among Clearing Members, which have Net Claims with the arrived Settlement Date / Total Net Claim towards the Clearing House in cash on such on-exchange market, is impossible then remained unallocated amount of obligations with the deferred settlement is allocated amount Clearing Members, which have the claim to the Clearing House to return Collateral in cash, proportionally to the size of the defined claims in accordance with the sub-paragraph 28.5.3.
- 28.4.2. Information on the size of the obligation with deferred fulfillment is disclosed in the Clearing System of the relevant On-exchange Market under each Settlement Account of the Clearing Member.
- 28.5. The Clearing House calculates the size of obligations with the deferred settlement and checks the opportunity to terminate it at least once a Settlement Day.
- 28.5.1. If the sum of all non-secured Debts of Clearing Member on the On-exchange Market, calculated in accordance with the paragraph 28.2, and of absolute values of net obligations of Clearing Members, calculated on the basis the liquidation netting results, executed in respect of the Clearing Member (client of the Clearing Member), does not exceed the amount of available funds, procedure for the calculation of which is defined in the paragraph 28.3, then values of all obligations with deferred fulfillment become equal to zero;
- 28.5.2. If the total sum of obligations with deferred fulfillment on the On-exchange Market, calculated in accordance with the sub-paragraph 28.2.2, is less than the defined sum, calculated during the previous calculation of obligations with deferred fulfillment, the size of obligations with deferred fulfillment, recorded under the Settlement Accounts of Clearing Members, is lessened according the following formula:

$$OwPFsa = \text{round}(OwPFsa\_old \times (1 - \min((\Delta OwPF / \sum_{sa} OwPFsa\_old); 1)); 2),$$



where

OwPF<sub>sa</sub> is the new value of the size of obligations with deferred fulfillment, recorded under the Settlement Account of the Clearing Member,

OwPF<sub>sa\_old</sub> is the previous value of the size of obligations with deferred fulfillment, recorded under the Settlement Account of the Clearing Member,

ΔOwPF is the sum, by which the total sum of obligations with deferred fulfillment on the On-exchange Market is reduced,

Σ<sub>sa</sub> is the sum, extended over all Settlement Accounts of Clearing Members, under which obligations with the deferred settlement are recorded.

- 28.5.3. If the total sum of obligations with the deferred settlement on the on-exchange market, calculated in accordance with the sub-paragraph 28.2.2, is more than the sum, calculated during the previous calculation of obligations with the deferred settlement, size of obligations with the deferred settlement, recorded under the Settlement Accounts of Clearing Member, under which the Net Claim with the arrived Settlement Date / Total Net Claim against the Clearing House in cash funds on such on-exchange market is recorded, is enlarged according to the following:

$$\text{OwPF}_{sa} = \text{OwPF}_{sa\_old} + \min\left(\frac{\Delta\text{OwPF}}{\sum_{sa} \text{TO}_{sa}}; 1\right) \times \text{TO}_{sa},$$

where

OwPF<sub>sa</sub> is the new value of the size of the obligation with the deferred settlement, recorded under the Settlement Account of the Clearing Member,

OwPF<sub>sa\_old</sub> is the previous value of the size of the obligation with the deferred settlement, recorded under the Settlement Account of the Clearing Member,

ΔOwPF is the sum, by which the total sum of obligations with deferred fulfillment on the on-exchange Market is reduced,

TO<sub>sa</sub> is the Net Claim with the arrived Settlement Date / Total Net Claim towards the Clearing House in cash funds, recorded under the Settlement Account of the Clearing Member, reduced for the size of the Debt, recorded under such Settlement Account, calculated during the previous (within one Settlement Day) calculation of obligations with the deferred settlement;

Σ<sub>sa</sub> - is the sum, extended over all Settlement Accounts of Clearing Members, under

which the Net Claim with the arrived Settlement Date / Total Net Claim towards the Clearing House in cash funds is / are recorded.

- 28.5.4. If allocate the total sum of obligations with the deferred settlement among Clearing Members on the on-exchange market, which have the Net Claim with the arrived Settlement Date / Total Net Claim towards the Clearing House in cash funds on such on-exchange market, is impossible, the sum of obligations with the deferred settlement, recorded under Settlement Accounts, under which the Collateral in cash funds is recorded, is calculated according to the following:

$$\text{OwPF}_{sa} = \text{OwPF}_{sa\_old} + \min\left(\frac{\Delta\text{OwPF}}{\sum_{sa} \text{Col}_{sa}}; 1\right) \times \text{Col}_{sa},$$

where

OwPF<sub>sa</sub> is the new value of the sum of obligations with the deferred settlement, recorded under the Settlement Account of the Clearing Member,

$OwPF_{sa\_old}$  is the previous value of the size of the obligation with the deferred settlement,

$\Delta OwPF$  is the total sum of obligations with the deferred settlement on the on-exchange market not allocated in accordance with the sub-paragraph 28.5.3;

$Col_{sa}$  is the claim towards the Clearing House to return Collateral in cash funds on the on-exchange market not taking into account the Net Claim with the arrived Settlement Date / Tptal Net Claims of each Clearing Member, taken into account when calculating obligations with the deferred settlement in accordance with the sub-paragraph 28.5.3. Regarding Unified Pool Settlement Accounts the claim towards the Clearing House to return Collateral in cash funds on the on-exchange market is executed proportionally to the sum of Net Obligations through all Settlement Dates, recorded under the Settlement Account on such on-exchange market. Net Obligation in securities, commodities, precious metals is recalculated in Russian rubles according to the Settlement Price / Central Rate;

$\sum_{Sa}$  is the sum through all Settlement Accounts, under which

the claims towards the Clearing House to return Collateral in cash funds are recorded.

- 28.5.5. With the aim to calculate the size of obligations with the deferred settlement, Net Claims / Total Net Claims in cash funds in the foreign currency, claims to return Collateral in foreign currency are recalculated in Russian rubles according to the last Foreign Exchange Central Rate, set by the Clearing House.
- 28.6. Obligations with deferred settlement in the amount, calculated as of the 4<sup>th</sup> (fourth) Settlement Day, since of the date of its initial calculation, by the end of the 4<sup>th</sup> (fourth) Settlement Day, are considered to be fulfilled. Meanwhile the total size of the obligation of the Clearing House to return to the Clearing Member Collateral in the relevant currency is lessened for the sum of such fulfilled obligation with the deferred fulfillment.
- 28.7. In case of paying off by a Defaulting Clearing Member of Debts after paying off obligations with deferred settlement in accordance with the paragraph 28.6, the Clearing House allocates received funds in a full amount proportionally (when lacking in received funds) among Clearing Members, in respect of which obligations with deferred settlement have been paid off in accordance with the paragraph 28.6. Defined allocation is executed through increasing the amount of obligations of the Clearing House to return Collateral to Clearing Members.

## **Article 29. Procedure for the closing and/or balancing trades execution**

- 29.1. In case if there is the need for the execution by the Clearing House of trades in foreign currency / precious metals / securities / Derivative Contracts / Standardised Derivative Contracts / Contracts, underlying asset of which is the commodity, with the Defaulting Clearing Member, which has non-satisfied Margin Call, and in other cases, stipulated by the Clearing Rules, when there is a need for the execution by the Clearing House of trades in foreign currency / precious metals / securities / Derivative Contracts / Standardised Derivative Contracts / Contracts, underlying asset of which is the commodity, with the Defaulting Clearing Member, the Clearing House at the same time executes two corresponding Trades with the central counterparty, in the order, defined in this article:

- 1) closing trade: on behalf of such Defaulting Clearing Member in respect of itself;

- 2) balancing trade: with the Clearing Member, indicated as the party to the trade, defined in the order, which is admissible counter one in respect of the order, submitted by the Clearing House on behalf of the Defaulting Clearing Member or with the Clearing Member, defined in accordance with the paragraph 29.4.

In case if the liquidation netting is executed in respect of the Clearing House / client of the Clearing Member in accordance with the Article 62, Article 63, or in case of non-fulfillment by the Liquidity Provider of obligations towards the Clearing House, or in case if the Clearing Member has not posted Collateral in the amount equal to the deposit value, defined in the order to execute deposit agreement, or in case of early termination of the deposit agreement with the Clearing Member, which is the state corporation due to the fact that the Clearing Member no longer meets requirements, stipulated by the Regulation of the Government in respect of credit institutions, into deposits of which can be invested temporarily surplus funds of the state corporation, the Clearing House in order to minimize risks of the Clearing House regarding obligations and claims under Trades with the central counterparty in the order, defined in this article, concludes on behalf of its own balancing trades: Trades in foreign currency / precious metals / securities / commodities / Derivative Contracts / Standardised Derivative Contracts, with the Clearing Members, indicated as a party to trades in orders / Offers, which are admissible counter ones to the order, submitted by the Clearing House on behalf of its own, or with the Clearing Members, defined in accordance with the sub-paragraph 29.2.

- 29.2. Closing and/or balancing trades are executed on the relevant On-exchange Market on the basis of the paragraph 3.20 on the basis of at least one off order book order / Offer, and in case if it is impossible or inadvisable to execute balancing trades on the basis of at least one off order book order / Offer (including cases when there is no fair market price or required liquidity at the moment when the ground to execute closing/balancing trade emerges) – on the basis of order book order. Terms of the defined closing and/or balancing trades correspond to the terms of trades, defined by the Trading Rules of the relevant on-exchange market.

In case if it is impossible or inadvisable to execute closing and/or balancing trades on the relevant on-exchange markets (including cases when there is no fair market price at the moment when the ground to execute closing/balancing trade emerges), in accordance with the legislation of the Russian Federation, closing and/or balancing trades are executed on OTC Markets with entities that are Clearing Members. Closing and/or balancing trades on OTC Markets are executed under terms similar (regarding object and direction of the trade) to the terms of trades in foreign currency / precious metals / securities / commodities / Derivative Contracts / Standardised Derivative Contracts, which could be executed on the relevant On-exchange Markets.

- 29.3. Closing and/or balancing trades are executed due to Market prices.
- 29.4. If the execution of closing and/or balancing trades on the relevant Markets and OTC Markets in accordance with the paragraph 29.2 is impossible or inadvisable, balancing trades are executed without making orders between the Clearing House and Non-defaulting Clearing Members that have Net Obligations / Net Claims / positions, recorded under relevant Settlement Accounts that are opposite to Net Obligations / Net Claims / positions of Clearing Members in respect of obligations of which the settlement is executed, in an amount proportional to an amount of Net Obligations / Net Claims / open positions of Non-defaulting Clearing Members recorded under relevant Settlement Accounts, in fair Market prices, the procedure for defining of which is set out in risk parameters of the relevant

Market calculation methodologies, closing trades – without orders submission between the Clearing House and Defaulting Clearing Members according to prices, corresponding to prices of balancing trades.

This paragraph is not applied in case of execution of trades regarding sale of Collateral / Collateral for Stress / Default Fund contributions in the foreign currency / precious metals / securities / commodities in accordance with the paragraph 62.16.10, when executing liquidation netting in respect of the Clearing Member / client of the Clearing Member and also in other cases, set out by the Clearing Rules.

29.4.1. The Clearing Member is entitled to provide in advance to the Clearing House information on a Settlement Account of a Clearing Member under which obligations arising from balancing trades, which are executed in accordance with this paragraph, shall be recorded and settled.

29.4.2. In case of necessity to conclude balancing trades in accordance with this particular paragraph of the Common part of the Clearing Rules, the Clearing House via the Clearing System provides to a Clearing Member the information on obligations under balancing trades which will be obtained by a Clearing Member.

The abovementioned obligations of a Clearing Member under balancing trades will be recorded under a Settlement Account information about which is provided by a Clearing Member to the Clearing House in accordance with the sub-paragraph 29.4.1, under the condition that under such Settlement Account there are obligations which are opposite the defined obligations by the time, defined in the Time Specifications, and in case if under such Settlement Account there are no obligations which are opposite to the defined obligations by the defined time - under Settlement Accounts under which Net Obligations / Net Claims / positions of a Non-defaulting Clearing Member have been recorded proportional to an amount of which defined balancing trades have been executed.

29.4.3. The Clearing Member must fulfill obligations under balancing trades executed in accordance with this particular paragraph of the Clearing Rules under Settlement Accounts of a Clearing Member, the procedure for defining of which is set out in the sub-paragraph 29.4.2.

29.4.4. Time of execution of balancing trades in accordance with the Clearing Rules is considered to be the time, defined in the Time Specifications.

29.5. The special part of the Clearing Rules may stipulate a special order for the closing and/or balancing trades execution, which is different from the order defined in the paragraph 29.4.

29.6. The Clearing House is acting on behalf of a Clearing Member in respect of its own performs all legal and actual actions required for concluding trades in accordance with this particular article of the Common part of the Clearing Rules without special authorization (power of attorney), and also without an agreement of a Clearing Member.

29.7. The Clearing House accepts for clearing obligations under closing and balancing trades, executed within on-exchange markets in accordance with this article.

29.8. Penalty, calculated according to the paragraph 28.8.1, is imposed on each Clearing Member of any category, except for the category “K”, which is the Defaulting Clearing Member, on behalf of which the Clearing House executes closing trade.

- 29.8.1. Penalty to be charged in case if the closing trade is executed, is calculated according to the following formula:

Penalty = ROUND (VAL\_OBL × C × K × R / 365;2), where

Penalty is the penalty amount to be charged if the closing trade is executed, denominated in Russian rubles,

VAL\_OBL is the volume of securities / cash funds / precious metals, obligation under which has not been fulfilled by the Defaulting Clearing Member, in the closing trade, executed by NCC on behalf of the Defaulting Clearing Member,

C is the central exchange rate for the foreign currency / precious metal, defined in accordance with the Risk parameters for the FX and Precious metals Market Calculation Methodology / security Settlement price / C=1 if the Clearing Member has not fulfilled the obligation, denominated in Russian rubles,

K is the ratio set by the decision of the Clearing House, by default K=5,

R is the rate equal to the REPO rate, applicable for cases of settlement of obligations under Trades T+, for the fulfillment of which there is no sufficient amount of cash funds / securities, set by the Clearing House according to the Risk parameters for the Securities and Deposit Markets Calculation Methodology, or to the rate set by the Clearing House according to the Risk parameters for the FX and Precious metals Market Calculation Methodology.

Penalty calculated in accordance with this paragraph is free of VAT.

- 29.8.2. Obligation to pay penalty if the closing trade is executed, is recorded under the main Settlement Account for the fees withdrawal on the relevant exchange market.
- 29.8.3. Obligation to pay penalty if the closing trade is executed, shall be fulfilled on the Settlement Day, following the day when the grounds for such penalty has emerged.
- 29.8.4. Penalty if the closing trade is executed is not charged per the Clearing Member, admission to the clearing service of which has been suspended on the basis of the sub-paragraph 15.1.1 or 15.1.2 due to the annulment of the license for performing professional activity on the securities market.
- 29.8.5. Clearing Rules may state cases when such penalty is not levied.
- 29.8.6. Special part of the Clearing Rules may state special procedure for the penalty calculation in case if the closing trade is executed.

## **SECTION IV. CLEARING PROCEDURE**

### **SUB-SECTION IV-I. PROCEDURE FOR COLLATERAL POSTING AND RETURN**

#### **Article 30. Procedure for posting Collateral**

- 30.1. Posting of Collateral in Russian rubles and in foreign currency is possible using the following methods:
- 3) through transferring cash funds to the relevant clearing banking or correspondent account of the Clearing House using details, placed on the Clearing House's website;
  - 4) through fulfilling an instruction to transfer cash funds submitted by a Clearing Member via the Clearing System (if available);
  - 5) through the execution of the Request for collateral transfer.
- 30.2. Collateral of a Clearing Member in foreign currency, which is individual clearing collateral, is transferred to a clearing banking account of the Clearing House in a Settlement Organization.
- 30.2.1. Collateral of a Clearing Member in foreign currency, which is the other collateral, is transferred to a correspondent account of the Clearing House in a Settlement Bank or to the clearing banking account of the Clearing House in a Settlement Organization.
- 30.3. Cash funds in the relevant currency, furnished as Collateral in Russian rubles and/or Collateral in foreign currency, are transferred to the relevant clearing banking or correspondent account of the Clearing House with the obligatory indication in the purpose of payment of a Settlement Account of a Clearing Member or of a Settlement Account of the 2<sup>nd</sup> or of the 3<sup>rd</sup> level / other clearing register of the 3<sup>rd</sup> level.
- Specifics of filling in the purpose of payment and for the recording of cash funds, when posting Collateral in Russian rubles and in foreign currency, may be stipulated by a special part of the Clearing Rules.
- 30.4. Collateral can be posted using the following ways:
- 1) deposit precious metals into the trading bank account for the relevant precious metal;
  - 2) execute instruction to transfer precious metals, submitted by the Clearing Member via the Clearing System (if there is such opportunity);
  - 3) execute Request for collateral transfer.
- 30.5. Posting Collateral in securities is possible using the following methods:
- 1) through transferring securities to a Securities Sub-accounts T+ on the basis of an instruction, submitted by the owner of a trading depo account to the Settlement Depository;
  - 2) through the execution of an instruction to transfer securities (except for general collateral certificates) to Securities Sub-account T+, submitted by a Clearing Member via the Clearing System (if available);
  - 3) as a result of the execution of the Request for securities selection, submitted by a Clearing Member via the Clearing System (if available).

- Other procedure for posting Collateral in securities may be stipulated by a special part of the Clearing Rules.
- 30.6. Posting Collateral in securities for recording it under Trade Account for paying taxes is possible using 2 methods:
- 1) through execution of the instruction to transfer securities, submitted by the Clearing Member using the Clearing System;
  - 2) due to execution of the Request for securities selection, submitted by the Clearing Member using the Clearing System.
- 30.7. Procedure for submission and execution of instructions to transfer securities is defined in the paragraph 30.16.
- 30.7.1. In the securities transfer instruction, submitted with the aim to post securities as Collateral for its recording under the Trade Account for paying taxes, as the Trade Account, from which securities are debited, only Trade Account, part of the structure of which is Securities Sub-accounts, opened under depo trading account of the owner, can be indicated.
- 30.8. Procedure for submission and execution of Requests for securities selection is defined in the Article 32.
- 30.9. The Clearing House records in the Clearing System cash funds / precious metals, transferred / deposited to the relevant clearing banking or correspondent account of the Clearing House / trading bank account for the relevant precious metal, as Collateral of a Clearing Member under a Settlement Account, indicated in the purpose of payment / Settlement Account corresponding to the trading bank account for the precious metal, into which the precious metal is deposited, enlarges amount of cash funds / amount of precious metal, recorded under Settlement Account, defined in the purpose of payment / Settlement Account corresponding to the trading bank account for the precious metal, into which the precious metal is deposited, for the amount of transferred cash funds / deposited precious metals, and also enlarges a Settlement Account Single Limit (for the Unified Pool Settlement Accounts, for Settlement Accounts on the Securities Market, Deposit Market and Credit Market, on the FX Market and Precious Metals Market, on the Commodities Market), or the value of the SZ<sub>SC</sub> (available Collateral) (on the Derivatives Market), or the Positions security ratio (on the Standardised Derivatives Market), taking into account amount of transferred cash funds / amount of deposited precious metal.
- 30.9.1. Cash funds, transferred with the indication in the purpose of payment of a Settlement Account of the 2<sup>nd</sup> level, are recorded by the Clearing House as Collateral under a Settlement Account of a Clearing Member corresponding to the Settlement Account of the 2<sup>nd</sup> level, indicated in the purpose of payment; information on such Collateral is also recorded under a Settlement Account of the 2<sup>nd</sup> level, indicated in the purpose of payment.
- 30.9.2. Cash funds, transferred with the indication in the purpose of payment a Settlement Account / other clearing register of the 3<sup>rd</sup> level, recorded by the Clearing House as Collateral under a Settlement Account of a Clearing Member corresponding to the Settlement Account / other clearing register of the 3<sup>rd</sup> level, indicated in the purpose of payment; information on such Collateral is also recorded under the Settlement Account / other clearing register of the 2<sup>nd</sup> level corresponding to the Settlement Account / other clearing register of the 3<sup>rd</sup>

level, indicated in the purpose of payment and under a Settlement Account / other clearing register of the 3<sup>rd</sup> level, indicated in the purpose of payment.

30.10. If a Settlement Account / other clearing register of the 1<sup>st</sup>, 2<sup>nd</sup> or of the 3<sup>rd</sup> level, indicated in the purpose of payment is not found among registered by the Clearing House Settlement Accounts, the Clearing House is entitled to require from a Clearing Member to clarify the purpose of payment. In case if such clarification is received from a Clearing Member or from the payer bank, recording of cash funds as Collateral of a Clearing Member in accordance with the paragraph 30.6, is performed by the Clearing House after receiving from a Clearing member / the payer bank of such clarification of the purpose of payment with the correct indication of a Settlement Account of the relevant level.

30.10.1. If within 5 (five) Settlement Days for the relevant currency since the date, following the date of crediting cash funds in Russian rubles / foreign currency to the relevant clearing banking / correspondent account of the Clearing House with non-indicated / incorrectly indicated purpose of payment, a Clearing Member / the payer bank does not provide the Clearing House with the clarification on purpose of payment with correctly indicated Settlement Account of the relevant level, the Clearing House returns the defined cash funds through the details of the payer.

30.11. Cash funds, transferred to the relevant clearing banking or correspondent account of the Clearing House, not later than the time, specified by the Time Specification, are recorded by the Clearing House on the following Settlement Day.

30.12. Cash funds, transferred with the indication in the purpose of payment of a Unified Pool Settlement Account, precious metals, deposited into the trading bank account for the relevant precious metal, corresponding to the Unified Pool Settlement Account, are recorded as Collateral of a Clearing Member under a Settlement Account of a Clearing Member, indicated in the purpose of payment / Settlement Account of a Clearing Member, corresponding to the trading bank account for the precious metal, into which precious metal will be deposited, in the Clearing System of the Securities Market.

30.12.1. When transferring cash funds to the relevant clearing banking or correspondent account of the Clearing House with the indication in the purpose of payment of a Unified Pool Settlement Account, a Clearing Member is entitled to indicate in the purpose of payment a code word / code of a clearing registers section, which means that to the Clearing System of the FX Market and Precious metals Market / to the Clearing System of the Derivatives Market / Clearing System of the Standardised Derivatives Market, is necessary to transfer an Asset Profile in an amount equal to transferred sum of cash funds.

Information on code words, indicated in the purpose of payment, is disclosed on the Clearing House's website.

List of assets, transfer of Profiles of which is possible between the Clearing System of the Securities Market and the Clearing System of the FX Market and Precious metals Market / the Clearing System of the Derivatives market / the Clearing System of the Standardised Derivatives Market, are stipulated by the relevant special part of the Clearing Rules.

30.12.2. In case of indication in the purpose of payment a code word / code of clearing registers section in accordance with the sub-paragraph 30.12.1, if terms, defined in the paragraph 31.3, are met, the Clearing House also:



- records in the Clearing System of the Securities Market changes of the Asset Profile, transferred to the Clearing System of the relevant market, in an amount of transferred sum of cash funds (with “minus”);
- records in the Clearing System of the FX Market and Precious metals Market / Clearing System of the Derivatives Market / Clearing System of the Standardised Derivatives Market changes of the Asset Profile, received from the Clearing System of the Securities Market and Precious metals market, in an amount of transferred cash funds (with “plus”).

In case if terms, defined in the paragraph 31.3, are not met then actions, defined in this sub-paragraph, are not performed.

- 30.13. Cash funds and precious metals, recorded as Collateral of a Clearing Member, are used to secure fulfillment and fulfillment of obligations under Trades, recorded under a Settlement Account under which the defined Collateral is recorded. Cash funds, recorded as Collateral of a Clearing Member are also used to fulfill obligations to pay fees under a Settlement Account, recorded under such a Settlement Account.
- 30.14. A Clearing Member is entitled to provide to the Clearing House an Application for changing the status of Collateral in foreign currency on the relevant market.
- 30.14.1. To fulfil the defined application the Clearing House after recording all clearing and other operations of the current Settlement Day:
- for each Settlement Account of a Clearing Member opens Collateral Accounts in foreign currency on the balance account № 47405;
  - transfers Collateral in foreign currency, recorded under each Settlement Account, from a Collateral Account, corresponding to such Settlement Account and opened on the balance account № 30420 (30421), to a Collateral Account, corresponding to such Settlement Account and opened on the balance account № 47405;
  - closes Collateral Accounts in foreign currencies, opened on the balance account № 30420 (30421);
  - notifies a Clearing Member on executed transfers of Collateral in foreign currencies under Collateral Accounts in the Cash flow statement, submitted after a Settlement Day of execution of an Application on changing status of Collateral on the Securities Market, Deposit Market and Credit Market.
- 30.14.2. Starting from a Settlement Day under relevant currency, following the day of execution of the defined application, Collateral in foreign currency is posted in accordance with the sub-paragraph 30.2.1.
- 30.14.3. In case if the Clearing Member provides the Application for changing status of the Collateral in foreign currency on the Securities market, Deposit Market and Credit Market to the Clearing House, actions, defined in the sub-paragraph 30.14.1, are also performed in respect of the Collateral for Stress.
- 30.15. Instructions to transfer cash funds / precious metal, submitted by a Clearing Member via the Clearing System (if available), contains indication of Trade Accounts under which such operation shall be executed, code of a currency / precious metal, sum of cash funds / amount of precious metals that are required to be transferred.

- 30.15.1. Instruction to transfer cash funds / precious metal is executed using cash funds / precious metal, recorded under a Settlement Account / Collateral Account T0, included into the structure of a Trade Account, specified in an instruction as a Trade Account, under which is performed decrease of the sum of cash funds / amount of precious metal, set out in the paragraph 33.11 in respect of such Settlement Account / Collateral Account T0 and the sum of cash funds / amount of precious metal defined in an instruction.
- 30.15.2. Partial fulfillment of the instruction to transfer cash funds / precious metal is impossible.
- 30.15.3. In case of the positive result after check of the possibility to fulfil instructions to transfer cash funds / precious metal, then the Clearing House lessens the sum of cash funds / amount of precious metal, recorded under the Settlement Account / Collateral Account T0, under which sum of cash funds / amount of precious metal is lessening, and enlarges the sum of cash funds / amount of precious metal, recorded under the Settlement Account / Collateral Account T0, under which the sum of cash funds / amount of precious metal is enlarged.
- 30.15.4. Obligations to credit / debit cash funds / precious metal according to instructions to transfer cash funds / precious metal, that passes the check on the ability to be fulfilled in accordance with the sub-paragraph 30.15.1 are included into the relevant clearing pool in an order, stipulated by the relevant special part of the Clearing Rules.
- 30.16. Instruction to transfer securities, submitted by the Clearing Member via the Clearing System (if any) contains the indication of Trade Accounts, under which such operation shall be executed, securities code, number of securities, which shall be transferred. Instruction to transfer securities, submitted by the Clearing Member via the Clearing System (if any) shall also contain the indication of one out of two ways to transfer securities to the Settlement Depository: immediate transfer of securities or transfer of securities during the next settlement clearing session.
- 30.16.1. Instruction to transfer securities is executed in the following cases:
- Securities Sub-accounts, which form part of Trade Accounts, indicated in the instruction to transfer securities, are opened for one Clearing Member under one depo account / emission account / broker account, or
  - Securities Sub-accounts, which form part of Trade Accounts, indicated in the instruction to transfer securities, are opened under trading depo accounts of owners of one Clearing Member.
- Instruction to transfer securities is not executed in other cases.
- 30.16.2. Instruction to transfer securities is executed using the securities, recorded under the Trade Account, indicated in the instruction as the Trade Account, indicated in the instruction as the Trade Account, under which a number of securities is reduced, when meeting the following requirement(s):
- terms of the securities return, set out in the paragraph 33.12;
  - number of securities, indicated in the instruction, does not exceed both the number of securities, recorded under the Trade Account, under which the number of securities is reduced, and the number of securities, recorded under the relevant Securities Sub-account T0 or under the Securities Sub-account T+, on the basis of the information, received from the Settlement Depository (only for the immediate securities transfer).

30.16.3. Partial fulfilment of an instruction to transfer securities is impossible.

30.16.4. In case of the positive result after check of the possibility to fulfil instructions to transfer securities, the Clearing System immediately lessens the amount of securities, recorded under the Trade Account, under which the amount of securities is lessened, in the Clearing System and enlarges the amount of securities, recorded under the Trade Account, under which the amount of securities is enlarged.

30.16.5. Obligations to credit / debit securities according to the instructions to transfer securities during the closest settlement clearing session, which successfully passed the check of the opportunity of its conclusion in accordance with the sub-paragraph 30.16.2, are included into the relevant Clearing pool for settlement after trading in the order, stipulated by the Clearing Rules on the Securities Market, Deposit Market and Credit Market.

Obligations to credit / debit securities according to the instructions to transfer securities immediately, which successfully passed the check of the opportunity of its conclusion in accordance with the sub-paragraph 30.16.2, are included into the instruction to execute operations under the Securities Sub-accounts, forwarded by the Clearing House to the Settlement Depository in accordance with the Clearing Rules on the Securities Market, Deposit Market and Credit Market.

30.17. A Clearing Member may transfer cash funds / precious metals, recorded as Collateral / Collateral for Stress / contribution to Default Funds, between its Settlement Accounts including Settlement Accounts opened for different markets and Unified Pool Settlement Accounts, by submitting to the Clearing House of the Request for collateral transfer.

30.18. In the Request for collateral transfer a Clearing Member indicates:

- first Settlement Account under which a decrease of the sum of cash funds / amount of precious metals is executed;
- second Settlement Account under which an enlargement of the sum of cash funds / amount of precious metal is executed;
- code of a currency / precious metal;
- sum of cash funds / amount of precious metal to be transferred;
- Clearing System of the first Market;
- list of changes under clearing registers in the Clearing System of the first Market (indicated optionally):
  - code of a clearing registers section (indicated for the Clearing System of the Derivatives Market);
  - Settlement Account of the 2nd or of the 3rd level (indicated in the Clearing System of the Securities Market / Clearing System of the FX Market and Precious metals market);
  - changes (with “plus”) of the sum of cash funds / amount of precious metals in the Clearing System of the second market;
- Clearing System of the second Market;
- list of changes under clearing registers in the Clearing System of the second Market (indicated optionally):
  - code of a clearing registers section (indicated for the Clearing System of the Derivatives market);

- Settlement Account of the 2<sup>nd</sup> or of the 3<sup>rd</sup> level (indicated for the Clearing System of the Securities Market and / Clearing System of the FX Market and Precious metals market);
  - changes (with “plus”) of the sum of cash funds / amount of precious metals in the Clearing System of the second Market.
- 30.18.1. Total amount / total number of changes of the sum of cash funds / amount of precious metals under each currency / each precious metal, calculated according to the list of changes in clearing registers in the Clearing System of the first Market, shall be equal to the total amount / total number of changes under such currency / such precious metal, calculated according to the list of changes in clearing registers in the Clearing System of the second market; both defined sums shall be equal to the sum of cash funds / amount of precious metal to be transferred.
- 30.18.2. Requests for collateral transfer are accepted by the Clearing House on Settlement Days during the period of time, defined by the Time Specification.
- 30.18.3. Request for collateral transfer is executed by the Clearing House when fulfilling conditions to cash funds return, set out in the paragraph 33.11 or in the relevant special part of the Clearing Rules, in respect of a Settlement Account under which is performed reduction of the sum of cash funds / amount of precious metal, and sum of cash funds / amount of precious metal to be transferred.
- 30.18.4. To fulfil the Request for collateral transfer, the Clearing House:
- reduces the sum of cash funds / amount of precious metals of Clearing Members, recorded as Collateral / Collateral for Stress / contribution to Default Funds under a Settlement Account, under which is executed a reduction of the sum of cash funds / amount of precious metals for the sum of cash funds / amount of precious metal to be transferred;
  - enlarges the sum of cash funds / amount of precious metals of a Clearing Member, recorded as Collateral / Collateral for Stress / contribution to Default Funds under a Settlement Account under which is executed enlargement of the sum of cash funds / amount of precious metals for the sum of cash funds / amount of precious metal to be transferred;
  - in case of indication in the Request for collateral transfer a Settlement Account of the 2<sup>nd</sup> or of the 3<sup>rd</sup> level, changes the information in Collateral, recorded under such Settlement Account of the 2<sup>nd</sup> or of the 3<sup>rd</sup> level, in accordance with the paragraphs 30.20, 30.21;
  - in case of indication in the Request for collateral transfer a code of a clearing registers section, changes the information on Collateral, recorded under such clearing registers section in accordance with the Clearing Rules on the Derivatives market;
  - if in the Request for collateral transfer as the first or the second Settlement Account a Unified Pool Settlement Account is recorded and as the Clearing System of the first or of the second Market is indicated the Clearing System of the FX Market and precious metals Market of the Clearing System of the Derivatives market, or the Clearing System of the Standardised Derivatives Market performs transfer of an Asset Profile under cash funds / precious metals that is analogue to transfer of cash funds / precious metals, between the Clearing House of the Securities Market and the Clearing System of the defined market.

- 30.19. Procedure for submission and execution of Requests for selection of securities is defined in the Article 32.
- 30.20. A Clearing Member is entitled to change information on Collateral, recorded under a Settlement Account of the 2<sup>nd</sup> level via the Clearing System.
- 30.20.1. Changing of information on Collateral, recorded under a Settlement Account of the 2<sup>nd</sup> level, is executed regardless the fact whether a Clearing Member has Collateral or not, recorded on the relevant Settlement Account of a Clearing Member.
- 30.20.2. If under the Settlement Account of the 2<sup>nd</sup> level the feature, indicating the necessity to control the Single Limit of the Settlement Account of the 2<sup>nd</sup> level, is set, then when changing information on Collateral, recorded under the Settlement Account of the 2<sup>nd</sup> level, control of the Single Limit of the Settlement Account of the 2<sup>nd</sup> level is executed in the order, defined in the relevant special part of the Clearing Rules.
- Clearing Member is entitled to indicate that the change via the Clearing System information on Collateral, recorded under the Settlement Account of the 2<sup>nd</sup> level, shall be executed unconditionally.
- 30.20.3. After changing an information on Collateral, recorded under a Settlement Account of the 2<sup>nd</sup> level, the Clearing House calculates new value of the Settlement Account of the 2<sup>nd</sup> level Single Limit.
- 30.21. Trading Member / Clearing Member, which is provided with the services regarding keeping clearing registers of the 3<sup>rd</sup> level, is entitled to change information on Collateral, recorded under a Settlement Account of the 3<sup>rd</sup> level via the Clearing System.
- 30.21.1. Changing information on Collateral, recorded under a Settlement Account of the 3<sup>rd</sup> level, is executed regardless the fact whether a Clearing Member has Collateral or not, recorded under the relevant Settlement Account of a Clearing Member / information on Collateral, recorded under the relevant Settlement Account of the 2<sup>nd</sup> level.
- 30.21.2. If under the Settlement Account of the 3<sup>rd</sup> level the feature, indicating the necessity to control the Single Limit of the Settlement Account of the 3<sup>rd</sup> level, is set, then when changing information on Collateral, recorded under the Settlement Account of the 3<sup>rd</sup> level, control of the Single Limit of the Settlement Account of the 3<sup>rd</sup> level is executed in the order, defined in the relevant part of the Clearing Rules.
- Trading Member / Clearing Member, which is provided with the services regarding keeping clearing registers of the 3<sup>rd</sup> level, is entitled via the Clearing System indicate that the change of information on Collateral, recorded under the Settlement Account of the 3<sup>rd</sup> level, shall be executed unconditionally.
- 30.21.3. After changing information on Collateral, recorded under a Settlement Account of the 3<sup>rd</sup> level, the Clearing House calculates a new value of a Single Limit of a Settlement Account of the 3<sup>rd</sup> level.
- 30.22. After transferring cash funds to a clearing banking or correspondent account of the Clearing House, opened in a Settlement Organization / Settlement Bank and its recording as Collateral under Settlement Account of a Clearing Member, the Clearing House obtains an obligation to return Collateral to a Clearing Member. The defined obligation to return to a

Clearing Member Collateral is executed taking into account conditions, defined in the paragraph 33.11, or conditions, defined in the relevant special part of the Clearing Rules.

**Article 31. Procedure for an Asset Profile transfer**

31.1. A Clearing Member is entitled to transfer Asset Profile under a Unified Pool Settlement Account / Trade Account, into the structure of which the Unified Pool Settlement Account is included.

An Asset Profile transfer is executed on the basis of the Request for an Asset Profile transfer.

31.2. In the Request for Asset Profile transfer a Clearing Member indicates:

- the Trade Account of a Clearing Member, into the structure of which a Unified Pool Settlement Account is included, under which an Asset Profile transfer is executed;
- the Clearing System of the first market;
- the list of changes in Asset Profile under clearing registers in the Clearing System of the first market:
  - code of a clearing register section (indication for the Clearing System of the Derivatives Market is obligatory);
  - Settlement Account of the 2<sup>nd</sup> or of the 3<sup>rd</sup> level (indication for the Clearing System of the Securities Market / Clearing System of the FX Market and Precious metals Market is obligatory);
  - code of an asset, which Profile is transferred;
  - change (with “plus” or “minus”) of an Asset Profile in the Clearing System of the first market;
- the Clearing System of the second market;
- the list of changes in an Asset Profile under clearing registers in the Clearing System of the second market:
  - code of clearing registers (indication for the Clearing System of the Derivatives Market is obligatory);
  - Settlement Account of the 2<sup>nd</sup> or of the 3<sup>rd</sup> level (indication for the Clearing System of the Securities Market / Clearing System of the FX Market and Precious metals market);
  - code of an asset, which Profile is transferred;
  - change (with “plus” or “minus”) of an Asset Profile in the Clearing System of the second market.

31.2.1. The total amount / total number of changes in Profiles of each asset, calculated according to the list of changes in Profiles under clearing registers in the Clearing System of the first market, shall be equal to an absolute value of the total amount / total number of changes in Profiles of such asset, calculated according to the list of changes in an Asset Profile under clearing registers in the Clearing System of the second market, and have counter signs.

31.2.2. It is not allowed to indicate in the Request for Asset Profiles transfer the Clearing System of the Securities Market as the Clearing System both of the first and of the second market.

- 31.3. The Request for Asset Profiles transfer is executed by the Clearing House at the same time when the following conditions are met for the whole list of changes of Asset Profiles under clearing registers in the Clearing System of the first and of the second market:
- execution of the Request for Asset Profiles transfer does not lead to the fact that a Clearing Member obtains a negative Settlement Account Single Limit, calculated in the Clearing System of the first and/or of the second Market (for Markets, where to control the efficiency of Collateral of a Clearing Member a Settlement Account Single Limit is used);
  - execution of the Request for Asset Profiles transfer does not lead to the fact that Collateral under a Settlement Account in the Clearing System of the first and/or of the second Market becomes insufficient (for markets, where a Settlement Account Single Limit is used to control the Collateral sufficiency );
  - when transferring Asset Profiles under a Trade Account T+ with the feature “short sales prohibition” and/or under a Trade Account T+ of a Clearing Member of the category “B”, the values calculated taking into account the Request for Asset Profiles transfer in accordance with the paragraph 33.14 for each Settlement Date will not become negative.
- 31.4. The Clearing House in order to execute the Request for Asset Profiles transfer:
- records changes in Asset Profiles in the Clearing System of the first and second markets under a Unified Pool Settlement Account;
  - begins recording new values of the Single Limit under a Unified Pool Settlement Account in the Clearing System of the first and/or second market, calculated taking into account changes in Asset Profiles in the Clearing System of the first and second markets (for markets, where to control the efficiency of Collateral of a Clearing Member a Settlement Account Single Limit is used);
  - in case of indication in the Request for Asset Profile transfer of a Settlement Account of the 2<sup>nd</sup> or of the 3<sup>rd</sup> level, changes information on Collateral, recorded under such Settlement Account of the 2<sup>nd</sup> or of the 3<sup>rd</sup> level in accordance with the paragraphs 30.20, 30.21;
  - in case of indication in the Request for Asset Profile transfer of a code of collateral registers section, changes information on Collateral, recorded under such clearing registers section in accordance the Clearing Rules on the Derivatives Market.
- 31.5. Specifications of the execution of the Request for Asset Profile transfer in the Clearing System of the relevant Market may be stipulated by a special part of the Clearing Rules.

## **Article 32. Procedure for submission and execution of Requests for securities selection**

- 32.1. A Clearing Member, corresponding to the requirements, set out in the paragraph 14.25 , is entitled to submit Requests for securities selection using a WEB-service of the Settlement Depository.
- 32.2. The Request for securities selection can be submitted by a Clearing Member for the following aims:
- posting securities to asset pools;
  - posting securities as contributions to Default Funds / Collateral for Stress;
  - posting securities as Collateral;

- fulfilment of obligations arising from Trades.
- 32.3. In the Request for securities selection a Clearing Member indicates:
- a Trade Account into the structure of which a Securities Sub-account / depo sub-account, in respect of which securities selection is to be made, is included;
  - the sum (in Russian rubles), in an amount within which securities selection is to be made, and/or
  - a code and a number of securities that are to be selected.
- 32.3.1. If in the Request for securities selection is indicated a sum, within which securities selection is to be made, securities selection is executed within the defined sum. If meanwhile a code and a number of securities to be selected are indicated, a code of securities points at securities that have the highest priority to be selected within the defined sum, a number of securities is a limitation on the maximum number of the defined securities when making a selection for the defined sum.
- 32.3.2. If in the Request for securities selection is not indicated a sum within which securities selection is to be made then in the Request for securities selection a code and a number of securities, which are to be selected, shall be indicated.
- 32.4. The Request for securities selection, submitted by a Clearing Member via the WEB-service of the Settlement Depository, is considered to be the Request for securities selection directed by the Clearing House to the Settlement Depository.
- 32.5. In cases, set out in the Clearing Rules, the Clearing House via the WEB-service of the Settlement Depository is entitled to direct to the Settlement Depository the Request for securities selection in respect of a Clearing Member, corresponding to the requirements, stipulated by the paragraph 14.25.
- 32.6. On the basis of received from the Clearing House / Clearing Member Request for securities selection the Settlement Depository in accordance with the terms of the collateral management services agreement, concluded with a deponent of the Settlement Depository, performs the securities selection, firstly using the priorities of the selection defined by a deponent of the Settlement Depository in the instruction to mark resources for securities selection for clearing by the CCP NCC, secondly the priorities of the selection defined in the Request for securities selection (if any).
- 32.6.1. If in the Request for securities selection a sum, within which securities selection is to be made, is specified, the Settlement Depository performs securities selection within the defined sum taking into account securities prices and also limitations on selection, received from the Clearing House in accordance with the paragraph 57.5.
- 32.7. After the execution of received from the Clearing House / Clearing Member of the Request for securities selection the Settlement Depository using a WEB-service of the Settlement Depository directs to the Clearing House / Clearing Member the Respond to the request for securities selection and also debits securities to a Securities Sub-account / depo sub-account, defined in the Request for securities selection and directs to the Clearing House information on increasing of a number of securities, recorded under a Securities Sub-account / depo sub-account, in accordance with the paragraph 57.8.



**Article 33. Procedure for Collateral return**

- 33.1. Return by the Clearing House to a Clearing Member of cash funds / precious metals, recorded as Collateral, is performed on the basis of:
- 1) the Request for Collateral return;
  - 2) the Standing Instruction to return collateral;
  - 3) the Request for collateral transfer;
  - 4) the Instruction to transfer cash funds / precious metal, submitted by a Clearing Member via the Clearing System;
  - 5) Request for receiving cash funds, submitted by the NSD.
- 33.2. Return by the Clearing House to a Clearing Member of securities, recorded as Collateral is performed on the basis of:
- 1) Instructions to transfer securities (excluding general collateral certificates), submitted by a Clearing Member via the Clearing System;
  - 2) the Request for Trade Account parameters change;
  - 3) Instructions of the person, for whom the trading depo account is opened, submitted to the Settlement Depository with the consent of the Clearing House.
- 33.3. Return of cash funds / precious metals on the basis of the Request for collateral return or of the Standing Instruction to return collateral is performed through an Account for Collateral Return, registered in the Clearing House in an order, stipulated by the paragraph 16.15, in advance.
- 33.4. The Request for collateral return / Standing Instruction to return collateral shall contain:
- 1) the indication of a Settlement Account of a Clearing Member;
  - 2) details of the Account for Collateral Return.
- 33.5. The Request for collateral return / Standing Instruction to return collateral may contain the indication of a Settlement Account of the 2<sup>nd</sup> or of the 3<sup>rd</sup> level.
- 33.5.1. The Request for collateral return / Standing Instruction to return collateral containing an indication of a Settlement Account of the 2<sup>nd</sup> level or of the 3<sup>rd</sup> level, not corresponding to a Settlement Account of a Clearing Member, defined in such Request for collateral return / Standing Instruction to return collateral is not executed by the Clearing House.
- 33.6. The Request for collateral return may contain:
- a) the sum of cash funds / amount of precious metal, or
  - b) the feature, specifying the necessity to return the whole available sum of cash funds / amount of precious metal;
  - c) a code of the Clearing System of the FX Market and Precious metals Market / the Clearing System of the Derivatives Market / the Clearing System of the Standardised Derivatives Market and a code of clearing registers section that means that when returning Collateral an Asset Profile is to be transferred (only for the Request for collateral return, containing the sum of cash funds / amount of precious metal).

- 33.6.1. The Request for collateral return in the relevant currency / relevant precious metal is accepted by the Clearing House on Settlement Days for the relevant currencies / relevant precious metals during the period of time, defined by the Time Specification.
- 33.6.2. When providing the Request for collateral return at the time later than the one defined in the Time Specification, the Clearing House is entitled not to execute the Request for collateral return.
- 33.6.3. The Request for collateral return is valid on the date of its provision.
- 33.6.4. The Request for collateral return is executed after its receipt under the conditions of its execution.
- 33.6.5. The Request for collateral return, containing a sum of cash funds / amount of precious metals, is executed under the conditions, defined in the paragraph 33.11, meanwhile the check of the defined conditions is performed in respect of a sum of cash funds / amount of precious metal, defined in the Request for collateral return.
- 33.6.6. The Clearing House executes the Request for collateral return, containing the feature, which indicates the necessity to return the whole available sum of cash funds / the whole available amount of precious metal, in the maximum possible sum of cash funds / maximum possible amount of precious metal, lessened for the sum of cash funds / amount of precious metal, defined in the Request for depositing and/or in the Depositing Standing Instruction (in case of providing by a Clearing Member to the Clearing House of the Request for depositing and/or of the Depositing Standing Instruction in accordance with the paragraph 33.8 for which the terms, defined in the paragraph 33.11, will be fulfilled.
- 33.6.7. The Request for collateral return, containing the sum of cash funds / amount of precious metal and which does not contain information defining the necessity of simultaneous Asset Profile transfer, not fulfilled immediately after its receipt because of non-fulfillment of conditions, defined in the paragraph 33.11, may be executed by the Clearing House later, during the period before defined in the Time Specifications time for execution of Standing Instructions to return collateral in the relevant currency / relevant precious metal, containing the feature, indicating the necessity to return the whole available sum of cash funds / the whole available amount of precious metal, if the conditions, defined in the paragraph 33.11 are met.
- 33.6.8. Request for collateral return, which contain sum of cash funds / amount of precious metal and which contain information defining the necessity of simultaneous Asset Profile transfer, not executed immediately after its receipt due to breach of terms, defined in the paragraph 33.11, are not executed and are annulled.
- 33.6.9. The Request for collateral return, containing the feature, indicating the necessity to return the whole available sum of cash funds / the whole available amount of precious metal, not fulfilled immediately after its receipt because of the fact that the terms, defined in the paragraph 33.11 are not fulfilled neither for any sum of cash funds / nor for amount of precious metals, is annulled.
- 33.7. The Standing Instruction to return collateral may contain:
  - a) the feature, indicating the necessity to return the whole available sum of cash funds / the whole available amount of precious metal, or
  - b) the feature, indicating the necessity to return cash funds / precious metal in an amount equal to the Net Claim, or

- c) the feature, indicating the necessity to return cash funds in Russian rubles in the amount of the Net Claim of the Clearing Member, not taking into account obligations to pay the fees.
- 33.7.1. The Standing Instruction to return collateral is executed by the Clearing House on each Settlement Day for the relevant currency / relevant precious metal, beginning from the first Settlement Day for the relevant currency / relevant precious metal, following the date of provision of the defined instruction under the terms of its execution.
- 33.7.2. Execution by the Clearing House of the Standing Instructions to return collateral, which contain the feature that indicates the necessity to return the whole available sum of cash funds / the whole available amount of precious metals, is executed during the period of time, defined in the Time Specifications, in the maximum available sum of cash funds / maximum available amount of precious metal, lessened for the sum of cash funds / amount of precious metal, defined in the Request for depositing and/or in the Standing Instruction to depositing (in case of providing by a Clearing Member to the Clearing House of the Request for depositing and/or the Standing Instruction to depositing in accordance with the paragraph 33.8, for which the conditions defined in the paragraph 33.11 will be met.
- 33.7.3. The Standing instruction to return collateral, which contains the feature, indicating the necessity to return cash funds in foreign currency / precious metal in an amount that is equal to the Net Obligation / Standing Instruction to return collateral, which contains the feature that indicates the necessity to return cash funds in Russian rubles in the amount of the Net Claim of the Clearing Member without taking into account obligations to pay fees, is executed by the Clearing House after calculation of the Total Net Obligation / Total Net Claim of a Clearing Member in the relevant currency / precious metal, defined in the Time Specifications, in an amount of such Net Claim of a Clearing Member in the relevant currency, calculated in accordance with the sub-paragraph 33.7.4, under the conditions, defined in the paragraph 33.11, meanwhile the check of the defined terms is performed in respect of the defined Net Claim.

In respect of the Standing Instruction to return collateral, which contains the feature, indicating the necessity to return cash funds in Russian rubles in the amount of the Net Claim of the Clearing Member, not taking into account obligations to pay the fees, check and return of Collateral, indicated in this sub-paragraph, are executed in respect of the net claim of the Clearing Member in Russian rubles, calculated in accordance with the sub-paragraph 33.7.4 and lessened for the sum of obligations to pay fees with the arrived Settlement Date.

The Clearing House executes the Standing Instruction to return collateral, which contains the feature, which indicates the necessity to return cash funds in Russian rubles in the amount, which is equal to the amount of the Net Claim, after calculation of obligations to pay variable parts of fees.

- 33.7.4. Net Claim of the Clearing Member in the relevant currency / relevant precious metals, in the amount of which Standing Instruction to return collateral, which contains the feature, defining the necessity to return cash funds in foreign currency / precious metals in the amount of the net claim, is calculated as follows:
- Total Net Claim of the Clearing Member in such currency – when returning Collateral in cash funds, recorded under Settlement Accounts, opened for the FX Market and Precious Metals Market and Settlement Accounts opened for the Derivatives market and which are not Unified Pool Settlement Accounts;

- Total Net Claim of the Clearing Member in such precious metals – when returning Collateral in precious metals;
  - sum (taking into account the sign) of Net obligations / Net claims of the Clearing Member in cash funds in such currency under clearing pools trades, calculated in accordance with the Clearing Rules on the Securities Market, Deposit Market and Credit Market, and obligations / claims to pay for securities under buy-sell trades with the settlement code Z0, X0 and first parts of REPO trades with the settlement code Z0, defined in the Clearing Rules on the Securities Market, Deposit Market and Credit Market, - when returning Collateral in cash funds, recorded under Unified Pool Settlement Accounts or under Settlement Accounts, opened for the Securities Market, Deposit Market and Credit Market which are not Unified Pool Settlement Accounts.
- 33.7.5. The Standing Instruction to return collateral, containing the feature, indicating the necessity to return cash funds / precious metal in an amount that is equal to the Net Claim, not fulfilled immediately after calculation of the Total Net Obligations / Total Net Claims of a Clearing Member in the relevant currency / precious metal, specially defined in the Time Specifications, due to the non-fulfillment of the terms, defined in the paragraph 33.11, can be executed by the Clearing House later, during the period before the time, defined by the Time Specifications as the time for the execution of the Standing instruction to return collateral in the relevant currency / precious metal, containing the feature, indicating the necessity to return the whole available sum of cash funds / the whole available amount of precious metal, if the terms, defined in the paragraph 33.11 will be fulfilled.
- 33.7.6. The Standing Instruction to return collateral, containing the feature, indicating the necessity to return cash funds / precious metal in an amount that is equal to the Net Claim, not fulfilled before the defined in the Time Specification time for fulfillment of the Standing Instructions to return collateral in the relevant currency / precious metal, containing the feature, indicating the necessity to return the whole available sum of cash funds because of non-fulfilment of the terms, defined in the paragraph 33.11, is executed by the Clearing House right at the period in the order as the Standing Instruction to return collateral, containing the feature, indicating the necessity to return the whole available sum of cash funds / the whole available amount of precious metal.
- 33.7.7. The Clearing House is entitled to make a decision on annulment of the valid Standing Instructions to return collateral not later than a Settlement Day, following the date of making such decision, in case if the Clearing House obtains any grounds to suppose that there is a necessity to get more details on information, defined in the Standing Instruction to return collateral. The Clearing House notifies a Clearing Member on approved decision on annulment of the Standing Instruction to return collateral not later than the day following the day of approving of such decision.
- 33.7.8. The Standing Instruction to return collateral is valid until its cancellation by a Clearing Member or till the date of approving by the Clearing House of a decision on annulment of Standing Instructions to return collateral.
- 33.8. A Clearing Member is entitled to provide to the Clearing House the Request for depositing or the Depositing Standing Instruction, containing the indication of the sum of cash funds in the particular currency / amount of precious metal, which is required to be remained as a part of Collateral of a Clearing Member in such currency / such precious metal when returning cash funds / precious metal.

The Request for depositing or the Depositing Standing Instruction does not apply when executing the Request for collateral return, containing the sum of cash funds / amount of precious metal, and the Standing Instruction to return collateral, containing the feature, indicating the necessity to return cash funds / precious metal in an amount equal to the Total Net Obligation.

- 33.8.1. The Request for depositing or the Depositing Standing Instruction shall contain:
- a) a Settlement Account of a Clearing Member;
  - b) a code of a currency / a code of precious metal;
  - c) a sum of cash funds / an amount of precious metal.
- 33.8.2. The Request for depositing in the relevant currency / precious metal are accepted by the Clearing House on Settlement Days for the relevant currency / precious metal during the period of time, defined in the Time Specification.
- 33.8.3. The Request for depositing is valid through the day of its provision.
- 33.8.4. The Depositing Standing Instruction is executed by the Clearing House each Settlement Day for the relevant currency / precious metal from the first Settlement Day for the relevant currency / precious metal following the day of provision of the particular instruction.
- 33.8.5. The Depositing Standing Instruction is valid till its cancellation by a Clearing Member.
- 33.8.6. If there is valid Deposit Standing Instruction in the relevant currency / precious metal and submitting of the Request for depositing in such currency / precious metal of the sum of cash funds in such currency / amount of precious metal, defined in such documents are summed up when defining the sum of cash funds / amount of precious metal, due to be returned to a Clearing Member in accordance with the sub-paragraphs 33.6.6, 33.7.2.
- 33.9. Return by the Clearing House to a Clearing Member of cash funds, recorded as Collateral, is executed on the basis of the Request for receiving cash funds, submitted to the NCC, in case if the Clearing Member provided the Clearing House with the Request for changing Settlement Account parameters, which contains the indication to set for the Settlement Account of the Clearing Member the feature “NCC-NSD account”, and registered trading banking account, opened with the NSD, as the Account for the Collateral Return for the Settlement Account for Collateral return.
- 33.9.1. The Clearing Member through the provision of the Request for changing Settlement Account parameters, which contains the indication to set for the Settlement Account of the Clearing Member the feature “NCC-NSD account” and registration of the trading banking account, opened with the NSD, as the Account for the Collateral Return in cash funds for the Settlement Account of the Clearing Member.
- 33.9.2. The Clearing Member must notify the Clearing House on termination of the abovementioned powers of the clearing organization NSD through the provision to the Clearing House of the Request for changing Settlement Account parameters, which contains the indication to remove the feature “NCC-NSD account” from the Settlement Account of the Clearing Member.
- 33.10. The Request for receiving cash funds, submitted by the NSD, shall contain the following:
- Settlement Account of the Clearing Member;
  - currency code;
  - amount of cash funds;

- number of the Account for the Collateral Return;
  - feature that indicates the admissibility of the partial fulfillment.
- 33.10.1. The Request for receiving cash funds in the relevant currency are accepted by the Clearing House on Settlement Days for the relevant currency during the period of time, defined in the Time Specifications.
- 33.10.2. When providing the Request for receiving cash funds later than the time, defined in the Time Specifications, the Clearing House does not execute the Request for receiving cash funds.
- 33.10.3. The Request for receiving cash funds is in effect on the day of its provision.
- 33.10.4. The Request for receiving cash funds is executed after it has been received if all the terms have been met.
- 33.10.5. The Request for receiving cash funds is executed for the Settlement Account of the Clearing Member with the feature “NCC-NSD account” if the terms, defined in the paragraph 30.11 have been met, while z these particular terms is executed in respect of the Settlement Account of the Clearing Member and the amount of cash funds, defined in the Request for receiving cash funds.
- 33.10.6. The Request for receiving cash funds, not executed immediately after it has been received due to non-observance of the terms, defined in the sub-paragraph 33.10.5.
- 33.11. Return by the Clearing House to a Clearing Member of Collateral in cash funds / precious metals, recorded under a Settlement Account of a Clearing Member is executed under the following conditions:
- a Settlement Account Single Limit is not negative and Settlement Account Single Limit, calculated without taking into account of the returned sum of cash funds / amount of precious metal, will not become negative (for Unified Pool Settlement Accounts, for Settlement Accounts on the Securities Market, Deposit Market and Credit Market, on FX Market and Precious Metals Market);
  - value  $SZ_{SC}$  under the Settlement Account, calculated without returned amount of cash funds, will not become negative (for Settlement Accounts on the Derivatives Market);
  - Positions security ratio under the Settlement Account, calculated without returned amount of cash funds, will not become negative (for Settlement Accounts on the Standardised Derivatives Market);
  - returned sum of cash funds / amount of precious metals does not exceed the sum (taking into account the sign) of the Collateral, lessened for the sum of obligations with the postponed settlement in such currency, calculated in accordance with the Article 28, and Net obligations / Net claims in the relevant currency / precious metals with the current Settlement Date, recorded under Settlement Account – for Standing Instructions to return collateral, which contain the feature indicating the necessity to return cash funds in the foreign currency / precious metal in the amount of the net claim;
  - returned sum of cash funds / amount of precious metal does not exceed the maximum value out of these two values: (1) the value of Collateral in the relevant currency / precious metal, recorded under a Settlement Account of a Clearing Member, lessened for the sum of obligations with the deferred settlement in such currency, defined in accordance with the Article 28; (2) the sum (taking into account the sign) of the

values of Collateral and a Net Obligation / Net Claim in the relevant currency / precious metal with the current Settlement Date, recorded under a Settlement Account (if applicable) – for the return of Collateral in cash funds / precious metal under other grounds except for Collateral return on the basis of Standing Instructions to return collateral, which contain the feature indicating the necessity to return cash funds in the foreign currency / precious metal in the amount of the net claim;

- in case of return of cash funds from a Settlement Account of a Clearing Member with the feature “short sale prohibition” and/or when returning currency / precious metal, under which the feature “short sales prohibition” and/or from a Settlement Account of a Clearing Member of the category “B” – the values, calculated without taking into account of the returned sum of cash funds / amount of precious metals in accordance with the paragraph 33.14 for each Settlement Date (taking into account the validity period of the feature “short sales prohibition” in respect of the foreign currency / precious metal, set by the Clearing House in accordance with the sub-paragraph 24.2.5) will not become negative;
- in case of return of cash funds from the proprietary Settlement Account – the cross default procedure in respect of the Clearing Member is not executed;
- in case of return of cash funds from the Unified Pool Settlement Account – in case of the positive result of the additional check of the Single Limit, defined in the paragraph 25.5.

Other and/or additional terms for return of Collateral in cash funds may be stipulated by a special part of the Clearing Rules.

- 33.11.1. Return by the Clearing House of cash funds, recorded under the Collateral Account T0, is executed under the condition that the returned amount of cash funds does not exceed the amount of cash funds, recorded under such Collateral Account, minus the relevant Imposed Limitation.
  - 33.11.2. Return by the Clearing House to the Clearing Member of Collateral in cash funds / precious metals, recorded under the Settlement Account, which forms the part of the Trade Account T+, is not performed if the value, calculated by the Clearing House in respect of the Clearing Member with the aim to control concentration risks to issuers, according to the order defined in the Methodology for controlling limits of concentration on issuers, calculated without returned amount of cash funds / precious metals, becomes negative or if negative value, mentioned in this paragraph, calculated without taking into account returned amount of cash funds / precious metals will be lessened (for Settlement Accounts of the Securities Market, Deposit Market and Credit Market).
  - 33.11.3. In case if obligations to pay sums, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation, which are recorded under the Settlement Account, are recorded under the Settlement Account for paying taxes, return by the Clearing House to the Clearing Member of Collateral in cash funds, recorded under such Settlement Account, is not executed if absolute value of the negative Single Limit of this Settlement Account for paying taxes is larger than the value, defined by the decision of the Clearing House (hereinafter referred to as the limit for triggering Margin Call for taxes).
- 33.12. In case if the Clearing House receives from the Settlement Depository request for the consent of the Clearing House to withdraw securities from Sub-accounts Clusters with the defined feature identifying possibility of partial withdrawal in accordance with the paragraph 57.9, amount of securities, in respect of which the possibility of the Clearing

House to return Collateral to the Clearing Member according to the paragraph 33.13 is checked, is calculated as the minimum value out of the following: (1) amount of securities, recorded according to the information, received from the Settlement Depository, under the Sub-accounts Cluster, defined in the consent of the Clearing House to withdraw securities from the Sub-accounts Cluster; (2) sum of the Collateral in securities, recorded under the Trade Account, part of which is formed by the Sub-accounts Cluster, defined in the consent of the Clearing House to withdraw securities from the Sub-accounts Cluster, and Net obligations in securities with the arrived Settlement Date, recorded under such Trade Account (recorded with minus).

33.13. Return by the Clearing House to a Clearing Member of Collateral in securities, recorded under a Trade Account T+ of a Clearing Member is performed under the following conditions:

- a Settlement Account Single Limit is not negative and Settlement Account Single Limit, calculated without taking into account returned securities, will not become negative (for the Unified Pool Settlement Accounts, for Settlement Accounts on the Securities Market, Deposit Market and Credit Market, on the FX Market and Precious Metals Market);
- returned amount of securities does not exceed the minimum value of one of these two: (1) the value of Collateral in the relevant securities, recorded under a Trade Account T+ of a Clearing Member; (2) an amount of securities, recorded under a Securities Sub-account T+, which is included into the structure of such Trade Account T+, according to the information, received from the Settlement Depository (condition, mentioned in this paragraph, is not applied to the return of Collateral in securities when the Clearing House receives from the Settlement Depository request for the consent of the Clearing House to withdraw securities from the Sub-accounts Clusters with the defined feature identifying possibility of partial withdrawal);
- in case of return of securities from a Trade Account T+ of a Clearing Member with the feature “short ” and/or securities with the feature “short sales prohibition” and/or from a Trade Account T+ of a Clearing Member of the category “B”, - the values, calculated without taking into account returned amount of securities in accordance with the paragraph 33.16 for each Settlement Dates (or Settlement Dates, defined in the paragraph 24.2.5 when setting validity period for the feature “short sales prohibition” in respect of the security), will not become negative, and in case if by the end of the Settlement Day, preceding to the day when the feature “short sales prohibition” is set in respect of the security for the period, value, calculated in accordance with the paragraph 33.16, for any Settlement Date was negative, the absolute value of the negative value, calculated without taking into account returned amount of securities in accordance with the paragraph 33.16, for Settlement Dates, defined in the sub-paragraph 24.2.5, when setting validity period for the feature “short sales prohibition”;
- in case of return of securities from the Trade Account, into the structure of which the proprietary Account is included – the cross default procedure in respect of the Clearing Member is not executed;
- in case of return of securities from the Trade Account T+, into the structure of which the Unified Pool Settlement Account is included, - in case of positive result of the additional check of the Single Limit, defined in the paragraph 25.5.



The other and/or additional terms of collateral return in securities may be stipulated by a special part of the Clearing Rules.

- 33.13.1. Return by the Clearing House of securities, recorded under the Securities Sub-account T0, is executed under the condition that the number of securities to be withdrawn does not exceed the number of securities, recorded under the Trade Account T0 and the number of securities, recorded under the Securities Sub-account T0 on the basis of the information, received from the Settlement Depository.
- 33.13.2. Return by the Clearing House to the Clearing Member of Collateral in securities, recorded under the Trading Account T+, is not performed if the value, calculated by the Clearing House in respect of the Clearing Member with the aim to control concentration risks to issuers according to the Methodology for controlling limits of concentration on issuers, calculated without returned amount of securities, becomes negative or if the negative value mentioned in this paragraph calculated without returned amount of securities will be lessened (for Settlement Accounts of the Securities Market, Deposit Market and Credit Market).
- 33.13.3. In case if obligations to pay sums, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation, which are recorded under the Settlement Account, which is the part of the Trade Account, are recorded under the Settlement Account for paying taxes, return by the Clearing House to the Clearing Member of Collateral in securities, recorded under such Trade Account, is not executed if absolute value of the negative Single Limit of this Settlement Account for paying taxes is larger than the limit for triggering Margin Call for taxes.
- 33.14. Clearing House does not return Collateral in securities to the Clearing Member of the category “K” unless otherwise stated in the decision of the Clearing House.
- 33.15. The sum of cash funds / amount of precious metal / securities, in respect of which the additional check of the ability to execute an operation, performed under a Trade Account / Settlement Account, when there is the feature “uncovered sales prohibition” / “short sales prohibition”, and/or a Clearing Member of the category “B”, and/or under securities with the feature “short sales prohibition”, and/or under securities recorded under a depo sub-account of an asset pool, is calculated as the sum taking into account the sign:
- 33.15.1. for cash funds:
- Collateral of a Clearing Member in the relevant currency, recorded under a Settlement Account, lessened for the sum of an obligation with postponed settlement in such currency, defined in accordance with the Article 26;
  - obligations and/or claims of a Clearing Member arising from Trades, under which clearing of secured trades is executed in respect of the relevant cash funds, in such cash funds, recorded under a Settlement Account;
  - all obligations in cash, which may arise on the basis of registered orders / Quotations of a Trading Member if there is registered order, which is valid opposite to the Quotation of a Trading Member, the collateral management procedure in respect of which is executed under a Settlement Account, and in respect of which a clearing of secured trades in cash is executed;
  - Asset Profiles under the relevant cash funds, recorded under a Settlement Account, which is a Unified Pool Settlement Account, in the Clearing System of the relevant market;

33.15.2. for precious metals:

- Collateral of a Clearing Member in the relevant precious metals, recorded under a Settlement Account;
- obligations and/or claims of a Clearing Member arising from Trades, under which clearing of secured trades is executed in respect of the relevant precious metals, in such precious metals, recorded under a Settlement Account;
- all obligations under precious metals, which may arise on the basis of registered orders, the collateral management procedure in respect of which is executed under a Settlement Account, and in respect of which clearing of secured trades in precious metals is executed;
- Asset Profiles under the relevant precious metals, recorded under a Settlement Account, which is a Unified Pool Settlement Account, in the Clearing System of the relevant market;

33.15.3. for securities:

- Collateral of a Clearing Member in securities, recorded under a Trade Account T+;
- obligations and/or claims of a Clearing Member arising from Trades, under which clearing of secured trades in securities is executed, in such securities, recorded under a Trade Account T+;
- all obligations in securities, which may arise on the basis of registered orders / Quotations of a Trading Member if there is registered order, which is valid opposite to the Quotation of a Trading Member, the collateral management procedure in respect of which is executed under a Trade Account T+, and in respect of which clearing of secured trades in securities is executed;
- Asset Profiles of the relevant securities, recorded under the Trade Account, into the structure of which the Unified Pool Settlement Account is included, in the Clearing System of the relevant on-exchange market.

33.16. To fulfill its obligation to return to a Clearing Member Collateral in cash funds in the relevant currency / relevant precious metal on the basis of the Request for collateral return / Standing Instruction to return collateral, the Clearing House transfers cash funds in such currency / these particular precious metals to the relevant Account for Collateral Return.

33.16.1. Obligation of the Clearing House to return Collateral in cash funds to a Clearing Member to the Account for Collateral Return (except for return of Collateral to the Account for Collateral Return, registered with the Clearing House) is considered to be fulfilled since of the moment when a Settlement Organization / Settlement Bank debits cash funds from clearing banking / correspondent account of the Clearing House.

Obligation of the Clearing House to return to the Clearing Member Collateral in cash funds to the Account for Collateral Return, registered with the Clearing House, is considered to be fulfilled at the moment when cash funds are credited to the Account for Collateral Return.

In order to return Collateral in precious metals the Clearing House forms and executes instructions to withdraw precious metals from the trading bank account to the relevant Account for Collateral Return. The Clearing House credits Collateral in precious metals from the trading bank account in precious metals under the terms of Collateral return in precious metals, set out in the paragraph 33.9.

The Clearing House is not responsible for non-fulfillment (unduly fulfillment) by a Settlement Institution / Settlement Bank of the Instructions of the Clearing House to debit cash funds in favor of a Clearing Member except for cases, when such non-fulfillment resulted from the fault of the Clearing House

The Clearing House is not responsible for the fact that correspondent banks levy its own fees from the Collateral sum in foreign currency, to be returned to the Clearing Member.

33.16.2. When returning to a Clearing Member Collateral in the relevant currency / relevant precious metal the size of Collateral, recorded under a Settlement Account of a Clearing Member in such currency / such precious metal lessens for the sum of returned cash funds / amount of returned precious metal, Obligation of the Clearing House to return to the Clearing Member Collateral in the relevant currency is terminated in the part, corresponding to the return amount.

33.16.3. When executing the Request for collateral return, which contains a code of the Clearing System of the FX Market and precious metal Market / the Clearing System of the Standardised Derivatives Market / the Clearing System of the Derivatives Market and a code of a clearing registers section, defined in accordance with the paragraph 33.6 the Clearing House also:

- records in the Clearing System of the FX Market and precious metals Market / Clearing System of the Standardised Derivatives Market / Clearing System of the Derivatives Market changes of an Asset Profile, received from the Clearing System of the Securities Market , in an amount equal to the returned sum of cash funds / amount of precious metal (with “minus”);
- records in the Clearing System of the Securities Market changes of an Asset Profile, transferred to the Clearing System of the relevant market, in an amount equal to the returned sum of cash funds / amount of precious metal (with “plus”).

33.16.4. When executing the Request for collateral return / Standing Instruction to return collateral, which contains reference to a Settlement Account of the 2<sup>nd</sup> level, the Clearing House also records information on Collateral return under a Settlement Account of the 2<sup>nd</sup> level.

When executing the Request for collateral return / Standing Instruction to return collateral, which contains reference to a Settlement Account of the 3<sup>rd</sup> level, the Clearing House also records information on Collateral return under a Settlement Account of the 3<sup>rd</sup> level, defined in the Request for collateral return / Standing Instruction to return collateral, and under a Settlement Account of the 2<sup>nd</sup> level, corresponding to a Settlement Account of the 3<sup>rd</sup> level, defined in the Request for collateral return / Standing Instruction to return collateral.

Meanwhile the size of Collateral in the relevant currency / relevant precious metal, information on which is recorded under a Settlement Account of the 2<sup>nd</sup> and/or of the 3<sup>rd</sup> level lessens for the sum of returned cash funds / precious metals without checking the efficiency of Collateral, information about which is recorded under a Settlement Account of the 2<sup>nd</sup> and/or of the 3<sup>rd</sup> level.

33.17. Return of cash funds in the foreign currency on the basis of the Request for collateral return or on the Standing Instruction to return Collateral in the amount that exceeds the value, set out by the decision of the Clearing House for each foreign currency, is executed in parts, each of them does not execute the defined value.

33.18. The procedure for execution the Request for collateral transfer is defined by the paragraphs 30.17-30.18.

- 33.19. An instruction to transfer cash funds / securities, submitted by a Clearing Member via the Clearing System, is executed in accordance with the paragraph 30.15.
- 33.20. Return of Collateral in securities on the basis of the Request for changing parameters of a Trade Account is performed in the Clearing System of the Securities Market under a Trade Account T0, connected with a Trade Account T+.
- 33.21. The Request for changing parameters of a Trade Account contains indication for the Clearing House:
- a) on the order of transferring securities from Trade Account T0 to Trade Accounts T+ when fulfilling obligations, included into the Unified Clearing Pool:
    - to not transfer;
    - to transfer in the sum / amount, which is insufficient to fulfill a Total Net Obligations of a Clearing Member under securities;
    - to transfer in an amount of a Total Net Obligation of a Clearing Member in securities.

In case of non-provision of the Request for changing parameters of a Trade Account securities from Trade Accounts T0 to Trade Accounts T+ when fulfilling obligations, included into the Unified Clearing Pool, are transferred in an amount, which is insufficient to fulfil the Total Net Obligation of a Clearing Member under securities;

- b) on the order of returning securities from Trade Accounts T+ after terminating obligations, included into the Unified Clearing Pool:
  - to not return;
  - to return in an amount of the Total Net Claim of a Clearing Member in securities.

In case of non-provision of the Request for changing parameters of a Trade Account securities from a Trade Accounts T+ after terminating of obligations, included into the Unified Clearing Pool, are not returned.

- 33.21.1. The Request for changing parameters of a Trade Account is executed by the Clearing House on a Settlement Day, which follows the date of provision of the particular request.
- 33.21.2. Return by the Clearing House to a Clearing Member of the Collateral in securities on the basis of the Request doe changing parameters of a Trade Account is performed after terminating obligations, included into the Unified Clearing Pool in accordance with the Article 45, in an amount of terminated Total Net Claim of a Clearing Member under securities, recorded under a Trade Account T+, which does not exceed the amount of securities, recorded as Collateral under a Trade Account T+ minus the relevant Imposed Limitation, and under the condition that return of such amount of securities from Collateral will not lead to the fact that a Clearing Member will obtain a negative Settlement Account Single Limit, which is a part of such Trade Account T+, or for the maximum amount as Collateral under Trade Account T+, return from Collateral of which will not lead to the fact that a Clearing Member will obtain a negative Settlement Account Single Limit, which is a part to a Trade Account T+.
- 33.21.3. Immediately after the check of the ability to return securities from Collateral, executed in accordance with the sub-paragraph 33.21.2 of the Common part of the Clearing Rules, the amount of Collateral, recorded under a Trade Account T+ of a Clearing Member, lessens however the size of Collateral, recorded under a Trade Account of a Clearing Member, into

the structure of which is included a Securities Sub-account T0 that increases for the amount of returned securities.

- 33.21.4. Obligations to debit / credit securities under Requests for changing parameters of a Trade Account, which passed checks on the ability to fulfill in accordance with the sub-paragraph 33.21.2, are included into the Clearing Pool for Settlement after the Trading Day and recorded when defining Net Obligations / Net Claims of Clearing Members under securities under trades of the clearing pool in accordance with the Clearing Rules on the Securities Market, Deposit Market and Credit Market.
- 33.22. Return of Collateral in securities on the basis of instructions to withdraw securities from a Securities Sub-account T+, submitted to the Settlement Depository, is performed through a section of a trading depo account, defined in an instruction.
- 33.23. The Clearing House is entitled to perform at any time netting of claims in cash of a Clearing Member to return Collateral in the relevant currency, recorded under a Settlement Account of a Clearing Member, with claims in cash of the Clearing House to such Clearing Member in such currency, recorded under such Settlement Account.
- 33.24. Relevant special parts of the Clearing Rules define specifics of Collateral Return to Category “K” Clearing Members.

## **SUB-SECTION IV-II. PROCEDURE FOR POSTING AND RETURNING COLLATERAL FOR STRESS, CONTRIBUTIONS TO DEFAULT FUNDS AND CONCENTRATION RISK MITIGATION COLLATERAL**

### **Article 34. Procedure for posting contributions to Default Funds and Collateral for Stress, Concentration Risk Mitigation Collateral**

- 34.1. Posting cash funds in Russian rubles and foreign currency as contributions to Default Funds / Collateral for Stress / Concentration Risk Mitigation Collateral by a Clearing Member is possible using the following ways:
- 1) through transferring cash funds to a clearing banking account of the Clearing House under the details, disclosed on the Clearing House's website, with the obligatory indication in the purpose of payment of a Default Funds Contributions Settlement Account / Collateral for Stress / Concentration Risk Mitigation Collateral Settlement Account;
  - 2) through executing an instruction to transfer cash funds, submitted by a Clearing Member via the Clearing System;
  - 3) through executing the Request for collateral transfer.
- 34.2. Collateral for Stress / Concentration Risk Mitigation Collateral in the foreign currency, which is the individual clearing collateral, is transferred to the clearing bank account of the Clearing House with the Settlement Institution.
- 34.2.1. Collateral for Stress / Concentration Risk Mitigation Collateral in the foreign currency, which is "the other" collateral, is transferred to the correspondent account of the Clearing House with the Settlement Bank or to the clearing bank account of the Clearing House with the Settlement Institution.
- 34.2.2. Default Funds contributions are transferred to the clearing bank account of the Clearing House with the Settlement Institution.
- 34.3. The Clearing House records in the Clearing System cash funds, transferred to the relevant clearing bank account / correspondent account of the Clearing House, under a Default Funds Contributions Settlement Account / Collateral for Stress / Concentration Risk Mitigation Collateral Settlement Account, indicated in the purpose of payment, and enlarges the Single Limit of the Default Funds / Collateral for Stress Single Limit / Concentration Risk Single Limit under such Settlement Account taking into account transferred cash funds amount.
- 34.3.1. If a Settlement Account, indicated in the purpose of payment, is not found among registered by the Clearing House Settlement Accounts for recording Default Funds contributions / Collateral for Stress / Concentration Risk Mitigation Collateral, the Clearing House is entitled to require from a Clearing Member or from the payer bank clarification of the purpose of payment, recording of cash funds in accordance with this paragraph 34.3 is performed by the Clearing House after receiving from a Clearing Member / bank of a payer of such clarification of the purpose of payment with correctly indicated Settlement Account.

- 34.3.2. If during 5 (five) Settlement Days under the relevant currency since of the date, following the date of crediting cash funds in Russian rubles / foreign currency to the relevant clearing banking account / correspondent account of the Clearing House with non-specified / incorrectly specified Settlement Account for recording Default Funds Contributions / Collateral for Stress / Concentration Risk Mitigation Collateral in the purpose of payment, a Clearing Member / payer bank does not provide the Clearing House with the clarification of the purpose of payment with correctly indicated Settlement Account for recording Default Funds Contributions / Collateral for Stress / Concentration Risk Mitigation Collateral, the Clearing House returns the abovementioned cash funds under the details of a payer.
- 34.3.3. Cash funds, transferred to the relevant clearing banking account / correspondent account of the Clearing House, later than the time set out in the Time Specifications, are recorded by the Clearing House on the following Settlement Day.
- 34.4. Procedure for submission and execution of Instructions to transfer cash funds is defined in the paragraph 30.15.
- 34.5. Procedure for execution of the Request for collateral transfer is defined in the paragraphs 30.17-30.18.
- 34.6. To post securities as contributions to Default Funds / Collateral for Stress / Concentration Risk Mitigation Collateral a Clearing Member must take actions, required in order to open securities sub-account for default funds / securities sub-account for collateral for stress / securities sub-account for recording Risk Mitigation Collateral.
- 34.6.1. The Clearing House opens a Default Funds Trade Account / Collateral for Stress / Concentration Risk Mitigation Collateral Trade Account of a Clearing Member after receiving list of Securities Sub-accounts / depo sub-accounts, into which is included information on the relevant opened default funds depo sub-account / collateral for stress depo sub-account / depo sub-account for recording Concentration Risk Mitigation Collateral, from the Settlement Depository.
- 34.6.2. Default Funds Trade Account / Collateral for Stress Trade Account / Concentration Risk Mitigation Collateral Trade Account can be indicated in securities sell orders. Clearing of secured trades is executed in respect of trades, executed on the basis of such orders.
- 34.7. Posting securities as contributions to Default Funds / Collateral for Stress / Concentration Risk Mitigation Collateral is possible through the following methods:
- 1) through the execution of an instruction to transfer securities, submitted by a Clearing Member via the Clearing System;
  - 2) as a result of execution of the Request for securities selection, submitted by a Clearing Member via the Clearing System.
- 34.8. Procedure for submission and execution of instructions to transfer securities is defined in the paragraph 30.15.
- 34.8.1. In an Instruction to transfer securities, submitted in order to post securities as contributions to Default Funds / Collateral for Stress / Concentration Risk Mitigation Collateral, as a Trade Account, under which lessening of securities is performed, only a Trade Account, into the structure of which a Securities Sub-account, opened on a depo trade account of the owner of a Clearing Member, may be indicated.

34.9. Procedure for submission and execution of the Requests for securities selection is defined in the Article 32.

**Article 35. Default Funds Single Limit, Collateral for Stress Single Limit, Concentration Risk Single Limit**

35.1. To control the fulfillment of obligations of a Clearing Member to post contributions to Default Funds, the Clearing House calculates Default Funds Single Limit of a Clearing Member as a sum of, taking into account the sign:

- cash funds in Russian rubles, recorded under a Default Funds Contributions Settlement Account (recorded with “plus”);
- cash funds in foreign currency, recorded under a Default Funds Contributions Settlement Account, converted into Russian rubles according to the relevant to the Lower bound of the Market risk range, determined for such foreign currency in accordance with the Risk parameters on the FX Market and Precious metals Market calculation methodology (recorded with “plus”);
- securities, recorded under a Default Funds Trade Account, converted into Russian rubles according to the relevant Lower bound of the Market risk range, defined for such foreign currency in accordance with the Risk parameters on the Securities Market and Deposit Market calculation methodology (recorded with “plus”);
- Net Claims of the Clearing Member in cash funds in Russian rubles, recorded under the Settlement Account for recording Default Funds contributions, through all Settlement Dates (recorded with “plus”);
- Net Claims of the Clearing Member in cash funds in foreign currency, recorded under the Settlement Account for recording Default Funds contributions, through all Settlement Dates, denominated in Russian rubles according to the relevant Lower Bound of the Market Risks Range, set for such foreign currency in accordance with the Risk parameters on the FX Market and Precious metals Market calculation methodology (recorded with “plus”);
- Net Obligations of the Clearing Member in securities, recorded under Default Fund contributions Trade Account, through all Settlement Dates, denominated in Russian rubles according to the relevant Lower Bound of the Market Risks Range, set for such security in accordance with the Risk parameters on the Securities Market and Deposit Market calculation methodology (recorded with “minus”);
- stipulated by the special parts of the Clearing Rules minimum sizes of a contribution to Default Funds of markets, where a Clearing Member is admitted to clearing service with the category “O” or “B” (recorded with “minus”);
- sum, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation to be withhold from the Clearing Member, since the Trade execution date / date of income receipt by the Clearing Member till the date, following the date if income receipt by the Non-resident Clearing Member (in favor or the beneficial owner of income of the Non-resident Clearing Member inclusively) / Clearing Member – International Organization (in favor of the beneficial owner of income of the Clearing Member – International Organization) (including this date) (is recorded with minus);
- sum, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation to be withhold from the



Clearing Member, since the Trade execution date / date of income receipt by the Clearing Member till the date, following the date of income receipt by the Non-resident Clearing Member (in favor or the beneficial owner of income of the Non-resident Clearing Member inclusively) / Clearing Member – International Organization (in favor of the beneficial owner of income of the Clearing Member – International Organization), calculated according to the maximum rate, set by the Russian tax legislation (recorded with minus during the period since January 1<sup>st</sup> till the date following the date of income receipt by the Non-resident Clearing Member (in favor or the beneficial owner of income of the Non-resident Clearing Member inclusively) / Clearing Member – International Organization (in favor of the beneficial owner of income of the Clearing Member – International Organization) or till the date of provision by the Non-resident Clearing Member (in respect of himself and beneficial owners of income) or by the Clearing Member – International Organization (in respect of beneficial owners of income) of the certificate of tax residence, set by the Supplement 4, or till the actual date of provision by the Non-resident Clearing Member (in respect of himself and beneficial owners of income) or by the Clearing Member – International Organization (in respect of beneficial owners of income) of the certificate of tax residence for the current calendar year depending on the fact, which of these events occurs earlier (except for banks, permanent location of which is confirmed by the public information source));

- difference between the sum, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation, calculated according to the maximum rate set by the Russian tax legislation, and the sum, corresponding to the sum of the tax, calculated according to the tax rate valid for the current calendar year, which is set by the applicable double taxation avoidance agreement, concluded with the state, which was the state of tax residence for the Non-resident Clearing Member, beneficial owner of income of the Non-resident Clearing Member or beneficial owner of income of the Clearing Member – International Organization for the previous calendar year (tax period) (recorded with minus during the period since January 1<sup>st</sup> of the current calendar year, since the date following the date of income receipt (in favor of the beneficial owner of income of the Non-resident Clearing Member) / Clearing Member – International Organization (in favor of the beneficial owner of income of the Clearing Member – International Organization) till the date of provision by Non-resident Clearing Member (in respect of himself and beneficial owners of income) or by the Clearing Member – International Organization (in respect of beneficial owners of income) of the certificate of tax residence, set by the Supplement 4, or till the actual date of provision by the Non-resident Clearing Member (in respect of himself and beneficial owners of income) or by the Clearing Member – International Organization (in respect of beneficial owners of income) of the certificate of tax residence for the current calendar year depending on the fact, which of these events occurs earlier (except for banks, permanent location of which is confirmed by the public information source).

35.2. To control the fulfillment of obligations of a Clearing Member to post Collateral for Stress, the Clearing House calculates the Single Limit for Collateral for Stress as a sum of, taking into account the sign:

- cash funds in Russian rubles, recorded under Collateral for Stress Settlement Account (recorded with “plus”);

- cash funds in foreign currency, recorded under a Collateral for Stress Settlement Account, converted into the Russian rubles under the relevant Lower bound of the Market risk range, defined for such foreign currency in accordance with the Risk parameters on the FX Market and Precious metals Market calculation methodology (recorded with “plus”);
- securities, recorded under a Collateral for Stress Trade Account, converted into Russian rubles according to the relevant Lower bound of the Market risk range, defined for such foreign currency in accordance with the Risk parameters on the Securities Market and Deposit Market calculation methodology (recorded with “plus”);
- Net Claims of the Clearing Member in cash funds in Russian rubles, recorded under the Collateral for Stress Settlement Account, through all Settlement Dates (recorded with “plus”);
- Net Claims of the Clearing Member in cash funds in foreign currency, recorded under the Collateral for Stress Settlement Account, through all Settlement Dates, denominated in Russian rubles according to the relevant Lower bound of the Market risk range, set for such foreign currency in accordance with the Risk parameters on the FX Market and Precious metals Market calculation methodology (recorded with “plus”);
- Net Obligations of the Clearing Member in securities, recorded under the Collateral for Stress Trade Account, through all Settlement Dates, denominated in Russian rubles according to the relevant Lower bound of the Market risk range, set for such foreign currency in accordance with the Risk parameters on the Securities Market and Deposit Market calculation methodology (recorded with “minus”);
- defined in accordance with the Collateral for Stress calculation methodology minimum sizes of Collateral for Stress of a Clearing Member on markets, where a Clearing Member is admitted to clearing service with the category “O” or “B” (recorded with “minus”);
- sum, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation to be withhold from the Clearing Member, since the Trade execution date / date of income receipt by the Clearing Member till the date, following the date if income receipt by the Non-resident Clearing Member (in favor or the beneficial owner of income of the Non-resident Clearing Member inclusively) / Clearing Member – International Organization (in favor of the beneficial owner of income of the Clearing Member – International Organization) (including this date) (is recorded with minus);
- sum, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation to be withhold from the Clearing Member, since the Trade execution date / date of income receipt by the Clearing Member till the date, following the date if income receipt by the Non-resident Clearing Member (in favor or the beneficial owner of income of the Non-resident Clearing Member inclusively) / Clearing Member – International Organization (in favor of the beneficial owner of income of the Clearing Member – International Organization), calculated according to the maximum rate, set by the Russian tax legislation (recorded with minus during the period since January 1<sup>st</sup> till the date following the date of income receipt by the Non-resident Clearing Member (in favor or the beneficial owner of income of the Non-resident Clearing Member inclusively) / Clearing Member – International Organization (in favor of the

beneficial owner of income of the Clearing Member – International Organization) or till the date of provision by the Non-resident Clearing Member (in respect of himself and beneficial owners of income) or by the Clearing Member – International Organization (in respect of beneficial owners of income) of the certificate of tax residence, set by the Supplement 4, or till the actual date of provision by the Non-resident Clearing Member (in respect of himself and beneficial owners of income) or by the Clearing Member – International Organization (in respect of beneficial owners of income) of the certificate of tax residence for the current calendar year depending on the fact, which of these events occurs earlier (except for banks, permanent location of which is confirmed by the public information source));

- difference between the sum, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation, calculated according to the maximum rate set by the Russian tax legislation, and the sum, corresponding to the sum of the tax, calculated according to the tax rate valid for the current calendar year, which is set by the applicable double taxation avoidance agreement, concluded with the state, which was the state of tax residence for the Non-resident Clearing Member, beneficial owner of income of the Non-resident Clearing Member or beneficial owner of income of the Clearing Member – International Organization for the previous calendar year (tax period) (recorded with minus during the period since January 1<sup>st</sup> of the current calendar year, since the date following the date of income receipt (in favor of the beneficial owner of income of the Non-resident Clearing Member) / Clearing Member – International Organization (in favor of the beneficial owner of income of the Clearing Member – International Organization) till the date of provision by Non-resident Clearing Member (in respect of himself and beneficial owners of income) or by the Clearing Member – International Organization (in respect of beneficial owners of income) of the certificate of tax residence, set by the Supplement 4, or till the actual date of provision by the Non-resident Clearing Member (in respect of himself and beneficial owners of income) or by the Clearing Member – International Organization (in respect of beneficial owners of income) of the certificate of tax residence for the current calendar year depending on the fact, which of these events occurs earlier (except for banks, permanent location of which is confirmed by the public information source).

- 35.3. Obligations of a Clearing Member to post Default Funds contributions / Collateral for Stress are considered to be fulfilled if the Single Limit for Default Funds / Collateral for Stress of a Clearing Member, calculated in accordance with the paragraph 34/35.2, is non-negative.
- 35.4. In case if the minimum size of Collateral for Stress on the relevant Market is changed in accordance with the Collateral for Stress Calculation Methodology, the new value of the minimum size of Collateral for Stress is used when calculating the Single Limit for Collateral for Stress of a Clearing Member, beginning from the 5<sup>th</sup> (fifth) Settlement Day after the Clearing House directed to a Clearing Member a notification on the new minimum value of Collateral for Stress.
- 35.5. After enlarging the sum of cash funds, recorded under a Default Funds Settlement Account / Collateral for Stress Settlement Account, for the sum of cash funds, posted by a Clearing Member to Default Funds / Collateral for Stress, the Clearing House obtains an obligation to return to a Clearing Member contributions of a Clearing Member to Default Funds / Collateral for Stress of a Clearing Member. This particular obligation to return to a Clearing

- Member contributions to Default Funds / Collateral for Stress is fulfilled under condition, defined in the paragraph 36.5.
- 35.6. Information on amount of securities / sum of cash funds, posted by a Clearing Member to Default Funds / as Collateral for Stress and on minimum contributions to Default Funds of the relevant Market is provided to a Clearing Member as a part of the Default Funds Report / Collateral for Stress Report.
- 35.7. With the aim to control concentration risk, the Clearing House calculates Single Limit for the Concentration Risk Mitigation Collateral as the sum of the following, taking into account the sign:
- sum of cash funds in Russian rubles, recorded under Settlement Account for recording Concentration Risk Mitigation Collateral (with “plus”);
  - sum of cash funds in foreign currency, recorded under the Settlement Account for recording Concentration Risk Mitigation Collateral, recalculated in Russian rubles according to the relevant Lower Bound of the Market Risks Range, set for such foreign currency in accordance with the Risk parameters for FX and Precious Metals Market Calculation Methodology (with “plus”);
  - number of securities, recorded under Trade Account for recording Concentration Risk Mitigation Collateral, recalculated in Russian rubles according to the relevant Lower Bound of the Market Risks Range, set for the security in accordance with the Risk parameters for Securities Market Calculation Methodology (with “plus”);
  - Net Claims of the Clearing Member in cash funds in Russian rubles, recorded under the Concentration Risk Settlement Account, through all Settlement Dates (recorded with “plus”);
  - Net Claims of the Clearing Member in cash funds in foreign currency, recorded under the Concentration Risk Settlement Account, through all Settlement Dates, denominated in Russian rubles according to the relevant Lower bound of the Market risk range set in accordance with the Risk parameters for FX and Precious Metals Market Calculation Methodology (recorded with “plus”);
  - Net Obligations of the Clearing Member in securities, recorded under the Concentration Risk Trade Account, through all Settlement Dates, denominated in Russian rubles according to the Lower Bound of the Market risk range set in accordance with the Risk parameters for Securities Market Calculation Methodology (recorded with “minus”);
  - claim to secure concentration risk to issuers, filed towards the Clearing Member and defined in accordance with the Methodology for controlling limits of concentration on issuers (recorded with “minus”).
- 35.7.1. Information on concentration limits set by the Clearing House for each securities issuers according to the Methodology for choosing securities, accepted as collateral, used for the calculation of the claim to secure concentration risk to issuer in respect of the Clearing Member, is disclosed on the Clearing House’s website.
- 35.8. Information on amount of securities / cash funds, posted by the Clearing Member as Concentration Risk Mitigation Collateral and on the claim to secure concentration risk to issuer, filed towards the Clearing Member, is provided to the Clearing Member as a part of the Report on concentration risk to issuers.

**Article 36. Procedure for returning contributions to Default Funds, Collateral for Stress and Concentration Risk Mitigation Collateral**

36.1. Return to a Clearing Member of Default Funds contributions / Collateral for Stress of a Clearing Member on the relevant market, when terminating an admission to clearing service of a Clearing Member with the category “B” or “O” on such Market is performed after terminating an admission to clearing service of a Clearing Member with the category “B” or “O” on the grounds, set out in the Article 15, and in the order, stipulated by the paragraph 36.2.

36.1.1. When the category of the Clearing Member is changed from category “B” or “O” to the category “C” on the on-exchange market, return to the Clearing Member of Default Funds contributions / Collateral for Stress of the Clearing Member on the relevant on-exchange market in cash funds and/or securities in the amount, corresponding to the minimum Default Fund contribution of the relevant on-exchange market / Collateral for Stress on the relevant on-exchange market, is executed under the following conditions:

- Clearing Member does not have any Debts on any on-exchange market;
- values, calculated in accordance with the paragraph 33.14 for each Settlement Date under each Settlement Account on the relevant on-exchange market, are not negative. Default Funds Contributions / Collateral for Stress are returned to the Clearing Member in the order, stipulated by the paragraph 36.2.

36.2. Return to a Clearing Member of Default Funds contributions / Collateral for Stress / Concentration Risk Mitigation Collateral in cash funds, except for the case, defined in the paragraph 4.12 is performed on the basis of:

- 1) the Request for collateral return;
- 2) the Instruction to transfer cash funds, submitted by a Clearing Member via the Clearing System;
- 3) the Request for collateral transfer.

36.3. Return by the Clearing House to a Clearing Member of Default Funds contributions / Collateral for Stress / Concentration Risk Mitigation Collateral in securities, except for the case, defined in the paragraph 4.12, is performed on the basis of an Instruction to transfer securities, submitted by Clearing Members via the Clearing System.

36.4. The Request for collateral return shall contain:

- a) Default Fund Settlement Account / Collateral for Stress Settlement Account;
- b) Account for Collateral Return details;
- c) currency;
- d) sum of cash funds.

Procedure for submission and execution of the Request for collateral return, submitted to return contributions to Default Funds / Collateral for Stress / Concentration Risk Mitigation Collateral, corresponds to the order, defined in the paragraph 33.3, sub-paragraphs 33.6.1-33.6.4, 33.6.7 terms of execution are defined in the paragraph 36.5.

36.5. Return by the Clearing House to a Clearing Member of Default Funds contributions / Collateral for Stress Concentration Risk Mitigation Collateral in cash funds is executed under the following conditions:

- a Single Limit for Default Funds / Collateral for Stress / Concentration Risk Mitigation Collateral, calculated without taking into account returned amount of cash funds, will not become negative;
  - returned amount of cash funds, recorded as Clearing Member to Default Funds contributions / Collateral for Stress / Concentration Risk Mitigation Collateral.
- 36.6. Return by the Clearing House to the Clearing Member of the Default Fund contributions / Collateral for Stress / Concentration Risk Mitigation Collateral in cash funds and in securities is not executed in case if the Clearing Member has the Margin Call, recorded under the Settlement Account, not satisfied within the period of time, defined by the Time Specifications or time specifications, which is the supplement to the relevant special part of the Clearing Rules, or if the cross default procedure in respect of the Clearing Member is executed.
- 36.7. In order to execute its obligation to return to a Clearing Member Default Funds contributions / Collateral for Stress / Concentration Risk Mitigation Collateral in cash funds in the relevant currency on the basis of the Request for Collateral Return, the Clearing House transfers cash funds in such currency to the relevant Account for Collateral Return.
- 36.7.1. Obligation of the Clearing House to return to a Clearing Member Default Funds contributions / Collateral for Stress / Concentration Risk Mitigation Collateral in cash funds to the Account for Collateral Return (except for Default Funds contributions / Collateral for Stress return to the Account for Collateral Return, registered with the Clearing House), is considered to be fulfilled since of the moment of withdrawal of cash funds from the clearing bank account / correspondent account of the Clearing House by a Settlement Organization / Settlement Bank.
- Obligation of the Clearing House to return to the Clearing Member Default Funds contributions / Collateral for Stress / Concentration Risk Mitigation Collateral in cash funds to the Account for Collateral Return, registered with the Clearing House, is considered to be fulfilled at the moment when the Account for Collateral Return is credited with the cash funds.
- The Clearing House is not responsible for non-fulfillment (undue fulfillment) by a Settlement Organization / Settlement Bank of the Instruction to withdraw cash funds in favor of a Clearing Member, submitted by the Clearing House, except for events when such non-fulfillment is caused by the Clearing House
- The Clearing House is not responsible for the fact that correspondent banks levy its own fees from Default Funds contributions / Collateral for Stress / Concentration Risk Mitigation Collateral in foreign currency, to be returned to the Clearing Member.
- 36.7.2. When returning to a Clearing Member cash funds in the relevant currency, recorded as Clearing Member Default Funds contribution / Collateral for Stress / Concentration Risk Mitigation Collateral, cash funds amount, recorded under a Settlement Account for recording Default Funds contributions / Collateral for Stress / Concentration Risk Mitigation Collateral, in such currency lessens for the amount of returned cash funds, Obligation of the Clearing House to return to the Clearing Member contributions to the Guarantee Fund / Collateral for Stress / Concentration Risk Mitigation Collateral in the relevant currency is terminated in the part, corresponding to the return amount.
- 36.8. The procedure for submission and execution of Instructions to transfer cash funds / securities is defined in the paragraph 30.15.

- 36.8.1. In an Instruction to transfer securities, submitted with the aim to return securities, recorded as Clearing Member Default Funds contributions / Collateral for Stress / Concentration Risk Mitigation Collateral, as a Trade Account, under which enlargement of an amount of securities is executed, may be indicated only a Trade Account, into the structure of which a Securities Sub-account, opened under the owner trading depo account of a Clearing Member, is indicated.
- 36.9. The procedure for execution of the Request for collateral transfer is defined by the paragraphs 30.17-30.18.
- 36.10. The Clearing House is entitled to net claims in cash of a Clearing Member to return to him Default Funds contributions / Collateral for Stress / Concentration Risk Mitigation Collateral against claims in cash of the Clearing House towards such Clearing Member in the relevant currency at any time.

**SUB-SECTION IV-III. PROCEDURE FOR MARGIN CALLS AND DEFAULT FUNDS  
MARGIN CALLS / COLLATERAL FOR STRESS MARGIN  
CALLS EMERGENCY AND SATISFACTION,  
CONCENTRATION RISK MARGIN CALL, MARGIN CALLS  
FOR SETTLEMENT ACCOUNTS FOR PAYING TAXES**

**Article 37. Procedure for hosting mark-to-Market clearing sessions. Procedure for Margin  
Calls emergence and execution**

- 37.1. At the period of time, stipulated by the Time Specification or by time specification, which is the supplement to the relevant special part of the Clearing Rules, the Clearing House hosts a clearing session with the aim to reevaluate Collateral price, obligations and claims of a Clearing Member (hereinafter referred to as a mark-to-Market clearing session), during which the Clearing House:
- sets risk parameters in accordance with the Risk parameters of the relevant Market calculation methodology;
  - in respect of each Clearing Member controls Collateral efficiency under obligations with arrived or yet not arrived Settlement Date;
  - for each Clearing Member of the category “B” or “O” calculates the value of the Single Limit for Default Funds;
  - for each Clearing Member of the category “B” or “O” in respect of which the Clearing House submitted a claim to post Collateral for Stress, size of which is different from zero, calculates the value of the Single Limit for the Collateral for Stress;
  - for each Clearing Member of the category “B”, “C” or “O”. admitted to clearing on the securities market, deposit market and credit market, calculates the value of the Single Limit for the concentration risk on issuers.
- 37.2. The Clearing House via the Software-hardware complex of the Technical Centre (hereinafter referred to as the TC SHC) / Trading system / Trading system transfers to the Exchange information on the risk parameters, which have been set.
- 37.3. Within a period of time, set by the Time specification or by the time specification, which is the supplement to the relevant part of the Clearing Rules, or by the relevant special part of the Clearing Rules, the Clearing House does the following:
- defines Clearing Members which got Margin Calls and amounts of such Margin Calls;
  - generates and forwards to such Clearing Members, which got Margin Calls, Report on Margin Calls, which contains information on Margin Call amounts.
- 37.4. Clearing Member, whose Single Limit for a Settlement Account is negative by the time, when Margin Calls are calculated, set by Time Specification, gets a Margin Call on the Securities market, deposit market and credit market, on the FX market and precious metals market, on the Commodities market. Margin Call amount is equal to the absolute value of a Single Limit for a Settlement Account, calculated after the mark-to Market clearing session.



- 37.5. Clearing Member may get a Margin Call in respect of a Unified Pool Settlement Account in the Clearing System of any market, included into the unified collateral pool.
- 37.6. Margin Call, got by a Clearing Member shall be met by a Clearing Member lot later than the time, defined by the Time Specification or by the time specification, which is the supplement to the relevant part of the Clearing Rules.
- 37.7. Margin Call shall be met by a Clearing Member through posting into Collateral in the order, defined in the Article 30, cash funds in Russian rubles and in foreign currency, precious metals and/or securities, accepted in order to secure fulfillment of obligations under Partially Secured Trades.
- 37.7.1. A Margin Call may be terminated in full or partially:
- through cancellation of orders, Offers;
  - through execution of partially secured trades, which liquidate insufficiency of Collateral under trades with arrived and yet not arrived Settlement Date
  - through receiving of the Income.
- 37.7.2. A Margin Call, emerged under a Unified Pool Settlement Account, may be also terminated in full or partially through transferring Asset Profile with “plus” into the Clearing System of the market, where non-satisfied Margin Call in respect of a Unified Pool Settlement Account is recorded.
- Transfer of Asset Profiles is executed in accordance with the Article 31.
- 37.8. A Margin Call, recorded under a Settlement Account on the Securities Market, Deposit Market and Credit Market, on the FX Market and Precious metals market, on the Commodities market, obtained by a Clearing Member, is considered to be terminated at the moment when the Single Limit of the Settlement Account becomes non-negative.
- 37.9. After calculation of Margin Calls, the Clearing House is entitled to forward to the Settlement Depository the Request for the securities selection with the aim to satisfy Margin Calls (only for Clearing Members, corresponding to the requirements, defined in the paragraph 14.25).
- 37.9.1. The Request for the securities selection is forwarded with the indication of the Margin Call amount and of the Securities Sub-account T+, which forms the Trade Account together with the Settlement Account, under which the Margin Call is recorded.
- 37.9.2. The Request for the securities selection is forwarded within the terms, defined in the Time Specifications.
- 37.10. In case of non-fulfillment by a Clearing Member of a Margin Call, recorded under a Settlement Account at the time, set out in the Time Specification or by the time specification, which is the supplement to the relevant part of the Clearing Rules, the Clearing House sets Settlement Regime for such Settlement Account, procedure for which is defined in the Article 38 and performs actions in the following consequence (each next action is performed in case if the previous one did not lead to the satisfaction of a Margin Call):
- 37.10.1. is entitled to transfer Asset Profiles into the Clearing System of the market, where non-satisfied Margin Call in respect of a Unified Pool Settlement Account is recorded (in case if a Clearing Member did not satisfy Margin Call in respect of a Unified Pool Settlement

Account). Asset Profiles transfer is performed under conditions, defined in the paragraph 31.3;

- 37.10.2. concludes in the name of a Clearing Member, which did not satisfy a Margin Call, closing Trades, which in total liquidate Collateral insufficiency under obligations with arrived and yet not arrived Settlement Date under such Settlement Account, and executes balancing trades.

Procedure for the execution of closing and balancing trades is defined in the Article 29.

Closing trades are executed with the indication of any Trade Account, into the structure of which the Settlement Account, under which the Margin Call is recorded, is included.

The Clearing House stops submitting orders to execute closing trades in the name of the Clearing Member, which has not satisfied the Margin Call, or any other actions, aimed at execution of closing trades in the name of the Clearing Member, which has not satisfied the Margin Call (in case of execution of closing trades without orders submission) after the moment, when the Margin Call, recorded under the Settlement Account, is terminated or in case if it is impossible to execute trades, which together eliminate Collateral insufficiency under obligations with the arrived and not arrived Settlement Dates under such Settlement Account.

All trades, executed on the basis of orders, submitted by the Clearing House in the name of the Clearing Member, which has not satisfied the Margin Call, till the defined time, and all trades, actions for the execution of which have been started by the Clearing House in the name of the Clearing Member, which has not satisfied the Margin Call, till the defined time (in case of execution of trades without orders submission), are executed by the Clearing House due to the non-fulfillment by the Clearing Member of the Margin Call.

The Clearing House is not responsible for losses of the Clearing Member, which has not satisfied the Margin Call, due to the execution of closing trades in the name of such Clearing Member, in case if the Clearing Member posts Collateral after the time for the Margin Call satisfaction, set by the Time Specification or by time specification, which is the supplement to the relevant part of the Clearing Rules, inclusively.

- 37.10.3. If a Clearing Member, which did not satisfy a Margin Call, is a Pool Member, the Clearing House is entitled to conclude in the name of such Pool Member closing Trades, aimed at selling assets (securities, foreign currency or precious metals) from an asset pool under the conditions of general collateral certificates redemption, set out in the Clearing Rules on the Securities Market, Deposit Market and Credit Market. When executing closing trades in accordance with this sub-paragraph the Clearing House also executes balancing trades.

Procedure for executing closing and balancing trades is defined by the Article 29.

Closing trades are executed with the indication of the Asset Pool Trade Account, which corresponds to the Trade Account T+, into the structure of which the Settlement Account, under which non-satisfied Margin Call is recorded, is included.

The Clearing House is the one who chooses an asset under which the abovementioned trades are executed.

- 37.11. In case if after the execution of Trades, in accordance with the sub-paragraphs 37.10.2-37.10.3, Margin Call of the Clearing Member remained unsatisfied, the Clearing House is entitled to make decision on the fact that the Settlement Date for the obligations, arising from Trades, is considered to arrive on the Settlement Day, determined by the decision of the Clearing House.

Obligations under Trades, Settlement Date of which has been changed by the decision of the Clearing House, are included into the clearing pool, formed on such Settlement Date, and are fulfilled in the order, defined in the Clearing Rules.

- 37.12. After satisfaction of Margin Calls, recorded under the Settlement Account, the Clearing House removes the Settlement Regime, which has been set for such Settlement Account, if there is no other grounds for setting Settlement Regime, stipulated by the Clearing Rules.
- 37.13. The Settlement Depository executes the Request of the Clearing House for securities selection in accordance with the paragraphs 32.6-32.7.
- 37.14. Specifics of Margin Calls emergence and satisfaction may be stipulated by a special part of the Clearing Rules.

#### **Article 38. Settlement Regime**

- 38.1. Settlement Regime, imposed for the Settlement Account, means that the following restrictions work for such Settlement Account:
  - 38.1.1. suspension of the opportunity to submit orders / Quotations of a Trading Member, applications on option contacts exercise, Offers and other formal offers, stipulated by the Clearing Rules, with the indication of clearing registers / securities sub-accounts of clearing registers, corresponding to such Settlement Account / Trade Account, part of which is such Settlement Account, and with the indication of Asset Pool Trade Accounts, corresponding to Trade Accounts T+, into the structure of which such Settlement Account is included (if applicable);
  - 38.1.2. Collateral, recorded under such Settlement Account / Trade Account, part of which is such Settlement Account, is not returned;
  - 38.1.3. Collateral is not transferred from such Settlement Account / Trade Account, part of which is such Settlement Account, to the other Settlement Accounts / Trade Accounts on the basis of the Clearing Member instructions;
  - 38.1.4. Assets Profiles are not transferred on the basis of Risk management instructions;
  - 38.1.5. individual risk parameters are not applied to such Settlement Accounts / Trade Accounts, part of which is such Settlement Account, individual risk-parameters under such Settlement Accounts / Trade Accounts, part of which is such Settlement Account, is not set and changed;
  - 38.1.6. such Settlement Account / Trade Account / other clearing registers, corresponding to the such Settlement Account is not closed;
  - 38.1.7. Trade Accounts, into the structure of which such Settlement Account is included, is not opened, closed or Trade Accounts parameters is not changed;
- 38.2. When setting the Settlement Regime in respect of the Settlement Account, the Clearing House deletes from the Clearing System all Offers, submitted with the indication of clearing registers / sub-accounts clusters, corresponding to such Settlement Account / Trade Account, part of which is such Settlement Account.
- 38.3. Removal of the Settlement Regime, set in respect of the Settlement Account, means that restrictions, defined in the paragraph 37, are removed.

- 38.4. The Clearing House via the Trading System / Trading System notifies the Exchange on imposing / removing Settlement Regime in respect of the the Settlement Account.  
The Clearing House via the Clearing System notifies the Clearing Member on imposing / removing Settlement Regime in respect of the the Settlement Account.

**Article 39. Procedure for Default Funds / Collateral for Stress Margin Calls emergence and satisfaction**

- 39.1. Within the period of time, set out by the Time Specification, the Clearing House also takes the following actions:

- defines Clearing Members, which got the Margin Calls in respect of Default Funds;
- defines Clearing Members, which got Margin Calls in respect Collateral for Stress.

- 39.2. In case if by the moment of time, when Margin Calls in respect of Default Funds are calculated, an absolute value of the negative Single Limit of Default Funds of a Clearing Member becomes more than the value set by the decision of the Clearing House (hereinafter referred to as the Default Funds Margin Call issuance threshold), the Clearing House issues in respect of a Clearing Member a Default Funds Margin Call.

Information on Margin Call in respect of Default Funds is provided to a Clearing Member as a part of the Report on Margin Calls, forwarded in accordance with the paragraph 36.

Margin Call in respect of Default Funds shall be fulfilled by a Clearing Member within the time period, set by the Time Specifications, through transferring cash funds in Russian rubles and/or in foreign currency and/or securities for its recording as Default Funds contributions in the order, defined in the Article 34.

Margin Call in respect of Default Funds is considered to be satisfied at the moment when the Single Limit of Default Funds of a Clearing Member becomes more than or equal to zero.

- 39.3. In case if by the moment of time, when Margin Calls in respect of Collateral for Stress are calculated, the absolute value of the negative Single Limit of Collateral for Stress of a Clearing Member becomes more than the value, defined by the decision of the Clearing House (hereinafter referred to as the Collateral for Stress Margin Call issuance threshold), the Clearing House sets to a Clearing Member a Margin call in respect of Collateral for Stress.

Information on Collateral for Stress Margin Call is directed to a Clearing Member as a part of the Report on Margin Calls, directed in accordance with the paragraph 37.3.

Margin Call in respect of Collateral for Stress shall be satisfied by a Clearing Member within the time period, set out in the Time Specifications, through transferring cash funds in Russian rubles and/or foreign currency and/or securities for its recording as Collateral for Stress in the order, defined in the Article 34.

Margin Call in respect of Collateral for Stress is considered to be satisfied at the moment when Collateral for Stress Single Limit of a Clearing Member is more than or equal to zero.

- 39.4. After calculation of Margin Calls in respect of Default Funds and/or Margin Calls in respect of Collateral for Stress, the Clearing House is entitled to forward to the Settlement Depository the Request for the securities selection with the aim to satisfy the defined

- Margin Calls (only for Clearing Members, corresponding to the requirements, defined in the paragraph 14.25).
- 39.4.1. The Request for the securities selection is forwarded with the indication of the relevant Margin Call amount and of the depo sub-accounts, which form Default Funds Trade Accounts / Collateral for Stress Trade Accounts together with the Default Funds / Collateral for Stress Settlement Account, under which the Margin Call is recorded.
- 39.4.2. The Request for the securities selection is forwarded within the terms, defined in the Time Specifications.
- 39.5. In case if a Clearing Member does not satisfy Margin Call in respect of Default Funds within the time period, defined in the paragraph 39.2, except for the case of non-satisfaction by a Clearing Member of a Margin Call in respect of Default Funds, defined in the paragraph 39.6, it is considered that a Clearing Member did not fulfil its obligation to post contributions to Default Funds of all markets, on which a Clearing Member of the category “B” or “O” is admitted to clearing.
- 39.6. In case if a Clearing Member does not satisfy a Margin Call in respect of Default Funds, emerged due to the change of the size of the minimum contribution to a Default Fund on the particular market, it is considered that a Clearing Member did not fulfill its obligation to post contribution to a Default Fund on the market, where the minimum size of the contribution to the Default Fund has been enlarged.
- 39.7. In case if a Clearing Member does not satisfy Margin Call in respect of Collateral for Stress, within the time period, defined in the paragraph 39.3, except for the case of non-satisfaction by a Clearing Member of a Margin Call in respect of Collateral for Stress, defined in the paragraph 39.8, it is considered that a Clearing Member did not fulfil its obligation to post Collateral for Stress on all markets, where, according to the relevant special part of the Clearing Rules, the Clearing House sets to a Clearing Member the requirement to post Collateral for Stress.
- 39.8. In case if a Clearing Member does not satisfy Margin Call in respect of Collateral for Stress, emerged due to the change of the minimums size of Collateral for Stress on the relevant market, it is considered that a Clearing Member did not fulfill its obligation to post Collateral for Stress on the market, where the size of Collateral for Stress has been enlarged.
- 39.9. In case of non-fulfillment by the Clearing Member of the Margin Call in respect of Default Funds / Collateral for Stress within the period of time, set out by the Time Specifications, the Clearing House is entitled to execute in the name of the Clearing Member, which has not satisfied the relevant Margin Call, trades, aimed at sell of the foreign currency and securities, recorded as the contribution to the Default Fund / Collateral for Stress.
- 39.10. If according to the results of actions, taken by the Clearing House in accordance with the paragraph 39.9, the Default Funds / Collateral for Stress Margin Call remained unsatisfied, measures, stipulated by the relevant special part of the Clearing Rules, are taken in respect of the Clearing Member.

**Article 40. Concentration Risk Margin Call emergence and satisfaction procedure**

- 40.1. Within the period of time, set out in the Time Specification, the Clearing House defines Clearing Members which got Concentration Risk Margin Calls.
- 40.2. Clearing House issues Concentration Risk Margin Call relating to Clearing Member, Concentration Risk Single Limit of which is negative by the time of calculation of such Margin Calls, set out in the Time Specification. Margin Call is equal to the absolute value of the Concentration Risk Single Limit, calculated by the time, set out by the Time Specification.
- 40.2.1. Information on Concentration Risk Margin Call is provided to the Clearing Member in the Report on Margin Calls, forwarded according to the paragraph 37.3.
- 40.2.2. Concentration Risk Margin Call shall be satisfied by the Clearing Member within the period of time, defined in the Time Specifications.
- 40.2.3. Concentration Risk Margin Call is considered to be terminated at the moment of time, when the Single Limit of the Clearing Member becomes non-negative.
- 40.3. Concentration Risk Margin Call shall be satisfied by the Clearing Member through posting Collateral in the order, set out in the Article 30, cash funds in Russian rubles and in foreign currency, precious metals and/or securities, accepted to secure fulfillment of obligations under Partially Secured Trades, in respect of which Clearing Member does not have concentration risk.
- 40.3.1. Concentration Risk Margin Call can be terminated in full or partially:
- through posting Concentration Risk Mitigation Collateral in the order, set out in the Article 34, cash funds in Russian rubles and in foreign currency and/or securities, which are named in the list of foreign currencies and securities, accepted by the Clearing House as Concentration Risk Mitigation Collateral, and under which Clearing Member does not have Concentration Risk;
  - through execution of trades, aimed at selling foreign currency and/or securities, recorded under Settlement Account for recording Concentration Risk Mitigation Collateral / Trade Account for recording Concentration Risk Mitigation Collateral;
  - through orders withdrawal;
  - through execution of trades, aimed at lessening claim relating to concentration risk mitigation collateral;
  - through receiving Income, recorded under Settlement Account of the Clearing Member;
  - through Assets Profiles transfer.
- 40.4. Following calculation of Concentration Risk Margin Call, Clearing House is entitled to forward to the Settlement Depository Request for securities selection in order to satisfy defined Margin Calls (only for Clearing Members that correspond to requirement, set out in the paragraph 14.25).
- 40.4.1. Request for securities selection is forwarded with the indication of sum of the relevant Margin Call and depo sub-accounts, which form part of the Trade Account for recording Concentration Risk Mitigation Collateral, together with the Settlement Account for recording Concentration Risk Mitigation Collateral, under which Margin Call is recorded.

- 40.4.2. Request for securities selection is forwarded within the period of time, defined in Time Specifications.
- 40.5. In case if the Clearing Member does not satisfy Concentration Risk Margin Call within the period of time, defined in time Specifications, the Clearing House sets for the Settlement Account for recording Concentration Risk Mitigation Collateral Settlement Regime, procedure for application of which is defined in the Article 38, and take actions in the following consequence (each next actions is taken only in case if the previous one has not lead to the Margin Call satisfaction):
- 40.5.1. is entitled to execute in the name of the Clearing Member, which has not satisfied concentration risk Margin Call, trades, aimed at selling foreign currency and/or securities, recorded under Settlement Account for recording Concentration Risk Mitigation Collateral / Trade Account for recording Concentration Risk Mitigation Collateral;
- 40.5.2. is entitled to transfer Asset Profile under Unified Pool Settlement Accounts. Assets Profiles transfer is executed if terms, defined in the paragraph 31.3, are met;
- 40.5.3. is entitled to set for proprietary Settlement Accounts Settlement Regime, procedure for application of which is defined in the Article 38, and execute in the name of the Clearing Member, which has not satisfied Concentration Risk Margin Call, trades with the indication of any proprietary Trade Account of the Clearing Member, aimed at lessening of the claim relating to concentration risk mitigation collateral.
- 40.6. Following concentration risk Margin Call satisfaction, the Clearing House removes Settlement Regime in respect of the Settlement Account for recording Concentration Risk Mitigation Collateral and proprietary Settlement Accounts of the Clearing Member (in case if the Settlement Regime has been set by the Clearing House in respect of proprietary Settlement Accounts of the Clearing Member in accordance with the paragraph 40.5.3), if there is no other grounds for setting Settlement Regime, stipulated by the Clearing Rules.

**Article 41. Procedure for calling Margin Call in respect of the Settlement Account for paying taxes**

- 41.1. Within the period of time, defined in the time Specifications, the Clearing House defines Clearing Members that has Margin Calls in respect of the Settlement Account for paying taxes.
- 41.2. In case if by the moment of time when Margin Calls in respect of Settlement Account for paying taxes arise, defined by the Time Specifications, absolute value of the negative Single Limit of the Settlement Account for paying taxes is larger than the limit for triggering Margin Call for taxes, Clearing House makes Margin Call in respect of the Settlement Account for paying taxes.

Information on Margin Call in respect of the Settlement Account for paying taxes is provided to the Clearing Member as a part of the Report on Margin Calls, forwarded according to the paragraph 37.3.

Margin Call in respect of the Settlement Account for paying taxes shall be met by the Clearing Member within the period of time, defined by the Time Specifications, through forwarding cash funds in Russian rubles and/or in foreign currency to the Settlement Account for paying taxes and/or securities for recording under Trade Account for paying taxes in the order defined in the Article 30.

- 41.3. Margin Call in respect of the Settlement Account for paying taxes is considered to be met at the moment of time when the Single Limit of the Settlement Account for paying taxes becomes more than or equal to zero.
- 41.4. After calculation of the Margin Call in respect of the Settlement Account for paying taxes Clearing House is entitled to forward to the Settlement Depository Request for securities selection with the aim to fulfill such Margin Call (only for Clearing Members that meet requirements set out in the paragraph 14.25).
  - 41.4.1. Request for securities selection is forwarded with the indication of the sum of Margin Call and depo sub-accounts that are the part of the Trade Account for paying taxes, together with the Settlement Account for paying taxes, under which Margin Call is recorded.
  - 41.4.2. Request for securities selection is forwarded within period of time defined in the Time Specifications.
- 41.5. In case if Margin Call in respect of the Settlement Account for paying taxes is not met within the period of time, defined in the Time Specifications, Clearing House imposes in respect of the Settlement Account for paying taxes Settlement Regime, application procedure of which is defined in the Article 38 and takes actions in the following consequence (each next action is taken in case if the previous one does not lead to Margin Call satisfaction):
  - 41.5.1. Transfers Collateral of the Clearing Member (except for general collateral certificates) in the amount, for which Collateral return terms, stipulated by the relevant part of the Clearing Rules, are met, recorded under proprietary Settlement Accounts / Trade Accounts, into the structure of which proprietary Settlement Account is included, of the Clearing Member (upon choice of the Clearing House) and assets of the Clearing Member from an asset pool in the amount, for which general collateral certificates redemption terms are met, recorded under proprietary Asset Pool Settlement Account, of the Clearing Member (upon choice of the Clearing House) to the Settlement Account for paying taxes / Trade Account for paying taxes.
  - 41.5.2. Sells out foreign currency / securities, recorded under the Settlement Account for paying taxes / Trade Account for paying taxes of the Clearing Member in the volume required to meet the Margin Call in respect of the Settlement Account for paying taxes.
- 41.6. After meeting Margin Call in respect of the Settlement Account for paying taxes, Clearing House removes Settlement Regime from the Settlement Account for paying taxes unless there are no other grounds for imposing Settlement Regime, stipulated by the Clearing Rules.
- 41.7. If after taking actions, defined in the paragraph 41.5 Margin Call in respect of the Settlement Account for paying taxes is not met, Clearing House excludes all Settlement Accounts from the list of Settlement Accounts, connected with the Settlement Account for paying taxes. Meanwhile obligations to pay sums corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation, stop being recorded under the Settlement Account for paying taxes and start being recorded under Settlement Accounts, defined in the paragraph 7.6.
- 41.8. If after taking actions, defined in the paragraph 41.7, values of Single Limits of all Settlement Accounts, under which according to the paragraph 41.7 obligations to pay sums corresponding to the sum of the organization profits tax on income of foreign organizations



from sources located in Russian Federation, are non-negative, Clearing House removes Settlement Regime from the Settlement Account for paying taxes unless there are no other grounds for imposing Settlement Regime, stipulated by the Clearing Rules.

- 41.9. If after taking actions, defined in the paragraph 41.7, values of Single Limits of all Settlement Accounts, under which according to the paragraph 41.7 obligations to pay sums corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation, start being recorded, is negative, Clearing House transfers Collateral in Russian rubles from the Settlement Account for paying taxes to the Settlement Account of the Clearing Member that has negative value of the Single Limit in the amount required to make Single Limit non-negative.

## **SUB-SECTION IV-IV. PROCEDURE FOR THE FULFILLMENT OF OBLIGATIONS AFTER CLEARING**

### **Article 42. General requirements for the procedure for including obligations into clearing pools and for the procedure the obligations fulfillment**

42.1. Obligations to be fulfilled arising from Trades and other obligations, defined in the Clearing Rules, are included into the relevant clearing pools on a Settlement Date for the abovementioned obligations.

Procedure for including obligations into the Unified Clearing Pool is determined in the Article 45.

The list of other clearing pools and the procedure for including obligations into the other relevant clearing pools are defined in the relevant special parts of the Clearing Rules.

42.2. In order to fulfill obligations arising from Trades and other obligations, defined in the Clearing Rules, included into the relevant clearing pool, Clearing Members must provide the availability of cash funds / securities / precious metals / commodities on the relevant accounts, defined in the Common part of the Clearing Rules or in the relevant special part of the Clearing Rules, till the moment of the relevant obligations fulfillment, defined in the relevant Time Specifications.

42.3. Category “A” or “K” Clearing Member can conclude on-exchange trades without pre-posting of the individual clearing collateral in cash and in precious metals.

42.3.1. In order to fulfill its obligations in the relevant currency under trades with the central counterparty, the category “A” or “K” Clearing Member shall post cash funds upon the clearing bank account or correspondent account of the Clearing House according to the details, disclosed on the Clearing House’s website, with the mandatory indication of the Settlement Account in the purpose of payment before the moment of time, defined in the Time Specifications as the time for the fulfillment by the Clearing Member of its Total Net Obligations in the relevant currency.

Cash funds, transferred by the category “A” or “K” Clearing Member to the clearing bank account or correspondent account of the Clearing House, are recorded under the Settlement Account, indicated in the purpose of payment.

42.3.2. For the fulfillment of obligations in the relevant precious metal under trades with the central counterparty, the Clearing Member of the category “A” or “K” must post precious metals upon its trading bank account for the relevant precious metal till the time, defined in the Time Specifications as the time for the fulfillment by Clearing Members of Total Net Obligations in the relevant precious metal.

42.4. The Clearing Rules may determine that:

- obligations arising from Trades and other obligations, defined in the Clearing Rules, included into the relevant clearing pool, are fulfilled at the moment of time, set out in the Time Specification or in the time specification, which is the supplement to the relevant part of the Clearing Rules;
- in order to fulfill obligations arising from Trades and other obligations, defined in the Clearing Rules, Clearing Members must or are entitled to submit Execution Instructions or other Instructions to the Clearing House.

- 42.5. The Clearing Rules may stipulate:
- cases and the procedure for early fulfillment of obligations arising from Trades and other obligations, defined by the Clearing Rules;
  - procedure for and terms of accounts replacement, under which obligations under Trades and/or the other obligations, defined in the Clearing Rules, shall be fulfilled;
  - cases, procedure and terms of the refuse to fulfill obligations arising from Trades and other obligations, defined in the Clearing Rules;
  - cases and the procedure for making a decision by the Clearing House on changing the subject of a Trade, obligations under which have not been fulfilled, and/or the procedure for the fulfilment of obligations arising from Trades;
  - procedure for and terms of changing contracts, obligations under which are to be included into the clearing pool;
  - procedure of early termination of contracts, obligations under which are to be included into the clearing pool;
  - procedure for changing Settlement Date of Trades and other terms of Trades in case of adoption of the legal act of the Russian Federation on moving non-working (holidays) and weekends days or on announcing workday a non-working day according to which Settlement Date under Trades will become non-working day of holiday according to the legislation of the Russian Federation, if such Settlement Date is not the Settlement Day.
- 42.6. In cases if between the date of execution of a Trade T+ and the Settlement Date for obligations under a Trade T+ in respect of securities with which a Trade T+ is executed, corporate actions take place, such as re-organization of a securities issuer, conversion of securities executing without re-organization of a securities issuer, or other actions having impact on the fulfillment of obligations under Trades T+, including the ones, which lead to change of the subject of a Trade T+, the Clearing House is entitled in respect of such Trades T+ accept the following decision:
- 42.6.1. on changing unilaterally the subject of Trades T+, obligations under which have not been fulfilled and/or procedure for the fulfillment of obligations under Trades T+ taking into account terms of re-organization of a securities issuer and terms of the other action, defined by a securities issuer;
- 42.6.2. on the fact that a Settlement Date for obligations under Trades T+ is considered to arrive on a Settlement Day, determined by the decision of the Clearing House;
- 42.6.3. on execution of the security buy-sell closing trade(s) (all securities except for general collateral certificates) and balancing trade(s), in cases defined in paragraphs 45.2, 45.4, 45.5, 45.9.6, instead of the REPO trade, terms of which are stipulated by the paragraph 47.3.
- 42.7. Procedure for the fulfillment of obligations, included into the clearing pool, is defined in the Article 43, and also in the relevant special parts of the Clearing Rules.
- 42.8. If such is stipulated by the relevant part of the Clearing Rules, the Clearing Member is entitled to replace Trade Account of the 1<sup>st</sup>, 2<sup>nd</sup> and/or 3<sup>rd</sup> level, which defined clearing registers and set of accounts, under which obligations under Trade(s), are recorded and shall be fulfilled.

- 42.8.1. In order to make the abovementioned replacement the Clearing Member shall provide the Clearing House with the Request for the Trade Account replacement not later than the Settlement Day, which precedes the Date for the fulfillment of obligations in respect of Trade(s), defined in the Request for the Trade Account replacement.
- 42.8.2. Request for the Trade Account replacement may be provided till the moment of time, defined in the Time Specifications. Request for the Trade Account replacement, provided after that time, is not executed.
- 42.8.3. Request for the Trade Account replacement is executed under the following conditions:
- Settlement Regime is not imposed in respect of all Trade Accounts of the 1<sup>st</sup> level, defined in the request, and/or all Trade Accounts of the 1<sup>st</sup> level, corresponding to the Trade Accounts of the 2<sup>nd</sup> and/or 3<sup>rd</sup> level, defined in the request, and all Settlement Accounts of the 1<sup>st</sup> level, corresponding to it;
  - Single Limit of all Settlement Accounts, which form part of Trade Accounts of the 1<sup>st</sup> level, defined in the request, or into the structure of which of Trade Accounts of the 1<sup>st</sup> level, to which correspond Trade Accounts of the 2<sup>nd</sup> and 3<sup>rd</sup> level, defined in the request, will not become negative;
  - into the structure of Trade Accounts, defined in the request, is not included Settlement Account for recording Default Funds contributions, or the Settlement Account for recording Collateral for Stress, or Asset Pool Settlement Account, or the Settlement Account for recording Concentration Risk Mitigation Collateral;
  - Settlement Account, which form part of Trade Accounts of the 1<sup>st</sup> level, defined in the request, or part of the Trade Account of the 1<sup>st</sup> level, corresponding to the Trade Accounts of the 2<sup>nd</sup> or of the 3<sup>rd</sup> level, defined in the request, have the same feature, defining the Settlement Account model of using;
  - replacement of Trade Accounts in trades does not lead to the change of the Trading Member in Trades;
  - meeting the following rules for Trade Accounts replacement:
    - Trade Account of the 1<sup>st</sup> level, defined in the request / corresponding Trade Account of the 2<sup>nd</sup> or 3<sup>rd</sup> level, defined in the request, into the structure of which proprietary Settlement Account is included, can be replaced only with the Trade Account of the 1<sup>st</sup> level / Trade Account of the 2<sup>nd</sup> or 3<sup>rd</sup> level, corresponding to the Trade Account of the 1<sup>st</sup> level, into the structure of which proprietary Settlement Account is included;
    - Trade Account of the 1<sup>st</sup> level, defined in the request / corresponding Trade Account of the 2<sup>nd</sup> or 3<sup>rd</sup> level, defined in the request, into the structure of which client Settlement Account is included, can be replaced only with Trade Account of the 1<sup>st</sup> level / Trade Account of the 2<sup>nd</sup> or 3<sup>rd</sup> level, corresponding to the Trade Account of the 1<sup>st</sup> level, into the structure of which client or proprietary Settlement Account is included;
    - Trade Account of the 1<sup>st</sup> level, defined in the request / corresponding Trade Account of the 2<sup>nd</sup> or 3<sup>rd</sup> level, defined in the request, into the structure of which trust Settlement Account is included, can be replaced only with Trade Account of the 1<sup>st</sup> level / Trade Account of the 2<sup>nd</sup> or 3<sup>rd</sup> level, corresponding to the Trade Account of the 1<sup>st</sup> level, into the structure of which trust or proprietary Settlement Account is included;
    - Trade Account of the 1<sup>st</sup> level, defined in the request / corresponding Trade Account of the 2<sup>nd</sup> or 3<sup>rd</sup> level, defined in the request, into the structure of which

Settlement Account, opened for the Segregated Client, is included, can be replaced only with Trade Account of the 1<sup>st</sup> level / Trade Account of the 2<sup>nd</sup> or 3<sup>rd</sup> level, corresponding to the Trade Account of the 1<sup>st</sup> level, into the structure of which Settlement Account, opened for the same Segregated Client, is included;

- Trade Account of the 1<sup>st</sup> level, defined in the request / corresponding Trade Account of the 2<sup>nd</sup> or 3<sup>rd</sup> level, defined in the request, into the structure of which Settlement Account, to which client identification data correspond, is included, can be replaced only with Trade Account of the 1<sup>st</sup> level / Trade Account of the 2<sup>nd</sup> or 3<sup>rd</sup> level, corresponding to the Trade Account of the 1<sup>st</sup> level, into the structure of which Settlement Account, to which the same client identification data correspond, is included;
- Trade Account T+ can be replaced only with Trade Account T+;
- Trade Account, indicated in the request, to which correspond Asset Pool Trade Account, can be replaced only with the Asset Pool Trade Account, which has the same feature, defining particular asset pool, as the Asset Pool Trade Account, corresponding to the Trade Account, indicated in the request;
- Trade Account of the 1<sup>st</sup> level, indicated in the request / corresponding to the Trade Account of the 2<sup>nd</sup> or of the 3<sup>rd</sup> level, defined in the request, into the structure of which client Settlement Account is included, in case if under such Trade Account obligations under Trades in bonds of the Bank of Russia are recorded, can be replaced with Trade Account of the 1<sup>st</sup> level / Trade Account of the 2<sup>nd</sup> or of the 3<sup>rd</sup> level, corresponding to the Trade Account of the 1<sup>st</sup> level, into the structure of which proprietary Settlement Account is included, only in case if the Clearing Member is the credit institution.

42.8.4. Request for the Trade Account replacement in executed after the trading ends / after expiration of time for OTC Trades execution (for OTC Trades) on the relevant market.

42.8.5. After Trade Account replacement obligations arising from Trade(s), obligations to transfer Income, obligations to pay compensation payments under such Trade(s) are recorded under new Trade Account of the 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> level, defined in the request, and under corresponding to it Settlement Account of the 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> level and Trade Accounts and Settlement Accounts of higher level, and are fulfilled under Settlement Accounts / Collateral Accounts T0 and Securities Sub-Account, which form part of new Trade Account of the 1<sup>st</sup> level / into the structure of the Trade Account of the 1<sup>st</sup> level, to which correspond new Trade Account of the 2<sup>nd</sup> or 3<sup>rd</sup> level, defined in the request.

42.8.6. Replacement of the Trade Account of the 1<sup>st</sup>, 2<sup>nd</sup> and/or 3<sup>rd</sup> level, which defines clearing registers and set of accounts, under which obligations arising from Trade(s) are recorded and shall be fulfilled, does not lead to the replacement of the entity, at the expense and in the interest of which Trade(s) has (have) been executed.

#### **Article 43. Time for including obligations into the clearing pools (early settlement and time limit for execution of Trades with the Clearing House)**

43.1. Obligations and Claims of the Clearing Member and of the Clearing House with the arrived Settlement Date are included into the relevant clearing pool on the Settlement Date within the terms for calculation of relevant Total Net Obligations / Total Net Claims, set out by the Time Specification or by the time specification, which is the supplement to the relevant part of the Clearing Rules.

- 43.2. In case of receipt from the Clearing Member of the Request for the execution of early settlement or of the Standing Instruction to execute early settlement, obligations and claims of such Clearing Member and of the Clearing House (under trades, executed with the central counterparty) with the arrived Settlement Date are included into the relevant clearing pool on the Settlement Date within the terms for calculation of the relevant Total Net Obligations / Total Net Claims, set out by the Time Specification and based on the information, received from the request / instruction of the Clearing Member (in case of such opportunity is stipulated by the relevant part of the Clearing Rules).
- 43.2.1. Request for execution of early settlement and Standing Instruction to execute early settlement is submitted and is valid in respect of the Settlement Account of the Clearing Member and of clearing registers of the 2<sup>nd</sup> and of the 3<sup>rd</sup> levels, corresponding to such Settlement Account.
- 43.2.2. Request for the execution of early settlement is in effect only for the date of its provision.
- 43.2.3. Standing Instruction to execute early settlement is executed by the Clearing House on each Settlement Day, beginning from the day of the first Settlement Day, following the day of its provision.
- Standing Instruction to execute early settlement is in effect till its cancellation.
- Clearing Member is entitled to cancel the Standing Instruction to perform early settlement.
- 43.2.4. After receiving from the Clearing Member of the Request for the execution of early settlement within time indication, the Clearing House via the TC SHC / Trading system transfers to the Exchange information on the Settlement Account of the Clearing Member, in respect of which the Request for the execution of early settlement has been provided.
- Clearing House daily via TC SHC / Trading system transfers to the Exchange information on Settlement Accounts of Clearing Members, in respect of which Request for the execution of early settlement with the indication of time has been provided or in respect of which there are valid Standing Instructions to execute early settlement, and on the time of early settlement for such Settlement Accounts.
- 43.3. Clearing Member is entitled to limit for himself the time for execution of Trades with the Clearing House in comparison to trading time, set by the Exchange (in case if such opportunity is stipulated by the relevant part of the Clearing Rules).
- 43.3.1. In case if the Clearing Member limits the start time for the execution of Trades with the Clearing House, the start time for the execution of Trades with the Clearing House is defined by the Time Specification.
- 43.3.2. In case if the Clearing Member limits the end time for execution of Trades with the Clearing House, the end time for execution of Trades with the Clearing House is defined on the basis of the information from the request / instruction of the Clearing Member and in accordance with the Time Specification.
- 43.4. In order to limit start time for execution of Trades with the Clearing House, the Clearing Member shall provide Standing Instruction to limit start time for execution of Trades with the Clearing House.
- 43.4.1. Standing Instruction to limit start time for execution of Trades with the Clearing House is submitted and is in effect in respect of the Settlement Account of the Clearing Member and of the clearing registers of the 2<sup>nd</sup> and of the 3<sup>rd</sup> level corresponding to it, unless otherwise

stated by the special part of the Clearing Rules, and in respect of the on-exchange market, defined in the instruction.

Standing Instruction to limit start time for execution of Trades with the Clearing House is in effect until it is cancelled by the Clearing Member.

Clearing Member is entitled to cancel such instruction.

43.4.2. Clearing House via the TC SHC / Trading system transfers to the Exchange information on Settlement Accounts / other clearing registers of Clearing Members, in respect of which Standing Instruction to limit start time for execution of Trades with the Clearing House is in effect / is cancelled.

43.5. In order to limit end time for execution of Trades with the Clearing House with the Settlement Date, different from the current one, the Clearing Member must provide the Clearing House with the Request for limiting end time for execution of Trades with the Clearing House or the Standing Instruction to limit end time for execution of Trades with the Clearing House.

43.5.1. Request for limiting end time for execution of Trades with the Clearing House and the Standing Instruction to limit end time for execution of Trades with the Clearing House is submitted and is in effect in respect of the Settlement Account of the Clearing Member and of the clearing registers of the 2<sup>nd</sup> and of the 3<sup>rd</sup> level corresponding to it.

43.5.2. The Request for limiting end time for execution of Trades with the Clearing House is in effect only on the day of its provision to the Clearing House.

43.5.3. The Standing Instruction to limit end time for execution of Trades with the Clearing House is performed by the Clearing House on each Settlement Day, beginning from the first Settlement Day, following the day of provision of the abovementioned instruction.

The Standing Instruction to limit end time for execution of Trades with the Clearing House is in effect till its cancellation by the Clearing Member.

The Clearing Member is entitled to cancel the Standing Instruction to limit end time for execution of Trades with the Clearing House.

43.5.4. After receiving from the Clearing Member of the Request for limiting end time for execution of Trades with the Clearing House without time indication, the Clearing House via the TC SHC / Trading system transfers to the Exchange information on the Settlement Account of the Clearing Member, in respect of which such request without time indication has been submitted.

The Clearing House daily via the TC SHC / Trading system the transfers to the Exchange information on Settlement Accounts of the Clearing Member, in respect of which Request for limiting end time for execution of Trades with the Clearing House has been submitted with the indication of time or in respect of which Standing Instruction to limit end time for execution of Trades with the Clearing House is in effect.

43.6. If the Clearing Member provided the Request for limiting end time for execution of Trades with the Clearing House or the Standing Instruction to limit end time for execution of Trades with the Clearing House and did not provide the Request for the execution of early settlement or the Standing Instruction for the execution of early settlement or provided the Request for the execution of early settlement or the Standing Instruction to execute early settlement with the execution time after the time of the execution of the Request for limiting end time for execution of Trades with the Clearing House or of the Standing Instruction to

- limit end time for execution of Trades with the Clearing House then when performing the Request for the execution of early exit from trading or the Standing Instruction to execute early exit from trading, in respect of such Clearing Member the Clearing House performs actions, stipulated by the paragraph 43.2.
- 43.7. For the Unified Pool Settlement Accounts the Request for the execution of early settlement and the Standing Instruction to execute early settlement, Request for limiting end time for execution of Trades with the Clearing House and the Standing Instruction to limit end time for execution of Trades with the Clearing House are in effect at the same time in respect of two on-exchange markets: securities market, deposit market and credit market, FX market and precious metals market.
- 43.8. Request for limiting end time for execution of Trades with the Clearing House, the Standing Instruction to limit end time for execution of Trades with the Clearing House are not executed in respect of the Settlement Account in case if under such Settlement Account non-fulfilled Margin Call is recorded and/or Settlement Regime is set.
- 43.9. The Clearing Member, which provided the Request for the execution of early settlement and the Standing Instruction to execute early settlement, the Request for limiting end time for execution of Trades with the Clearing House and the Standing Instruction to limit end time for execution of Trades with the Clearing House, is entitled to renew execution of trades with the Clearing House with the relevant Settlement Date.
- 43.9.1. In order to renew execution of trades with the Clearing House, the Clearing Member must provide the Clearing House with the Request for the renewal of execution of trades with the Clearing House.
- 43.9.2. In the Request for the renewal of execution of trades with the Clearing House, the Clearing Member indicates trades types, to which the request applies:
- “TOD”, which stands for the request for the renewal of execution of trades with the Clearing House with the settlement on the execution date;
  - “TOM”, which stands for the request for the renewal of execution of trades with the Clearing House with the settlement not earlier than on the Settlement Day, following the execution date.
- 43.9.3. Immediately after the receipt from the Clearing Member of the Request for the renewal of execution of trades with the Clearing House, the Clearing House forwards to the Exchange notification on the necessity to renew execution of trades with the Clearing House with the relevant Settlement Dates.
- 43.10. In case of provision by the Clearing Member of the Request for the renewal of execution of trades with the Clearing House, repeated provision by the Clearing House of the Request for the execution of early settlement or of the Request for limiting end time for execution of Trades with the Clearing House on this particular Settlement Day is not allowed, repeated execution by the Clearing House of the relevant Standing Instruction to execute early settlement or of the relevant Standing Instruction to limit end time for execution of Trades with the Clearing House on this particular Settlement Day is not performed.



**Article 44. Procedure for the fulfillment of obligations and claims in cash / precious metals of a Clearing Member and of the Clearing House**

44.1. At the time, set out in the Time Specification or in the time specification, which is the supplement to the relevant special part of the Clearing Rules, the Clearing House calculates Total Net Obligations and/or Total Net Claims in cash / precious metals of each Clearing Member under each Settlement Account in respect of obligations, included into the relevant clearing pool in the order, stipulated by the Article 45 or by the relevant special part of the Clearing Rules.

44.2. A Clearing Member shall fulfill its Total Net Obligations in cash / precious metals, defined in the relevant clearing pool, at the time, defined by the Time Specification or by the time specification, which is the supplement to the relevant special part of the Clearing Rules.

44.3. In order to fulfill (terminate) Total Net Obligations of a Clearing Member, recorded under an Asset Pool Settlement Account, Collateral of a Clearing Member in the relevant cash funds / precious metals, recorded under the same Settlement Account, is used.

In order to fulfill Total Net Obligations of a Clearing Member in cash funds / precious metals, recorded under an Asset Pool Settlement Account, assets, posted into the asset pool in the order defined in the Clearing Rules on the Securities Market, Deposit Market and Credit Market, recorded under the same Asset Pool Settlement Account, are used.

Collateral / assets, recorded under the other Settlement Accounts of the same Clearing Member, are not used, except for cases specially defined in the Clearing Rules.

44.3.1. The date and the time when a Clearing Members transfers cash funds to the relevant accounts of the Clearing House constitute the date and the time when the relevant accounts of the Clearing House, registered in Settlement Banks and in Settlement Organizations, are credited with cash funds.

44.3.2. The date and the time when a Clearing Member transfers precious metals as Collateral is the date and time of crediting precious metals to the relevant trading bank account in precious metals of the Clearing Member.

44.3.3. Cash funds transfer after the defined time period with its credit earlier than the date of the transfer (back value) is not allowed.

44.4. In case of the fulfillment of the Total Net Obligation in cash with the breach of time, defined in the Time Specification or in the time specification, which is the supplement of the relevant special part of the Clearing Rules, and/or if there is non-fulfilled Total Net Obligation in cash after the moment when the Clearing House performed actions in accordance with the Article 47 or in accordance with the Clearing Rules on the Commodities Market, and/or if there is a Debt of the Clearing Member by the moment of time, determined in the Time Specifications on the Derivatives Market, a Clearing Member must pay the penalty in favor of the Clearing House for undue fulfillment of obligations in cash, the amount of which is calculated according to the formula:

Penalty =  $D \times C \times R \times n / 365$ , where

Penalty is the sum of the penalty for undue fulfillment of obligations in cash, in Russian rubles, in Russian rubles,

D is the sum of the Total Net Obligation of a Clearing Member in cash in the relevant currency, fulfilled with the breach of time, defined in the Time Specifications, or the sum of Total Net Obligation in cash in the relevant currency, not fulfilled after actions, taken

by the Clearing House, in accordance with the Article 47 or in the Clearing Rules on the Commodities Market, or the sum of the Debt in the relevant currency,

C is the exchange rate of the foreign currency in respect of Russian rubles, set out by the Bank of Russia on the date of the penalty calculation;

R is the rate, defined by the Clearing House in accordance with the Risk parameters on the FX Market and Precious metals Market Calculation Methodology and which is applied in cases of settlement of obligations under Partially Secured Trades, to fulfill which there is no sufficient cash funds,

n is a number of calendar days between the date of calculation of the penalty and the following Settlement Day for the relevant currency.

The sum of the penalty, calculated in accordance with this paragraph, is exclusive of VAT.

The obligation to pay out the penalty for undue fulfillment of obligations in cash, calculated in accordance with this paragraph, recorded under the same Settlement Account of the Clearing Member, under which Total Net Obligation of the Clearing Member in cash, fulfilled in an unduly manner / Debt is recorded, however in case if the Clearing Member provides the Request for choosing main Settlement Account for the fees withdrawal in accordance with the paragraph 58.10, where the feature, which represents the fact that from the main Settlement Account for the fees withdrawal, is indicated in such request, it is also required to levy the penalty for undue fulfillment of obligations in cash – from the main Settlement Account for the fees withdrawal, indicated in such request.

The abovementioned obligation to pay out the penalty shall be fulfilled on the Settlement Day, following the day of emergence of grounds for penalty charge, defined in this paragraph of the Common Part of the Clearing Rules.

Penalty for undue fulfillment of obligations in cash, stipulated by this paragraph of the Common Part of the Clearing Rules, is not levied upon the Clearing Member, admitted to clearing service of which is suspended on the basis of the information, received from the Exchange, on suspension or termination of the Clearing Member's admission to trading due to annulment of the license on professional activity on the securities market.

44.5. The Clearing House fulfills Total Net Claims of a Clearing Member, recorded under a Settlement Account and/or under clearing registers corresponding to a Settlement Account, defined in the relevant clearing pool under the condition of fulfillment by a Clearing Member of its Total Net Obligations, recorded under such Settlement Account and/or under clearing registers corresponding to such Settlement Account, defined in the same clearing pool, and/or the availability of Collateral of a Clearing Member, recorded under the same Settlement Account, which is sufficient for termination of such Total Net Obligations.

44.6. Within the period of time, set out in the Time Specification or in the time specification, which is the supplement to the relevant special part of the Clearing Rules, the Clearing House fulfills / terminates Total Net Claims / Total Net Obligations in cash / precious metals.

For the purpose of fulfillment, Total Net Obligation / Total Net Claim in precious metals in troy ounces are converted into grams according to the order, similar to the order, set out in the regulation of the Bank of Russia, which sets the rules for recording and keeping bullions with the credit institutions in the Russian Federation when conducting operations with precious metals.

In case if there is Collateral of the Clearing Member, which is required for the fulfillment of the Total Net Obligation, the Clearing House is entitled to fulfill / terminate such Total

Net Obligation of the Clearing Member and corresponding to it Total Net Claim / corresponding to it Total Net Claims of the Clearing Member before the period of time, determined in the Time Specification or by the time specification, which is the supplement to the relevant special part of the Clearing Rules.

- 44.7. The Clearing House nets a Total Net Obligation of a Clearing Member in the relevant currency, recorded under a Settlement Account, against a claim of a Clearing Member to return Collateral in such currency, recorded under the same Settlement Account.

Total Net Obligation of a Clearing Member and Claim of a Clearing Member to return his Collateral in the relevant currency terminates in an amount equal to the minimum amount out of these two: (1) an amount of such Total Net Obligation and (2) an amount of Collateral in such currency.

With regard to the abovementioned, a Total Net Obligation of a Clearing Member and Collateral of a Clearing Member in the relevant currency, recorded under a Settlement Account of a Clearing Member, lessens for the sum of Total Net Obligation / claim to return Collateral in such currency, which has been terminated.

- 44.8. A Total Net Obligation of a Clearing Member in the relevant precious metal, recorded under a Settlement Account of a Clearing Member, is fulfilled through the use of Collateral in such precious metal, recorded under the same Settlement Account of a Clearing Member.

A Total Net Obligation of a Clearing Member in the relevant precious metal is fulfilled in an amount equal to the minimum amount out of these two: (1) an amount of such Total Net Obligation and (2) an amount of Collateral in such precious metal.

The Clearing House charges the relevant precious metal in an amount equal to the fulfilled Total Net Obligation in such precious metal, upon a trading bank account for such precious metal, corresponding to a Settlement Account of a Clearing Member, as fulfillment of a Total Net Obligation in such precious metal.

With the regard to the abovementioned, an amount of Collateral of a Clearing Member in the relevant precious metal, recorded under a Settlement Account of a Clearing Member, lessens for an amount of the Total Net Obligation in precious metal, which has been fulfilled.

- 44.9. A Total Net Obligation of a Clearing Member in cash in the relevant currency / in precious metals to fulfil which there is no sufficient cash funds / relevant precious metal, is settled in the order, defined in the Article 47, within the period of time, set out in the Time Specification or by the time specification, which is the supplement to the relevant special part of the Clearing Rules.

Special order for the settlement of non-fulfilled Total Net Obligations in cash funds can be stipulated by a special part of the Clearing Rules.

- 44.10. A Total Net Claim of a Clearing Member in the relevant currency, recorded under a Settlement Account of a Clearing Member, is terminated by the emergence of an obligation of the Clearing House to return to a Clearing Member Collateral in such currency and in an amount equal to a Total Net Claim of a Clearing Member in such currency, recorded under the same Settlement Account of a Clearing Member.

With the regard to the abovementioned, an amount of Collateral in the relevant foreign currency, recorded under a Settlement Account of a Clearing Member, and volume of the obligation of the Clearing House to return to the Clearing Member Collateral in such

currency increase for an amount of Total Net Obligation in such currency, which has been terminated.

- 44.11. In order to fulfill a Total Net Claim of a Clearing Member in the relevant precious metal, recorded under a Settlement Account, the Clearing House credits the relevant precious metal in an amount, which is equal to of the volume of a Total Net Claim in such precious metal, to a trading bank account, corresponding to a Settlement Account of a Clearing Member.

With the regard to the abovementioned, Collateral of a Clearing Member in the relevant precious metal, recorded under a Settlement Account of a Clearing Member, increases for the sum of the Total Net Claim in such precious metal, which has been fulfilled.

- 44.12. In case if there is a difference between information on Collateral in precious metals, recorded under clearing registers corresponding to trading bank accounts with the feature Loco London in troy ounces and information on Collateral in precious metals, recorded under such trading bank accounts in grams, due to mathematical roundoff when converting Total Net Obligations / Total Net Claims in precious metals from troy ounces to grams, performed in order to fulfill the abovementioned Total Net Obligation / Total Net Claim, the Clearing House debits or credits trading bank account with the precious metal in grams with the aim to equalize the difference.

- 44.13. The Clearing House also records information on termination of obligations in cash / precious metals under Trades with arrived Settlement Date, executed with the reference to a Trade Account of the 2<sup>nd</sup> level, indicated in an order to conclude such Trade without taking into account check of the Collateral sufficiency, information on which is recorded under a Settlement Account of the 2<sup>nd</sup> level.

The Clearing House also records information on termination of obligations in cash / precious metal under Trades with arrived Settlement Date, executed with the reference to a Trade Account of the 3<sup>rd</sup> level, under a Settlement Account of the 2<sup>nd</sup> level corresponding to a Trade Account of the 3<sup>rd</sup> level indicated in an order to conclude such Trade without taking into account check of the Collateral sufficiency, information on which is recorded under a Settlement Account of the 2<sup>nd</sup> and/or of the 3<sup>rd</sup> level.

With the regard to the abovementioned, an amount of Collateral in the relevant currency / relevant precious metal, information on which is recorded under a Settlement Account of the 2<sup>nd</sup> level / 3<sup>rd</sup> level lessens / increases for the sum equal to the Total Net Obligation / Total Net Claim in such foreign currency / such precious metal with arrived Settlement Date, information on which is recorded under the relevant Settlement Account of the 2<sup>nd</sup> level / 3<sup>rd</sup> level.

#### **Article 45. Procedure for Unified clearing pool establishment**

- 45.1. On each Settlement Day the Clearing House forms a Unified Clearing Pool by the following obligations and claims with arrived Settlement Date, recorded under Settlement Accounts, registered for the Securities Market, Deposit Market and Credit Market, and under Unified Pool Settlement Accounts in the Clearing System of the Securities Market:
- Debts of a Clearing Member in the relevant currency, emerged on the previous Settlement Day and not paid out by the moment of calculation of the Total Net Obligations / Total Net Claims in cash in the relevant currency (for the first

- calculation of Total Net Obligations / Total Net Claims in cash funds in the relevant currency during the Settlement Day);
- previous Total Net Obligation / Total Net Claim in cash in the relevant foreign currency calculated during the Settlement Day (for the second and following calculations of Total Net Obligations / Total Net Claims in cash in the relevant foreign currency during the Settlement Day);
  - obligations and claims of a Clearing Member and of the Clearing House in cash and securities under Trades T+ with arrived Settlement Date, not secured with funds for the execution by the moment when the Total Net Obligations / Total Net Claims in securities are calculated;
  - obligations and claims of the Clearing Member and of the Clearing House in cash in Russian rubles and in foreign currency / in precious metals, arising from Trades with the arrived Settlement Date, received from the Clearing System of the FX Market and precious metals Market and from the Clearing System of the Standardised Derivatives Market (for Unified Pool Settlement Account);
  - obligations to pay / claims to receive variation / deposit margin and the bonus, defined in accordance with the Clearing Rules on the FX Market and Precious Metals Market, with the Clearing Rules on the Derivatives Market and with the Clearing Rules on the Standardised Derivatives Market (for the Unified Pool Settlement Accounts);
  - obligations and claims of the Clearing Member and of the Clearing House in cash and in securities with the arrived Settlement Date in respect of Trades T+, executed in accordance with the articles Article 48-Article 52;
  - obligations to transfer / claims to receive the Income, defined in accordance with the Clearing Rules on the Securities Market, Deposit Market and Credit Market;
  - obligations of the Clearing Member to pay fees, calculated in accordance with the Common part of the Clearing Rules and with the Clearing Rules on the Securities Market, Deposit Market and Credit Market;
  - obligations of the Clearing Member to pay the fees, determined in accordance with the Clearing Rules on the FX market and Precious Metals Market, with the Clearing Rules on the Derivatives Market and with the Clearing Rules on the Standardised Derivatives Market (for the Unified Pool Settlement Accounts);
  - obligations of the Clearing Member to pay penalties, defined in accordance with the Common Part of the Clearing Rules and with the Clearing Rules on the Securities Market, Deposits Market and Credit Market, except for penalties stipulated by the sub-paragraph 7.20.1, paragraph 7.22;
  - obligations of the Clearing Member to pay penalties, defined in accordance with the Clearing Rules on the Derivatives Market (for the Unified Pool Settlement Accounts);
  - obligations of a Clearing Member to pay cash funds to the Clearing House in an amount equal to the nominal value of general collateral certificates in respect of which a Clearing Member did not fulfill obligations towards the Bank of Russia under the second part of the REPO, and claims of a Clearing Member towards the Clearing House to receive general collateral certificate in an amount equal to the one, received by the Clearing House from the Bank of Russia with arrived Settlement Date, defined in accordance with the Clearing Rules on the Securities Market, Deposit Market and Credit Market;

- obligation of the Non-resident Clearing Member / Clearing Member – International Organization to pay the sum, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation, calculated according to the Article 7, on the Settlement Day, following the day or income receipt by the Non-resident Clearing Member (in favor of the beneficial owner of income of the Non-resident Clearing Member inclusively)/ Clearing Member – International Organization (in favor of the beneficial owner of income of the Clearing Member – International Organization);
  - in case if the Non-resident Clearing Member does not provide certificate of tax resident of the Clearing Member and/or of the beneficial owner of income of such Clearing Member or in case of non-provision by the Clearing Member – International Organization of the certificate of tax residence of the beneficial owner of income of such Clearing Member (except for banks, permanent location of which can be confirmed by public information resources) for the next tax period (calendar year) within the period of time, defined in the Supplement 4, on the end date of the period for the provision of the abovementioned documents, - obligation of the Clearing Member to pay the sum, equal to the difference between the sum, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation, calculated according to the maximum rate, set by the Russian tax legislation, and the sum, corresponding to the sum of the tax, calculated according to the tax rate valid for the current calendar year, which is set by the applicable double taxation avoidance agreement, concluded with the state, which was the state of tax residence for the Non-resident Clearing Member, beneficial owner of income of the Non-resident Clearing Member or beneficial owner of income of the Clearing Member – International Organization for the previous calendar year (tax period);
  - obligations of the Clearing Member to pay the sum, corresponding to the sum of tax on income from the source located in the USA and or income equal to it, calculated according to the Clearing Rules on the Settlement Day, following the day of receipt by the Clearing Member of the Payment equal to dividends or interest;
  - other cash obligations of the Clearing Member, calculated in accordance with the Clearing Rules on the Standardised Derivatives Market, received from the Clearing System of the Standardised Derivatives Market (for the Unified Pool Settlement Accounts);
  - other cash obligations of a Clearing Member, stipulated by the Clearing Rules.
- 45.1.1. Obligations and claims of a Clearing Member and of the Clearing House with arrived Settlement Date are included into the Unified clearing pool within the period of time, set out in the Time Specifications.
- 45.1.2. Clearing Members are entitled to submit Requests for limiting end time for execution of trades with the Clearing House and Standing Instructions to limit execution of trades with the Clearing House with the indication of 19:00 in respect of the Unified Pool Settlement Accounts and of the Settlement Accounts, registered for the securities market, Deposit Market and Credit Market.
- Procedure for the submission and execution of the abovementioned requests and instructions is given in the Article 43.
- 45.2. Net Obligations / Net Claims with the arrived Settlement Date in respect of cash funds in Russian rubles and in foreign currency / precious metals, recorded under the Unified Pool

Settlement Accounts in the Clearing System of the FX Market and Precious Metals Market, on a regular basis not less than once in five minutes, are transmitted to the Clearing System of the Securities Market.

Obligations to pay / claims to receive the variation / deposit margin and the bonus, defined in the Clearing System of the FX market and Precious Metals Market, in the Clearing System of the Standardised Derivatives Market and in the Clearing System of the Derivatives Market, after its calculation, are transmitted to the Clearing System of the Securities Market.

Obligations of the Clearing Member to pay fees, calculated in the Clearing System of the FX Market and Precious Metals Market, Clearing System of the Standardised Derivatives Market and in the Clearing System of the Derivatives Market, on its Settlement Date are transferred to the Clearing System of the Securities Market.

Obligations / claims, arising from Standardised Derivatives Contracts to pay cash funds, Settlement Date of which has arrived, obligations / claims, arising from swap trades and buy-sell trades in foreign currency, executed in accordance with the Clearing Rules on the Standardised Derivatives Market, other obligations / claims, Settlement Date of which has arrived, recorded under the Unified Pool Settlement Accounts in the Clearing System of the Standardised Derivatives Market, after its calculation are transferred to the Clearing System of the Securities Market.

Meanwhile:

- 45.2.1. the abovementioned obligations and claims stop to be recorded in the Clearing System of the Derivatives Market / in the Clearing System of the FX Market and Precious Metals Market / Clearing System of the Standardised Derivatives Market and start to be recorded in the Clearing System of the Securities Market as a part of the Net Obligation / Net Claim in the relevant currency / precious metal / securities with the current Settlement Date, recorded under the Unified Pool Settlement Account;
- 45.2.2. Asset Profiles, recorded under the Unified Pool Settlement Account in the Clearing System of the Derivatives Market / in the Clearing System of the FX Market and Precious Metals Market / Clearing System of the Standardised Derivatives Market, are changed for the amount of obligations / claims, transferred to the Clearing System of the Securities Market: Asset Profiles of cash funds / precious metals, in which obligations have been transferred, are reduced for the amount of the abovementioned obligations, Asset Profiles of cash funds / precious metals, in which claims have been transferred, are enlarged for the amount of the abovementioned claims;
- 45.2.3. Asset Profiles, recorded under the Unified Pool Settlement Account in the Clearing System of the Securities Market, are changed for the amount of obligations / claims, transferred to such Clearing System, counter to the change of Asset Profiles in the Clearing System of the FX Market and Precious Metals Market / Clearing System of the Derivatives Market / Clearing System of the Standardised Derivatives Market;
- 45.2.4. obligations / claims, received from the Clearing System of the Derivatives Market / from the Clearing System of the FX Market and Precious Metals Market / Clearing System of the Standardised Derivatives Market, are included into the Unified Clearing Pool, take part in the calculation of the Total Net Obligations / Total Net Claims in securities / precious metals / cash funds in the relevant currency at the time, which is the closest one after its transfer and which determined by the Time Specifications as the time of calculation of the Total Net Obligations / Total Net Claims, and are fulfilled (terminated) in accordance with this article.

- 45.3. At the moment of calculation of Total Net Obligations / Total Net Claims in securities / precious metals / cash in the relevant currency in the relevant Unified clearing pool, defined in the Time Specifications, the Clearing House terminates homogeneous obligations and claims of a Clearing Member and of the Clearing House in cash, precious metals or securities, included into the Unified clearing pool, under each Settlement Account of a Clearing Member / Trade Account T+, and calculates the Total Net Obligation and/or Total Net Claim in cash / precious metals / securities, emerged due to the termination of obligations and claims, defined in this paragraph.
- 45.3.1. After calculation of Total Net Obligations / Total Net Claims the Clearing House forms and transfers to Clearing Members reports, which contain information on Total Net Obligations / Total Net Claims in cash / precious metals / securities.
- 45.4. The Clearing House is entitled to set Imposed Limitations on a Trade Account T+ in an amount of a Total Net Obligation of a Clearing Member in securities, recorded under a Trade Account T+, from the moment of the calculation of Total Net Obligations / Total Net Claims till the moment of fulfillment by the Clearing House of Total Net Obligations of a Clearing Member.

#### **Article 46. Procedure for the termination of obligations in the Unified Clearing Pool**

- 46.1. With the aim to terminate obligations in the Unified Clearing Pool, the Clearing House within the period of time, set out in this article and in the Time Specifications.
- 46.1.1. forms instructions to transfer securities / cash funds from the Trade Account T0 to the Trade Account T+ in accordance with the sub-paragraphs 46.6-46.7;
- 46.1.2. forms instruction to transfer cash funds / precious metals / securities from the Asset Pool Trade Account to the Trade Account T+ in accordance with the paragraph 46.8;
- 46.1.3. forwards to the Settlement Depository the Request for the securities selection in accordance with the paragraph 46.10;
- 46.1.4. checks the availability of cash funds / precious metals / securities, required for the fulfillment of Total Net Obligations;
- 46.1.5. in case if the Clearing Member does not have sufficient amount of cash funds / precious metals / securities / required for the fulfillment of his Total Net Obligations, performs the actions, stipulated by the Article 47;
- 46.1.6. fulfills / terminates Total Net Obligations / Total Net Claims in cash / precious metals.
- 46.2. Actions, stipulated by the sub-paragraphs 46.1.1-46.1.3, are also performed in respect of the previous Total Net Obligation in securities, which is equal to the Net Obligation in securities with the arrived Settlement Date, determined by the time, set out in the Time Specifications.
- 46.3. Within the period of time, set out in the Time Specifications, the Clearing House executes settlement clearing sessions, during which interacts with the Settlement Depository with the aim to fulfill Total Net Obligations / Total Net Claims in securities and executes settlement in securities on the basis of the clearing results.
- 46.4. Total Net Obligations / Total Net Claims in cash / precious metals are fulfilled in the order, defined in the Article 44, taking into account specifics, set out in this article.



- 46.5. For the fulfillment of Total Net Obligations of the Clearing member in securities, recorded under the Trade Account T+, Collateral of the Clearing Member in the relevant securities, recorded under the same Trade Account T+, is used. Collateral, recorded under the other Trade Accounts of the same Clearing Member, is not used, except for cases, set out in the sub-paragraphs 46.6, 46.8.

For the fulfillment of the Total Net Obligation of the Clearing Member in securities, recorded under the Asset Pool Trade Account, assets, posted into an asset pool in the order, defined in the Clearing Rules on the Securities Market, Deposit Market and Credit Market, recorded under the same Asset Pool Trade Account, is used. Assets, recorded under the other Asset Pool Trade Accounts of the same Clearing Member, is not used.

Amount of cash funds / number of securities, posted by Clearing Members, is considered to be sufficient for the fulfillment of the Total Net Obligation of the Clearing Member in cash / securities, recorded under the Settlement Account / Trade Account, if the amount of cash funds / number of securities, recorded under the same Settlement Account / Trade Account is more than or equal to the size of the abovementioned obligation, and not sufficient for the fulfillment if it is less.

- 46.6. If in order to fulfill a Total Net Obligation of the Clearing Member in securities, recorded under a Trade Account T+, there is no sufficient number of securities, and a Clearing Member obtains open Trade Account T0, connected with this particular Trade Account T+, the Clearing House since of the moment of calculation of the Total Net Obligations and Total Net Claims of Clearing Members in securities, is entitled to form in the Clearing System an Instruction to transfer securities with the aim to post it as Collateral in an amount, which is lacked to fulfill a Total Net Obligation of the Clearing Member in securities, in case of provision by a Clearing Member of the Request for changing Trade Account parameters, stipulated by the paragraph 33.21 and which contains the relevant indication.

The abovementioned Instruction to transfer securities is formed under the conditions defined in the sub-paragraph 30.15.1.

The abovementioned Instruction to transfer securities is not formed in case if a Clearing Member provides the Request for changing Trade Account parameters that contains the order to not transfer securities from a Trade Account T0 to a Trade Account T+ when fulfilling obligations arising from Trades.

- 46.7. In case if in order to fulfill the Total Net Obligation of the Clearing Member in cash, recorded under the Settlement Account, there is no sufficient amount of cash funds, and such Settlement Account of the Clearing Member is connected with the Collateral Account T0 then the Clearing House, since of the moment of calculation of Total Net Obligations and Total Net Claims of Clearing Members and till the moment of time, determined by the Time Specifications as the time for the execution by the Clearing Members of Total Net Obligations in cash, is entitled to form in the Clearing System the instruction to transfer cash funds with the aim to post it as Collateral in the amount, which is lacked for the fulfillment of the Total Net Obligation of the Clearing Member in cash, or in the amount of the Total Net Obligation of the Clearing Member in cash, in case if the Clearing Member submits the Request for changing Trade Account parameters, stipulated by the paragraph 33.21 and which contains the relevant indication.

The abovementioned instruction to transfer cash funds is formed under the conditions, defined in the sub-paragraph 30.15.1.

The abovementioned instruction to transfer cash funds is not formed in case if the Clearing Member submits the Request for changing Trade Accounts parameters, which contains the indication to not transfer cash funds from Collateral Accounts T0 to the Collateral Accounts when fulfilling obligations under Trades.

The abovementioned instruction to transfer cash funds can be formed by the Clearing House for several times during the defined period of time.

- 46.8. If for the fulfillment of the Total Net Obligations in cash funds / precious metals / securities, recorded under the Settlement Account / Trade Account T+, there is no sufficient amount of cash funds / precious metals / securities, and if the Clearing Member is the Pool Member and the indicated Settlement Account forms a part of the Trade Account T+, to which the relevant Asset Pool Trade Account corresponds / to the abovementioned Trade Account T+ Asset Pool Trade Account corresponds, the Clearing House forms in the Clearing System the instruction to transfer relevant cash funds / precious metals / securities from the defined Trade Account T+ in the amount / number, which is lacked for the fulfillment of the Total Net Obligation of the Clearing Member in cash / securities.

The abovementioned instruction to transfer cash funds / precious metals / securities is formed under the conditions, defined in the sub-paragraph 30.15.1 / 30.16.1, and the instruction to transfer cash funds in Russian rubles is formed also under the condition that general collateral certificates, defined in the Clearing Rules on the Securities Market, Deposit Market and Credit Market, are redeemed.

Together with forming instruction to transfer securities, precious metals or cash funds in the foreign currency, which leads to the breach of conditions of the general collateral certificates redemption, defined in the Clearing Rules on the Securities Market, Deposit Market and Credit Market for the withdrawal of cash funds from an asset pool, the Clearing House forms in the Clearing System the instruction to transfer cash funds in Russian rubles from the Settlement Account, which forms a part of the Trade Account T+, to the Asset Pool Settlement Account, which forms a part of the Asset Pool Trade Account, in the amount, which is lacked for the redemption of general collateral certificates, defined in the Clearing Rules on the Securities Market, Deposit Market and Credit Market.

If there is no sufficient amount of cash funds, recorded under the Settlement Account, which forms a part of the Trade Account T+, for the fulfillment of the abovementioned transfer, lacked amount of cash funds is recorded as the obligation in cash of the Clearing Member towards the Clearing House under such Settlement Account.

The abovementioned obligation of the Pool Member in cash is included into the Unified Clearing Pool in accordance with the Article 45.

The abovementioned instruction to transfer cash funds can be formed by the Clearing House for several times during the defined period of time.

- 46.9. Instructions to transfer securities / cash funds between the Trade Account T0 / Asset Pool Trade Account and Trade Account T+ is executed in accordance with the paragraph 30.15.
- 46.10. Requests for securities selection are directed to the Settlement Depository within the periods of time, determined by the Time Specifications.

Requests for securities selection are forwarded in respect of Clearing Members, corresponding to the requirements, set out in the paragraph 14.25.

In case if there is no sufficient number of securities for the fulfillment of the Total Net Obligation of the Clearing Member in securities / advanced Total Net Obligation of the Clearing Member in securities (except for general collateral certificates), in the Request for securities selection Security Code Number and the number of securities, corresponding to the Total Net Obligation of the Clearing Member in securities / advanced Total Net Obligation of the Clearing Member in securities, for the fulfillment of which there is no sufficient amount of securities, and the Securities Sub-account T+, which forms a part of the Trade Account T+, under which the defined obligation is recorded.

In case if there is no sufficient number of general collateral certificates for the fulfillment of the Total Net Obligation of the Clearing Member in securities / advanced Total Net Obligation of the Clearing Member in securities in the Request for securities selection the amount, corresponding to the number of general collateral certificates in the Total Net Obligation of the Clearing Member in securities / advanced Total Net Obligation of the Clearing Member in securities, for the fulfillment of which there is no sufficient amount of general collateral certificates, and the depo sub-account of an asset pool, which forms a part of the Asset Pool Trade Account, corresponding to the Trade Account T+, under which the abovementioned Total Net Obligation / advanced Total Net Obligation of the Clearing Member in securities.

- 46.10.1. The Settlement Depository executes the Request for securities selection, submitted by the Clearing House, in accordance with the paragraphs 32.6-32.7.
- 46.11. Securities, credited to the Sub-accounts Cluster T+ on the basis of the results of execution by the Settlement Depository of the Request for securities selection, submitted by the Clearing House, or of the instruction to transfer cash funds from the Trade Account T0 / Asset Pool Trade Account to the Trade Account T+, are recorded as Collateral of the Clearing Member under relevant Trade Account T+ and is used to fulfil Total Net Obligation in securities, recorded under the Trade Account T+.
- 46.12. Securities, credited to the depo sub-account of an asset pool, on the basis of the results of execution by the Settlement Depository of the Request for securities selection, submitted by the Clearing House, or of the instruction to transfer cash funds from the Trade Account T+ to the Asset Pool Trade Account, are posted into the relevant asset pool. For assets, posted into the relevant asset pool, the Clearing House issues general collateral certificates, in accordance with the Clearing Rules on the Securities Market, Deposit Market and Credit Market. Issued general collateral certificates are used for the fulfillment of the Total Net Obligation of the Clearing Member in the general collateral certificate security.
- 46.13. If due to the actions, stipulated by the sub-paragraphs 46.1.1-46.1.3, taken in order to fulfill Total Net Obligations of the Clearing Member in cash, in precious metals and/or in securities, by the moment of time, determined by the Time Specification or by the time specification, which is the supplement to the relevant part of the Clearing Rules, there is no sufficient amount of cash funds / securities, this Clearing Member is considered to become a Defaulting Clearing Member and the Clearing House performs actions stipulated by the Article 47.
- 46.14. With the reference to Total Net Obligations of Clearing Members in cash / precious metals / securities to fulfill which there is no sufficient amount of cash funds / precious metals / securities and corresponding to it Total Net Claims of Clearing Members in cash / precious metals / securities, including the ones, calculated on the basis of the results of the actions performance, stipulated by the Article 47, the Clearing House changes the amount of cash

funds / amount of precious metals / number of securities, recorded under the relevant Settlement Accounts / Trade Accounts.

- 46.14.1. In case if a Clearing Member submits the Request for changing Trade Account parameters in accordance with which a Clearing Member gives the instruction to the Clearing House to transfer securities from Securities Sub-accounts T+ to Securities Sub-accounts T0 with the aim to return securities, received as the result of termination of obligations, included into the Unified Clearing Pool, the Clearing House changes the number of securities, recorded under Trade Accounts T+ / Trade Accounts T0 in accordance with the Request for changing Trade Account parameters.

Procedure for the submission and execution of the Request for changing Trade Account parameters is defined in the paragraphs 33.20-33.21.

- 46.15. Total Net Obligations / Total Net Claims in securities, including the ones, calculated on the basis of the result of actions performance, stipulated by the Article 47, the Clearing House includes it into the closest Clearing Pool for Settlement after a Trading Day with the closest formation time and fulfills (terminates) it in the order, defined in the Clearing Rules on the Securities Market, Deposit Market and Credit Market.

## **SUB-SECTION IV-V. COURSE OF ACTIONS AIMED AT OBLIGATIONS FULFILLMENT**

The Articles from Article 47 to Article 52 of this particular sub-section apply in case of non-fulfillment (unduly fulfillment) of obligations, recorded under Unified Pool Settlement Accounts, under Settlement Accounts of a Clearing Member, registered for the Securities Market, Deposit Market and Credit Market, and under Settlement Accounts of a Clearing Member, registered for the FX Market and Precious metals market.

### **Article 47. Course of actions, aimed at obligations fulfillment, in case if there are Total Net Obligations, to fulfill which there is no sufficient amount of cash funds / precious metals / securities**

47.1. In case if in order to fulfill the Total Net Obligation of the Clearing Member in securities / cash funds / precious metals, there is no sufficient amount of relevant securities / cash funds / precious metals, the Clearing House takes actions, aimed at termination of such Total Net Obligations and corresponding to it Total Net Claims of such Defaulting Clearing Member, and actions, aimed at fulfillment (termination) of Total Net Claims of Non-defaulting Clearing Members. Such actions are stipulated by this article.

47.2. In case if in order to fulfill a Total Net Obligation of a Clearing Member in securities (excluding general collateral certificates), defined in the Unified clearing pool, there is no sufficient amount of securities, the Clearing House within the period of time, determined by the Time Specifications, executes with the Defaulting Clearing Member the REPO or buy-sell trade of securities for Russian rubles in accordance with the Article 49.

47.3. In case if in order to fulfill a Total Net Obligation of the Clearing Member in security – general collateral certificate, determined in the Unified clearing pool, there is no sufficient amount of securities, the Clearing House forms in the Clearing System the instruction to transfer cash funds in Russian rubles from the Trade Account T+, under which the Total Net Obligation in security – general collateral certificate, for the fulfillment of which there is no sufficient number of securities, to the Asset Pool Trade Account, corresponding to the Trade Account T+, in the amount, corresponding to the nominal value of general collateral certificate, which is lacked for the fulfillment of the Total Net Obligation of the Clearing Member in security.

If cash funds, recorded under a Settlement Account, which is a part of a Trade Account T+, is not enough for the fulfillment of this particular transfer, insufficient amount of cash funds is recorded as a cash obligation of a Pool Member towards the Clearing House under such Settlement Account.

The abovementioned cash obligation of a Pool Member is settled through the order, set out in the Article 45.

47.4. In case if in order to fulfill a Total Net Obligation of a Clearing Member in cash funds in Russian rubles there is no sufficient amount of cash funds in Russian rubles, the Clearing House, within the period of time, set out in the Time Specification or in the time specification, which is the supplement to the relevant special part of the Clearing Rules, executes actions in the following consequence (each next action is performed in case if the previous one does not lead to the fulfillment of the relevant obligation):

- 1) executes with a Defaulting Clearing Member a swap trade or buy-sell trade(s) of the foreign currency for Russian rubles in accordance with the Article 48;
  - 2) executes with a Defaulting Clearing Member a REPO trade or buy-sell trade(s) of the securities for Russian rubles in accordance with the Article 49.
- 47.5. In case if for the fulfillment of the Total Net Obligation of the Clearing Member in cash funds in foreign currency, there is no sufficient amount of cash funds in the relevant foreign currency, the Clearing House within the period of time, set out in the Time Specification or in the time specification, which is the supplement to the relevant special part of the Clearing Rules, performs actions in the following consequence (each next action is performed only in case if the previous one did not lead to the fulfillment of the relevant obligation):
- 1) executes with the Defaulting Clearing Member swap trade or buy-sell trade in the foreign currency for the other foreign currency in accordance with the Article 48;
  - 2) executes with the Defaulting Clearing Member swap trade or buy-sell trade of the foreign currency for Russian rubles in accordance with the Article 48.
- 47.6. In case if to fulfill a Total Net Obligation of a Clearing Member in precious metals there is no sufficient amount of the relevant precious metals, the Clearing House, within the period of time, set out in the Time Specification executes with a Defaulting Clearing Member swap trade or buy-sell trade of the precious metal for Russian rubles in accordance with the Article 48.
- 47.7. In case if the Clearing Member fulfills the Total Net Obligation in cash funds in Russian rubles or in foreign currency / precious metal / securities, recorded under one Settlement Account / Trade Account, for the fulfillment of which there was no sufficient amount of cash funds in Russian rubles / such foreign currency / such precious metal / such securities on the previous Settlement Day(s), number of Settlement Days, during which the Clearing Member had obtained Total Net Obligation in cash funds / precious metals / securities, for the fulfillment of which there was no sufficient amount of cash funds / precious metals / securities, under such Settlement Account / Trade Account, is considered to be equal to zero.
- 47.7.1. In case if the Clearing House executes on behalf of the Defaulting Clearing Member closing trades, terms of which are defined in paragraphs 46.4 and 47.6, number of Settlement Days, during which the Clearing Member obtained the Total Net Obligation un cash funds / precious metals / securities, for the fulfillment of which there is no sufficient amount of cash funds / precious metals / securities, under the Settlement Account / Trade Account, is considered to be equal to zero.
- 47.8. If there are Defaulting Clearing Members, which have Total Net Obligations in cash / precious metals / securities, to fulfill which there is no sufficient amount of cash funds / precious metals / securities to, to fulfill Total Net Claims in cash / precious metals / securities of Non-defaulting Clearing Members the Clearing House performs actions in the following consequence:
- 47.8.1. uses available own cash funds / precious metals and/or own securities upon the discretion of the Clearing House;
  - 47.8.2. concludes with Authorized Clearing Members (excluding the Bank of Russia) swap trades with foreign currency / precious metals.

The basic exchange rate and the swap trade price, executed between the Clearing House and an Authorized Clearing Member, excluding the Bank of Russia, are defined in accordance with the contract, executed between the Clearing House and the relevant Authorized Clearing Member;

- 47.8.3. in case of impossibility to conclude swap trades with Authorized Clearing Members (excluding the Bank of Russia), concludes swap trades in foreign currency with the Bank of Russia in accordance with the Triparty Agreement.

Terms of swap trades, executed between the Clearing House and the Bank of Russia, and the procedure for its settlement are defined in the Triparty Agreement;

- 47.8.4. in case of impossibility to conclude swap trades with Authorized Clearing Members, including the Bank of Russia executes a swap trade / buy-sell trade in foreign currency / precious metal with a Non-Defaulting Clearing Member in accordance with the Article 50;
- 47.8.5. executes REPO trades of the Clearing House in accordance with the Article 51;
- 47.8.6. in case of impossibility to conclude REPO trades of the Clearing House in accordance with the Article 51 executes REPO trades and/or two buy-sell trades in securities with Non-defaulting Clearing Members in accordance with the Article 52.

- 47.9. After concluding trades with Clearing Members, defined in this article, the Clearing House includes obligations under the defined trades with the arrived Settlement Date into the relevant clearing pool and terminates homogeneous Total Net Obligations / Total Net Claims in cash / precious metals or in securities and obligations and claims under the defined executed trades with the arrived Settlement Date by the emergence of the Total Net Obligation / Total Net Claim in cash / precious metals / securities.

The abovementioned Total Net Obligation / Total Net Claim in cash / precious metals is terminated in the order, defined in the Article 44.

For the fulfillment of the abovementioned Total Net Obligation / Total Net Claim in securities, recorded under a Trade Account T+, Collateral of a Clearing Member in the relevant securities, recorded under the same Trade Account T+, is used.

Total Net Obligation in cash, recorded under a Settlement Account of a Clearing Member, not terminated as the result of actions executed in accordance with this article, is terminated by the emergence of a Debt of a Clearing Member towards the Clearing House, recorded under such Settlement Account of a Clearing Member, in the sum of such Total Net Obligation.

Tax Debt arises if the Clearing Member has a Total Net Obligation, not terminated due to actions, performed according to this article and:

there is obligation to pay sum, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation,

and/or

there is obligation to pay the sum, corresponding to the sum of tax on income from the source located in the USA and/or income equal to it,

and/or

inclusion into the Unified Clearing Pool of the Debt of the Clearing Member, which arose on the previous Settlement Day and not paid out by the moment of calculation of Total Net Obligations / Total Net Claims in cash funds in the relevant currency (for the first calculation of Total Net Obligations / Total Net Claims in cash funds in the relevant currency during the Settlement Day), which includes Tax Debt. Size of the Tax Debt is

calculated as the minimum one out of the following two: 1) sum of the obligation to pay the sum, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation, size of the obligation to pay the sum, corresponding to the sum of the tax on income from the source located in the USA, and the Tax Debt, calculated on the previous Settlement Day, and 2) size of the Total Net Obligation not terminated due to actions, performed according to this Article.

Debt of the Clearing Member under the Unified Pool Settlement Account is considered to be emerged on the securities market, Deposit Market and Credit Market.

- 47.9.1. Debt of the Clearing Member in the relevant currency shall be paid on the Settlement Day till the first calculation of Total Net Obligations / Total Net Claims in cash funds in the relevant currency.
- 47.9.2. Obligations and claims under the second parts of REPO trades (second buy-sell trades) / second parts of swap trades, second parts of REPO trades of the Clearing House, executed with Clearing Members, are recorded as a part of Net Obligations / Net Claims of a Clearing Member with a Settlement Date, corresponding to a date of the fulfillment of these particular obligations and claims.
- 47.10. Information on the availability of a Debt of a Clearing Member, including Tax Debt, and the size of this Debt is transferred to a Clearing Member as a part of the Cash flow statement.

A Debt of a Clearing Member is considered to be paid out if the value of a clearing register, designed for recording Collateral / Debt in the relevant currency under a Settlement Account of a Clearing Member, under which a Debt was recorded, is non-negative.

- 47.11. To settle Debts of a Clearing Member, the Clearing House uses Collateral of a Clearing Member, recorded under other Settlement Accounts in accordance with the Clearing Rules, and also funds from Default Funds and/or Collateral for Stress in the order defined in the Article 53 (starts cross-defaulting procedure in respect of a Clearing Member).

**Article 48. Procedure for the execution of and terms of swap trades / buy-sell trades in foreign currency / precious metals executed with Defaulting Clearing Members**

- 48.1. Swap trades in foreign currency / precious metal are executed by the Clearing House on behalf of a Defaulting Clearing Member without orders submission in respect of itself in cases defined in the paragraphs 47.4, 47.5. Terms of the abovementioned swap trades in foreign currency / precious metal correspond to the defined in Trading Rules on the FX Market and Precious metals Market terms of swap trades taking into account the following specifics:

- 48.1.1. in case if a Defaulting Clearing Member has a Total Net Obligation in Russian rubles, recorded under a Settlement Account of a Clearing Member, to fulfill which there is no sufficient amount of cash funds, under the first part of a swap trade a Defaulting Clearing Member obtains claims in Russian rubles and obligations in foreign currency / precious metal (except for foreign currencies / precious metals, not accepted as the way to secure fulfillment of obligations under Partially Secured Trades) in an amount corresponding to a Total Net Obligation in Russian rubles, to fulfill which there is no sufficient amount of cash funds, and multiple of the lot, defined by the Exchange rounding up and also not exceeding the sum of Total Net Claim of a Defaulting Clearing Member in foreign currency / precious metal and Collateral of a Clearing Member in such foreign currency / such



- precious metal, recorded under such Settlement Account of a Clearing Member. The Clearing House is the one that chooses foreign currencies / precious metals, in respect of which swap trade is executed;
- 48.1.2. in case if a Defaulting Clearing Member obtains a Total Net Obligation in in foreign currency, recorded under a Settlement Account of a Clearing Member, to execute which there is no sufficient amount of cash funds under the first part of the swap trade, a Defaulting Clearing Member obtains Total Net Obligation in foreign currency, to conclude which there is no sufficient amount of cash funds, and obligations in other foreign currency, in the size that corresponds to the Total Net Obligation in foreign currency, to conclude which there is no sufficient amount of cash funds, and multiple of the lot, defined by the Exchange, rounded upward, and also not exceeding the sum of the Total Net Claim of a Defaulting Clearing Member in such foreign currency and Collateral of a Defaulting Clearing Member in such other foreign currency, recorded under the same Settlement Account of a Clearing Member;
- 48.1.3. in case if the Defaulting Clearing Member has the Total Net Obligation in cash funds in foreign currency / precious metals, recorded under the Settlement Account, for the fulfillment of which there is no sufficient amount of cash funds / precious metals, under the first part of the swap trade Defaulting Clearing Member obtains claims in the foreign currency / precious metals in the size, equal to the Total Net Obligation in the foreign currency / precious metals, for the fulfillment of which there is no sufficient amount of cash funds / precious metal, and obligations in Russian rubles, in the size, which corresponds to the Total Net Obligation in the foreign currency / precious metal, for the fulfillment of which there is no sufficient amount of cash funds / precious metals;
- 48.1.4. the Settlement Date for obligations under the first part of the swap trade is the day of its execution;
- 48.1.5. the Settlement Date for obligations under the second part of the swap trade is the Settlement Day, which follows after the day of execution of the swap trade;
- 48.1.6. the Basic exchange rate for the swap trade is equal to the Central exchange rate of foreign currency / precious metal defined in accordance with the Risk Parameters on the FX Market and Precious metals Market at 19:00 on the current Trading day Moscow time.
- 48.1.7. The swap trade price for the Clearing Member of any category, except for the “K” one, is calculated according to the following formula:
- $$\text{Swap\_Price} = K \times Rc\_VAL1\_VAL2 \times S \times n / 365, \text{ where}$$
- Swap\_Price – swap trade price,  
K – ratio, which is equal to 1, in case of the “buy-sell” direction of a trade in respect of Defaulting Clearing Member –or equal to 1 in case of the “buy-sell” direction of a trade in respect of a Defaulting Clearing Member,  
Rc\_ VAL1\_VAL2 – the Central exchange rate for buy-sell trades in foreign currency / precious metal VAL1 for currency VAL2 defined in accordance with the Risk parameters for FX and Precious Metals Market Calculation Methodology at 19:00 Moscow time on the current Trading Day,  
VAL – currency of a swap trade lot,  
S – rate set out by the Clearing House in accordance with the Risk parameters for FX and Precious Metals Market Calculation Methodology and applied in the events of settling obligations under Partially Secured Trades to fulfill which there is no sufficient amount of cash funds.

n – number of calendar days between the settlement dates of the first and of the second part of swap trade.

Swap price trade for the category “K” Clearing Member is equal to zero.

48.2. The Clearing House sets for the Settlement Account, under which the Total Net Obligation, for the fulfillment of which there is no sufficient amount of cash funds / precious metals, is recorded, Settlement Procedure, procedure for which is defined in the Article 38 and on behalf of the Defaulting Clearing Member in respect of itself executes closing buy-sell trade(s) in foreign currency / precious metal and executes balancing trade(s), terms of which are defined in the paragraph 48.4, in the following cases:

48.2.1. admission of the Clearing Member to the clearing service on the relevant market is suspended;

48.2.2. Clearing House has information on facts regarding Clearing Member, which are listed in the Article 15, in case of emergence of which admission of the Clearing Member to the clearing service on the relevant market is suspended on the following Settlement Day;

48.2.3. Clearing Member obtains Total Net Obligation in cash funds in the relevant currency / relevant precious metal, recorded under one Settlement Account, for the fulfillment of which there is no sufficient amount of cash funds / precious metals for 3 (three) Settlement Days in a row.

48.3. The term, defined in the sub-paragraph 48.2.3, is not applied in case if the reason for the Total Net Obligation emergence, for the fulfillment of which there is no sufficient amount of cash funds / precious metals, is the untimely credit of cash funds to the clearing bank and correspondent account of the Clearing House, resulted from the compliance control procedure, executed in the correspondent banks, failures in payment systems and also from the force majeure circumstances, defined in the paragraph 48.7.

Clearing Member shall provide the Clearing House with the documents, which approve reasons, defined in this paragraph.

48.4. Terms of closing buy/sell trades in foreign currency / precious metals and balancing trades, executed in accordance with the paragraph 48.2 and/or 48.5, correspond to the terms of buy-sell trades in foreign currency / precious metal, defined in the Trading Rules, taking into account the following specifics:

48.4.1. in case if a Defaulting Clearing Member has the Total Net Obligation in Russian rubles, recorded under the Settlement Account, to fulfill which there is no sufficient amount of cash funds, a Defaulting Clearing Member obtains claims in Russian rubles and obligations in foreign currency / precious metal (except for the foreign currencies / precious metals, not accepted as the way to secure fulfillment of obligations under Partially Secured Trades), in the volume, corresponding to the Total Net Obligation in Russian rubles under closing trade(s), to fulfill which there is no sufficient amount of cash funds, and multiple of the lot, set by the Exchange, with the rounding up, and also not exceeding the sum of the Total Net Claim of a Defaulting Clearing Member in foreign currency / precious metal and Collateral of a Defaulting Clearing Member in such currency, such precious metal, recorded under the same Settlement Account of a Clearing Member. The Clearing House is the one that chooses foreign currencies / precious metals, in respect of which swap trade is executed;

48.4.2. in case if a Defaulting Clearing Member has the Total Net Obligation in foreign currency, recorded under the Settlement Account, to fulfill which there is no sufficient amount of cash funds, a Defaulting Clearing Member obtains claims in foreign currency under closing

- trade(s), in the volume, corresponding to the Total Net Obligation in foreign currency, to fulfill which there is no sufficient amount of cash funds and obligations in other currency, including Russian rubles, in the volume corresponding to the Total Net Obligation in foreign currency to fulfill which there is no sufficient amount of cash funds, and multiple of the lot, set by the Exchange, with the rounding up, and also not exceeding the sum of the Total Net Claim of a Defaulting Clearing Member in such other foreign currency and Collateral of a Clearing Member in such foreign currency, such precious metal, recorded under the same Settlement Account of a Clearing Member;
- 48.4.3. in case if the Defaulting Clearing Member has the Total Net Obligation in cash funds in the foreign currency / precious metals, recorded under the Settlement Account of the Clearing Member, for the fulfillment of which there is no sufficient amount of cash funds / precious metals, the Defaulting Clearing Member under the closing trade(s) obtains claims in the foreign currency / precious metal in the size, which is equal to the Total Net Obligation in the foreign currency / precious metal, for the fulfillment of which there is no sufficient amount of cash funds / precious metals, and obligations in Russian rubles in the size, corresponding to the Total Net Obligation in the foreign currency / precious metal, for the fulfillment of which there is no sufficient amount of cash funds / precious metals;
- 48.4.4. Settlement Date for the fulfillment of obligations under the closing trade(s) corresponds to the Settlement Date for the fulfillment of obligations under balancing trade(s) in relevant foreign currency / precious metal;
- 48.4.5. price of the closing trade is equal to the price of the balancing trade in the relevant foreign currency / precious metal;
- 48.4.6. procedure for the execution of closing and balancing trades are defined in the Article 29.
- 48.5. In case if execution of closing and balancing trades due to the ground, stipulated by the sub-paragraph 48.2.1, on current Settlement Day with the Settlement Date coinciding with the trades execution date is impossible according to the trading / clearing time specifications,
- 48.5.1. Clearing House executes swap trade with the Defaulting Clearing Member on the current Settlement Day according to the paragraph 46;
- 48.5.2. in case if admission to the clearing service is suspended on the basis of the sub-paragraph 15.1.1 or 15.1.2 due to annulment of the license for performing professional activity on the securities market, such swap trade is executed with the price equal to zero, no penalties are levied upon the Clearing Member;
- 48.5.3. on the following Settlement Day the Clearing House on behalf of the Defaulting Clearing Member in respect of himself executes securities buy-sell closing trade / trades in foreign currency / precious metal and executes balancing trade / trades, terms of which are defined in the paragraph 46.4.
- 48.6. After execution of closing and balancing trades in accordance with the paragraph 48.2, 48.4, 48.5 the Clearing House removes the Settlement Regime in respect of the Settlement Account, if there is no other grounds for setting Settlement Regime, stipulated in the Clearing Rules.
- 48.7. In case if a Clearing Member has the Total Net Obligation in cash / precious metals, to fulfill which there is no sufficient amount of cash funds / precious metals, due to the force majeure or fail of the payment system of the Bank of Russia / any other payment systems,

swap trades in foreign currency / precious metal, executed by the Clearing House with the Defaulting Clearing Member in accordance with this article, are executed with the swap trade price equal to zero.

The following is considered as the force majeure circumstances:

- military actions, terrorist events, diversions and sabotage, mass riots, strikes, political regime changes and other political complications either in Russian Federation or in other states;
- directives of state bodies, other bodies, entities and organizations of the Russian Federation and/or of other states;
- fires or any other accident, destruction or essential damages of sites occupied by a Clearing Member;
- any other circumstances, which may create or create the threat to life and health of the staff of a Clearing Member.

On force majeure circumstances, due to which fulfillment by a Clearing Member of its Total Net Obligations in cash / precious metals is impossible, a Clearing Member must notify the Clearing House by any possible means of communications till the period of time, set by the Time Specifications for the fulfillment of the particular Total Net Obligations.

A Clearing Member shall provide the Clearing House with the documents, confirming the force majeure circumstances during 7 (seven) days. In case of non-provision by a Clearing Member to the Clearing House of such documents within the defined time frames, upon a Clearing Member at the discretion of the Clearing House the compensation is levied under the swap trade price, calculated in accordance with the sub-paragraph 48.1.7, calculated per the number of calendar days between the Settlement Date of the first part of the swap trade and the date when the compensation is calculated.

- 48.8. The Clearing House is entitled to make a decision on execution with the Defaulting Clearing Member swap trades in foreign currency / precious metal in accordance with this article in swap trade price, equal to zero, when there are circumstances, not defined in the paragraph 48.7, and testifying innocence of a Clearing Member.
- 48.9. The Clearing House, acting in the name of a Clearing Member in respect of himself, executes all legal and actual actions, required for the execution of trades in accordance with this article, without special powers (powers of attorney) and also without the consent of a Clearing Member.

**Article 49. Procedure for execution and terms of REPO trades and buy-sell trade(s) in securities, executed with Defaulting Clearing Members**

- 49.1. Two buy-sell trades in securities are executed by the Clearing House with a Clearing Member, under Trade Accounts, designed for recording securities in trust management of a Clearing Member, and into the structure of which Settlement Account, designed for recording cash funds on trust, are included.
- 49.2. A Clearing Member is entitled to provide to the Clearing House the Request for Trade Account parameters change, in which he may indicate the necessity to do the following, in cases of non-fulfillment of obligations under Trades, defined in the Clearing Rules:
- a) conclude buy-sell trades under other Trade Accounts except for Trade Accounts defined in the paragraph 47;

b) conclude REPO trades under Trade Accounts, defined in the paragraph 47.

In case of provision of the abovementioned request, REPO trades / two buy-sell trades in accordance with this article and Article 52 is executed in accordance with such request.

49.3. REPO trades (two buy-sell trades in securities) are executed by the Clearing House without orders submission in the name of the Defaulting Clearing Member in respect of itself in cases, defined in the paragraphs 47.2, 47.4. Terms of REPO trades (of two buy-sell trades in securities) correspond to the defined in the Trading Rules on the Securities Market, Deposit Market and Credit Market terms of REPO trades with the settlement code Y0/Y1 (buy-sell trades with settlement codes Y0, Y1), executed in the REPO Market section / Securities Market section, taking into account the following specifics:

49.3.1. in case of a Defaulting Clearing Member has the Total Net Obligation in securities, to fulfill which there is no sufficient number of securities, under the first part of the REPO (under the first buy-sell trade in securities), a Defaulting Clearing Member obtains obligations in Russian rubles and claims in the relevant securities in the number equal to the Total Net Obligation of a Defaulting Clearing Member in securities (or of its part), to fulfill which there is no sufficient number of securities;

49.3.2. in case if a Defaulting Clearing Member has the Total Net Obligation in Russian rubles, recorded under the Settlement Account of a Clearing Member, to fulfill which there is no sufficient amount of cash funds, under the first part of the REPO (first buy-sell trade in securities) a Defaulting Clearing Member obtains claim in Russian rubles and obligations in securities (except for the securities, not accepted as the way to secure fulfillment of obligations under Partially Secured Trades) in the amount corresponding to the Total Net Obligation in Russian rubles, to fulfill which there is no sufficient amount of cash funds and multiple of the lot, set by the Exchange, with the rounding up, and also not exceeding the sum of the Total Net Claim of a Defaulting Clearing Member in securities and Collateral of a Defaulting Clearing Member in such securities, recorded under the Trade Account T+, into the structure of which the same Settlement Account of a Clearing Member is included. The Clearing House is the one that chooses securities, in respect of which REPO trade (buy-sell trade) is executed, while, firstly, REPO trades are executed in general collateral certificates. The Clearing House is the one that chooses the Trade Account T+, under which emerged obligations in securities;

49.3.3. Date for the fulfillment of obligations under the first part of the REPO (first buy-sell trade in securities) is the date of its execution;

49.3.4. Date for the fulfillment of obligations under the second part of the REPO (second buy-sell trade in securities) is the Settlement Day, following the date of its execution;

49.3.5. the REPO sum (the sum of the first buy-sell trade in securities) is calculated as the product of the number of securities and the latest calculated Settlement Price of securities;

49.3.6. Cost of the buyback (the sum of the second buy-sell trade in securities) for the Clearing Member of any category, except for the category "K", is calculated according to the following formula:

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

$S_2$  is the Cost of the buyback (the sum of the second buy-sell trade in securities);

$S_1$  is the REPO sum (the sum of the first buy-sell trade in securities);

$R$  is the REPO rate, applied to cases of settling obligations under Trades T+, to fulfill which there is not sufficient amount of cash funds / securities, set by the Clearing House in accordance with the Risk Parameters of the Securities Market and Deposit Market Calculation Methodology;

$T_{365}$  is the number of days between the execution of the first and of the second parts of the REPO (first and second buy-sell trade in securities) in the calendar year, which consists of 365 days;

$T_{366}$  is the number of days between the execution of the first and of the second parts of the REPO (first and second buy-sell trade in securities) in the calendar year, which consists of 366 days.

Cost of the buyback (the sum of the second buy-sell trade in securities) for the Clearing Member of the category “K” is equal to the REPO sum (the sum of the first buy-sell trade in securities).

- 49.4. The Clearing House sets in respect of the Settlement Account, under which the Total Net Obligation, for the fulfillment of which there is no sufficient amount of cash funds, is recorded / of the Settlement Account, which forms the part of the Trade Account, under which the Total Net Obligation, for the fulfillment of which there is no sufficient amount of securities, is recorded, the Settlement Procedure, procedure of which is defined in the Article 38, and in the name of the Defaulting Clearing Member in respect of itself executes a closing trade(s) in securities (except for general collateral certificates) and executes balancing trade(s), terms of which are defined in the paragraph 49.6, in the following cases:
- 49.4.1. admission of the Clearing Member to the clearing service on the Securities Market, Deposit Market and Credit Market is suspended;
  - 49.4.2. Clearing House has information on facts regarding Clearing Member, listed in the Common Part of the Clearing Rules, in case of emergence of which admission of the Clearing Member to the clearing service on the Securities Market, Deposit Market and Credit Market will be suspended on the following Settlement Day;
  - 49.4.3. Clearing House has information on termination of deposit operations with the particular security since the following Settlement Day;
  - 49.4.4. suspension / withdrawal of the Custodian status under the Securities Sub-account T+ of the trading depo account of which obligations under Trades T+ shall be fulfilled;
  - 49.4.5. the Total Net Obligation in cash in the relevant currency / relevant precious metal, recorded under one Settlement Account, for the fulfillment of which there is no sufficient amount of cash funds / precious metals, is obtained by the Clearing Member three Settlement days in a row;
  - 49.4.6. the Total Net Obligation in the relevant security, recorded under one Trade Account T+, for the fulfillment of which there is no sufficient amount of securities, is obtained by the Clearing Member five Settlement Days in a row;
  - 49.4.7. Total Net Obligation in the relevant security, recorded under any Trade Account T+, for the fulfillment of which there is no sufficient amount of securities, is obtained by the Clearing Member for the 9<sup>th</sup> (ninth) Settlement Days in a row.

49.5. The term, defined in the sub-paragraph 49.4.5, is not applied if the Total Net Obligation, for the fulfillment of which there is no sufficient amount of cash funds, has arisen due to untimely credit of cash funds upon clearing bank or correspondent account of the Clearing House, resulted from compliance control procedure in correspondent banks, due to failures in the payment system and also due to force majeure circumstances, defined in the paragraph 49.10.

The Clearing Member must provide the Clearing House with the documents, which approve reasons, defined in this paragraph.

49.6. Terms of closing buy-sell trades in securities and balancing trades, executed in accordance with the paragraph 49.4 and/or 49.7, correspond to the terms of Trades T+, executed in the Section of the Securities Market, defined in the Trading Rules on the Securities Market, Deposit Market and Credit Market, taking into account the following specifics:

49.6.1. in case if a Defaulting Clearing Member has the Total Net Obligation in securities, to fulfill which there is not sufficient number of securities, under the closing buy-sell trade(s) in securities, a Defaulting Clearing Member obtains obligations in Russian rubles and claims in the relevant securities in the number equal to the Total Net Obligation of a Defaulting Clearing Member in securities (or of its part), to fulfill which there is no sufficient number of securities;

49.6.2. in case if a Defaulting Clearing Member has the Total Net Obligation in Russian rubles, recorded under the Settlement Account of a Clearing Member, to fulfill which there is no sufficient amount of cash funds, under the closing trade / closing buy-sell trades in securities a Defaulting Clearing Member obtains claim in Russian rubles and obligations in securities (except for the securities, not accepted as the way to secure fulfillment of obligations under Partially Secured Trades) in the amount corresponding to the Total Net Obligation in Russian rubles, to fulfill which there is no sufficient amount of cash funds and multiple of the lot, set by the Exchange, with the rounding up, and also not exceeding the sum of the Total Net Claim of a Defaulting Clearing Member in securities and Collateral of a Defaulting Clearing Member in such securities, recorded under the Trade Account T+, into the structure of which the same Settlement Account of a Clearing Member is included. The Clearing House is the one that chooses securities, in respect of which closing trade / closing buy-sell trades are executed;

49.6.3. Settlement Date for the fulfillment of obligations under the closing buy-sell trade(s) in securities corresponds to the Settlement Date for the fulfillment of obligations under balancing buy-sell trade(s) in securities;

49.6.4. price of the closing buy-sell trade in securities is equal to the price of the balancing trade;

49.6.5. procedure for the execution of closing and balancing trades is defined in the Article 29.

49.7. In case if execution of balancing and closing trades according to the ground, stipulated by the sub-paragraph 49.4.1, on the current Settlement Day with the Settlement Date, which coincides with the trades execution date, is impossible in accordance with the trading / clearing time specifications,

49.7.1. Clearing House executes with the Defaulting Clearing Member REPO trade (two buy-sell trades in securities) on the current Settlement Day in accordance with the paragraph 49.3;

49.7.2. in case if admission to the clearing service is suspended on the basis of the sub-paragraph 15.1.1 or 15.1.2 due to annulment of the license for performing professional activity on the

- securities market, such REPO trade (two buy-sell trades in securities) are executed according to the REPO rate equal to zero, no penalties levied upon the Clearing Member;
- 49.7.3. on the following Settlement Day the Clearing House on behalf of the Defaulting Clearing Member in respect of himself executes securities buy-sell closing trades / trade (for all securities except for general collateral certificates) and executes balancing trades / trade, terms of which are defined in the paragraph 49.6.
- 49.8. After execution of closing and balancing trades in accordance with the paragraph 49.4, 49.7 the Clearing House removes the Settlement Regime, set in respect of the Settlement Account, if there is no other grounds for setting Settlement Regime, stipulated by the Clearing Rules.
- 49.9. Clearing House is entitled to make decision on execution of the closing trade / closing buy-sell trades in securities (except for general collateral certificates) and of the balancing trade / balancing trades instead of the REPO trade, terms of which are defined in the paragraph 49.3,
- 49.9.1. when the Clearing House makes the decision on setting the feature “short sales prohibition” upon the security, in respect of which the Total Net Obligation, to fulfill which there is no sufficient number of securities, is recorded;
- 49.9.2. if the Clearing House has the information on planned suspension of depository operations with securities.
- 49.10. Terms of and procedure for the execution of closing trade / closing buy-sell trade in securities and balancing trade / balancing trades, executed on the basis of the paragraph 29.4 in cases, set out in the sub-paragraphs 42.6.2, 49.4.3, 49.4.4, paragraph 49.9, correspond to the terms of and procedure for execution, set out in the paragraph 49.6, taking into account the following specifics:
- 49.10.1. Settlement code is Y0;
- 49.10.2. closing trades are executed by the Clearing House without submission of orders on behalf of the Defaulting Clearing Member in respect of the Clearing House itself;
- 49.10.3. balancing trades are executed by the Clearing House without submission of orders on behalf of the Defaulting Clearing Member in respect of the Clearing House itself;
- 49.10.4. balancing trades are executed with Non-defaulting Clearing Members that have the Total Net Claim in securities, which the Defaulting Clearing Member(s) do not have in the sufficient amount to fulfill their Total Net Obligations, in the volume, proportional to the volume of Total Net Claims of Non-defaulting Clearing Members in securities, recorded under Trade Accounts, taking into account rounding down amount of securities;
- If due to application of this sub-paragraph balancing trades with Non-defaulting Clearing Members are executed not for the full amount of securities lacked, then the remained securities enlarge amount of securities in the trade, executed with the indication of the Trade Account of the Non-defaulting Clearing Member, under which the largest Total Net Claim in such securities is recorded. If there are several Trade Accounts with the same largest number of securities, then the Clearing House is the one to choose the Trade Account of the Non-defaulting Clearing Member with the indication of which trades will be executed;
- 49.10.5. price of trades is equal to the fair market price of the security, calculated according to the Risk Parameters of the Securities Market and Deposit Market Calculation Methodology.



49.11. In case of a Clearing Member has the Total Net Obligation in cash / precious metals, to fulfill which there is no sufficient amount of cash funds / precious metals, as the result of the force majeure or fail of the payment system of the Bank of Russia / any other payment systems, REPO trades (two buy-sell trades in securities), executed by the Clearing House with the Defaulting Clearing Member in accordance with this article, are executed with the REPO rate which is equal to zero.

Under force majeure circumstances the following is considered:

- military actions, terrorist events, diversions and sabotage, mass riots, strikes, political regime changes and other political complications either in Russian Federation or in other states;
- directives of state bodies, other bodies, entities and organizations of the Russian Federation and/or of other states;
- fires or any other accident, destruction or essential damages of buildings occupied by a Clearing Member;
- any other circumstances, which may create or create the threat to life and health of the staff of a Clearing Member.

On force majeure circumstances, due to which fulfillment by a Clearing Member of its Total Net Obligations in cash / securities is impossible, a Clearing Member must notify the Clearing House by any possible means of communications till the period of time, set by the Time Specifications for the fulfillment of the particular Total Net Obligations.

A Clearing Member must provide the Clearing House with the documents, confirming the force majeure circumstances during 7 (seven) days. In case of non-provision by a Clearing Member to the Clearing House of such documents within the time frames, upon a Clearing Member at the discretion of the Clearing House the compensation is levied under the REPO rate, calculated in accordance with the sub-paragraph 49.3.6, calculated per the number of calendar days between the Settlement Date of the first part of the REPO and the date when the compensation is calculated.

49.12. The Clearing House is entitled to make a decision on execution with the Defaulting Clearing Member of REPO trades (two buy-sell trades in securities) in accordance with this article under the REPO rate, equal to zero, when there are circumstances, not defined in the paragraph 49.11 and testifying guilt of such Clearing Member.

49.13. In case of the Custodian status withdrawal / suspension, the Clearing House is entitled to make a decision that the Date for the fulfillment of obligations under Trades T+ of a Clearing Member, recorded under the Trade Account T+, into the structure of which Securities Sub-account T+ of the depo trading account of such Custodian is included, is considered to arrive on the current Settlement Day of the Custodian status withdrawal / suspension.

49.13.1. Obligations under Trades T+ in respect of which the Clearing House has made a decision in accordance with the paragraph 49.13, are included into the Unified Clearing Pool and take part in the calculation of the Total Net Obligation / Total Net Claim of a Clearing Member in accordance with the Article 45.

49.14. The Clearing House, acting in the name of a Clearing Member in respect of himself, executes all legal and actual actions, required for the execution of trades in accordance with this article without special powers (powers of attorney) and also without consent of a Clearing Member.

**Article 50. Procedure for execution and terms of swap trades in foreign currency / precious metal executed with a Non-defaulting Clearing Member**

- 50.1. Swap trades in foreign currency / precious metal are executed by the Clearing House without orders submission on behalf of a Non-defaulting Clearing Member in respect of itself in the case defined in the sub-paragraph 47.8.2. Terms of swap trades in the foreign currency / precious metal correspond to the defined in the Trading Rules on the FX Market and Precious metals Market terms of swap trades taking into account the following specifics:
- 50.1.1. in case if the Clearing House does not have sufficient amount of foreign currency / precious metal to fulfill Total Net Claims of a Non-defaulting Clearing Members, under the first part of a swap trade such Clearing Member obtains a claim in Russian rubles and obligations under the relevant foreign currency / relevant precious metal in the amount which does not exceed the Total Net Claim of a Non-defaulting Clearing Member in such foreign currency / such precious metal;
- 50.1.2. the Settlement Date for the first part of the swap trade is the date of its execution;
- 50.1.3. the Settlement Date for the obligations under the second part of the swap trade is the Settlement Day following the date of its execution and which is also a Settlement Day for the currency of the lot and base currency of the executed swap trade;
- 50.1.4. the Basic Exchange rate for the swap trade is set equal to the Central exchange rate defined at 19:00 Moscow time on a current Settlement Day;
- 50.1.5. the price of the swap trade is defined according to the formula defined in the sub-paragraph 48.1.7.
- 50.2. Clearing House is the one that chooses Non-defaulting Clearing Members, with which swap trades according to this article are executed, Trade Accounts, with the indication of which such trades will be executed, also it is the one that calculates the sum of cash funds in foreign currency / amount of precious metal, in respect of which the abovementioned trades will be executed.
- 50.3. The Clearing House acting on behalf of a Clearing Member in respect of itself, performs all legal and actual actions, required for the execution of trades in accordance with this article without the special permission (powers of attorney) and also without the consent of a Clearing Member.

**Article 51. Terms of REPO trades of the Clearing House, procedure for its execution and settlement**

- 51.1. REPO trades of the Clearing House are executed between the Clearing House and a Clearing Member in the case defined in the paragraph 47.8.
- 51.2. The subject of REPO trades of the Clearing House may be securities in which execution of Trades T+ is possible (hereinafter this particular article referred to as the Securities).
- 51.3. REPO trades of the Clearing House are executed in the order and on the terms, set out in this article.
- 51.4. Clearing House on the basis of the paragraph 3.20 is entitled to execute REPO Trades of the Clearing House on the basis of off order book orders with the Clearing Member of any

category except for the category “K”, which has submitted the order, which is counter to the order of the Clearing House.

Terms of REPO Trades of the Clearing House correspond to terms of REPO Trades, executed within the trading mode “Repo with the CCP – Settlement Procedures”, taking into account specifics, defined in the paragraph 51.7.

51.5. In case if REPO Trades of the Clearing House are not executed, according to the paragraph 51.4, the Clearing House is entitled to execute REPO Trade of the Clearing House without orders submission:

- a) with any Clearing Member of the category “O” or “B”, admitted to the clearing service on the securities market, deposit market and credit market, using Trade Account T+ into the structure of which Securities Sub-account T+, opened under a trading depo account of the owner of a Clearing Member in the Settlement Depository;
- b) with Clearing Member of the category “O” or “B”, admitted to the clearing service on the securities market, deposit market and credit market, which provided the Clearing House with the Request for the Trade Account replacement indicating “to execute REPO trades of the Clearing House”, using Trade Accounts T+, defined in such request.

Clearing Member, providing such request to the Clearing House, ensures the Clearing House that he has all required instructions and powers to execute trades in respect of securities, recorded under the Securities Sub-account T+, which forms the part of the Trade Account T+, defined in such request.

51.5.1. Clearing House is the one to choose the Clearing Member, with which if necessary REPO Trade of the Clearing House is executed, and the Trade Account T+ of the Clearing Member, with the indication of which REPO Trade of the Clearing House is executed, and also calculation of the amount of securities, in respect of which REPO Trade of the Clearing House.

51.5.2. Terms of REPO Trades of the Clearing House correspond to terms of REPO trades, executed within the Trading Mode “REPO with the CCP - Off-order book orders”, taking into account specifics, defined in the paragraph 51.7.

51.6. Execution of REPO trades of the Clearing House with a Clearing Member of the category “A” is performed in case if possibility of execution of such trades is stipulated by the agreement, concluded between a Clearing Member of the category “A” and the Clearing House.

51.7. Specifics of terms of the REPO of the Clearing House:

51.7.1. Seller under first part of the REPO trade of the Clearing House is the Clearing Member, buyer is the Clearing House:

51.7.2. On the date of execution of the REPO of the Clearing House a Clearing Member (the seller under the first part of the REPO of the Clearing House) shall transfer to the Clearing House (the buyer under the first part of the REPO of the Clearing House) Securities in the amount defined by the Clearing House, and the Clearing House shall pay to a Clearing Member the REPO sum;

51.7.3. on a Settlement Day following the date of execution of the REPO of the Clearing House, the Clearing House shall return to a Clearing Member Securities, received under the first

- part of the REPO of the Clearing House, and a Clearing Member shall pay to the Clearing House the REPO sum, lessened according to the Rate for REPO trades of the Clearing House;
- 51.7.4. duration period of the REPO of the Clearing House constitutes 1 (one) Settlement Day;
- 51.7.5. the REPO sum is calculated as the product of the amount of Securities transferred under the first part of the REPO of the Clearing House and the last Settlement Price for Securities defined in accordance with the Risk parameters on the Securities Market, Deposit Market and Credit Market calculation methodology;
- 51.7.6. Rate for REPO trades of the Clearing House is set in annual percent. Information on the Rate for REPO trades of the Clearing House is published on the Clearing House's website. The rate for REPO trades of the Clearing House can not be changed;
- 51.7.7. in case if on the date of execution of the REPO of the Clearing House coincides with the date of forming the list of entities, which have the right to receive Income, the Clearing House shall transfer Income to a Clearing Member. Terms and time frames of the Income transfer in the form of cash funds, and also the sum of the Income, to be transferred, are defined by the Clearing Rules on the Securities Market, Deposit Market and Credit Market. The other Income the Clearing House transfers to a Clearing Member within 10 (ten) Settlement Days, which follow the day of receipt by the Clearing House of such Income.
- 51.8. The Clearing House executes REPO trades of the Clearing House with Clearing Members under the condition that under a Securities Sub-account which is a part of the relevant Trade Account T+, amount of securities, which is not enough for the fulfillment by the Clearing House of Total Net Claims of Non-defaulting Clearing Members, are recorded.
- 51.9. Obligations to transfer and return Securities to fulfill REPO trades of the Clearing House, and also obligations to pay for securities under the relevant parts of the REPO trades of the Clearing House are included into the Unified clearing pool and on its Settlement Date in the order stipulated by the Article 45.
- 51.10. On the date of execution of the REPO of the Clearing House the information on executed REPO of the Clearing House is included into the Writing out from the trades list, accepted for clearing provided to a Clearing Member in accordance with the Clearing Rules on the Securities Market and Deposit Market. The defined report is a document which verifies transfer of Securities by a Clearing Member to the Clearing House / by the Clearing House to a Clearing Member.

**Article 52. Procedure for execution and terms of REPO trades and buy-sell trades in securities executed with a Non-defaulting Clearing Member**

- 52.1. REPO trades (two buy-sell trades in securities) are executed by the Clearing House, without orders submission, on behalf of a Non-defaulting Clearing Member in respect of itself in case, defined in the sub-paragraph 47.8.6. Terms of REPO trades (two buy-sell trades in securities) correspond to the defined by Trading Rules on the Securities Market, Deposit Market and Credit Market terms of REPO trades with settlement codes Y0/Y1 (buy-sell trades with settlement codes Y0, Y1), executed in the REPO Market section / Securities Market section, taking into account the following specifics:
- 52.1.1. in case if the Clearing House does not have enough securities to execute Total Net Obligations of a Non-defaulting Clearing Member, under the first part of the REPO (under

- first buy-sell trade) such Clearing Member obtains a claim in Russian rubles and obligations under such securities in the amount which does not exceed a Total Net Claim of a Non-defaulting Clearing Member under such securities;
- 52.1.2. the Settlement Date under the first part of the REPO (first buy-sell trade of securities) is the day of its execution;
- 52.1.3. the Settlement Date under the second part of the REPO (second buy-sell trade of securities) is the Settlement Day following the day of its execution;
- 52.1.4. the sum of the REPO (the sum of the first buy-sell trade of securities) is defined as the product of the amount of securities and the last Settlement Price of securities defined by the Clearing House;
- 52.1.5. the cost of reverse redemption (the sum of the second buy-sell trade of securities) is defined according to the formula defined in the sub-paragraph 49.3.6;
- 52.1.6. the difference between the sum of the first and the second part of the REPO (between the first and the second buy-sell trade) is paid in favor of a Non-defaulting Clearing Member.
- 52.2. Clearing House is the one that chooses Non-defaulting Clearing Members, with which REPOs (two buy-sell trades in securities) will be executed according to this article, Trade Accounts, with the indication of which such trades will be executed, also it is the one that calculates amount of securities, in respect of which the abovementioned trades will be executed.
- 52.3. The Clearing House acting on behalf of a Clearing Member in respect of itself executes all legal and actual actions required to execute trades in accordance with this Article without a special permission (powers of attorney), and also without the consent of a Clearing Member.

**Article 53. Procedure for using and replenishment of Default Funds and other assets in order to pay out Debts of Clearing Members (cross-default procedure)**

- 53.1. This Article is applied when a Clearing Member has a Debt, recorded under a Settlement Account, in the following cases:
- 53.1.1. If a Clearing Member under such Settlement Account has a Margin Call recorded, not fulfilled on time defined in the Clearing Rules, or
- 53.1.2. If the Debt of the Clearing Member in the relevant currency, which does not have a Margin Call in respect of the Settlement Account, not satisfied within the period of time, determined by the Clearing Rules, emerges for 2 (two) Settlement Days in a row, Debt, which has emerged by the end of the first Settlement Day, has not been paid by the Clearing Member within the period of time, set out by the Clearing Rules, and on the basis of the second Settlement Day results the Debt in such currency, recorded under such Settlement Account, is also unpaid.
- 53.2. This article is also applicable in case of non-fulfillment / improper fulfillment by the Liquidity Provider of its obligations towards the Clearing House.
- 53.3. In case if the Settlement Account, under which the Debt is recorded, is the Unified Pool Settlement Account, this article is applied in case, defined in the sub-paragraph 53.1.1, individual clearing collateral and the other collateral type of the Defaulting Clearing

Member, including Collateral for Stress and Default Funds contributions, in the first turn is used on on-exchange market, where the Margin Call has arisen, and Dedicated Own Resources of the Central Counterparty and contributions of Non-defaulting Clearing Members to the Default Fund are used on the on-exchange market, where the Margin Call has arisen (taking into account paragraph 53.6).

In case if the Settlement Accounts, under which the Debt is recorded, is not the Unified Pool Settlement Account, or this article is applied in case, defined in the sub-paragraph 53.1.2, individual clearing collateral and the other collateral type of the Defaulting Clearing Member, including Collateral for Stress and Default Fund contribution, in the first turn is used on on-exchange market, where the Debt has arisen, and Dedicated Own Resources of the Central Counterparty and contributions of Non-defaulting Clearing Members to the Default Fund are used on the on-exchange market, where the Debt has arisen

53.4. Individual clearing and other collateral of a Defaulting Clearing Member including Collateral for Stress of a Defaulting Clearing Member, dedicated own resources of the CCP, Default Funds, and also other funds used when a Clearing Member has a Debt, recorded under a Settlement Account, or non-fulfilled obligation of the Liquidity Provider in the following consequence:

- 1) available Collateral of a Defaulting Clearing Member (except for general collateral certificates) on the market, where a Margin Call / Debt emerged, recorded under proprietary Settlement Accounts / Trade Accounts, into the structure of which proprietary Settlement Account is included, of a Defaulting Clearing Member (at the discretion of the Clearing House) and available assets of a Defaulting Clearing Member from an asset pool, recorded under proprietary Asset Pool Settlement Accounts / Asset Pool Trade Accounts, into the structure of which Asset Pool Settlement Account is included, (at the discretion of the Clearing House), in case if the Market where a Margin Call / Debt emerged is the Securities market;
- 2) available Collateral of a Defaulting Clearing member (except for general collateral certificates) on other market, recorded under proprietary Settlement Accounts / Trade Accounts, into the structure of which proprietary Settlement Account is included, of a Defaulting Clearing Member (at the discretion of the Clearing House) and available assets of a Defaulting Clearing Member from an asset pool, recorded under proprietary Asset Pool Settlement Accounts / Asset Pool Trade Accounts, into the structure of which Asset Pool Settlement Account is included, (at the discretion of the Clearing House), in case if the chosen by the Clearing House Market is the Securities market.

Actions stipulated by the sub-paragraph 2) are repeated by the Clearing House for all markets, the consequence is at the sole discretion of the Clearing House;

- 3) cash funds in Russian rubles on the correspondent account of a Clearing Member – Credit Institution in the Bank of Russia (only for Clearing Members which meet the requirements defined in the paragraph 14.26);
- 4) Collateral of a Defaulting Clearing Member on the Market where emerged the Margin Call / Debt, recorded under proprietary Settlement Accounts / Trade Accounts, into the structure of which proprietary Settlement Accounts is included, of a Defaulting Clearing Member (at the discretion of the Clearing House) which became available as a result of concluding trades, aimed at the enlargement of the value of available Collateral of a Defaulting Clearing Member, and/or assets of a Defaulting Clearing Member from an asset pool, recorded under proprietary Asset Pool Settlement Accounts / Asset Pool Trade Accounts, into the structure of which

Asset Pool Settlement Account is included, of a Defaulting Clearing Member (at the discretion of the Clearing House) which became available after as a result of concluding trades which lead to receipt by a Defaulting Clearing Member of general collateral certificates for which will be met the terms of redemption when handing out assets from an asset pool (in case if the Market where a Margin Call / Debt emerged is the Securities market);

- 5) Collateral of a Defaulting Clearing Member on other market, recorded under proprietary Settlement Accounts / Trade Accounts, into the structure of which proprietary Settlement Accounts is included, of a Defaulting Clearing Member (at the discretion of the Clearing House), which became available as the result of concluding trades aimed at enlarging the value of available Collateral of a Defaulting Clearing Member, and/or assets of a Defaulting Clearing Member from an asset pool recorded under proprietary Asset Pool Settlement Accounts / Asset Pool Trade Accounts, into the structure of which Asset Pool Settlement Account is included, of a Defaulting Clearing Member (at the discretion of the Clearing House), which became available as the result of concluding trades which lead to receipt by a Defaulting Clearing Member of general collateral certificates, for which will be met the terms of redeeming when handing out assets from an asset pool (in case if the Market where a Debt emerged is the Securities market).

Actions stipulated by the sub-paragraph 5) are repeated by the Clearing House for all markets, the consequence is at the sole discretion of the Clearing House.

- 6) Collateral for Stress of a Defaulting Clearing Member on the Market where a Margin Call / Debt emerged;
- 7) a contribution of a Defaulting Clearing Member into a Default Fund of a market, where a Margin Call / Debt emerged, or contribution of the PJSC Moscow Exchange to the Default Fund of the FX Market and Precious Metals Market of Clearing Members of the categories “B” or “O”, set by the Clearing Rules on the FX Market and Precious Metals Market (in case of non-fulfillment of obligations by the Liquidity Provider towards the Clearing House under OTC Trades in the foreign currency and / or under OTC Trades in precious metal);
- 8) Collateral for Stress of a Defaulting Clearing Member on the other market, at the discretion of the Clearing House;
- 9) a contribution of a Defaulting Clearing Member into a Default Fund on the other market, where a Collateral for Stress of a Defaulting Clearing Member was used;  
Actions stipulated by the sub-paragraphs 8)-9) are consistently repeated by the Clearing House for all markets, the consequence is at the sole discretion of the Clearing House;
- 10) dedicated own resources of the CCP set out for a Market where a Margin Call / Debt emerged / dedicated own resources of the CCP, set for the fx market and precious metals market if non-fulfillment of obligations has been caused by the Liquidity Provider;
- 11) additional dedicated own resources of the CCP set out for all markets;
- 12) contributions of Non-defaulting Clearing Members to a Default Fund of the Market where a Margin Call / Debt emerged, and contribution of the PJSC Moscow Exchange to the Default Fund of the FX Market and Precious Metals Market (if such on-exchange market is the FX Market and Precious Metals Market);
- 13) the contribution of the PJSC Moscow Exchange into the Default Fund of a Market where a Margin Call / Debt emerged, posted upon demand of the Clearing House.

- 53.5. To describe the cross-default procedure in the Clearing Rules, available Collateral means Collateral in an amount for which the terms of return of Collateral are met, stipulated by the relevant part of the Clearing Rules, and available assets from an asset pool means assets from an asset pool for which the terms of redeeming general collateral certificates when handing out the relevant assets from an asset pool are met.
- 53.6. Dedicated Own Resources of the CCP, additional dedicated own resources of the CCP, Default Fund contributions of Non-defaulting Clearing Members, Default Fund contribution of the Moscow Exchange are not used to pay out Tax Debt.
- 53.7. Contributions to Default Funds and other funds of Clearing Members of each time, defined in the paragraph 53.3, and within each defined time – for each market, are used in the following consequence:
- 1) Russian rubles or foreign currency in which a Debt is recorded;
  - 2) Russian rubles;
  - 3) foreign currency;
  - 4) securities;
  - 5) precious metals;
  - 6) commodities.
- 53.8. Using Default Funds and other funds in the following consequence in accordance with this Article are performed in case if a Debt of a Clearing Member / non-fulfilled obligations of the Liquidity Provider is not paid out when using funds of the previous step.
- 53.9. Collateral of a Defaulting Clearing Member in Russian rubles is used for redeeming its Debt under the condition that there is no Margin Calls on a Settlement Account, opened for the relevant market, and in the amount which does not lead to the emergence of a Margin Call under such Settlement Account and/or to a Debt in Russian rubles under such Settlement Account.
- 53.10. Collateral of a Defaulting Clearing Member in foreign currency / securities (except for general collateral certificates) / precious metals / commodities used to pay out its Debt under the condition that there is no Margin Calls under a Settlement Account, opened for the relevant market, and in the amount which does not lead to the emergence of a Margin Call and/or of a Debt in such foreign currency under such Settlement Account.
- 53.11. Assets from an asset pool is used under the terms of redeeming general collateral certificates when handing out assets from an asset pool, set out in the Clearing Rules on the Securities Market, Deposit Market and Credit Market.
- 53.12. In order to withdraw cash funds in Russian rubles from a correspondent account of a Clearing Member – Credit Institution in the Bank of Russia, the Clearing House forwards to the Bank of Russia a collection instruction for acceptance-free withdrawal of Russian rubles from a correspondent account of a Clearing Member – Credit Institution in the Bank of Russia with debiting to the clearing banking account of the Clearing House, opened in a Settlement Organization and designed for posting individual clearing collateral (only for Clearing Members which meet the requirements, set out in the paragraph 14.26).
- Cash funds in Russian rubles debited to the clearing banking account of the Clearing House as a result of the execution by the Bank of Russia of a collection instruction for acceptance-



free withdrawal of Russian rubles from a correspondent account of a Clearing Member – Credit Institution in the Bank of Russia, which are recorded as Collateral under a Settlement Account, under which a Debt is recorded, and are used for paying it out.

- 53.13. If after using available Collateral of a Defaulting Clearing Member, recorded under all proprietary Settlement Accounts / all Trade Accounts, into the structure of which proprietary Settlement Accounts are included, on all markets, assets from an asset pool, recorded under proprietary Asset Pool Settlement Accounts / Asset Pool Trade Accounts, into the structure of which proprietary Asset Pool Settlement Accounts are included, for which are met the terms of redemption of general collateral certificates when handing out asset from an asset pool, cash funds in Russian rubles on a correspondent account of a Clearing Member – Credit Institution in the Bank of Russia, a Debt of a Clearing Member is not paid out, between the Clearing House and a Defaulting Clearing Member under proprietary Settlement Accounts, into the structure of which proprietary Settlement Account is included, without placing orders are executed Trades aimed at enlarging the size of the available Collateral of a Defaulting Clearing Member, recorded under proprietary Settlement Accounts / Trade Accounts, into the structure of which proprietary Settlement Accounts is included, and/or Trades, which lead to receipt of general collateral certificates for which are met the terms of redemption of general collateral certificates when handing out assets from an asset pool, set out in the Clearing Rules on the Securities Market, Deposit Market and Credit Market (in case if the Securities Market and Deposit Market is the Market where a Debt emerged or is a Market chosen by the Clearing House), firstly – on the Market where a Margin Call / Debt emerged, then – on other markets (at the discretion of the Clearing House).

Procedure for the execution of closing and balancing trades is defined in the Article 29.

Collateral and/or assets from an asset pool, which became available as the result of concluding trades and/or redemption of general collateral certificates in accordance with this paragraph of the Common part of the Clearing Rules, are transferred by the Clearing House to a Settlement Account, under which a Debt is recorded, and is used to pay it out.

Defined in this paragraph trades are executed till the moment of redemption of a Debt of a Clearing Member, recorded under a Settlement Account, or till the moment of impossibility to conclude such trades (depending on the fact which of the events occurs earlier).

- 53.14. If after execution of actions defined in the paragraph 53.13, a Debt of a Clearing member is not paid out, the Clearing House imposes in respect of all Settlement Accounts on the on-exchange market, where the Margin Call / Debt has arisen, the Settlement Regime, procedure for application of which is defined in the Article 38, and on behalf of the Non-defaulting Clearing Member executes closing trades, aimed at termination obligations of the Defaulting Clearing Member under all Settlement Accounts / Trade Accounts on the on-exchange market, where the Margin Call / Debt has arisen, and executes balancing trades.

Procedure for the execution of closing and balancing trades is defined in the Article 29.

After execution of trades in accordance with this paragraph of the Common part of the Clearing rules Collateral for Stress of a Defaulting Clearing Member on the Market, where a Margin Call / Debt emerged, and then a contribution to a Default Fund of the Market, where a Margin Call / Debt emerged, including to the extent, exceeding the minimum contribution to the Default Fund on such On-exchange Market, are used to pay out his Debt.

53.15. If after using Collateral for Stress of a Defaulting Clearing Member on the market, where a Margin Call / Debt emerged, and contribution to a Default Fund of a market, where a Margin Call / Debt emerged, a Debt of a Clearing Member is not paid out, the Clearing House sets in respect of all Settlement Accounts on the other on-exchange market (upon the choice of the Clearing House) Settlement Regime, procedure for which is defined in the Article 38, and in the name of the Defaulting Clearing Member executes closing trades, aimed at termination of obligations of the Defaulting Clearing Member under all Settlement Accounts / Trade Accounts on the other such on-exchange market and executes balancing trades.

Procedure for the execution of closing and balancing trades is defined in the Article 29.

After concluding trades in accordance with this paragraph of the Common part of the Clearing Rules Collateral for Stress of a Defaulting Clearing Member on such Market, and then a contribution to a Default Fund of a Defaulting Clearing Member to a Default Fund of such On-exchange Market, including to the extent, exceeding the minimum contribution to the Default Fund on such On-exchange Market, are used to pay out its Debt.

Meanwhile Collateral for Stress on a Market and a contribution of a Defaulting Clearing Member to a Default Funds of a Market are used in case if a Clearing Member has no Debts under Settlement Account on such market.

53.16. If after execution of actions defined in the paragraph 53.15, a Debt of a Clearing Member is not paid out, actions defined in the paragraph 53.15 are executed in respect of a Defaulting Clearing Member without a special permission (powers of attorney), and also without a consent of a Clearing Member.

53.17. The Clearing House acting on behalf of a Clearing Member in respect of itself performs all legal and actual actions required for concluding trades in accordance with the paragraphs 53.13-53.15 without a special permission (power of attorney), and also without a consent of a Clearing Member.

53.18. When using a contribution of a Defaulting Clearing Member to a Default Fund of a Market and/or Collateral for Stress on a market, to a Clearing Member are applied measures stipulated by the relevant special part of the Clearing Rules.

53.19. In case of using a contribution to a Default Fund and/or Collateral for Stress of a Defaulting Clearing Member such Clearing Member shall within 1 (one) Settlement Day after forwarding by the Clearing House of a Default Fund Margin Call and/or Collateral for Stress Margin Call in accordance with the paragraphs 39.2 / 39.3 replenish its contribution to a Default Fund / its Collateral for Stress till the size set out by the Clearing House.

53.19.1. In case of using contribution of the PJSC Moscow Exchange to the Default Fund of the FX Market and Precious Metals Market, PJSC Moscow Exchange during 1 (one) Settlement Day after the Clearing House has forwarded the relevant notification, shall replenish its contribution to the Default Fund of the FX Market and Precious Metals Market till the size, set out by the Clearing House.

The abovementioned obligation to replenish contribution to the Default Fund of the FX Market and Precious Metals Market can not be obtained by the PJSC Moscow Exchange more that 1 (one) time within the Settlement Day and 6 (six) times within the calendar year.

53.20. Contributions to a Default Fund of Non-defaulting Clearing Members on the relevant Market are used in case if the sum of Debts, minus Tax Debts, of Defaulting Clearing

Members and non-fulfilled obligations of the Liquidity Provider towards the Clearing House on such On-exchange Market, and contribution of the PJSC Moscow Exchange to the Default Fund of the FX Market and Precious Metals Market (if such on-exchange market is the FX Market and Precious Metals Market), including to the extent, exceeding the minimum contribution to the Default Fund on such On-exchange Market, exceeds the size of the current dedicated own resources of the CCP for such Market, and the current additional dedication own resources of the CCP defined for all Markets and used at the discretion of the Clearing House for a Market, where a Margin Call / Debt / non-fulfillment of obligations by the Liquidity Provider emerged.

- 53.21. Contribution of Non-Defaulting Clearing Members to a Default Fund of the relevant Market and contribution of the PJSC Moscow Exchange to the Default Fund of the FX Market and Precious Metals Market (if such on-exchange market is the FX Market and Precious Metals Market) are used in equal parts if the other is not set out in the relevant special part of the Clearing Rules.
- 53.22. In case of emerging of several Margin Calls / Debts on one or several Defaulting Clearing Members on several markets, a contribution of a Defaulting Clearing Member to a Default Fund of a Market / Collateral for Stress of a Defaulting Clearing Member on a Market is used firstly to pay off a Debt of a Clearing Member on the on-exchange market, where the Margin Call / Debt has arisen, and secondly – Debts emerged on the other markets.
- 53.23. Collateral of a Defaulting Clearing Member / contribution of a Defaulting Clearing Member to a Default Fund / Collateral for Stress / assets from an asset pool of a Defaulting Clearing Member / contribution of a Non-defaulting Clearing Member / PJSC Moscow Exchange to a Default Fund in Russian rubles /are used to satisfy requirements of the Clearing House under a Debt of a Defaulting Clearing Member (taking into account provisions of the paragraph 53.6) / non-fulfilled obligations of the Liquidity Provider through transferring cash funds in Russian rubles recorded as Collateral of a Defaulting Clearing Member on the relevant Market / contribution of a Defaulting Clearing Member to a Default Fund / Collateral for Stress of a Defaulting Clearing Member on the relevant Market / assets from an asset pool of a Defaulting Clearing Member / contribution of a Non-defaulting Clearing Member / PJSC Moscow Exchange to a Default Fund, to the Clearing House to pay out a Debt of a Defaulting Clearing Member.
- 53.24. of a Defaulting Clearing Member / contribution of a Defaulting Clearing Member to a Default Fund / Collateral for Stress / assets from an asset pool of a Defaulting Clearing Member / contribution of a Non-defaulting Clearing Member to a Default Fund in foreign currency / securities (except for general collateral certificates) / precious metals / commodities are used to satisfy requirements of the Clearing House under a Debt of Defaulting Clearing member (taking into account provisions of the paragraph 53.6) through:
- 1) selling of the defined foreign currency / securities / precious metals / commodities of the Defaulting Clearing Member in the volume required to pay out the Debt (taking into account provisions of the paragraph 53.6) and transferring to the Clearing House gained funds in Russian rubles to repay a Debt;
  - 2) transfer of the defined foreign currency / securities / precious metals / commodities to the Clearing House to pay out a Debt of a Defaulting Clearing Member (taking into account provisions of the paragraph 53.6) in case of impossibility to sell the defined assets of the Defaulting Clearing Member or in case if contributions of Non-

defaulting Clearing Members to the Default Fund have been used.

Meanwhile the sum of cash funds in foreign currency / amount of precious metals , which are to be transferred to the Clearing House from Collateral of a Clearing Member on the relevant Market / contribution of a Clearing Member to a Default Fund of the relevant Market / Collateral for Stress of a Clearing Member on the relevant Market / assets of a Clearing Member from an asset pool, is calculated using the sum of a Debt and the exchange rate of the foreign currency / precious metals, which is equal to the relevant Lower bound of the Market risk range, set out by the Clearing House for such foreign currency / such precious metal in accordance with the Risk Parameters on the FX Market and Precious metals Market Calculation Methodology on the date of satisfaction of the requirements, the amount of securities using the sum of a Debt and the relevant Lower bound of the Market risk range, set out by the Clearing House for such securities in accordance with the Risk Parameters on the Securities Market and Deposit Market Calculation Methodology, the amount of commodities using the sum of a Debt and the relevant Lower bound of the Market risk range, set out by the Clearing House for such commodity in accordance with the Risk parameters on the commodities Market on the date of satisfaction of requirements.

- 53.24.1. Assets of a Defaulting Clearing Member from an asset pool is used to satisfy requirements of the Clearing House under a Debt of a Defaulting Clearing Member under the condition of redemption of the required amount of general collateral certificates.
- 53.24.2. Satisfaction of requirements using Collateral / contribution to Default Fund / Collateral for Stress / assets from an asset pool of a Clearing Member is performed by the Clearing House without a previous notification of such Clearing Member.
- 53.24.3. Amount of cash funds in the relevant currency / amount of the relevant precious metal, recorded under the Settlement Account / Default Fund Settlement Account / Collateral for Stress Settlement Account / amount of securities, recorded under the relevant Trade Account / Default Fund Trade Account / Collateral for Stress Trade Account / amount of the commodity, recorded under the relevant Trade Account of the Clearing Member, and the size of the obligation of the Clearing House to return to a Clearing Member Collateral / contributions to Default Funds / Collateral for Stress are lessened for the sum / amount of used cash funds / securities / precious metal / commodities from Collateral of a Defaulting Clearing Member / Collateral for Stress of a Defaulting Clearing Member / contribution of a Defaulting Clearing Member into a Default Fund.
- 53.25. In case of necessity to use securities recorded as Collateral of a Clearing Member / Default Funds contributions of a Clearing Member / Collateral for Stress / assets from an asset pool, the Clearing House includes the instruction to transfer securities from a Securities Sub-account / depo sub-account of a Clearing Member to the depo sub-account of the Clearing House into the instruction to execute operations under Securities Sub-accounts / depo sub-accounts forwarded to the Settlement Depository in accordance with the Clearing Rules on the Securities Market, Deposit Market and Credit Market.
- 53.26. In case of necessity to use precious metals recorded as Collateral of a Clearing Member / assets in an asset pool, the Clearing House withdraws the relevant precious metal from a trading bank account for such precious metal.
- 53.27. In case of necessity to use commodities recorded as Collateral of a Clearing Member, the Clearing House includes the instruction to transfer commodities from trading section of a

trading commodity account of a Clearing Member to a trade section of the trading commodity account of the Clearing House into the instruction to transfer commodities forwarded to the Commodity Delivery Operator in accordance with the Clearing Rules on the commodities market.

53.28. After the moment, when foreign currency / securities from contributions of Non-Defaulting Clearing Member to the Default Fund have been transferred to the Clearing House to repay the Debt of the Defaulting Clearing Member, the Clearing House sells all received foreign currency and all received securities within on-exchange trading of the Moscow Exchange by submitting order book orders.

53.28.1. Positive difference between the total sum in Russian rubles of all foreign currency and securities, sold by the Clearing House, which had been transferred to the Clearing House from contributions of Non-defaulting Clearing Member to the Default Fund, to repay the Debt of the Defaulting Clearing Member, and the price at which such foreign currency and securities had been transferred to the Clearing House to repay the Debt of the Defaulting Clearing Member, is transferred to Non-defaulting Clearing Members in proportion to the price of the foreign currency / securities in Russian rubles, used from the contribution of each Non-defaulting Clearing Member, calculated when transferring it to the Clearing House.

At the same time sum of cash funds in Russian rubles, recorded under the Settlement Account for Default Fund contributions of Non-defaulting Clearing Members, and the size of obligation of the Clearing House to return to the Clearing Member contributions to the Default Fund enlarges for the sum of transferred cash funds.

53.29. In case of usage of contributions to Default Funds of Non-defaulting Clearing Members and/or the contribution of the PJSC Moscow Exchange, a Defaulting Clearing Member shall within 1 (one) Settlement Day repay to the Clearing House used funds of a Default Fund in Russian rubles.

The notification on necessity to replenish a Default Fund, which contains information on the sum in Russian rubles, which is to be repaid by a Clearing member, on the details of the account for repayment of funds from a Default Fund, on time frames, during which funds from a Default Fund shall be repaid, is forwarded to a Clearing Member in the form of an electronic document not later than the Settlement Day following the date of usage of a Default Fund of the relevant market.

In case of non-repayment by a Defaulting Clearing Member of funds from a Default Fund the Clearing House is entitled to require from such Clearing Member such repayment in the court.

53.30. After repaying by a Defaulting Clearing Member of used funds from a Default Fund, which contains contributions of Non-defaulting Clearing Members, the Clearing House repays in Russian rubles used contributions to Default Funds of Non-defaulting Clearing Members and the contribution of the PJSC Moscow Exchange into a Default Fund.

If received from a Defaulting Clearing Member cash funds is not enough for the full repayment of contributions of Non-defaulting Clearing Members and the contribution of the PJSC Moscow Exchange into a Default Fund of the relevant market, partial repayment of such contributions is made, in the amount proportional to the sum of used funds from a Default Fund of the relevant market, which consists of contributions of Non-defaulting Clearing Members and the contribution of the PJSC Moscow Exchange.

Meanwhile the sum of cash funds in Russian rubles, recorded under the Settlement Account for recording Default Funds contributions of a Non-defaulting Clearing Member, and the amount of an obligation of the Clearing House to return to a Clearing Member / PJSC Moscow Exchange contributions to Default Funds are enlarged for the sum of repaid funds.

- 53.30.1. After fulfillment by the Liquidity Provider of obligations, non-fulfillment of which lead to the use of the PJSC Moscow Exchange contribution to the Default Fund of the FX Market and Precious Metals Market, the Clearing House replenishes contribution of the PJSC Moscow Exchange to the Default Fund of the FX Market and Precious Metals Market in Russian rubles.
- 53.31. After the repaying by a Defaulting Clearing Member of used funds from Default Funds, which consist of contributions of Non-defaulting Clearing Members, such Defaulting Clearing Member shall repay (post) its contributions to Default Funds of the relevant markets and/or Collateral for Stress on the relevant Market in the amount set out by the Clearing House.
- 53.32. In case of usage of contributions of Non-defaulting Clearing Member to a Default Fund of the relevant market, Non-defaulting Clearing Members shall within 1 (one) Settlement Day after forwarding by the Clearing House of Default Funds Margin Call in accordance with the paragraph 39.2 replenish in Russian rubles its contributions to a Default Fund of the relevant Market to the size set out by the Clearing House.

The defined obligation to replenish contribution to a Default Fund of the relevant Market may not be obtained by a Non-defaulting Clearing Member more than 1 (one) time per a Settlement Day and 6 (six) times per a calendar year.

**Article 54. Course of actions, aimed at fulfillment of obligations of the Trading Member towards the Clearing Member**

- 54.1. The Clearing Member, which is not the Trading Member, and which acts as the Clearing Broker, is entitled to provide the Clearing House with the Request for the execution of the trade at the expense of the Trading Member / Trading Member client.
- 54.1.1. The Request for the execution of the trade at the expense of the Trading Member / Trading Member client is provided via the Clearing System during the Trading Session on the relevant on-exchange market.
- 54.1.2. Submission of the abovementioned request constitutes itself as agreement of the Clearing Member upon execution by the Clearing House of the Trade according to the terms, defined in the request.
- 54.1.3. Submission of the abovementioned request is the assurance of the Clearing Member towards the Clearing House on the fact that between the Clearing Member and the Trading Member there is an agreement that gives the Clearing Member the right to submit the abovementioned request to execute trades at the expense of the Trading Member / client of the Trading Member.
- 54.1.4. On the basis of the abovementioned request the Clearing House submits the order to executed the Trade in the name of the Clearing Member at the expense of the Trading Member / Trading Member client in respect of itself according to the terms, defined in the request.

Terms of Trades are defined in accordance with the Trading Rules of the defined on-exchange market, and also according to the terms, defined in the order, submitted by the Clearing House.

- 54.2. The Clearing Member, which is not the Trading Member and which acts as the Clearing Broker, is entitled to provide the Clearing House with the Request for the collateral sufficiency check regarding the 2<sup>nd</sup> level clearing register.

The Clearing Member, which is not the Trading Member and which acts as the Clearing Broker, to which the services upon keeping clearing registers of the 3<sup>rd</sup> level are provided, is entitled to provide the Clearing House with the Request for the collateral sufficiency check regarding 3<sup>rd</sup> level clearing register.

- 54.2.1. The Request for the collateral sufficiency check regarding 2<sup>nd</sup> or 3<sup>rd</sup> level clearing register is submitted via the Clearing System during the Trading Session on the relevant on-exchange market.
- 54.2.2. On the basis of the Request for the collateral sufficiency check regarding 2<sup>nd</sup> level clearing register, the Clearing House checks sufficiency of the collateral in respect of all orders / Quotations of a Trading Member if there is registered order, which is valid opposite one to the Quotation of a Trading Member, submitted with the indication of such 2<sup>nd</sup> level clearing register and/or of the 3<sup>rd</sup> level clearing registers, corresponding to such clearing register of the 2<sup>nd</sup> level.
- 54.2.3. On the basis of the Request for the collateral sufficiency check regarding 3<sup>rd</sup> level, the Clearing House checks sufficiency of the collateral in respect of all orders / Quotations of a Trading Member if there is registered order, which is valid opposite one to the Quotation of a Trading Member, submitted with the indication of the 3<sup>rd</sup> level clearing register.
- 54.2.4. Collateral sufficiency is checked by the Clearing House in accordance with the order, defined in the relevant special part of the Clearing Rules.
- 54.2.5. In case of collateral insufficiency the Clearing Member, which is not the Trading Member and which acts as the Clearing Member, shall be considered as the Clearing Member, which has refused from its indication as the Clearing Broker in respect of active orders of the Trading Member / Quotations of the Trading Member, submitted with the indication of the relevant 2<sup>nd</sup> or 3<sup>rd</sup> level clearing registers. In this particular case the Clearing House forwards to the Exchange notification on the necessity to delete all orders / Quotations of a Trading Member, submitted with the indication of the relevant 2<sup>nd</sup> and/or 3<sup>rd</sup> level clearing registers.

**SUB-SECTION IV-VI. PROCEDURE FOR COOPERATION WITH A SETTLEMENT INSTITUTION AND SETTLEMENT DEPOSITORY. COURSE OF ACTION IN CASE OF ENFORCING ASSETS OR ARREST OF ASSETS, WHICH ARE RECORDED UNDER TRADING OR CLEARING ACCOUNT**

**Article 55. Procedure for cooperation with the Settlement Organization with which trading or clearing bank accounts for recording of cash funds are registered**

- 55.1. The Clearing House cooperates with a Settlement Organization through clearing banking accounts in accordance with the terms of banking account agreement.
- 55.2. A list of documents which are interchanged between the Clearing House and a Settlement Organization in the process of cooperation when executing clearing and settlements in cash funds after clearing through trading banking accounts, and also formats and time frames for its provision are set out in the agreement concluded between the Clearing House and a Settlement Organization.
- 55.3. In case of usage of trading banking accounts when executing clearing and settlements, withdrawal of cash funds from trading banking accounts is performed on the basis of instructions of the Clearing House or on the basis of instructions of the person for which such trading depo account is opened with the agreement of the Clearing House.
- 55.4. The Clearing House agrees with the execution of any operations of accruing to such trading banking account on the basis of instructions of the person for which such trading banking account is opened.
- 55.5. In case of suing or arresting assets of a Clearing Member which are placed on a trading banking account and/or on a clearing banking account:
- 55.5.1. A Settlement Organization immediately transfers information on sue or arrest to the Clearing House.
- 55.5.2. Immediately after receipt from a Settlement Organization of information on suing or arresting assets of a Clearing Member which is places on a trading banking account and/or clearing banking account, the Clearing House:
- sets the Imposed Limitation for the sum, defined in the document which is the basis for suing and/or arresting in respect of a Collateral Account T0 of a Clearing Member which corresponds to each trading banking account, which is arrested / sued;
  - sets the limitation for withdrawal and other usage of cash funds, recorded under each proprietary Settlement Account of the Clearing Member, under which cash funds, which are on a clearing banking account which is arrested / sued, in the sum defined in the document which is the basis for being sued and/or arrested, are recorded, except for the case when the cash funds are used for the fulfillment (termination) of obligations, accepted for clearing, not later than the day, following the day, when the Clearing House received from the Settlement Organization information on forfeiture or arrest;
  - is entitled to forward to the Exchange a notification on the necessity to suspend the opportunity for execution Trades T+ with the indication of Trade Accounts T+ into



the structure of which the defined Collateral Account T0/Settlement Account are included.

55.5.3. The Clearing House:

- 1) not later than the day following the day of receipt by the Clearing House of the copy of executive documents, fulfills (terminates) obligations of a Clearing Member with the occurred Settlement Date;
- 2) not later than the day following the day of receipt by the Clearing House of the copy of executive documents, forwards to a Settlement Organization data on the size of cash funds, remained after the fulfillment (termination) of obligations of a Clearing Member are transferred.

55.5.4. Cash funds remained after paying out cash funds under executive document and costs related to the execution of executive actions and executive fee, may be returned by the Clearing House to a Clearing Member upon his demand.

55.5.5. Actions of the Clearing House in case of forfeiture of cash funds of the Clearing Member on the Deposit Market are performed, taking into account specifics, set out in the Clearing Rules on the Securities Market, Deposit Market and Credit Market.

**Article 56. Course of action in case of enclosing or arresting assets of the Clearing Member, which are recorded under the trading bank account for precious metals**

56.1. In case of enclosing or arresting assets of the Clearing Member, recorded under the trading bank account for precious metals, the Clearing House:

- sets the restriction upon withdrawal and any other use of precious metals, recorded under each trading bank account, which are enclosed / arrested, in the amount, indicated in the document, which is the ground for the enclosure and/or arrest, except for the case, when precious metals are used for the fulfillment (termination) of obligations, accepted for clearing, not later than the day, following the day, when the Clearing House received the document, which is the basis for the forfeiture and/or arrest;
- is entitled to forward to the Exchange notification on the necessity to suspend the opportunity to execute Trades in Precious Metals with the indication of Trade Accounts, which is formed by the Settlement Account, to which the trading bank account, in respect of which arrest / enclosure has been introduced, corresponds.

56.1.1. The Clearing House:

- 1) not later than on the day, following the day of receipt by the Clearing House of the execution orders copies, fulfills (terminates) obligations of the Clearing Member with the arrived Settlement Date;
- 2) not later than on the day, following the day of receipt by the Clearing House of the execution orders copies, provides the bailiff with the data on the amount of precious metal, remained after fulfillment of obligations of the Clearing Member.

**Article 57. Procedure for cooperation with Settlement Depository and other Depositories**

57.1. List of documents which are interchanged between the Clearing House and the Settlement Depository in the process of cooperation when executing clearing and settlements in securities after clearing and also formats of the defined documents and time frames for its

provision are set out in the agreement concluded between the Clearing House and the Settlement Depository.

57.2. Withdrawal of securities from Securities Sub-accounts on the basis of instructions of the Clearing House or on the basis of instructions of the person for which such trading depo account / emission account is opened with the agreement of the Clearing House.

57.2.1. Recording securities, which belong to a Clearing Member according to the property right and which were transferred by a Clearing Member as contributions to Default Funds / Collateral for Stress / Concentration Risk Mitigation Collateral, is executed on the relevant depo sub-accounts. In order to open depo sub-account a Clearing Member shall provide to the Settlement Depository a set of documents stipulated by the Terms of performing depository activities of the Settlement Depository.

57.2.2. Crediting / debiting securities to / from depo sub-accounts is executed on the basis of the instructions of the Clearing House.

57.2.3. Income and other payments, which are to be paid to Clearing Members under securities, recorded on depo sub-accounts, are transferred as Default Fund contributions / Collateral for Stress / Concentration Risk Mitigation Collateral to the relevant clearing account of the Clearing House, in case if it is stipulated by internal documents of the Settlement Depository in the order stipulated by the agreement between the Clearing House and the Settlement Depository.

Income and other payments under securities transferred as contributions to Default Funds / Collateral for Stress / Concentration Risk Mitigation Collateral in accordance with this sub-paragraph of the Common part of the Clearing Rules, are recorded as funds of a Clearing Member transferred to the relevant clearing account of the Clearing House.

57.3. The Clearing House agrees to execute any operations of accruing to Securities Sub-accounts on the basis of instructions of the person for which such trading depo account / emission account / broker account is opened.

57.4. In case if trading depo account of Clearing Members, of clients of Clearing Members and of other people are opened in a depository, which opened in the Settlement Depository a trading depo account of the nominal custodian, the Clearing House agrees to execute any operations under such trading depo accounts including closure of such trading depo accounts. The defined agreement of the Clearing House is valid till the moment of its revocation by the Clearing House in the defined depository or till the moment of forwarding by the Clearing House to the defined depository of an instruction, which set other terms of execution of operations under such trading depo accounts.

57.5. Each Settlement Account before the start of trading on the Securities market, and also during the trading on the Securities Market in case of changes, the Clearing House via the WEB-service of the Settlement Depository transfers to the Settlement Depository:

- list of securities accepted into each asset pool as Collateral, Default Funds contributions, Collateral for Stress, Concentration Risk Mitigation Collateral and information on the prices of the relevant securities which are required to be used when making the selection. As such prices the Lower bound of the Market risks range is used;
- list of Securities Sub-accounts / depo sub-accounts and securities code numbers, prohibited for selection for the defined Securities Sec-accounts / depo sub-accounts.

- 57.6. Each Settlement Depository before the start of the trading on the Securities Market the Settlement Depository transfers to the Clearing House a list of Securities sub-accounts / depo sub-accounts and an excerpt under Securities sub-accounts / depo sub-accounts.
- 57.7. After receipt from the Settlement Depository of the writing out under Securities sub-accounts / depo sub-accounts the Clearing House sets the value of the amount of securities, recorded under Trade Accounts in accordance with the information on the amount of securities recorded under a Securities Sub-accounts / depo sub-accounts received from the Settlement Depository in the Writing out under Securities Sub-accounts / depo sub-accounts.
- 57.8. When enlarging the amount of securities during the trading, recorded on a Securities Sub-account, the Settlement Depository transfers to the Clearing House information on such enlargement and the Clearing House records such enlargement on Trade Accounts T0 / Trade Accounts T+.
- 57.9. In case of necessity to withdraw securities during the Trading from the Sub-accounts Cluster on the basis of the instruction of the person, for whom the trading depo account is opened, the Settlement Depository forwards to the Clearing House the request for agreement of the Clearing House for withdrawal of securities from Securities Sub-accounts.

The Clearing House gives its consent to the withdrawal of securities (except for general collateral certificates) from a Securities Sub-Account T+ when meeting the terms of return of securities set out in the paragraph 33.13.

The Clearing House gives its consent upon the withdrawal of general collateral certificates when meeting the terms set out by the Clearing Rules on the Securities Market, Deposit Market and Credit Market.

The Clearing House gives its consent upon the withdrawal of securities from the Securities Sub-account T0 under the conditions of the return of securities, set out in the sub-paragraph 33.13.1.

When the Clearing House gives consent to withdraw securities the amount of securities recorded under the relevant Trade Account and the amount of securities recorded under the relevant Securities Sub-account, which forms a part of the Trade Account T+ according to the information received from the Settlement Depository, is lessened for the amount of securities defined in the request, or defined according to the sub-paragraph 33.12.

- 57.10. The order for execution of settlements under securities is defined by the Clearing Rules on the Securities Market, Deposit Market and Credit Market.
- 57.11. After the end of the third clearing session the Clearing House forwards to the Settlement Depository the Notification on the consent to execute operations under Securities Sub-accounts.

Forwarding to the Settlement Depository the defined notification means the consent of the Clearing House to execute any operations under Securities Sub-account T0 till the moment of transfer by the Settlement Depository to the Clearing House of the writing out from Securities Sub-accounts / depo sub-accounts except for Securities Sub-accounts T0 in respect of which the Clearing House receives from the Settlement Depository information on suing or arresting assets of a Clearing Member which is on a trading depo account where a Securities Sub-account T0 is opened.

57.12. In case of suing or arresting assets of a Clearing Member which is placed on a trading depo account and/or clearing depo account:

57.12.1. The Settlement Depository immediately transfers information on the sue or arrest to the Clearing House.

57.12.2. Immediately after receipt from the Settlement Depository of the information on suing or arresting assets of a Clearing Member, which is placed on a trading depo account and/or on a clearing depo account, the Clearing House:

- sets the limitation on withdrawal and other usage of securities of a Clearing Member from each of the defined accounts in the amount of securities defined in the document which is the basis for suing and/or arresting, except for the case, when securities are used for the fulfillment (termination) of obligations, accepted for clearing, not later than the day, when the Clearing House received from the Settlement Depository information on forfeiture or arrest;
- is entitled to forward to the Exchange a notification on necessity to suspend the opportunity to execute Trades T+ with the reference to Trade Accounts T+ into the structure of which trading depo accounts are included, which are arrested / sued.

57.12.3. The Clearing House:

- 1) not later than the day following the day of receipt by the Clearing House of a copy of executive documents, executes (terminates) obligations of a Clearing member with the occurred Settlement Dates;
- 2) in case of suing or arresting general collateral certificates executes actions in accordance with the paragraph 57.13;

57.13. In case of suing / arresting general collateral certificates of a Clearing Member the Clearing House not later than the day following the day of receipt by the Clearing House of copies of executive documents:

57.13.1. withdraw from an asset pool of cash funds and/or sells from an asset pool securities, precious metals and foreign currency, posted into an asset pool by a Clearing Member, which is a Pool Member, which asset is sued / arrested in an amount required to perform executive documents, expenses to perform executive actions and executive commission and redeems general collateral certificates in the corresponding amount.

The necessary condition of withdrawal from an asset pool of cash funds and sell of assets posted into an asset pool, is the availability of general collateral certificates in the required amount in the planned value of the depo position under Securities Sub-account T+ which is a part of a Trade Account T+ of a Clearing Member corresponding to an Asset Pool Trade Account.

57.13.2. accrues cash funds left after termination of obligations of a Clearing Member and/or received from the sell of assets from an asset pool in the amount required for the performance of executive documents, expenses for performance of executive documents and executive commission, to a clearing banking account;

57.13.3. forwards to the Settlement Depository data on the amount of cash funds and details of the clearing banking account, under which remained after the fulfillment (termination) of obligations of the Clearing Member cash funds are recorded or to which such cash funds have been credited to.

The Settlement Depository informs the enforcement officer on the size of cash funds and details of the clearing banking account, opened with the Settlement Depository, under

which remained after fulfillment (termination) of obligations of the Clearing Member cash funds or to which such cash funds have been credited to.

Cash funds, remained after payment of cash funds under the enforcement document, and costs regarding enforcement procedure, and enforcement fee, can be returned by the Clearing House to the Clearing Member upon its demand.

## **SECTION V. THE GENERAL PROCEDURE FOR PAYMENT FOR SERVICES**

**Article 58. General procedure for paying fees for services of the Clearing House, of the Exchange and of the Technical Centre and also procedure for paying out percent on cash funds, which contain individual and collective clearing collateral**

58.1. The Clearing House charges from Clearing Members the following types of fees:

- fee for provision of clearing services in favor of the Clearing House, including the fee for recording the individual clearing and the other collateral;
- fee for organization of trading / exchange fee in favor of the Exchange;
- user fee / fee for user service in favor of the Exchange;
- following types of fees in favor of the Technical Centre and of the MOEX Information Security LLC (hereinafter together referred to as the fee for integrated technological service and provision of other technological and/or information services):
  - fee for the registration of the technical access login and recurring fees for the ITS services according to the Terms of Integrated IT Service by Public Joint-Stock Company Moscow Exchange in favor of the Technical Centre;
  - fee for technological service connected with receipt and use of electronic signature according to the Terms and Conditions for participation in the EDI system in favor of the Technical Centre;
  - fee for technological service provision in accordance with the Co-location Service Agreement in the Moscow Exchange Collocation Facility, connected with placement of client equipment in the Moscow Exchange Collocation Facility in favor of the Technical Centre;
  - fee for provision of technological and(or) information service in accordance with the Information Technology Services Terms by Public Joint-Stock Company Moscow Exchange MICEX-RTS;
  - fee for data communication services in accordance with the Rules for data communication services by MOEX Information Security LLC;
- additional fees in favor of the Technical Centre stipulated by special parts of the Clearing Rules;
- fee for the clearing services regarding opening and keeping clearing registers of the 3<sup>rd</sup> level in favor of the Clearing House;
- other types of fees in favor of the defined or other entities stipulated by the special parts of the Clearing Rules.

58.2. The size of the fee for provision of clearing services, which is to be paid by a Clearing Member (hereinafter fee of the Clearing House) is calculated by the Clearing House in accordance with the Tariffs of the Clearing House.

58.3. The fee for organization of trading / exchange commission fee and user fee / fee for user service in favor of the Exchange (hereinafter fees of the Exchange) are calculated and charged by the Clearing House in accordance with the following sizes of the fee for organizing trading approved by the Exchange (hereinafter referred to as the Exchange Tariffs) on the basis of the agreement concluded with the Exchange.

58.4. Fee for the registration of the technical access login, recurring fees for the ITS services in accordance with the Terms of Integrated IT Service by Public Joint-Stock Company Moscow Exchange, fee for technological services, connected with receipt and use of electronic signature in accordance with the Terms and Conditions for participation in the EDI system, fee for technological service provision in accordance with the Co-location Service Agreement in the Moscow Exchange Collocation Facility, connected with placement of client equipment in the Moscow Exchange Collocation Facility, fee for technological and(or) information services in accordance with the Information Technology Services Terms by Public Joint-Stock Company Moscow Exchange MICEX-RTS are charged by the Clearing House on the basis of the agreement concluded with the Technical Centre.

Additional fees and charges in favor of the Technical Centre are calculated and charged by the Clearing House in accordance with valid documents of the Technical Centre, which define size of fees of the Technical Centre, on the basis of the agreement, concluded with the Technical Centre.

Payment, fees and charges in favor of the Technical Centre named in this paragraph hereinafter referred to as fees of the Technical Centre.

58.5. Clearing Member fulfills obligations to pay fees of the Exchange, of the Clearing House and fees of the Technical Centre for the Non-clearing Member – Trading Member and which has the right to submit orders / Quotations of a Trading Member with the indication of clearing registers of the 2<sup>nd</sup> level and/or of the 3<sup>rd</sup> level, corresponding to the Settlement Accounts of such Clearing Member.

58.6. Clearing Member is entitled to indicate for the Clearing House ID code and name of the Trading Member – non-clearing member, with the aim to debit from the Settlement Account, defined in the application, sum to be paid by the Trading Member for integrated technological service and provision of other technological and/or information services.

58.7. The fee of the Exchange is charged from a Clearing Member which is a Trading Member or from a Clearing Member performing the defined obligations for such Trading Member in accordance with the paragraph 58.5 or in accordance with the special part of the Clearing Rules.

58.8. The fee of the Technical Centre is charged from a Clearing Member or from a Clearing Member which is a Trading Member or a Clearing Member performing the defined obligations for such Trading Member in accordance with the paragraph 58.5 or in accordance with a special part of the Clearing Rules.

58.9. Obligations to pay fees of the Clearing House, the Exchange, fees of the Technical Centre and fee of the Information Security LLC is executed in Russian rubles.

58.9.1. In case if a the sum of the fee of the Clearing House, the Exchange, of the fee of the Technical Centre or fee of the Information Security LLC is denominated in foreign currency the defined sum is converted into Russian rubles according to the exchange rate for such foreign currency to Russian rubles set out by the Bank of Russia on the day of the relevant fee calculation.

58.10. Levying by the Clearing House from a Clearing Member:

- user fee / fee for user service;

- fixed parts of the fees;
- fee for provision to Clearing Members of report copies, stipulated by the paragraphs 59.2-59.3 and by special parts of Clearing Rules;
- fee according to the fee tariff “Placement-fixed”;
- additional fees in favor of the Technical Centre (in cases, stipulated by the Clearing Rules);
- fee for provision of integrated technological service and provision of other technological and/or information services;
- fee of the Exchange under trades, which are cleared by the other clearing organization;
- fee for recording the individual clearing collateral and the other collateral type (for all categories of Clearing Members), calculated under the Default Funds Accounts, Collateral for Stress Accounts, Collateral accounts corresponding to the Settlement Account for recording Concentration Risk Mitigation Collateral, and fee for recording individual clearing and the other collateral type (for certain categories of Clearing Members);
- fee for the clearing services regarding opening and keeping of clearing registers 3<sup>rd</sup> level (in cases, defined in the Clearing Rules);
- other fees in favor of the Clearing House, of the Exchange or of the Technical Centre, except for variable parts of the fees;
- Refund,

and also debiting Refund is performed in respect of a Settlement Account defined by a Clearing Member in the provided to the Clearing House Request for choosing main Settlement Account for the fees withdrawal.

In case of non-provision by a Clearing Member of the Request for choosing main Settlement Account for the fees withdrawal, operations defined in this paragraph are executed in respect of proprietary Settlement Account of a Clearing Member opened the first.

The Settlement Account of a Clearing Member defined in accordance with this paragraph hereinafter is referred to as the main Settlement Account for the fees withdrawal.

58.10.1. In the Request for choosing main Settlement Account for the fees withdrawal a Clearing Member may also indicate any of the following features:

- 1) feature, signifying that from the main Settlement Account for the fees withdrawal, indicated in such request, variable part of the fee for Trades with the settlement in Russian rubles and in foreign currency shall be levied;
- 2) feature, signifying that from the main Settlement Account for the fees withdrawal, indicated in such request, fee of the Clearing House for recording the individual clearing and the other collateral shall be levied (for all categories of Clearing Members);
- 3) feature, signifying that from the main Settlement Account for the fees withdrawal, indicated in such request, penalty for unduly fulfillment of obligations in cash shall be levied.

58.11. The Clearing Member is entitled to provide the Clearing House with the Request for changing Settlement Account for the fees withdrawal, where Settlement Account for the



fees withdrawal – Settlement Account of the Clearing Member shall be indicated, under which the variable part of the fee for Trades with the settlement in Russian rubles and in foreign currency, executed with the indication of the Trade Account, into the structure of which Settlement Account of the Clearing Member, indicated in such request, is included / to which the Settlement Account of the Clearing Member, indicated in such request, corresponds.

For each Settlement Account of the Clearing Member, which forms the part of the Trade Account / which corresponds to the Trade Account, only one Settlement Account for the fees withdrawal, under which the variable part of the fee for Trades, executed with the indication of such Trade Account, shall be levied.

Default Funds Settlement Account, Collateral for Stress Settlement Account, Concentration Risk Settlement Account, Asset Pool Settlement Account cannot be indicated as the Settlement Account for the fees withdrawal.

- 58.12. The Request for choosing main Settlement Account for the fees withdrawal and the Request for changing Settlement Account for the fees withdrawal are valid since of the Settlement Day following the day of its submission.
- 58.13. Withholding by the Clearing House from a Clearing Member of the variable part of the fee under Trades with settlement in Russian rubles and in foreign currency is performed in Russian rubles.
- 1) under the Settlement Account for the fees withdrawal, indicated by the Clearing Member in the Request for changing Settlement Account for the fees withdrawal, indicated by the Clearing Member in the Request for changing Settlement Account parameters for the Settlement Account of the Clearing Member, which forms the part of the relevant Trade Account, indicated in the order to conclude a Trade / corresponds to the relevant Trade Account, indicated in the order / Quotation of a Trading Member to execute a Trade;
  - 2) under the main Settlement Account for the fees withdrawal, in case if the Clearing Member did not provide the Request for choosing main Settlement Account for the fees withdrawal in accordance with the paragraph 58.10, in which the feature, signifying that variable part of the fee under Trades with the settlement in Russian rubles and in foreign currency shall be levied upon the Settlement Account, defined in this request, is indicated, and in case if the Clearing Member did not provide the Request for changing Settlement Account for the fees withdrawal with the indication of the Settlement Account for the fees withdrawal with the indication for the Settlement Account of the Clearing Member, which forms the part of the relevant Trade Account, indicated in the order to conclude a Trade / corresponds to the relevant Trade Account, indicated in the order / Quotation of a Trading Member to execute a Trade;
  - 3) under the Settlement Account, which forms the part of the Trade Account T+, indicated in the order / Quotation of a Trading Member to execute a Trade / under the Settlement Account, which forms the part of the Trade Account T+, corresponding to the Asset Pool Trade Account (under Trades, executed with the indication of the Asset Pool Trade Account), in case if the Clearing Member did not provide requests, defined in the sub-paragraphs 1) and 2) of this paragraph;
  - 4) under the Collateral Account T0, which forms the part of the Trade Account, indicated in the order / Quotation of a Trading Member to execute a Trade / under the Collateral Account T0 in Russian rubles, corresponding to the Collateral Account

T0, indicated in the order / Quotation of a Trading Member to execute a Trade, in case if the Clearing Member did not provide requests, defined in sub-paragraphs 1) and 2). In case if there is no Collateral Account T0 in Russian rubles, corresponding to the Collateral Account T0 in foreign currency, variable part of the fee under such trade is levied upon the Settlement Account, corresponding to the relevant Collateral Account T0 in the foreign currency.

58.14. The size of an obligation of a Clearing Member / Trading Member to pay fees may be calculated taking into account the defined by a Clearing Member / Trading Member fee tariff if it is stipulated by the relevant tariffs.

58.14.1. The fee tariff is in effect for the Trading Member / for Clearing Member. The fee tariff is applied for all relevant Trades, executed on the basis of orders / Quotation of a Trading Member, submitted with the indication of the Trade Account of the Clearing Member, and also with the indication of Trade Accounts of the 2<sup>nd</sup> and of the 3<sup>rd</sup> levels, opened by the Trading Member / Clearing Member.

58.14.2. Choosing or changing fee tariff, stipulated by the Tariffs of the Exchange, is executed by the Trading Member. Choosing or changing fee tariff, stipulated by the Tariffs of the Clearing House is executed by the Clearing Member

Choosing or changing fee tariff is executed through the provision of the Clearing House with the relevant Request for the fee tariff choice.

Fee tariffs are applied since the first date of the calendar month, except for the fee tariffs without the fixed part of the fee, which in case of the initial admission to the clearing service, may be applied since any date of the calendar month.

The Request for the fee tariff choice may be provided to the Clearing House not later than in 5 (five) workdays till the first date of the month, beginning from which the chosen fee tariff, except for cases of the initial admission to the trading / clearing service, will be in effect.

58.14.3. If the tariffs prescribe fee tariffs in respect of relevant trades, Trading Members / Clearing Members, which did not choose any of the fee tariffs in respect of relevant trades, obtain the fee tariff without the fixed part of the fee (unless otherwise stated by the special part of the Clearing Rules), which in case of the initial admission to the trading / clearing service; such fee tariff is set since of the date, when the Trading Member is admitted to the trading / Clearing Member is admitted to the clearing service, and is in effect till the other fee tariff, chosen by the Trading Member / Clearing Member, is applied.

58.14.4. In case if the Trading Member / Clearing Member chooses the fee tariff, which contain the fixed part of the fee, such fixed part of the fee is calculated on the first workday of the calendar month, for which the fixed part of the fee is levied.

58.14.5. In case of suspension / termination of an admission of the Trading Member to the trading / of the Clearing Member to the clearing service within the calendar month, fixed part of the fee in favor of the Exchange for the organization of trading and/or fixed part of the fee in favor of the Clearing House for the clearing service provision, paid by the Trading Member / Clearing Member, is not recalculated and is not returned to the Trading Member / Clearing Member.

58.15. The tariffs of the Clearing House and/or of the Exchange may stipulate the provision to a Clearing Member / Trading Member of bonuses if all conditions, which were required for getting a bonus, were met.

The order of bonus payment is set out in the relevant special part of the Clearing Rules or in the Tariffs of the Clearing House.

- 58.16. Clearing fee for recording individual clearing collateral and “the other” collateral in the foreign currency is calculated on the last Settlement Day of the month when the service is provided and is charged on the first workday of the calendar month following the one when the service has been provided. Fee of the Clearing House for recording The fee of the Clearing House for recording the individual clearing and “the other” collateral in precious metals is calculated and charged by the Clearing House upon the Clearing Member not later than on the 25<sup>th</sup> of the calendar month, following the month, when the services are provided (except for cases, stipulated by the Tariffs of the Clearing House).
- 58.16.1. The fee for recording the individual clearing and the other collateral type (for all categories of Clearing Members), calculated under the Default Funds Accounts, Collateral for Stress Accounts and Collateral accounts corresponding to Settlement Account for recording Concentration Risk Mitigation Collateral, fee for recording individual clearing collateral and the other collateral type, and fee for integrated technological services provision and provision of other technological and/or information services), is recorded under the main Settlement Account for the fees withdrawal, registered for the Securities Market, Deposit Market and Credit Market, and in case if there is no such account then it is recorded under the main Settlement Account for the fees withdrawal, registered for the FX Market and Precious Metals Market, and in case if there is no such account then it is recorded under the main Settlement Account for the fees withdrawal, registered for the Derivatives Market, and in case if there is no such account then it is recorded under the main Settlement Account for the fees withdrawal, registered for the Commodities Market, and in case if there is no such account then it is recorded under the Settlement Account for the fees withdrawal, registered for the Standardised Derivatives Market.
- 58.16.2. The fee for recording the individual clearing and the other collateral type (for all categories of Clearing Member), calculated under Collateral Accounts, recorded under the Settlement Account, corresponding to the Collateral Account / trading bank account, under which the abovementioned individual clearing and the other collateral, and in case if the Clearing Member provides the Request for choosing main Settlement Account for the fees withdrawal in accordance with the paragraph 58.10, in which the feature, signifying that the fees of the Clearing House for recording individual clearing and the other collateral type (for all categories of Clearing Members) shall also be levied upon the main Settlement Account for the fees withdrawal, defined in such request, is indicated, it is levied upon the main Settlement Account for the fees withdrawal, indicated in such request.
- 58.16.3. In case of closure of the Settlement Account, under which the individual clearing and the other collateral is recorded, and in case of non-provision by the Clearing Member of the Request for choosing main Settlement Account for the fees withdrawal, defined in the subparagraph 58.16.2, withdrawal of fees of the Clearing House for recording individual clearing and the other collateral type (for all categories of Clearing Members) is executed from the main Settlement Account for the fees withdrawal.
- 58.17. Unless otherwise stated by the Clearing Rules and / or by the Tariffs of the Clearing House / Information Security LLC, and/or by the documents of the Exchange / Technical Centre, the fee of the Clearing House, Exchange, Technical Centre, Information Security LLC is calculated on the day of provision of a service – for daily fees, on the last workday of the month – for monthly fees.

- 58.17.1. Unless otherwise stated by the Clearing Rules, and/or by the Tariffs of the Clearing Rules, and/or by the Time Specifications, fee of the Clearing House, Exchange, Technical Centre, Information Security LLC is levied upon a Clearing Member from on the day of its calculation.
- 58.17.2. Information on calculated fees is provided by the Clearing House to Clearing Member in reports on fees stipulated by the relevant special parts of the Clearing Rules.
- 58.17.3. Information on fees withheld from Clearing Members under Settlement Accounts of a Clearing Member is provided by the Clearing House to Clearing Member in the Cash flow statement.
- 58.18. Accruing percent on cash funds which is individual and/or collective clearing collateral and/or the other collateral type is made by the Clearing House on each Settlement Day for the relevant currency for each calendar day of the month. If the Settlement Day for the relevant currency is followed by the day (days) of the current month which is not a Settlement Day for the relevant currency, the sum of percent in such Settlement Day is accrued taking into account these days, if to first Settlement Day of the month for the relevant currency precedes the day (days) of this month which are not Settlement Days for the relevant currency, the sum of percent on such Settlement Day is accrued taking into account these days.
- 58.18.1. Paying out to Clearing Members of percent on cash funds which is individual and/or collective clearing collateral and/or the other collateral type is performed by the Clearing House on the first Settlement Day of the month for the relevant currency, which follows the month for which the defined percent is paid.
- Decision of the Clearing House, on accrual and payment to Clearing Members of the interest on cash funds, which constitute individual and/or collective clearing collateral and/or the other collateral type, may state the other order for the interest payment.
- 58.18.2. When terminating a clearing membership agreement paying out percent on cash funds which is individual or collective clearing collateral and/or the other collateral type is executed on the last day of the validity period of the defined agreement.
- 58.18.3. When terminating a clearing membership agreement in case of revocation of the banking license of a Clearing Member – Credit Institution the accruing of the interest on cash funds which constitute individual and/or collective clearing collateral and/or the other collateral type is made till the day (inclusively) preceding to the date of revocation of the banking license of a Clearing Member – Credit Institution, the abovementioned interest are paid out on the day of revocation of the banking license of a Clearing Member – Credit Institution.
- 58.18.4. When terminating a clearing membership agreement in case of the appointment of the interim administration or submission of the judgement by the Arbitrage Court on introduction of any of bankruptcy proceedings in respect of a Clearing Member – Non-credit Institution accruing percent on cash funds which constitute individual and/or collective clearing collateral and/or the other collateral type is made till the day (inclusively) preceding to the date of appointment of the interim administration, or to the date of submission of the judgement by the Arbitrage Court on introduction of any of bankruptcy proceedings in respect of a Clearing Member – Non-credit Institution, or to the date of the submission of the judgement on designation a Clearing Member as a bankrupt and on opening competition, depending on the fact which date came earlier, paying out of the defined percent on the day, following the date of appointment of the interim administration, or on the day, following the date of submission of the judgement by the

Arbitrage Court on introduction of any of bankruptcy proceedings, or on the day, following the date of the submission of the judgement on designation a Clearing Member as a bankrupt and on opening competition, depending on the fact which date came earlier.

58.18.5. Percent on cash funds which is individual and/or collective clearing collateral and/or the other collateral type, are accrued for the sum of cash funds in the relevant currency not exceeding the requirement to the size of Collateral / Collateral for Stress / Default Funds Contributions required by the Clearing House for the relevant Clearing Member meanwhile for the aims of determining the defined sum of securities and cash funds posted as the relevant type of collateral of a Clearing Member are recorded in the following consequence:

- 1) securities;
- 2) foreign currency;
- 3) Russian rubles.

The consequence of foreign currency recording for the aims of determination of the defined sum is set out in the decision of the Clearing House on accruing and paying out to Clearing Members of percent on cash funds, which is individual and/or collective clearing collateral and/or the other collateral type.

Decision of the Clearing House, on accrual and payment to Clearing Members of the interest on cash funds, which constitute individual and/or collective clearing collateral and/or the other collateral type, may state the other consequence of cash funds / securities recording with the aim to calculate the amount of cash funds, in respect of which the interest is accrued.

With the regard to the abovementioned, securities and foreign currency are recorded according to the Lower Bound of the Market Risk Range, taking into account concentration limits.

58.18.6. Percent on cash funds in Russian rubles which is individual and/or collective clearing collateral and/or the other collateral type is paid out in Russian rubles.

Percent on cash funds in foreign currency which constitute individual and/or collective clearing collateral and/or the other collateral type is paid out in the relevant foreign currency.

When paying out interest to Clearing Members – Non-residents, the Clearing House acting as tax agent in cases, stated by the Russian legislation, withholds organization profits tax on income of foreign organizations from sources located in Russian Federation.

58.18.7. The sum of percent in the relevant foreign currency on cash funds which is individual and/or collective clearing collateral and/or the other collateral type enlarges the sum of the relevant Collateral / Collateral for Stress / Default Funds contributions recorded under a Settlement Account of a Clearing Member / Collateral for Stress Settlement Account / Default Funds contributions Settlement Account to cash funds recorded under which percent was accrued.

58.18.8. Information on accrued and paid out percent on cash funds which is individual and/or collective clearing collateral and/or the other collateral type is provided by the Clearing House to Clearing Members in the Cash flow statement, on accrued – daily, on paid out – monthly on the date of paying out.

58.19. Payment for integrated technological service provision and provision of other technological and/or information services is recorded under the main Settlement Account

for the fees withdrawal, procedure for the calculation of which is defined in the subparagraph 58.16.1, and is levied not later than the 5<sup>th</sup> (fifth) workday of the month, following the month of the services provision.

**Article 59. The general procedure for the clearing reports provision**

59.1. Clearing House forms for Clearing Members the following reports after clearing:

- the Report on Total Net Obligations / Total Net Claims, which contains information on obligations defined after clearing (under Unified Pool Settlement Accounts and Settlement Accounts of a Clearing Member opened for the Securities market, Deposit Market and Credit Market and under Settlement Accounts, opened for the FX market and precious metals market);
- the Cash flow statement, which contains information on the size of Collateral in cash funds / precious metals recorded under a Settlement Account of a Clearing Member, on changes of such Collateral including information on usage of Collateral also for fulfillment of obligations defined after clearing, on the fact whether the Clearing Member has a Debt or not, and on the size of such Debt;
- the Report on Default Funds, which contains information, defined in the paragraph 35.6;
- the Report on Collateral for Stress, which contains information, defined in the paragraph 35.6;
- the Report on concentration risks to issuers, containing information, defined in the paragraph 35.8;
- the Report on Margin Calls, which contains information on the availability of Margin Calls, Default Funds Margin Calls, Collateral for Stress Margin Calls, Concentration Risk Margin Call and on the size of such Margin Calls;
- the Report on Clearing Logins, which contains information on Clearing Logins which are Handwritten Signature Analogue on the relevant markets.

The list of reports sent after clearing on the relevant Market may be set out by special parts of the Clearing Rules.

59.2. Reports defined in the paragraph 57 and also reports, defined in special parts of the Clearing Rules, are forwarded to a Clearing Member / Trading Member / Custodian in the form of electronic documents in accordance with the Procedure for EDI.

On the basis of written request of the Clearing Member / Trading Member, hard copies of electronic documents may be made (printed out).

Copies of electronic documents in a printed form are signed by an authorized person of the Clearing house and are provided / forwarded to a Clearing Member / Trading Member.

59.3. Report on Clearing Logins is forwarded to the Clearing Member not later than the workday, following the day, when notification on Clearing Login assignment is received from the Technical Centre in accordance with the paragraph 22.2, and also each first Settlement Day of the month.

59.4. A Clearing Member may be provided with reports which are not stipulated by the paragraph 57 and by the special parts of the Clearing Rules (hereinafter referred to as non-standard reports), in a form of an electronic document or in printed form.

59.5. Copies of reports in a printed form or in a form of electronic documents defined in the paragraph 59.2, and also non-standard reports in the form of an electronic document or in printed form, defined in the paragraph 59.3, are provided/forwarded to a Clearing Member during 10 (ten) workdays after the Clearing House receives the relevant request from a Clearing Member.

The fee is charged from the Clearing Member for the provision of the abovementioned report copies in accordance with the Tariffs of the Clearing House.

59.6. In case of detection of errors the Clearing House is entitled to form and forward to a Clearing Member corrected reports or withdraw reports, forwarded earlier. Meanwhile in case if the report is re-submitted, the report, which has the latest date and time of submission, shall be recognized as the correct one.

59.7. The list of reports, provided by the Clearing House in accordance with the common and special parts of the Clearing Rules, and also formats of electronic documents sent via EDI and forms of documents provided in a printed form are set out by the relevant document of the Clearing House (relevant parts of documents of the Clearing House). The defined documents are disclosed by the Clearing House through posting it on the Clearing House's website.

## **SECTION VI. MISCELLANEOUS**

### **Article 60. Procedure for transfer of obligations and Collateral of one Clearing Member to the other Clearing Member**

60.1. The Clearing House performs transfer of a debt and cession of claims of one Clearing Member (hereinafter the Basic Clearing Member) under obligations arising from Trades, executed with the central counterparty using funds of a Segregated Client, and also transfer of Collateral, recorded under each Settlement Account / each Trade Account of the Basic Clearing Member, opened for such Segregated Client, to the other Clearing Member (hereinafter the Clearing Member – Recipient) when there is the Application for obligations and Collateral transfer (hereinafter the Application), provided by a Segregated Client (hereinafter Transfer of obligations and Collateral).

In the Application the following must be indicated:

- the name of a Clearing Member – Recipient;
  - the list of markets, where a Segregated Client is registered and where Transfer of obligations and Collateral is required to be executed;
  - not less than one of the following grounds for Transfer of obligations and Collateral execution with reference to the Basic Clearing Member:
    - 60.1.1. grounds stipulated by the sub-paragraphs 15.1.4-15.1.18, 15.17.10-15.17.11, 15.17.2-15.17.8, 15.20.2-15.20.3;
    - 60.1.2. bankruptcy case in respect of the Basic Clearing Member is on trial for more than 2 (two) months since the moment of submission of the relevant application;
    - 60.1.3. breach by the Basic Clearing Member of the rules of Russian or foreign Market operator or clearing organization;
    - 60.1.4. inclusion into the agenda of the management bodies of the Basic Clearing Member the issue relating to liquidation of the Basic Clearing Member or the decision on liquidation of the Basic Clearing Member made by the management bodies of the Basic Clearing Member;
    - 60.1.5. decision on the re-organization of the Basic Clearing Member made by the management bodies of the Basic Clearing Member (except for cases of re-organization, which do not lead to the termination of the activity of the Basic Clearing Member and reorganization in the form of transformation);
    - 60.1.6. judgement on levying, arresting or any other encumbrance in respect of the Basic Clearing Member;
    - 60.1.7. availability of a Debt of a Clearing Member, which is not paid within the defined by the Time Specification period;
    - 60.1.8. provision by the Basic Clearing Member to the Clearing House of the instruction to transfer obligations and Collateral.
- 60.2. Authenticity of signature of the person who signed Application for obligations and collateral transfer or Application for withdrawal of the application for obligations and collateral transfer, stipulated in the paragraph 60.14, provided in paper, shall be notarized. In case if defined applications have been signed by the representative of the individual or



- of the legal entity, including cases when the representative acts as such under law, text of the notary certification statement on certification of origin of the signature to a document shall contain indication on the fact that powers of the representative that signed the document have been checked by the notary officer.
- 60.3. Segregated Client is entitled to provide the Clearing House with the Application for obligations and Collateral transfer with the indication of grounds, set out in the legislation, in advance before such grounds arrive.
- 60.4. In case if it has come to the Clearing House's knowledge that in respect of Principal Clearing Member one or several grounds for obligations and Collateral procedure, defined in the paragraph 58, has or have arrived while there is no Application for obligations and Collateral transfer from the Segregated Client, Clearing House is entitled to inform the Segregated Client on such grounds through forwarding message via e-mail, which is indicated in the Request for the Segregated Client registration.
- 60.5. Clearing House does not check authenticity of grounds for portability procedure, defined by the Segregated Client in the Application. Meanwhile the Clearing House is entitled to refuse to the Segregated Client to execute Application for obligations and Collateral transfer if there is information on absence of grounds defined in the Application.
- 60.5.1. The Clearing House is entitled to refuse to execute the Application for obligations and Collateral transfer if there are grounds to execute the transfer of obligations and collateral, defined in the Application, occurred earlier than 30 (thirty) days before the submission of an Application.
- 60.5.2. Clearing House is entitled to refuse to execute Application for obligations and Collateral transfer in case if it may lead to the breach by the Clearing House of the legislation of the Russian Federation.
- 60.6. Submission by the Principal Clearing Member of the Request for the Segregated Client registration is unconditional consent of the Principal Clearing Member upon disclosure (transfer) by the Clearing House to the Receiving Clearing member of the information on the Principal Clearing Member, stipulated by the paragraph 60.12. Such consent can not be withdrawn by the Principal Clearing Member.
- 60.7. Submission of the Application for obligations and Collateral transfer is unconditional consent of the Segregated Client upon disclosure (transfer) by the Clearing House to the Receiving Clearing Member of the information, stipulated by the paragraph 60.13.
- 60.8. Transfer of obligations and Collateral is not executed if there is no consent of the Receiving Clearing Member, stipulated by the paragraph 60.14.
- 60.9. Clearing House is not responsible for losses, suffered by the Principal Clearing Member / Segregated Client / Receiving Clearing Member in case of fulfillment / non-fulfillment by the Clearing House of the Application, submitted by the Segregated Client in accordance with the paragraph 58.
- 60.10. The day of the start of the obligations and Collateral transfer procedure is the day of revocation by the Bank of Russia of the banking license of a Clearing Member – Credit Institution or the day of appointment of the interim administration or the day of the proclamation of the decision of the Arbitrage Court on introduction of any of the

bankruptcy proceedings in respect of a Clearing Member – Credit Institution, in case of execution of the procedure for obligations and Collateral transfer according to the defined grounds (hereinafter the grounds set out by the legislation), or the workday, following the day of receipt by the Clearing House from a Segregated Client the Application for obligations and Collateral transfer, in case of execution of the procedure for obligations and Collateral transfer according to the other grounds stipulated by the paragraph 58.

- 60.11. Portability procedure may not take more than 2 (two) days since of the start day, in case of the execution of the procedure for obligations and Collateral transfer according to the grounds of the revocation by the Bank of Russia of the banking license of a Clearing Member – Credit Institution, the appointment of the interim administration or the judgement of the Arbitrage Court on the introduction of any of the bankruptcy proceedings in respect of a Clearing Member – Non-credit Institution, or more than 2 (two) workdays since of the start day, in case of the execution of the procedure for obligations and Collateral transfer according to the other grounds stipulated by the paragraph 58.
- 60.12. Clearing House immediately after accepting for execution Application for obligations and Collateral transfer but not earlier than occurrence of the grounds set out by the legislation of the Russian Federation (for Applications with the indication of such grounds) sets Settlement Regime in respect of the Settlement Account of the Principal Clearing Member, opened for the Segregated Client that provided Application for obligations and Collateral transfer.
- 60.12.1. In case of execution of the procedure for obligations and Collateral transfer according to the ground stipulated by the sub-paragraph 60.1.8, the Clearing House is entitled set Settlement Regime in respect of the Settlement Account of the Principal Clearing Member, opened for the Segregated Client that provided Application for obligations and Collateral transfer at the other time.
- 60.12.2. If portability procedure is executed on non-workday or holidays according to the legislation of the Russian Federation, the Clearing House is not entitled to impose Settlement Regime in respect of the Settlement Account of the Principal Clearing Member, opened for the Segregated Client that provided Application for obligations and Collateral transfer, on such non-workday or holiday.
- 60.13. When the Clearing House does not have grounds to refuse to execute the Application for obligations and Collateral transfer received from a Segregated Client, the Clearing House transfers to the Receiving Clearing Member information on Settlement Accounts / Trade Accounts of the Principal Clearing Member, opened for the Segregated Client that provided Application for obligations and Collateral transfer, and also the following information, recorded under each such Settlement Account / Trade Account:
- 60.13.1. on the size of obligations / claims of the Basic Clearing Member under Trades executed with the central counterparty, except for obligations / claims with the arrived Settlement Date under Trades, obligations under which are fulfilled by the Basic Clearing Member / terminated under the Basic Clearing Member according to the paragraph 60.18.1;
- 60.13.2. on obligations to transfer Income;
- 60.13.3. on obligations to pay variation margin;
- 60.13.4. on the size of Collateral of the Basic Clearing Member in securities / commodities;

60.13.5. on size of Collateral of the Basic Clearing Member in cash funds / precious metals or on current size of the debt of the Basic Clearing Member, calculated taking into account settlement / termination of obligations under Trades, defined in the paragraph 60.18.1, and lessened for the sum of cash funds, required for the fulfillment of obligations of the Basic Clearing Member to pay the fee, with the arrived Settlement Date (for Collateral and debt in Russian rubles). Current size of the debt of the Basic Clearing Member corresponds to the negative value of the clearing register, designed for recording Collateral / Debt under the Settlement Account of the Basic Clearing Member. Sum of cash funds, required for the fulfillment of obligations of the Basic Clearing Member to pay fees, is not taken into account, when Portability procedure is performed according to the grounds, set out by the legislation.

60.13.6. on the value of the Single Limit of the Settlement Account.

60.14. The Clearing Member – Recipient provides to the Clearing House the agreement on the acceptance of obligations / claims and Collateral of the Basic Clearing Member in cash funds / securities / precious metals / commodities information about which is transferred to the Clearing Member – Recipient in accordance with the paragraph 60.13 (hereinafter – the Agreement for acceptance of obligations and Collateral) not later than the time defined in the Time Specification.

60.14.1. The Agreement for acceptance of obligations and Collateral shall contain information stipulated by the relevant special part of the Clearing Rules.

The Agreement for acceptance of obligations and Collateral may contain the indication of the necessity to segregate a client, which provided the Application.

Indication in the Agreement for acceptance of obligations and Collateral of the necessity to segregate a client, which provided the Application, is the Request of a Clearing Member – Recipient for the registration of a Segregated Client.

Indication in the Agreement for acceptance of obligations and Collateral of the necessity to segregate a client, which provided the Application, is not admitted with the parallel indication of a Settlement Account of a Clearing Member – Recipient to which a Segregated Client is not fixed.

60.15. To execute the Application for obligations and Collateral transfer a Clearing Member – Recipient shall in advance take actions required for opening of Securities Sub-accounts for segregated recording of Collateral in securities of a Segregated Client and/or trading banking accounts in precious metal for segregated recording of Collateral in precious metals of a Segregated Client and/or trading sections of commodity trading accounts for segregated recording of Collateral in commodities.

60.16. Portability procedure is not performed in case if any of the following terms is met:

- Settlement Accounts types, which form part of the Trade Accounts / Settlement Accounts types, opened by the Principal Clearing Member for the Segregated Client, that provided the Application for transferring obligations and Collateral, do not correspond to the types of Settlement Account, which form part of Trade Accounts / types of Settlement Accounts, defined by the Clearing Member – Recipient in the Consent to accept obligations and Collateral;
- resulting from the Portability procedure execution, the Single Limit of the Settlement Account of the Clearing Member – Recipient, defined by the Clearing Member – Recipient in the Consent to accept obligations and Collateral, becomes negative (in

case if the Portability procedure is performed according to the ground, defined in the sub-paragraph 60.1.8);

- identification data of the client of the Clearing Member, corresponding to the Settlement Account of the Clearing Member, opened for the Segregated Client by the Clearing Member – Recipient, do not correspond to the identification data of the client of the Clearing Member, corresponding to the Settlement Account of the Clearing Member, opened for the Segregated Client by the Principal Clearing Member (if the Clearing Member – Recipient has opened separate Settlement Account for the Segregated Client and the Clearing Member - Recipient when opening Settlement Account for the Segregated Client has defined identification data of the client of the Clearing Member);
- feature, defining Asset Pool of the Asset Pool Trade Account, corresponding to the Trade Account of the Principal Clearing Member, not corresponding to the feature, that defines asset pool of the Asset Pool Trade Account, corresponding to the Clearing Member – Recipient (if the Asset Pool Trade Account corresponds to the Trade Account of the Principal Clearing Member);
- in case of provision of the Application for obligations and Collateral transfer or of the Consent upon acceptance of obligations and Collateral later than the time, defined in the Time Specifications.

60.17. After receipt from the Clearing Member – Recipient of the Agreement for acceptance of obligations and Collateral in accordance with the paragraph 60.14 and till the end of the relevant day, following the day of start of the procedure for obligations and collateral transfer, the Clearing House performs the Application for obligations and Collateral transfer, for which:

- opens a client Settlement Account / Trust Settlement Account for a Clearing Member – Recipient for a Segregated Client, which provided the Application for obligations and Collateral transfer, if in the Agreement for acceptance of obligations and Collateral a Settlement Account was not indicated;
- in case of execution of the Portability procedure according to the ground, stipulated by the sub-paragraph 60.1.8, the Clearing House imposes Settlement Regime in respect of the Settlement Account of the Clearing Member – Recipient;
- executes actions stipulated by the relevant special part of the Clearing Rules;
- stops terminating obligations / claims and Collateral of the Basic Clearing Member in cash funds / securities / precious metals / commodities defined in the paragraph 60.13 as obligations / claims of the Basis Clearing Member in respect of the Clearing House;
- starts recording obligations / claims and Collateral of the Basis Clearing Member in cash funds / securities / precious metals / commodities defined in the paragraph 60.13 as obligations and claims of a Clearing Member – Recipient in respect of the Clearing House;
- annuls registration of a Segregated Client under the Basic Clearing Member and the feature of the Settlement Account, opened by the Basic Clearing Member for the Segregated Client, which indicates the necessity to protect cash funds of the Segregated Client (if any).

Actions defined in this paragraph shall be taken within the terms, defined in the Time Specifications.

- 60.18. Trades with the central counterparty, obligations under which are fulfilled by the Basic Clearing Member, except for cases when Portability procedure is performed according to the grounds defined by the legislation, constitute the following Trades with the arrived Settlement Date:
- Trades, secured by settlement funds according to the Clearing Rules on the Securities Market, Deposit Market and Credit Market, in case if the Application for Obligations and Collateral Transfer is executed till 16:00 according to the paragraph 60.17;
  - Trades, settled during first settlement clearing session, in case if the Application for Obligations and Collateral Trades is executed after 18:00 according to the paragraph 60.17.
- 60.18.1. Trades with the central counterparty, obligations under which are terminated under the Basic Clearing Member in case if Portability procedure is performed according to the grounds defined by the legislation, constitute Trades with the Settlement Date on dates, preceding to the date, when the Application for obligations and Collateral transfer is executed.
- 60.19. Segregated Client is entitled to withdraw his Application for obligations and Collateral transfer through forwarding to the Clearing House Application for withdrawal of the application for obligations and Collateral transfer within the period of time, defined in the Time Specifications, before the Clearing House receives from the Clearing Member – Recipient the Agreement for acceptance of obligations and Collateral.
- 60.20. Segregated Client before the Clearing House receives from the Clearing Member – Recipient the Agreement for acceptance of obligations and Collateral is entitled within the period of time, set out in the Time Specifications, to change from firstly indicated Clearing Member – Recipient to the other Clearing Member – Recipient through forwarding to the Clearing House the Application for obligations and Collateral transfer with the indication of the name of the new Clearing Member – Recipient. Such Application for obligations and Collateral transfer shall contain data stipulated by the paragraph 58 and shall be provided in the order stipulated by this Article of the Common part of the Clearing Rules.
- 60.21. In case of non-receipt by the Clearing House of the Agreement for acceptance of obligations and Collateral from the Clearing Member – Recipient defined by a Segregated Client within the terms set out by the Time Specification, the Clearing House removes Settlement Regime from the Settlement Account of the Principal Clearing Member, opened for the Segregated Client that provided the Application for obligations and Collateral transfer, if there is no other grounds for setting Settlement Regime, stipulated by the Clearing Rules.
- 60.22. After execution by the Clearing House of the Application for obligations and Collateral transfer, the Clearing Member – Recipient is entitled to supplement information on obligations and claims of the Clearing Member – Recipient, arisen as a result of the Portability procedure, information on the client of the Trading Member, at the expense of which such obligations and claims are fulfilled, through the provision of the Request for filling in short code of the client.
- 60.22.1. Filling in the abovementioned information on the short code of the client of the Trading Member shall not lead to the change of the person, at the expense of which obligations under Trades are fulfilled, obligations and claims under which have been transferred from

the Principal Clearing Member to the Clearing Member – Recipient as a result of execution of the Application for obligations and Collateral transfer.

60.22.2. Request for filling in short code of the client is provided till the moment of time, defined in the Time Specifications. Request for filling in short code of the client, provided later than the specified time, is not executed.

60.23. For the execution of the procedure for obligations and Collateral transfer the fee in the amount defined in the Tariffs of the Clearing House is charged.

60.24. In order to execute obligations and Collateral transfer the Clearing House discloses (transfers) information, including insider information of the Clearing House, stipulated by this article.

**Article 61. Course of action in case if a Clearing Member is included into the list of organizations in respect of which there is information on their connection with extremism or terrorism, or into the list of organizations in respect of which there is information on its involvement into spread of the weapon of mass destruction**

61.1. On the date of inclusion of a Clearing Member into the list of organizations, defined in the sub-paragraph 15.17.9 (hereinafter referred to as the list), the Clearing House immediately:

- blocks (freezes) operations with cash funds / securities / precious metals / commodities, recorded as Collateral, Collateral for Stress and Default Fund contributions of a Clearing Member, except for cash funds and securities recorded on the clearing registers sections opened within Segregated Sub-accounts Cluster, for which Authorized Accounts Owners are fixed, which is not a Clearing Member, included into the list, and other operations of such Clearing Member stipulated by the Clearing Rules;
- terminates admission of a Clearing Member to the clearing service on all markets;
- notifies the Exchange on necessity for setting prohibition to submit by Trading Members orders to execute trades / Quotations of a Trading Member, party to which will be a Clearing Member, and on necessity to take off such registered orders / Quotations of a Trading Member.

61.2. On the date of inclusion of a Clearing Member into the list obligations of such Clearing Member under Trades executed with the Clearing House, except for obligations of a Clearing Member recorded on clearing registers sections, opened within Segregated Sub-accounts Clusters, to which Authorized Accounts Owners are fixed, which are not Clearing members, included into the list, are terminated in full by emergence of the net obligation / net claim of a Clearing Member, calculated in Russian rubles as the sum taking into account the sign:

- under each security (taking into account the sign) of the Net obligation / Net claim under such security under all Trade Accounts of a Clearing Member recorded on the date of inclusion of a Clearing Member into the list converted into Russian rubles according to the Settlement price for the relevant security set out by the Clearing House on the date of inclusion of a Clearing Member into the list;
- under each foreign currency / precious metal the sum (taking into account the sign) of the Net obligation / Net claim in the relevant foreign currency / relevant precious metal of a Clearing Member under all Settlement Accounts and all Settlement Dates recorded on the date of inclusion of a Clearing member into the list, converted into

Russian rubles according to the Central exchange rate for the relevant foreign currency / precious metal set out by the Clearing House on the date of inclusion of a Clearing Member into the list;

- under each commodity the sum (taking into account the sign) of the Net obligation / Net claim under commodities under all Trade Accounts of a Clearing Member recorded on the date of inclusion of a Clearing Member into the list, converted into Russian rubles according to the Settlement price for the relevant commodity set out by the Clearing House on the date of inclusion of a Clearing Member into the list;
- the sum (taking into account the sign) of Net obligations / net claims in Russian rubles of a Clearing Member under all Settlement Accounts and all Settlement dates recorded on the date of inclusion of a Clearing Member into the list;
- under each Derivative Contract the sum (taking into account the sign) of positions under Derivative Contracts under all position register sections of a Clearing Member recorded on the date of inclusion of a Clearing Member into the list, converted into Russian rubles according to the Settlement price of the relevant Derivative contract set out by the Clearing House on the date of inclusion of a Clearing Member into the list;
- under each Standardised OTC Derivative Contract of the settlement price of each Standardised OTC Derivative Contract recorded on the positions register section of a Clearing Member calculated for a Clearing member by the end of the day of inclusion of a Clearing Member into the list (recorded with the sign counter to the sign which has the settlement price of a Standardised OTC Derivative Contract). The settlement price in foreign currency is converted into Russian rubles according to the Central exchange rate of the relevant foreign currency set out by the Clearing House on the date of inclusion of a Clearing Member into the list.

If the value calculated in accordance with this paragraph of the Common part of the Clearing Rules, is positive it means that a Clearing Member has a net claim in respect of the Clearing House, if it is negative – a Clearing Member has a net obligation in respect of the Clearing House.

61.3. If the Clearing House is entitled to set to a Clearing Member a claim on levying a net obligation of a Clearing Member calculated in the order stipulated by the paragraph 61.2.

The Clearing House is entitled to use funds of Default Funds excluding funds of a Clearing Member included into the list for the execution of the defined net obligation in the order stipulated by the Article 53.

61.4. After excluding a Clearing Member from the list:

61.4.1. in case if in order to conclude net obligations of a Clearing Member calculated in the order stipulated by the paragraph 61.2, were not used funds from Default Funds, and under a Clearing Member is recorded Collateral / Collateral for Stress and/or contributions to a Default Fund, the Clearing House executes actions, required for the execution of the defined net obligations using the defined funds – forwards to a Clearing Member a notification with the requirement on redeeming defined net obligations in the non-fulfilled part;

61.4.2. in case if to fulfil net obligations of a Clearing Member calculated in the order stipulated by the paragraph 61.2, funds from Default Funds were used, and under a Clearing Member is recorded Collateral, Collateral for Stress and/or a contribution to a Default Fund, the Clearing House executes actions required for replenishment of a Default Fund using these

funds in full or partially, and in case if defined funds is not enough – forwards to a Clearing Member a notification on replenishment of Default Funds.

**Article 62. Procedure for settling obligations in case of termination of an admission of a Clearing Member to the clearing service (liquidation netting in respect of a Clearing Member)**

62.1. In case of revocation by the Bank of Russia of the banking license of a Clearing Member – Credit Institution, admission of the Clearing Member – Credit Institution to the clearing service on all on-exchange markets and is suspended on the date of revocation by the Bank of Russia of the banking license of a Clearing Member – Credit Institution and is terminated since the Settlement Day, following the abovementioned date.

62.1.1. In case of revocation by the Bank of Russia of the banking license of a Clearing Member – Credit Institution, obligations under Trades, party to which is such Clearing Member, executed before the license revocation date, and obligations under the asset pool agreement are terminated in full on the date, following the date of revocation of the banking license of such Clearing Member, according to the procedure defined in the paragraph 62.14.

62.1.2. Trades, party to which is the Clearing Member, executed on the date of revocation of the banking license of a Clearing Member – Credit Institution or after such date, are invalid.

Clearing House or a Clearing Member, which is counterparty to the defined Trades, is entitled to claim to a Clearing Member – Credit Institution for issuing losses connected with the invalidity of the defined trades in the general order stipulated by the legislation of the Russian Federation, including bankruptcy law if applicable.

62.1.3. Confirmation of the fact of revocation of the banking license of a Clearing Member – Credit Institution is the written notification of the Bank of Russia forwarded to the Clearing House (via fax inclusively), and/or posted on the site of the Bank of Russia on the Internet information on the decision of the Bank of Russia on the revocation of the banking license issued for a Clearing Member – Credit Institution, and/or forwarded by the Bank of Russia to the e-mail address of the Clearing House of an electronic message, which contains information on revocation of the banking license of a Clearing Member – Credit Institution.

62.2. In case if there has been made a decision on liquidation of the Clearing Member, of the Clearing Member – Credit Institution inclusively, and/or in case of adopting federal law on liquidation of the Clearing Member – State corporation, admission of the Clearing Member to the clearing service on all on-exchange markets is suspended since of the date when the Clearing House finds out about such decision or since the date when the federal law on liquidation comes into force, unless otherwise stated in such federal law, and is terminated since the Settlement Day, following the abovementioned date.

62.2.1. Obligations under Trades, party to which is the Clearing Member, obligations under asset pool agreement are terminated in full on the date, when the Clearing House finds out about decision on liquidation of the Clearing Member or on the date when the federal law on liquidation comes into force, unless otherwise stated in such federal law, in the order, defined in the paragraph 62.11.

62.3. In case of appointment of the interim administration or the judgement of the Arbitrage Court on the introduction in respect of a Clearing Member – Non-credit Institution of any of the bankruptcy proceedings, the admission to the clearing service on all on-exchange markets is suspended since the date of appointment of the interim administration, or the



date of making by the Arbitrage Court of the judgement on introduction of any of the bankruptcy proceedings, or the date of making the making by the Arbitrage Court of the judgement on designation of a Clearing Member – Non-credit Institution as a bankrupt and on opening of the competition proceeding, depending on the fact which date occurred earlier, and is terminated since the Settlement Day, following the abovementioned date.

- 62.3.1. In case of appointment of the interim administration or the judgement of the Arbitrage Court on the introduction in respect of a Clearing Member – Non-credit Institution of any of the bankruptcy proceedings, or the judgement on designation of a Clearing Member – Non-credit Institution as a bankrupt and on opening of the competition proceeding, obligations under Trades, party to which is the Clearing Member, and obligations under the asset pool agreement are terminated in full on the date, following the date of appointment of the interim administration or the judgement of the Arbitrage Court on the introduction in respect of a Clearing Member – Non-credit Institution of any of the bankruptcy proceedings, or the judgement on designation of a Clearing Member – Non-credit Institution as a bankrupt and on opening of the competition proceeding depending on the fact which date arrives earlier, in the order, defined in the paragraph 62.14.
- 62.4. In case of revocation by the Bank of Russia from the Clearing Member – Non-credit Institution, which is insurance company or mutual insurance society, due to breach by such Clearing Member of requirements, set by the Bank of Russia, of the license for performing insurance activity, admission of the Clearing Member – Non-credit Institution, which is insurance company or mutual insurance society, to the clearing service on all on-exchange markets is suspended since of the date of revocation by the Bank of Russia from such Clearing Member of the license for performing insurance activity and is terminated since of the Settlement Day following the defined one.
- 62.4.1. In case of revocation by the Bank of Russia from the Clearing Member – Non-credit Institution, which is insurance company or mutual insurance society, due to breach by such Clearing Member of requirements, set by the Bank of Russia, of the license for performing insurance activity, obligations under Trades, party to which is such Clearing Member, executed before the date of revocation of such license, and obligations under asset pool agreement are terminated in full on the date, following the date of revocation by the Bank of Russia of the insurance license of such Clearing Member in the order, defined in the paragraph 62.14.
- 62.4.2. Confirmation of fact of the revocation of the license for performing insurance activity from the Clearing Member – Non-credit Institution, which is insurance company or mutual insurance society, is written notification of the Bank of Russia, forwarded to the Clearing House (via fax inclusively) and/or placed on the website of the Bank of Russia information on the decision of the Bank of Russia on revocation of issued to the Clearing Member - Non-credit Institution, which is insurance company or mutual insurance society, license for performing insurance activity, and/or forwarded by the Bank of Russia through the electronic address of the Clearing House electronic message, containing information on revocation from the Clearing Member – Non-credit Institution, which is insurance company or mutual insurance society, of the license for performing insurance activity.
- 62.5. In case of appointment of the interim administration to manage a Clearing Member – Credit Institution within the activity aimed at preventing bankruptcy of a credit institution and put a moratorium on fulfillment of Clearing Member – Credit Institution creditors' claims, admission of the Clearing Member – Credit Institution to the clearing service on all on-exchange markets is suspended since of the date when the moratorium on satisfaction of

claims of Clearing Member – Credit Institution creditors' claims has been put, and is terminated since the Settlement Day, following the abovementioned one.

Obligations under Trades, party to which is the Clearing Member, and obligations under asset pool agreement are terminated in full on the Settlement Day, following the date of putting moratorium on fulfillment of Clearing Member – Credit Institution creditors' claims in the order, defined in the paragraph 62.14.

62.6. In case of appointment of the interim administration to manage a Clearing Member – Credit Institution within the activity aimed at preventing bankruptcy of a credit institution, since of the date of appointment of the interim administration, except for the case when the Bank of Russia makes public announcement on provision of financial support to such Clearing Member – Credit Institution with the aim to secure its business continuity, the Clearing House is entitled to make one of the following decisions in respect of the Clearing Member – Credit Institution:

- suspension of an admission of the Clearing Member to the clearing service on all on-exchange markets;
- termination of an admission of the Clearing Member to the clearing service on all on-exchange markets;
- on termination of obligations under Trades, party to which is a Clearing Member, and obligations under asset pool agreement;
- on execution by the Clearing House calculations of net obligations / net claims of a Clearing Member in accordance with the paragraphs 62.17-62.18.

In case of making the decision in accordance with this paragraphs obligations under Trades, party to which is a Clearing Member and obligations under the asset pool agreement are terminated in full on the Settlement Day, which follows the date of making the decision in the order defined in the paragraph 62.14.

The Clearing House via EDI informs a Clearing Member – Credit Institution on making decision in accordance with this paragraph not later than the date of making such decision.

62.7. In case of non-fulfillment or undue fulfillment by the Clearing Member, admission to the clearing service of whom has been suspended, obligations under Trades, Margin Call and/or other circumstances of the Clearing Member emerging from the Clearing Rules, or in case if in respect of the Clearing Member, admission to the clearing service of which is suspended, there is information on arrival of the event, which will not allow the Clearing Member fulfill the defined obligations, the Clearing House is entitled to make one of the following decisions in respect of the Clearing Member:

- terminate admission of the Clearing Member to the clearing service on all on-exchange markets;
- terminate obligations under Trades, party to which is the Clearing Member, and obligations under an asset pool agreement;
- calculate net obligations / net claims of the Clearing Member according to the paragraphs 62.17-62.18.

In case if the Clearing House makes decision according to this paragraph, obligations under Trades party to which is the Clearing Member and obligations under an asset pool agreement are fully terminated on the Settlement Day, following the date, when the relevant decision has been made according to the paragraph 62.15.

Clearing House via EDI notifies Clearing Member on the decision made according to this paragraph not later than the day when such decision has been made.

- 62.8. In case if an authorized body has made a decision on introduction of any of the bankruptcy proceedings in respect of a Clearing Member – Non-resident Credit Institution and/or in case of appointment of the person that is entitled to perform bankruptcy procedures in respect of this Clearing Member (liquidator, administrator etc.), the admission of the Clearing Member – Non-resident Credit Institution to the clearing service on all on-exchange markets is suspended since of the date, when the Clearing House was informed on the judgement of the authorized body on the introduction in respect of a Clearing Member – Non-resident Non-credit Institution of any of the bankruptcy proceedings and/or any of the abovementioned persons, and is terminated since of the Settlement Day, following the abovementioned one.

Obligations under Trades, party to which is a Clearing Member, and obligations under the asset pool agreement are terminated in full on the Settlement Day, which follows the date when the Clearing House got information on the appointment of the interim administration or the decision of an authorized body on introduction of any of bankruptcy proceedings in respect of a Clearing Member – Non-resident Non-credit Institution in the order defined by the paragraph 62.14.

- 62.8.1. Confirmation of the fact of appointment of the interim administration or the decision of an authorized body on introduction of any of bankruptcy proceedings in respect of a Clearing Member – Non-resident Non-credit Institution is written notification of the competent authority of the state of establishment of a Clearing Member – Non-resident Non-credit Institution, forwarded to the Clearing House (including via fax), and/or placed on the website of the competent authority of the state of establishment of a Clearing Member – Non-resident Non-credit Institution or on the website of a Clearing Member – Non-resident Non-credit Institution on the Internet information on the appointment of the interim administration or on decision of the competent authority on introduction of any of the bankruptcy proceeding in respect of a Clearing Member – Non-resident Non-credit Institution.

- 62.9. In case of revocation (annulment) of the special permission (license or any other basement) issued by the competent authority of the state of establishment of a Non-resident Clearing Member, on the basis of which a Non-resident Clearing Member has the right to execute banking operations stipulated by the personal law of a Non-resident Clearing Member, the admission of the Non-resident Clearing Member, including Clearing Member – EurAsEC/EAEU Bank, to the clearing service on all on-exchange markets is suspended since of the date when the Clearing House got information on the revocation (annulment) of such special permission (license or any other basement), and is terminated since of the Settlement Day, following the abovementioned one.

Obligations under Trades, party to which is Clearing Member, and obligations under the asset pool agreement are terminated in full on the date, following the Settlement Day, when the Clearing House got information on revocation (annulment) of the special permission (license or any other basement) in the order defined in the paragraph 62.14.

- 62.9.1. Confirmation of the fact of the revocation (annulment) of the defined special permission (license or any other basement) issued by the competent authority of the state of establishment of a Non-resident Clearing Member is written notification of the competent authority of the state of establishment of a Non-resident Clearing Member forwarded to the Clearing House (including via fax) and/or posted by the competent authority of the state of

establishment of a Non-resident Clearing Member on the website of abovementioned competent authority on the Internet information about the decision on revocation (annulment) of the issued for a Non-resident Clearing Member a special permission (license or other basement) in accordance with which a Non-resident Clearing Member has the right to execute banking operations stipulated by the national legislation of the state of establishment of a Non-resident Clearing Member, and/or forwarded by the competent authority of the state of establishment of a Non-resident Clearing Member, and/or forwarded by the competent authority to the e-mail address of the Clearing House of the relevant electronic message.

- 62.10. In case of termination of the Treaty on the Eurasian Economic Union for the Russian Federation or for the other member-state of the EAEU, which is the state of establishment of a Clearing Member – EurAsEC/EAEU Bank / Clearing Member – EurAsEC/EAEU Non-credit Institutions, the admission of the Clearing Member – EurAsEC/EAEU Bank / Clearing Member – EurAsEC/EAEU Non-credit Institutions to the clearing service on all on-exchange markets is suspended since of the date of termination of the Treaty on the Eurasian Economic Union for the Russian Federation or for the other member-state of the EAEU, which is the state of establishment of such Clearing Member – EurAsEC/EAEU Bank / Clearing Member – EurAsEC/EAEU Non-credit Institutions, and is terminated since of the Settlement Day, following the abovementioned one.

Obligations under Trades, party to which is a Clearing Member, and obligations under asset pool agreement are terminated in full on the Settlement Day, following the date of termination of the Cooperation Agreement / EAEU Agreement for the Russian Federation, which is the residence state of such Clearing Member – EurAsEC/EAEU Bank / Clearing Member – EurAsEC/EAEU Non-credit Institutions, in the order, set out in the paragraph 62.14.

- 62.11. In case of appointment of the interim administration to manage Clearing Member – Non-resident Bank or introduction of the similar procedure in respect of the Clearing Member – Non-resident Bank, stipulated by the legislation of the state of incorporation of the Clearing Member – Non-resident Bank, the Clearing House is entitled to make one of the following decisions in respect of the Clearing Member – Non-resident Bank since of the day of appointment of the interim administration or similar procedure introduction:

- suspension of an admission of a Clearing Member to the clearing service on all on-exchange markets;
- termination of an admission of a Clearing Member to the clearing service on all on-exchange markets;
- termination of obligations under Trades, party to which is the Clearing Member, and obligations under the asset pool agreement;
- calculation by the Clearing House of net obligations / net claims of the Clearing Member according to the paragraphs 62.15-62.16.

In case if the decision is made according to this paragraph, obligations under Trades, party to which is the Clearing Member, and obligations under the asset pool agreement, are terminated in full on the Settlement Day, following the date, when such decision has been made, in the order defined in the paragraph 62.14.

Clearing House system notifies the Clearing Member – Non-resident Bank via EDI or S.W.I.F.T. on making decision according to this paragraph, not later than the date, when such decision has been made.

62.11.1. Confirmation of the fact that the interim administration to manage Clearing Member – Non-resident Bank has been appointed or the similar procedure has been introduced in respect of the Clearing Member – Non-resident Bank, stipulated by the legislation of the state of incorporation of the Clearing Member – Non-resident Bank, is the written notification of the authorized body of the state of incorporation of the Clearing Member – Non-resident Bank, forwarded to the Clearing house (via fax inclusively) and/or information on the appointment of the interim administration to manage Clearing Member – Non-resident Bank or on introduction of the similar procedure, stipulated by the legislation of the state of incorporation of the Clearing Member – Non-resident Bank is posted on the website of the authorized body of the state of incorporation of the Clearing Member – Non-resident Bank or on the website of the Clearing Member – Non-resident Bank.

62.12. In case of termination of an international treaty in accordance with which a Clearing Member – International Organization is established for the Russian Federation or in case of the decision of authorized bodies of the parties to such international treaty on the termination of activity of a Clearing Member – International Organization, the admission of the Clearing Member – International Organization to the clearing service on all on-exchange markets is suspended since of the date of termination of an international treaty in accordance with which such Clearing Member – International Organization is established for the Russian Federation, or since of the date, which follows the date when authorized bodies of the parties to the defined international treaty made the decision on termination of the activity of a Clearing Member – International Organization, and is terminated on the Settlement Day, following the abovementioned one.

Obligations under Trades, party to which is Clearing Member, and obligations under the asset pool agreement are terminated in full on the Settlement Day, following the date of termination of the international treaty in accordance with which such Clearing Member – International Organization is established, for the Russian Federation, or on the Settlement Day, which follows the date when authorized bodies of the parties to the defined international treaty on termination of the activity of a Clearing Member – International Organization in the order defined in the paragraph 62.14.

62.13. In case if the Clearing Member forwards request on annulment of the banking license which does not lead to termination of the Clearing Member's performance, Clearing House since of the date, when the Clearing House finds out that the Clearing Member has forwarded request for annulment of the banking license, is entitled to make decision on the following:

- suspension of the Clearing Member's admission to the clearing service on all on-exchange markets;
- termination of the Clearing Member's admission to the clearing service on all on-exchange markets;
- on termination of obligations under Trades, party to which is the Clearing Member, and obligations under the asset pool agreement;
- on calculation by the Clearing House of net obligations / net claims of the Clearing Member according to the paragraphs 62.14, 62.15.

Clearing House is entitled to make relevant decision if there is information that shows the incapability of the Clearing Member to fulfill its obligations under Partially Secured Trades, Margin Calls and/or other obligations of the Clearing Member arising according to the Clearing Rules in full and on time

In case if there has been made a decision according to this paragraph, obligations under Trades, party to which is the Clearing Member, and obligations under the asset pool agreement are terminated in full on the Settlement Day, following the day when such decision is made, according to the order, defined in the paragraph 62.14.

Clearing House via EDI notifies Clearing Members on making decision according to this paragraph not later than on the day when such decision is made.

- 62.14. In cases of termination of an admission of a Clearing Member to the clearing service according to the grounds defined in the paragraphs 60-62.12, obligations under Trades with the central counterparty, party to which is a Clearing Member, and obligations under the asset pool agreement are terminated by the emergence of net obligations / net claims of a Clearing Member calculated in accordance with the paragraph 62.16, obligations under Trades without the central counterparty are terminated by the emergence of net obligations / net claims of a Clearing Member in respect of others Clearing Members – its counterparties to the defined Trades, calculated in accordance with the paragraph 62.17, except for the case stipulated by the paragraph 62.15.
- 62.15. When settling obligations in case of termination of the admission to the clearing service of a Clearing Member, which is also a clearing member of the NCI JSC NSD according to the grounds defined in the paragraphs 60, 62.4, 62.6 and in case if such Clearing Member has non-terminated obligations under Trades, executed with the Bank of Russia, which are cleared both the Clearing House and the NCI JSC NSD and if NCI JSC NSD makes the decision on termination of the admission to the clearing service and clearing service of a Clearing Member – Credit Institution, on termination of obligations under Trades, party to which is a Clearing Member, and on calculation of net obligations / net claims of a Clearing Member in case of appointment of the interim administration to manage a Clearing Member – Credit Institution within the measures to prevent bankruptcy of a credit institution, the Clearing House in accordance with the paragraph 62.17 calculates preliminary net obligations / net claims of a Clearing Member – Credit Institution in respect of the counterparty – the Bank of Russia, and not later than 3 (three) workdays from the date of revocation of the banking license of a Clearing Member – Credit Institution / since of the date when the moratorium on fulfillment of Clearing Member – Credit Institution creditors' claims has been put / since of the date when the Clearing House makes the decision in accordance with the paragraph 62.6 transfers information on calculated preliminary net obligation / net claim of the NCI JSC NSD to set net obligations / net claims of a Clearing Member – Credit Institution and of the Bank of Russia. The defined order is applied for obligations which arise from agreements concluded under terms of one general agreement.
- 62.16. The Clearing House calculates the sum of net obligations / net claims of a Clearing Member in Russian rubles under Trades with the central counterparty in the order defined in the sub-paragraphs 62.16.1-62.16.14, separately under each client Settlement Account, under each Trust Settlement Account and under all proprietary Settlement Accounts.
- 62.16.1. The Clearing House for each asset pool and for the Asset Pool Settlement Account(s), corresponding to the Settlement Account(s) of the Clearing Member, under which the sum of net obligations / net claims of the Clearing Member is calculated:
- 1) calculates the interim value of a net obligation / net claim of a Clearing Member in general collateral certificates, which is equal to the sum, taking into account the sign:

- Net obligations / Net claims of a Clearing Member in general collateral certificates under REPO trades with the central counterparty in general collateral certificates, recorded at the end of the day of termination of obligations under Trades under Trade Accounts T+, into the structure of which the Settlement Account(s) is included, under all Settlement Dates:
- claims of a Clearing Member to the Clearing House to receive general collateral certificates in the amount that is equal to the amount received by the Clearing House from the Bank of Russia when redeeming general collateral certificates from the Bank of Russia in accordance with the Clearing Rules on the Securities Market, Deposit Market and Credit Market recorded at the end of the day of termination of obligations under Trades under Trade Accounts T+, into the structure of which the Settlement Account(s) is included, under all Settlement Dates;

If the value calculated in accordance with this paragraph is positive then for a Clearing Member the interim value of a net claim in general collateral certificates is recorded, if it is negative then the interim value of a net obligation in general collateral certificates is recorded.

The Clearing House adds (taking into account the sign) to the interim value of a net obligation of a Clearing member in general collateral certificates the amount of general collateral certificates recorded at the end of the day of termination of obligations under Trades under Trade Accounts T+, into the structure of which the Settlement Account(s) is included, but not more than the absolute value defined in the interim value of a net obligation of a Clearing Member in general collateral certificates. Meanwhile the Clearing House forms and forwards to the Settlement Depository the instruction to transfer general collateral certificates in the defined amount from the Securities Sub-account T+, which is a part of the defined Trade Account T+, to the treasury depo account of the Clearing House;

- 2) calculates the interim value of a net obligation +/- net claim of a Clearing Member in Russian rubles under REPO trades in general collateral certificates, which is equal to the sum, taking into account the sign:
- Net Obligations / Net Claims of a Clearing Member in cash funds under REPO trades with the central counterparty in general collateral certificates recorded at the end of the day of termination of obligations under Trades under the Settlement Account(s) under all Settlement Dates. Meanwhile the value calculated under REPO trades with settlement in foreign currency is converted into Russian rubles according to the Trade exchange rate / average exchange rate for Trades in foreign currency executed by the Clearing House in accordance with the sub-paragraph 62.16.10;
  - obligations of a Clearing Member to pay to the Clearing House cash funds in the sum equal to the nominal value of general collateral certificates in respect of which a Clearing Member did not fulfill obligations to the Bank of Russia under the second part of the repo, recorded at the end of the day of termination of obligations under Trades under the Settlement Account(s) under all Settlement Dates.

If the value calculated in accordance with this paragraph is positive then for a Clearing Member the interim value of a net claim in Russian rubles under REPO trades in general collateral certificates is recorded, if it is negative then the interim

value of a net obligation in Russian rubles under REPO trades in general collateral certificates is recorded.

- 3) if a Clearing Member is a Pool Member, the Clearing House sells securities, precious metals and foreign currency, recorded under the Asset Pool Settlement Account(s) of a Pool Member, on the relevant markets in the amount / sum, which corresponds to the positive difference between the absolute value of the interim value of a net obligation of a Clearing Member in Russian rubles calculated in accordance with the paragraph 2) of the sub-paragraph 62.16.1, and the sum of cash funds in Russian rubles recorded at the end of the day of termination of obligations under Trades under the Asset Pool Settlement Account(s).

Selection of assets which is to be sold from an asset pool is performed by the Clearing House.

If the sum of cash funds in Russian rubles, recorded at the end of the day of termination of obligations under Trades under the Asset Pool Settlement Account(s), and also received after sold of securities, precious metals and foreign currency, recorded under the Asset Pool Settlement Account(s) of a Clearing Member, is more than the absolute value of the defined interim value of a net obligation of a Clearing Member in Russian rubles, the Clearing House records cash funds in the sum of such exceeding under a Settlement Account(s), which is a part of a Trade Account T+ that corresponds to an Asset Pool Trade Account, and the positive difference between the left sum of cash funds in Russian rubles and the nominal value of general collateral certificates in Russian rubles in the interim value of a net claim of a Clearing Member in general collateral certificate is added (taking into account the sign) to the interim value of a net obligation of a Clearing Member in Russian rubles.

If for a Clearing Member, which is a Pool Member, is recorded the interim value of a net claim in general collateral certificates, calculated in accordance with the paragraph 1) of the sub-paragraph 62.16.1, the sum of cash funds in Russian rubles, which is equal to the nominal value of a net claim of a Clearing Member in general collateral certificates, is included by the Clearing House into the relevant asset pool.

If the sum of cash funds in Russian rubles recorded at the end of the day of termination of obligations under Trades under the Asset Pool Settlement Account(s), and also received from the sold of securities, precious metals and foreign currency, recorded under the Asset Pool Settlement Account(s) of a Pool Member is less than the nominal value of general collateral certificates in the defined interim value of a net claim of a Clearing Member in general collateral certificates, unfulfilled obligation of a Pool Member to post assets to an asset pool is recorded when further calculation of the relevant net obligation / net claim of a Pool Member in accordance with the sub-paragraph 62.16.3 is made;

- 4) the Clearing House sums (taking into account the sign) the interim value on a net obligation / net claim of a Clearing Member in Russian rubles, calculated after the actions defined in the paragraphs 2)-3) of the sub-paragraph 62.16.1, and the product of 1 (one) Russian rouble, which is the nominal value of one general collateral certificate, and the interim value of a net obligation / net claim of a Clearing Member in general collateral certificates, defined after the actions defined in the paragraph 1) of the sub-paragraph 62.16.1.

Interim value of the net obligation / net claim of the Clearing Member in Russian rubles under REPOs in GCC, calculated according to this paragraph, is taken into account in



further calculation of the net obligation / net claim of the Clearing Member in accordance with the sub-paragraph 62.16.3.

62.16.2. The Clearing House via the Clearing System forms and executes instructions to transfer securities / precious metals / cash funds from an Asset Pool Trade Account of a Clearing Member, left after the actions defined in the sub-paragraph 62.16.1, to the relevant Trade Account T+.

General collateral certificates recorded under a Trade Account T+ are redeemed in an amount, which corresponds to the amount / sum of the asset, handed out from an asset pool in accordance with this sub-paragraph and defined in accordance with the Clearing Rules on the Securities Market, Deposit Market and Credit Market.

Meanwhile all obligations of a Clearing Member, which is a Pool Member, from an asset pool agreement are terminated, the Clearing House stops recording obligations to return to a Pool Member assets from an asset pool.

62.16.3. Clearing House calculates the following interim values:

- the interim value of the net obligation / net claim of the Clearing Member in securities (except for general collateral certificates), which is equal to the sum of values (taking into account the sign) of Net Obligations / Net Claims of the Clearing Member in the security (except for general collateral certificates) under Trades with the central counterparty (except for REPO trades in general collateral certificates), recorded by the end of the day of termination of obligations under Trades, under all Trade Accounts T+ / Asset Pool Trade Accounts of the Clearing Member (except for the Trade Accounts, into the structure of which Settlement Account, opened for the Segregated Client, is included) through all Settlement Dates;
- the interim value of the net obligation / net claim of the Clearing Member in precious metals / cash funds in foreign currency, which is equal to the sum of values (taking into account the sign) of Net Obligations / Net Claims of the Clearing Member in precious metals / cash funds in foreign currency under Trades with the central counterparty (except for REPO trades in general collateral certificates), recorded by the end of the day of termination of obligations under Trades, under all Settlement Accounts / Asset Pool Settlement Accounts, through all Settlement Dates;
- the interim value of the net obligation / net claim of the Clearing Member in commodities, which is equal to the sum of values (taking into account the sign) of Net Obligations / Net Claims of the Clearing Member in commodities under Trades with the central counterparty, recorded by the end of the day of termination of obligations under Trades, under all Trade Accounts (except for Trade Accounts into the structure of which Settlement Account, opened for the Segregated Client, is included) through all Settlement Dates.

62.16.4. If the interim value, calculated in accordance with the sub-paragraph 62.16.3, through all Trade Accounts T+ / Asset Pool Trade Accounts of the Clearing Member / through all Settlement Accounts / Asset Pool Settlement Accounts of the Clearing Member through all Settlement Dates is positive then under the Clearing Member the interim value of the net claim in relevant securities (except for general collateral certificates) / precious metals / cash funds / commodities is recorded, if it is negative then the interim value of net obligations in relevant securities (except for general collateral certificates) / precious metals / cash funds in foreign currency / commodities is recorded.

62.16.5. If the Clearing Member has the interim value of net obligation in security (except for general collateral certificates) / precious metals / cash funds / commodities recorded, Clearing House calculates the following interim values:

- the interim value of the net obligation / net claim of the Clearing Member in the security, in which the interim value of the net obligation (except for general collateral certificates) is recorded, calculated according to the sub-paragraph 62.16.3, equal to the sum of values (taking into account the sign) of Net Obligations / Net Claims of the Clearing Member in the security (except for general collateral certificates) under Trades with the central counterparty (except for REPO trades in general collateral certificates), recorded by the end of the day of termination of obligations under Trades, separately under each Trade Account T+, into the structure of which client Settlement Account or Trust Settlement Account is included / Asset Pool Trade Account, into the structure of which client Asset Pool Settlement Account or Trust Settlement Account is included, and through all Trade Accounts T+, into the structure of which proprietary Settlement Account is included / Asset Pool Trade Accounts, into the structure of which proprietary Asset Pool Settlement Account of the Clearing Member is included (except for Trade Accounts, into the structure of which Settlement Account, opened for the Segregated Client, is included) through all Settlement Dates;
- the interim value of the net obligation / net claim of the Clearing Member in precious metals / cash funds in foreign currency, in which the interim value of the net obligation, calculated according to the sub-paragraph 62.16.3, is recorded, equal to the sum of values (taking into account the sign) of Net Obligations / Net Claims of the Clearing Member in precious metals / cash funds in foreign currency under Trades with the central counterparty (except for REPO trades in general collateral certificates), recorded by the end of the day of termination of obligations under Trades, separately under each client Settlement Account or Trust Settlement Account / client Asset Pool Settlement Account or Trust Asset Pool Settlement Account, and through all proprietary Settlement Accounts (except for Settlement Accounts, opened for the Segregated Client), through all Settlement Dates;
- the interim value of the net obligation / net claim of the Clearing Member in commodities, in which the interim value of the net obligation, calculated according to the sub-paragraph 62.16.3, is recorded, equal to the sum of values (taking into account the sign) of Net Obligations / Net Claims of the Clearing Member in commodities under Trades with the central counterparty, recorded by the end of the day of termination of obligations Trades, separately under each Trade Account, into the structure of which client Settlement Account or Trust Settlement Account is included, and under all Trade Accounts, into the structure of which proprietary Settlement Account is included (except for Trade Accounts, into the structure of which Settlement Account, opened for the Segregated Client, is included), through all Settlement Dates.

62.16.6. Clearing House adds (taking into account the sign) to the interim value of the net obligation of the Clearing Member in relevant securities (except for general collateral certificates) / precious metals / cash funds in foreign currency / commodities, calculated under all Settlement Accounts / proprietary Asset Pool Settlement Accounts / all Trade Accounts T+, into the structure of which proprietary Asset Pool Settlement Account of the Clearing Member is included, amount (sum) of such securities / precious metals / cash funds in foreign currency / commodities, recorded by the end of the day of termination of obligations under Trades, recorded under proprietary Settlement Accounts / Asset Pool

Settlement Accounts / proprietary Trade Accounts / Asset Pool Trade Accounts, but not more than the minimum value out of the following ones: (1) absolute value of the interim value of the net obligation in relevant securities (except for general collateral certificates) / precious metals / cash funds in the foreign currency / commodities, calculated according to the sub-paragraph 62.16.3, and (2) absolute value of the interim value of the net obligation in relevant securities (except for general collateral certificates) / precious metals / cash funds in foreign currency / commodities, calculated according to the sub-paragraph 62.16.5 under all proprietary Settlement Accounts / proprietary Asset Pool Settlement Accounts / all Trade Accounts T+, into the structure of which proprietary Asset Pool Settlement Account of the Clearing Member is included. Meanwhile the amount (sum) of securities / precious metals / cash funds in the foreign currency / commodities and the absolute value of the interim value of the net obligation, calculated according to the sub-paragraph 62.16.3, after each addition operation is lessened for the added value.

62.16.7. If as a result of addition, defined in the sub-paragraph 62.16.6, the interim value of the net obligation of the Clearing Member in relevant securities (except for general collateral certificates) / precious metals / cash funds in the foreign currency / commodities, calculated according to the sub-paragraph 62.16.3, remained negative:

Clearing House adds (taking into account the sign) to the interim value of the net obligation of the Clearing Member in relevant securities (except for general collateral certificates) / precious metals / cash funds in foreign currency / commodities, calculated under the client Settlement Account or Trust Settlement Account /

client Asset Pool Settlement Account or Trust Asset Pool Settlement Account amount (sum) of such securities / precious metals / cash funds in foreign currency / commodities, recorded by the end of the day of termination of obligations under Trades, recorded under the same Settlement Account / Asset Pool Settlement Account / Trade Account / Asset Pool Trade Account, but not more than the minimum value out of the following ones: (1) absolute value of the interim value of the net obligation in relevant securities (except for general collateral certificates) / precious metals / cash funds in the foreign currency / commodities, calculated according to the sub-paragraph 62.16.3 taking into account the added value according to the sub-paragraph 62.16.6, and (2) absolute value of the interim value of the net obligation in relevant securities (except for general collateral certificates) / precious metals / cash funds in foreign currency / commodities, calculated according to the sub-paragraph 62.16.5 for the same Settlement Account / Asset Pool Settlement Account / Trade Account / Asset Pool Trade Account. Meanwhile the amount (sum) of securities / precious metals / cash funds in the foreign currency / commodities and the absolute value of the interim value of the net obligation, calculated according to the sub-paragraph 62.16.3, after each addition operation is lessened for the added value.

62.16.8. Clearing House calculates the following interim values:

- the interim value of the net obligation / net claim of the Clearing Member in securities (except for general collateral certificates), which is equal to the sum of values (taking into account the sign) of Net Obligations / Net Claims of the Clearing Member in the security (except for general collateral certificates) under Trades with the central counterparty (except for REPO trades in general collateral certificates), recorded by the end of the day, when obligations under Trades are terminated, separately under each Trade Account T+ / Asset Pool Trade Account, corresponding to the Settlement Account, under which are calculated net obligations / net claims / under all Trade Accounts T+ / Asset Pool Trade Accounts, corresponding to Settlement Accounts,

under which calculation of net obligations / net claims is executed, through each Settlement Date;

- the interim value of the net obligation / net claim of the Clearing Member in precious metals / cash funds in foreign currency, which is equal to the sum of values (taking into account the sign) of Net Obligations / Net Claims of the Clearing Member in precious metals / cash funds in foreign currency under Trades with the central counterparty (except for REPO trades in general collateral certificates), recorded by the end of the day, when obligations under Trades are terminated, separately under each Settlement Account(s) / Asset Pool Settlement Account(s), through each Settlement Date;
- the interim value of the net obligation / net claim of the Clearing Member in commodities, which is equal to the sum of values (taking into account the sign) of Net Obligations / Net Claims of the Clearing Member in commodities under Trades with the central counterparty, recorded by the end of the day, when obligations under Trades are terminated, separately under each Trade Account, corresponding to the Settlement Account, under which are calculated net obligations / net claims / under all Trade Accounts, corresponding to Settlement Accounts, under which calculation of net obligations / net claims is executed, through each Settlement Date.

62.16.9. The Clearing House calculates the following values under Settlement Account(s):

- $PUB\_DEPOSIT_n$  is the sum of claims of the Clearing Member to return deposits in Russian rubles, recorded under the Settlement Account(s), with the n-Settlement Date not later than the Date for the termination of obligations under Trades, including the interest, calculated on the basis of the actual deposit period that has elapsed since of the deposit placement date, not including this date, till the date of termination of obligations under Trades, including this date;
- $VAL_j\_DEPOSIT_n$  is the sum of claims of the Clearing Member to return deposits in j-foreign currency, recorded under the Settlement Account(s), with the n-Settlement Date later than the Date for the termination of obligations under Trades, including interest, calculated on the basis of the actual deposit period that has elapsed since of the deposit placement date, not including this date, till the date of obligations termination under Trades, including this date.

62.16.10. The Clearing House executes the following balancing trades in the order, defined in the Article 29:

- balancing trades in foreign currency / precious metals (however amount of the foreign currency / precious metal in balancing trades can be less than the interim value of the net obligation / net claim of the Clearing Member in relevant foreign currency / precious metal, calculated according to the sub-paragraph 62.16.3 (taking into account lessening of the interim value of the net obligation according to the sub-paragraph 62.16.6 and/or 62.16.7));
- balancing REPO trades in GCC, directed at attraction / placement by the Clearing House of cash funds in  $RUB\_DEPOSIT_n$  and  $VAL_j\_DEPOSIT_n$ , calculated in accordance with the sub-paragraph 62.16.9;
- balancing trades in securities (however amount of the foreign currency / precious metal in balancing trades can be less than the interim value of the net obligation / net claim of the Clearing Member in relevant security, calculated according to the sub-paragraph 62.16.3 (taking into account lessening of the interim value of the net obligation according to the sub-paragraph 62.16.6 and/or 62.16.7));

- balancing trades in securities;
- balancing trades in commodities;
- Standardised Derivative Contracts, which are balancing trades (however amount of the securities in balancing trades can be less than the volume of the net obligation / net claim of the Clearing Member in the relevant securities on the relevant Settlement Date);
- balancing trade, aimed at sell of Collateral / Collateral for Stress / Default Funds contributions in foreign currency / precious metals / securities / commodities (upon decision of the Clearing House) in the amount / number, required for the calculation of net obligations / net claims of the Clearing Member in accordance with the sub-paragraph 62.16.12.

62.16.11. The Clearing House calculates the value equal to the value  $SUM_{SC}$  under each Settlement Account(s), which is calculated according to the formula below:

$$\begin{aligned}
 SUM_{SC} = & \sum_n (POS_{RUB}_n + RUB_{DEPOSIT}_n - RUB_{REPO\_DIF}_n + \sum_j ((POS_{VAL}_n^j + \\
 & + VAL_{DEPOSIT}_n^j - VAL_{REPO\_DIF}_n^j) \times C_{VAL}_n^j) + \sum_i POS_{C}_n^i \times CC_n^i \times C_{VAL}_n^i + \\
 & + \sum_l POS_{T}_n^l \times CT_n^l) + \sum_k POS_{D}_k \times (CD_k - SP_k) + \sum_m SC_m
 \end{aligned}$$

, where

$RUB_{DEPOSIT}_n$ ,  $VAL_{DEPOSIT}_n^j$  values, calculated in accordance with the sub-paragraph 62.16.9;

$POS_{RUB}_n$  is the sum of the following values (taking into account the sign):

- Net Obligations / Net Claims of the Clearing Member in Russian rubles under Trades with the central counterparty (except for REPO trades in general collateral certificates), recorded by the end of the day of termination of obligations arising from Trades under the Settlement Account(s) and corresponding to it Asset Pool Settlement Account(s) under the n-Settlement Date;
- claims of the Clearing Member to return deposits in Russian rubles, recorded under the Settlement Account(s), with the n-Settlement Date and corresponding to it Asset Pool Settlement Account(s) under the n-Settlement Date;

$POS_{VAL}_n^j$  – is the sum of the following values (taking into account the sign):

- interim values, calculated in accordance with the sub-paragraph 62.16.8, of net obligations / net claims of the Clearing Member in cash in j-foreign currency / j-precious metal under the Settlement Account(s) and corresponding to it Asset Pool Settlement Account(s) with the n-Settlement Date;
- claims of the Clearing Member to return deposits in j-foreign currency, recorded under the Settlement Account(s), with the n-Settlement Date not later than the Date for the termination of obligations under Trades, including the whole percent amount, calculated on the basis of the deposit agreement terms.

$POS_{C}_{ni}$  – is the sum of values (taking into account the sign), calculated in accordance with the sub-paragraph 62.16.8, of the interim values of net obligations / net claims of the Clearing Member in i-security (except for general collateral certificates) under Trade Accounts T+ / Asset Pool Trade Accounts, which is formed by the Settlement Account(s)

and corresponding to it Asset Pool Settlement Account(s), with the n-Settlement Date;

$POS\_T_n^l$  – is the sum of values (taking into account the sign), calculated in accordance with the sub-paragraph 62.16.8, of interim values of net obligations / net claims of the Clearing Member in l-commodity under Trade Accounts into the structure of which the Settlement Account(s) is included, with the n-Settlement Date;

$POS\_D_k$  – is the net position (taking into account the sign) of the Clearing Member under k-Derivative Contract, calculated as the sum (taking into account the sign) of positions under k-Derivative Contract, recorded by the end of the day of termination of obligations, arising from Trades, under all positions register sections of the Clearing Member, which have codes of Sub-accounts Clusters, connected with the Settlement Account(s);

$RUB\_REPO\_DIF_n$  is the difference between the sums of the first and of the second parts of balancing REPO trades in GCC, with the settlement in russian rubles with the n-Settlement Date, executed by the Clearing House in accordance with the sub-paragraph 62.16.10;

$VAL\_REPO\_DIF_n^j$  is the difference between the first and the second part of REPOs in GCC, with the settlement in j-foreign currency with the n-Settlement Date, executed by the Clearing House in accordance with the sub-paragraph 62.16.10;

$CC_n^i$  is an average price of balancing trades in i-security with the n-Settlement Date, executed by the Clearing House in accordance with the sub-paragraph 62.16.10;

$$CC_n^i = WAprice_{B/S} + \sum_{s,n>2} w_{s,n} \times (REPOprice_n - REPOprice_0) - \sum_{s,n=1,2} w_{s,n} \times (REPOprice(YD) - REPOprice(Y0))$$

, where

$WAprice_{B/S}$  is an average price of buy-sell trades in securities;

$REPOprice_n$  is an average price of second parts of REPO trades with the n-Settlement Date;

$REPOprice_0$  is an average price of first parts of REPO trades with the n-Settlement Date;

$w_{s,n}$  is the ratio showing share of REPO trade in proportion to total amount of obligations on the execution date, meanwhile:

in case if  $n > 2$ , the ratio is calculated on the basis of  $POS\_C_n^i$  on the n-Settlement Date;

in case if  $n=1$  and  $n=2$ , the ratio is calculated on the basis of  $POS\_C_n^i$  on all Settlement Dates;

s is the number of the balancing trade with the n-Settlement Date;

In case of use of the information on securities when calculating the interim value of the net obligation of the Clearing Member in securities according to the sub-paragraphs 62.16.6 and/or 62.16.7, such information is taken into account when calculating average price price of buy-sell trades in securities  $WAprice_{B/S}$  according to the Settlement price of the relevant security, set by the Clearing House on the date of calculation of the interim value of the net obligation of the Clearing Member in securities in accordance with the sub-paragraphs 62.16.6 and/or 62.16.7. If the interim value, calculated according to the sub-paragraph 62.16.3 through all Trade Accounts T+ / Asset Pool Trade Accounts of the Clearing Members though all Settlement Dates of the security is equal to 0 (zero) then

average price  $WAprice_{B/S}$  is considered to be equal to the Settlement price of the relevant security, set by the Clearing House on the date of termination of obligations of the Clearing Member.

$C\_VAL_{ni}$  is a trade exchange rate / average exchange rate for trades in foreign currency with the n-Settlement Date, executed by the Clearing House in accordance with the sub-paragraph 62.16.10 with the i-foreign currency. If the CCi is denominated in Russian rubles then  $C\_VAL_{ni}=1$ ;

$C\_VAL_n^j$  is an average exchange rate of balancing trades in foreign currency / precious metal with the n-Settlement Date, executed by the Clearing House in accordance with the sub-paragraph 62.16.10 with the j-foreign currency / j-precious metal, calculated according to the following formula:

$$C\_VAL_n^j = WAprice_{B/S} + \sum_{s,n>2} w_{s,n} \times (SWOPprice_n - SWOPprice_0) - \sum_{s,n=1,2} w_{s,n} \times (SWOPprice(YD) - SWOPprice(Y0))$$

, where

$WAprice_{B/S}$  is an average price of buy-sell trades in foreign currency / precious metals;

$SWOPprice_n$  is an average price of second parts of swap trades / swap contracts with the n-Settlement Date;

$SWOPprice_0$  is an average price of first parts of swap trades / swap contracts with the n-Settlement Date;

$w_{s,n}$  is the ratio showing share of the swap trade / swap contract in proportion to total amount of obligations on the execution date, meanwhile:

in case if  $n > 2$ , the ratio is calculated of the basis of  $POS\_VAL_n^j$  on the n-Settlement Date;

in case if  $n=1$  and  $n=2$ , the ratio is calculated on the basis of  $POS\_VAL_n^j$  on all Settlement Dates;

s is the number of the balancing trade with the n-Settlement Date;

In case of use of the information on the foreign currency / precious metal when calculating the interim value of the net obligation of the Clearing Member in foreign currency / precious metal according to the sub-paragraphs 62.16.6 and/or 62.16.7, such information is taken into account when calculating average price price of buy-sell trades in foreign currency / precious metal  $WAprice_{B/S}$  according to the Central exchange rate of the relevant foreign currency / precious metal, set by the Clearing House on the date of calculation of the interim value of the net obligation of the Clearing Member in foreign currency / precious metal in accordance with the sub-paragraphs 62.16.6 and/or 62.16.7. If the interim value, calculated according to the sub-paragraph 62.16.3 through all Settlement Accounts of the Clearing Members though all Settlement Dates of the foreign currency / precious metal is equal to 0 (zero) then average price  $WAprice_{B/S}$  is considered to be equal to the Central exchange rate of the relevant foreign currency / precious metal, set by the Clearing House on the date of termination of obligations of the Clearing Member.

$CD_k$  is a trade price / an average price of balancing trades, executed by the Clearing House in accordance with the sub-paragraph 62.16.10 under k-Derivative Contract. If the interim

value, calculated according to the sub-paragraph 62.16.3 through all Settlement Accounts of the Clearing Members though all Settlement Dates under k-Derivative Contract is equal to 0 (zero) then average price of balancing trades is considered to be equal to the Settlement price of k-Derivative Contract, set by the Clearing House during night clearing session on the day preceeding to the date of trades execution according to the sub-paragraph 62.16.10;  $SP_k$  is the Settlement Price of k-Derivative Contract, defined by the Clearing House during the evening clearing session on the day, preceding to the date of the trades execution in accordance with the sub-paragraph 62.16.10;

$CT_n^l$  is a trade price / an average price of balancing trades in commodities with the n-Settlement Date, executed by the Clearing House in accordance with the sub-paragraph 62.16.10 with the 1st commodity (in Russian rubles);

In case of use of the information on commodities when calculating the interim value of the net obligation of the Clearing Member in commodities according to the sub-paragraphs 62.16.6 and/or 62.16.7, such information is taken into account when calculating average price price of balancing trades in commodities according to the Settlement price of the relevant commodity, set by the Clearing House on the date of calculation of the interim value of the net obligation of the Clearing Member in commodity in accordance with the sub-paragraphs 62.16.6 and/or 62.16.7. If the interim value, calculated according to the sub-paragraph 62.16.3 through all Trade Accounts of the Clearing Member though all Settlement Dates of the 1<sup>st</sup> commodity is equal to 0 (zero) then average price of balancing trades is considered to be equal to the Settlement price from the 1<sup>st</sup> commodity, set by the Clearing House on the date of termination of obligations.

$SC_m$  is the calculated value (taking into account the sign) of the m-Standardised Derivative Contract, which is the balancing trade, defined after the first calculation of Total Net Obligations / Total Net Claims during the Settlement Day, in respect of the Clearing House, or the price (taking into account the sign), calculated in respect of the Clearing House, of the Auction order except for all Auction contracts, which are balancing trades, executed by the Clearing House during the Liquidation auction in accordance with the Clearing Rules on the Standardised Derivatives Market. The calculated value or the Auction order price in foreign currency is converted into Russian rubles according to the exchange rate set out by the Bank of Russia on the day of termination of obligations under Trades;

and

- a) the interim value of a net obligation / net claim of a Clearing Member in Russian rubles under REPO trades with general collateral certificates, calculated in accordance with the sub-paragraph 62.16.1 (taking into account the sign), and
- b) a Debt (with “minus”) of a Clearing Member in Russian rubles, recorded under the Settlement Account(s) at the end of the day of termination of obligations under Trades, and
- c) difference of absolute values of obligations of a Clearing Member to transfer Income, recorded under the Settlement Account(s) and unfulfilled at the end of the day of termination of obligations under Trades, when revoking the banking license of a Clearing Member – obligations to transfer Income, which arisen before the date of revocation of the banking license of a Clearing Member, and obligations of the Clearing House to transfer Income under balancing REPO trades, executed by the Clearing House in accordance with the sub-paragraph 62.16.10 (calculated with “minus”), and



- d) difference of claims of the Clearing House to receive Income under balancing REPO trades in accordance with the sub-paragraph 62.16.10, and the absolute value of obligations of the Clearing House to transfer Income to a Clearing Member, recorded under the Settlement Account(s) and not fulfilled by the end of the day of termination of obligations under Trades, when revoking the banking license of a Clearing Member – obligations to transfer Income which has arisen before the day of revocation of the banking license of a Clearing Member, and
- e) values (taking into account the sign) of obligations / claims of a Clearing Member in Russian rubles to pay / receive variation margin, recorded under the Settlement Account(s) by the end of the day of termination of obligations under Trades, and
- f) values (taking into account the sign) of obligations / claims of the Clearing Member to return accrued deposit margin, recorded under the Settlement Account(s) by the end of the day of termination of obligations under Trades, and
- g) obligations of a Clearing Member to pay fees, and also penalties, which are to be paid by a Clearing Member in accordance with the Clearing Rules, recorded under the Settlement Account(s) (calculated with “minus”), except for the following cases:
  - revocation of the banking license of a Clearing Member;
  - judgement of the Arbitrage Court on introduction in respect of the Clearing Member one of the bankruptcy procedures;
  - appointment of the interim administration in respect of the Clearing Member / appointment of the Clearing Member management interim administration,and
- h) obligations of a Pool Member to post assets to an asset pool, which are left after the sold of assets from an asset pool in accordance with the sub-paragraph 62.16.1 (calculated with “minus”);
- i) obligations of a Clearing Member to repay to the Clearing House the cost of the funds in Russian rubles from the Default Funds of the contributions of Non-defaulting Clearing Members (calculated with “minus” under proprietary Settlement Accounts);
- j) obligations of the Clearing Member to pay sums, corresponding to the sums of the organization profits tax on income of foreign organizations from sources located in Russian Federation (recorded with minus);
- k) obligations of the Clearing Member to pay sums, corresponding to the sums of tax on income from the source located in the USA and/or income equal to it (recorded with “minus”);

If the value calculated in accordance with this sub-paragraph is negative, the calculation of the relevant net obligation / net claim of a Clearing Member is continued in accordance with the sub-paragraph 62.16.12, if it is negative then in accordance with the sub-paragraph 62.16.13.

62.16.12. The Clearing House calculates the sum of taking into account the sign of the negative value calculated in accordance with the sub-paragraph 62.16.11, and the following values, recorded under the Settlement Account(s) / Trade Accounts, into the structure of which the Settlement Account(s) is included, at the end of the day of termination of obligations under Trades, in the following order and size:

- 1) the value, which is equal to the minimum value out of these two: (1) the size of the obligation of the Clearing House to return to a Clearing Member its Collateral in

- Russian rubles (calculated with “minus”), or (2) the size of an absolute negative value of the  $SUM_{SC}$ , calculated in accordance with the sub-paragraph 62.16.11;
- 2) under the proprietary Settlement Accounts the value, which is equal to the minimum value out of these two: (1) the size of an obligation of the Clearing House to return to a Clearing Member its Collateral for Stress in Russian rubles (calculated with “plus”), or (2) the value of the absolute negative value of the  $SUM_{SC}$ , calculated in accordance with the paragraph 1) of the sub-paragraph 62.16.12;
  - 3) under proprietary Settlement Accounts the value, which is equal to the minimum value out of these two: (1) the size of an obligation of the Clearing House to return to a Clearing Member its Default Funds contributions in Russian rubles (calculated with “plus”), or (2) the value of the absolute negative value of the  $SUM_{SC}$ , calculated in accordance with the previous paragraph of this sub-paragraph 62.16.12;
  - 4) the size of an obligation of the Clearing House to return to a Clearing Member its Collateral in foreign currency, lessened for the sum of the foreign currency, used when calculating the interim value of the net obligation / net claim of the Clearing Member in cash in the foreign currency, in accordance with the sub-paragraph 62.16.8, and converted into Russian rubles according to the exchange rate / average weighted exchange rate for trades in foreign currency, executed by the Clearing House in accordance with the sub-paragraph 62.16.10 (calculated with “plus”);
  - 5) under Proprietary Settlement Accounts – the size of an obligation of the Clearing House to return to a Clearing Member its Collateral for Stress in foreign currency, converted into Russian rubles according to the exchange rate / average weighted exchange rate for trades in foreign currency, executed by the Clearing House in accordance with the sub-paragraph 62.16.10 (calculated with “plus”);
  - 6) under the proprietary Settlement Accounts the size of an obligation of the Clearing House to return to a Clearing Member its Default Funds contributions in foreign currency, converted into Russian rubles according to the exchange rate / average weighted exchange rate for trades in foreign currency, executed by the Clearing House in accordance with the sub-paragraph 62.16.10 (calculated with “plus”);
  - 7) the value, which is equal to the minimum value out of these two: (1) the size of an the Clearing Member Collateral in securities, lessened for the amount of securities, used when calculating the interim values of net obligations / net claims in securities in accordance with the paragraph 62.16.8, and converted into Russian rubles according to the price / average weighted exchange rate for trades in securities, executed by the Clearing House in accordance with the sub-paragraph 62.16.10 (calculated with “plus”), or (2) the size of the absolute value negative  $SUM_{SC}$ , calculated in accordance with the previous paragraphs of this sub-paragraph 62.16.12;
  - 8) under proprietary Settlement Accounts the value, which is equal to the minimum value out of these two: (1) the size of an obligation of the Clearing House to return to a Clearing Member its Collateral for Stress in securities, converted into Russian rubles according to the Price / average weighted exchange rate for trades in securities, executed by the Clearing House in accordance with the sub-paragraph 62.16.10 (calculated with “plus”), or (2) the absolute negative value  $SUM_{SC}$ , calculated in accordance with the previous paragraphs of this paragraph 62.16.12;
  - 9) under the proprietary Settlement Accounts (upon the decision of the Clearing House) the value, which is equal to the minimum value out of these two: (1) the size of an obligation of the Clearing House to return to a Clearing Member its Default Funds

- contributions in securities, converted into Russian rubles according to the Price / average weighted exchange rate for trades in securities, executed by the Clearing House in accordance with the sub-paragraph 62.16.10 (calculated with “plus”), or (2) the absolute negative value  $SUM_{SC}$ , calculated in accordance with the previous sub-paragraphs of this sub-paragraph 62.16.12;
- 10) the size of an obligation of the Clearing House to return to a Clearing Member its Collateral in precious metals, lessened for the amount of precious metals. Used when calculating the interim value of the net obligation / net claim of the Clearing Member in precious metals in accordance with the sub-paragraph 62.16.8 and converted into Russian rubles according to the exchange rate / average weighted exchange rate for trades in precious metals, executed by the Clearing House in accordance with the sub-paragraph 62.16.10 (calculated with “plus”);
  - 11) the value, which is equal to the minimum value out of these two: (1) the size of an obligation of the Clearing House to return to a Clearing Member its Collateral in commodities, lessened for the amount of commodities, used when calculating the interim value of the net obligation / net claim of the Clearing Member in commodities in accordance with the sub-paragraph 62.16.8 and converted into Russian rubles according to the Price / average weighted exchange rate for trades in commodities in accordance with the sub-paragraph 62.16.10 (calculated with “plus”), or (2) the absolute negative value  $SUM_{SC}$ , calculated in accordance with the previous paragraphs of the sub-paragraph 62.16.12.

If as the result of consistent execution of any of actions stipulated by the paragraphs 1 – 11 of the sub-paragraph 62.16.12 the received value  $SUM_{SC}$  is non-negative then the calculation of the relevant net obligation / net claim of a Clearing Member is continued in accordance with the sub-paragraph 62.16.12.

62.16.13. If the value  $SUM_{SC}$  calculated in accordance with the sub-paragraph 62.16.11 or 62.16.12 under the Settlement Account(s) is equal to zero then it means that a Clearing Member does not have any net obligation / net claims under such Settlement Account(s), meanwhile the calculation of the net obligation / net claim of the Clearing Member under such Settlement Accounts is terminated.

If the value  $SUM_{SC}$  calculated in accordance with the sub-paragraph 62.16.12 under proprietary Settlement Accounts is negative then it means that a Clearing Member has a net obligation in respect of the Clearing House under proprietary Settlement Accounts, which is equal to the absolute value  $SUM_{SC}$ , meanwhile the calculation of the net obligation of a Clearing Member under proprietary Settlement Accounts is terminated.

If the value  $SUM_{SC}$  calculated in accordance with the sub-paragraph 62.16.11 or 62.16.12 under the Settlement Account, except for the proprietary Settlement Accounts, is positive then it means that a Clearing Member has a net claim under such Settlement Account, which is equal to the  $SUM_{SC}$  meanwhile the calculation of the net claim of a Clearing Member under such Settlement Account is terminated.

If there are negative values  $SUM_{SC1}$ , calculated in accordance with the sub-paragraph 62.16.12 under the client Settlement Account) and Trust Settlement Accounts, and positive value  $SUM_{SC2}$ , calculated in accordance with the sub-paragraph 62.16.12 under proprietary Settlement Accounts, calculation of net obligations / net claims of the Clearing Member under each such Settlement Account(s) is continued as follows:

$$SUM_{SC1i} = SUM_{SC1i} + \min \left( \left( \frac{\sum SUM_{SC2j}}{\sum SUM_{SC1i}} \right) \times SUM_{SC1i}; \text{abc}(SUM_{SC1i}) \right),$$

$$SUM_{SC2j} = SUM_{SC2j} - \min \left( \left( \frac{\sum SUM_{SC2j}}{\sum SUM_{SC1i}} \right) \times SUM_{SC1i}; \text{abc}(SUM_{SC1i}) \right), \text{ where}$$

$SUM_{SC1i}$  is the negative value  $SUM_{SC}$ , calculated in accordance with the sub-paragraph 62.16.12 under the client Settlement Account or the Trust Settlement Account;

$SUM_{SC2j}$  is the positive value  $SUM_{SC}$ , calculated in accordance with the sub-paragraph 62.16.11 and/or 62.16.12 under the proprietary Settlement Account.

If as the result of the abovementioned calculation the value  $SUM_{SC1i}$  is equal to 0 then it means that the Clearing Member does not have the net obligation / net claim under such Settlement Account,

in case if  $SUM_{SC1i}$  is less than 0, calculation of net obligations / net claims of the Clearing Member under such Settlement Accounts is continued in accordance with the sub-paragraph 62.16.12, using Collateral, recorded under proprietary Settlement Accounts and corresponding to them Trade Accounts, Collateral for Stress and Default Funds contributions, not used when calculating net obligations / net claims under Settlement Accounts. If  $SUM_{SCi}$  remains negative it means that the Clearing Member has the net obligation under such Settlement Account, which is equal to the absolute value  $SUM_{SCi}$ .

Under proprietary Settlement Accounts, which are used in calculation according to this sub-paragraph, the value of net obligations of the Clearing Member is equal to the positive value  $SUM_{own}$  resulted from the abovementioned calculation or if the value  $SUM_{own}$  is equal to zero then there is no net obligation / net claim of the Clearing Member under proprietary Settlement Accounts.

62.16.14. Each of obligations, listed in the sub-paragraph 62.16.12, included into the calculation of the net obligation / net claim of a Clearing Member, in the corresponding part is terminated.

Meanwhile:

- the obligation of the Clearing House to return Collateral, Collateral for Stress, Default Funds contributions in Russian rubles is terminated in the part, which is equal to the sum of cash funds in Russian rubles, used when calculating net obligations / net claims of the Clearing Member in accordance with the sub-paragraph 62.16.12;
- the obligation of the Clearing House to return Collateral, Collateral for Stress, Default Funds contributions in the foreign currency is terminated in the part, which is equal to the sum of the foreign currency, used when calculating the interim value of the net obligation / net claim of the Clearing Member in cash funds in the foreign currency in accordance with the sub-paragraph 62.16.8, and to the sum of the foreign currency in Collateral, Collateral for Stress or Default Funds contributions sell trades in the foreign currency, executed by the Clearing House in accordance with the sub-paragraph 62.16.10;
- the obligation of the Clearing House to return Collateral for Stress or Default Funds contributions in securities is terminated in the part, which is equal to the number of securities in Collateral for Stress or Default Funds contributions sell trades, executed by the Clearing House in accordance with the sub-paragraph 62.16.10;
- Collateral in securities is used in the amount, which is equal to the number of securities, used when calculating the interim value of the net obligation / net claim of the Clearing Member in securities in accordance with the sub-paragraph 62.16.8, and to the number of securities in trades aimed at sell of Collateral in securities, executed by the Clearing House in accordance with the sub-paragraph 62.16.10.

In order to use Collateral in securities the Clearing House forms and transfers to the Settlement Depository an instruction to transfer securities from the Securities Sub-

account to the depo sub-account of the Clearing House under the depo clearing account in the defined amount, starting from the date of suspension of an admission of the Clearing Member to the clearing service, according to the grounds defined in paragraphs 60-62.12.

- the obligation of the Clearing House to return Collateral in precious metal is terminated in the part, which is equal to the amount of precious metals, used when calculating the interim value of the net obligation / net claim of the Clearing Member in precious metals in accordance with the sub-paragraph 62.16.8, and to the amount of precious metals in trades aimed at sell of Collateral in precious metals, executed by the Clearing House in accordance with the sub-paragraph 62.16.10;
- Collateral in commodities is used in the amount, which is equal to the amount of commodities, used when calculating the interim value of the net obligation / net claim of the Clearing Member in commodities in accordance with the sub-paragraph 62.16.8, and to the amount of commodities in trades aimed at sell of Collateral in commodities, executed by the Clearing House in accordance with the sub-paragraph 62.16.10.

In order to use Collateral in commodities the Clearing House forms and transfers to the Commodity Delivery Facility the instruction to transfer commodities from the trading section of the Clearing Member to the trading section of the Clearing House in the defined amount, starting from the date of suspension of an admission of the Clearing Member to the clearing service, according to the grounds defined in paragraphs 60-62.12.

62.16.15. In case of non-provision to the Clearing House by the Segregated Client of the Application for obligations and Collateral transfer or by the Receiving Clearing Member of the Consent upon acceptance of obligations and Collateral within the terms defined in the Time Specifications, Clearing House calculates the sum of the net obligation / net claim of the Clearing Member in Russian rubles under Trades with the central counterparty, executed at the expense of the Segregated Client of the Clearing member with the indication of Trade Accounts / other clearing registers, corresponding to Settlement Accounts, opened for the Segregated Client, in the order similar to the one, defined in the paragraph 62.12.

62.17. The Clearing House calculates the sum of the net obligation / net claim of a Clearing member in Russian rubles in respect of other Clearing Members – its counterparties to Trades without the central counterparty in the order stipulated by the sub-paragraphs 62.17.1 – 62.17.3, separately under each client Settlement Account, each Trust Settlement Account and proprietary Settlement Accounts of the Clearing Member:

62.17.1. The Clearing House calculates the value, which is equal to the sum taking into account the sign:

$$\text{SUM} = \text{POS\_RUB} + \sum_i (\text{POS\_C}_i \times \text{CC}_i) + \sum_i (\text{POS\_R}_i \times \text{CC}_i) + \sum_j (\text{POS\_VAL}_j \times \text{C\_VAL}_j),$$

where

$$\text{POS\_RUB} = \text{ST} - \text{SO},$$

$$\text{POS\_VAL}_j = \text{ST}_j - \text{SO}_j,$$

$$\text{POS\_C}_i = \text{STC}_i - \text{SOC}_i,$$

$$\text{POS\_R}_i = \text{STR}_i - \text{SOR}_i,$$

POS\_RUB is an obligation (claim) of a Clearing Member in cash funds in Russian rubles;

POS\_VAL<sub>j</sub> is an obligation (claim) of a Clearing Member in cash funds in j-foreign currency;

POS\_C<sub>i</sub> is an obligation (claim) of a Clearing Member in i-security under buy-sell trades in securities;

POS\_R<sub>i</sub> is an obligation (claim) of a Clearing Member in i-security under REPO trades;

ST – the sum of claims, a SO – the sum of obligations of a Clearing Member in cash funds in the relevant foreign currency, recorded on the date of termination of obligations under Trades, under:

- trades with settlement codes B0-B30;
- first parts of REPO trades with the settlement code Sn;
- second parts of REPO trades with the settlement codes Rb, Sn, Z0;
- repayment of the credit under the credit agreement with the settlement code Rb, Sn.

Meanwhile the sum of obligations and claims under the second parts of REPO trades is calculated using the actual duration period of the REPO, which past from the date till the day of termination of obligations, excluding this day.

Meanwhile the sum of obligations and claims to return the credit under the credit agreement is calculated based on the actual credit agreement term, since the actual date, when the obligation to grant a credit has been fulfilled, not including this date, till the date of termination of obligations, including this date.

In case if the Settlement Date for obligations under the second part of the REPO trade coincides with the date, preceding to the date for termination of obligations under trades, the sum of obligations and claims under second part of REPO trades is calculated on the basis of the actual term of the REPO trade, which has elapsed since the actual date for the termination of obligations under the first part of the REPO trade, including this date, till the Date for the fulfillment of obligations under the second part of the REPO, not including this date.

In case if obligations under the first part of the REPO are not fulfilled on the day of termination of obligations under Trades in accordance with this Article of the Common part of the Clearing Rules, in order to calculate the net obligation / net claim of a Clearing Member in respect of Clearing Members its counterparties the duration period of the REPO is considered to be equal to zero.

In case if obligations to grant a credit are not fulfilled on the date of termination of obligations under Trades according to this article, obligations under credit agreement are terminated and are not taken into account when calculating net obligations / net claims of the Clearing Member.

The sum of obligations and claims under second part of the REPO trades is calculated taking into account reduction for the value of the paid coupon profit and/or for the value of the paid part of the main debt (depreciation payments) in accordance with the REPO trades terms.

STC<sub>i</sub> is the sum of claims, a SOC<sub>i</sub> – the sum of obligations of a Clearing Member under i-security recorded by the day of termination of obligations under Trades, under:

- trades with settlement codes B0-B30.

STR<sub>i</sub> is the sum of claims, when SOR<sub>i</sub> – the sum of obligations of a Clearing Member under i-security recorded by the day of termination of obligations under Trades, under:

- first parts of REPO trades with the settlement code Sn;
- second parts of REPO trades with the settlement codes Rb, Sn, Z0.

$CC_i$  is the price (in Russian rubles), which is equal to the sum of the settlement price for i-security (except for general collateral certificates) defined by the Exchange in accordance with the Clearing Rules on the Securities Market, Deposit Market and Credit Market after the Trading day of termination of obligations under Trades, or the last used settlement price for such security, and  $HKД$  for the day of termination of obligations under Trades (under the condition of its settlement for such security). If the settlement price and the accrued interest for i-security are defined in foreign currency, the settlement is performed according to the fixing rate of the Moscow Exchange for the relevant foreign currency, defined on the date of termination of obligations under Trades (for all Trades, except for REPO trades with the Bank of Russia), for REPO trades with the Bank of Russia – according to the exchange rate for the relevant foreign currency, set out by the Bank of Russia on the day of termination of obligations under Trades. For general collateral certificates  $CC_i$  is equal to the nominal value of one general collateral certificate;

$\sum_i$  is the sum under securities;

$C\_VAL_j$  – the fixing rate of the Moscow Exchange for j-foreign currency, defined on the date of termination of obligations under Trades (for all Trades except for REPO trades with the Bank of Russia), for REPO trades with the Bank of Russia – exchange rate for the j-foreign currency, set out by the Bank of Russia on the day of termination of obligations under Trades;

$\sum_j$  is the sum under foreign currencies.

- 62.17.2. If the value calculated in accordance with the sub-paragraph 62.17.1 is positive it means that a Clearing Member has a net claim in respect of a Clearing Member its counterparty, if it is negative it means that a Clearing Member has a net obligation in respect of a Clearing Member its counterparty.
- 62.17.3. If a Clearing Member counterparty is the Bank of Russia then when settling obligations in case of termination of an admission to the clearing service of a Clearing Member, which is also a clearing member of the NCI JSC NSD defined in the paragraphs 60, 62.4, and if a Clearing Member has non terminated obligations under trades executed with the Bank of Russia, which are cleared both by the Clearing House and by the NCI JSC NSD, and if NCI JSC NSD decides to terminate the admission to the clearing service and the clearing service of a Clearing Member – Credit Institution, terminate obligations under trades, party to which is a Clearing Member, and when calculating of net obligations / net claims of a Clearing Member in case of appointment of the interim administration to manage a Clearing Member – Credit Institution within the measures preventing bankruptcy of a credit institution, the positive value calculated in accordance with the sub-paragraph 62.17.1, is a draft net claim of a Clearing Member to the Bank of Russia, negative is a draft net obligation of a Clearing Member to the Bank of Russia. The defined order applies to obligations arisen from contracts executed under the condition of one general agreement.
- 62.18. The Clearing House forwards to a Clearing Member, in respect of which the clearing service was terminated, a notification on the termination of obligations under Trades during 3 (three) workdays following the day of termination of the clearing service. The defined notification also contains information on calculated under Settlement Account(s) in accordance with the paragraph 62.16 net obligations / net claims of a Clearing Member in respect of the Clearing House and also on calculated under each Settlement Account in

accordance with the paragraph 62.17 net obligations / net claims of a Clearing Member in respect of its counterparties under Trades without the central counterparty.

Notifications on net obligations / net claims of a Clearing Member – Credit Institution and of the Bank of Russia, in case of calculation by the Clearing House of the draft net obligation / net claim of a Clearing Member – Credit Institution in respect of a counterparty – the Bank of Russia in accordance with the paragraph 62.15 are forwarded by such Clearing Members to the NSD according to the NSD clearing rules.

Notifications on termination of obligations under Trades without the central counterparty, containing information on calculated in accordance with this Article net obligations / net claims of Clearing Members – counterparties of a Clearing Member, the clearing service of which is terminated, are forwarded to the defined Clearing Members – counterparties within the same time frames.

The Clearing House also forwards to a Clearing Member, whose clearing service was terminated, a notification on termination of the Clearing membership agreement.

- 62.19. The Clearing House forwards to an Authorized Accounts Owner in the form of an electronic document a notification on calculated in accordance with the paragraph 62.16 sum of net obligation / net claim of a Clearing Member under Settlement Accounts, with which the Segregated Sub-accounts Cluster is connected, which the defined Authorized Accounts Owner is fixed to.

An Authorized Accounts Owner is entitled to submit to the Clearing House the Request for collateral return, which is Collateral, obligations to return which are recorded under such Settlement Accounts, in the sum not used for the calculation of the defined net obligation / net claim of a Clearing Member. Return of the defined cash funds is performed in the order set out in the Clearing Rules on the Derivatives market.

- 62.20. Return to the Clearing Member of cash funds in Russian rubles in the sum of net claims of the Clearing Member, calculated in accordance with the paragraph 62.16, and also Collateral / Collateral for Stress / Default Funds contributions in cash funds / securities (except for general collateral certificates), not used for the calculation of net obligations / net claims of a Clearing Member in accordance with the paragraph 62.16, is executed by the Clearing House in accordance with the paragraph 4.12.

- 62.20.1. In order to fulfill obligations to return to a Clearing Member Collateral / Collateral for Stress / Default Fund contributions in the foreign currency / precious metals, not used for the calculation of net obligations / net claims of a Clearing Member in accordance with the paragraph 62.16, the Clearing House on the basis of the paragraph 3.20 executes on the relevant markets sell of the relevant foreign currency / relevant precious metals in the sum / amount, which is equal to the size of obligation of the Clearing House to return Collateral / Collateral for Stress / Default Funds contributions to a Clearing Member in the relevant foreign currency / relevant precious metals, not used for the calculation of net obligations / net claims of a Clearing Member in accordance with the paragraph 62.16.

In case of execution of balancing trades to sell Collateral / Collateral for Stress / Default Funds contributions of the Clearing Member in the foreign currency and in precious metals in the amount / number, less that the size of Collateral / Collateral for Stress / Default Fund contributions, foreign currency and precious metals in the amount / number, less than a lot, set out by the Exchange, are converted into Russian rubles on the basis of the foreign exchange rate, set by the Bank of Russia on the date of termination of obligations under Trades / on the basis of the Central exchange rate for the relevant precious metal, set by



the Clearing House on the date of termination of obligations under Trades. In case if obligations under Trades are terminated on weekend or non-working day (holiday), precious metals are converted into Russian rubles at the Central exchange rate for the relevant precious metal, set by the Clearing House for the date, preceding to the date of termination of obligations under Trades.

62.20.2. The Clearing House returns to the Clearing Member cash funds in Russian rubles in the sum of:

- net claims of a Clearing Member, calculated in accordance with the paragraph 62.16;
- Collateral / Collateral for Stress / Default Funds contributions in Russian rubles, not used for the calculation of net obligations / net claims of the Clearing Member in accordance with the paragraph 62.16;
- cash funds in Russian rubles, received from sell / Collateral converting / Collateral for Stress / Default Funds contributions in foreign currencies / precious metals in accordance with the sub-paragraph 62.20.1, and in case if such sell is impossible, in the size of the relevant obligations to return to a Clearing Member cash funds in foreign currency / precious metals converted into the Russian rubles according to the exchange rate set out by the bank of Russia on the day of termination of obligations under Trades / according to the Central exchange rate of the relevant precious metal set out by the Clearing House on the day of termination of obligations under Trades.

62.20.3. Securities left on Securities Sub-accounts of a Clearing Member / Custodian / Authorized Accounts Owner / client of a Clearing member after designation of net obligations / net claims of a Clearing Member in accordance with the paragraph 62.16, are withdrawn from Securities Sub-accounts of a Clearing Member without the agreement of the Clearing House.

62.20.4. Commodities left on trading sections of trading commodity accounts of Clearing Members after designation of net obligations / net claims of a Clearing Member in the order defined in the paragraph 62.16, are withdrawn from trading sections of trading commodity accounts of a Clearing member without the agreement of the Clearing House.

62.21. The Clearing House is entitled to set to a Clearing Member a claim for levying net obligations of a Clearing member calculated in the order stipulated by the paragraph 62.16 and also penalties and fees, which are to be paid in accordance with the Clearing Rules and which did not take part in the calculation of net obligations / net claims of a Clearing Member in general order stipulated by the bankruptcy law.

62.22. When debiting to the treasure depo account of the Clearing house general collateral certificates in the amount, which corresponds to the interim value of the net claim of a Clearing Member in general collateral certificates, calculated in accordance with the paragraph 1) of the sub-paragraph 62.16.1 under REPO trades with general collateral certificates, obligations under which were terminated during the liquidation netting executed in accordance with this Article in respect of a Clearing member, general collateral certificates in the defined amount are redeemed by the Clearing House, cash funds in the sum of the nominal value of the redeemed general collateral certificates are handed out from the relevant asset pool.

**Article 63. Procedure for settling obligations in case of a bankruptcy of a client of a Clearing Member (liquidation netting in respect of a client of a Clearing Member)**

63.1. In cases:

- of revocation (annulment) of the banking license of a client of a Clearing Member, which is a credit institution;
- if the arbitration court made a judgement on introduction of any bankruptcy proceeding in respect of the legal entity, which is the client of a Clearing Member,

The Clearing Member is entitled to apply to the Clearing House to calculate net obligations / net claims of a Clearing Member under Trades, executed at the expense of funds of such client, obligations under which are not fulfilled and/or terminated under other grounds stipulated by the Clearing Rules, under the condition of the previous registration by the Clearing Member of separate Settlement Account and/or other clearing registers, stipulated by special parts of the Clearing Rules, for such client and setting correspondence between the Settlement Account of the Clearing Member and identification data of the client of the Clearing Member in accordance with the paragraph 16.12, and/or under the condition of registration by the Clearing Member of such client as the Segregated Client.

63.2. In order to exercise the right, stipulated by the paragraph 61, the Clearing Member provides the Clearing House with the Application for execution of liquidation netting in respect of a client of a Clearing Member.

63.3. The Clearing Member authorizes the Clearing House to execute balancing trades in the name of the Clearing Member, and also to perform other actions in accordance with the Clearing Rules with the aim to execute liquidation netting in respect of the Clearing Member client. This power of attorney comes into effect since the date, when the version of the Clearing Rules, which contain the paragraph, comes into force and is in effect during following 10 (ten) years.

63.4. Submission of the Application for execution of liquidation netting in respect of a client of a Clearing Member is possible not earlier than the date of revocation (annulment) by the Bank of Russia of the banking license of a client of a Clearing Member, which is a credit institution, or than the date when the arbitration court made a judgement on introduction of any bankruptcy proceeding in respect of a client of a Clearing Member.

63.5. In the Application for execution of liquidation netting in respect of a client of a Clearing Member (hereinafter the Application) or together with the Application a Clearing Member is entitled to provide to the Clearing House the following:

- 1) Settlement Accounts / Asset Pool Settlement Accounts opened by a Clearing Member for such Client;
- 2) documents and/or information confirming the grounds defined in the paragraph 61.

63.6. The Clearing House is entitled to refuse to a Clearing Member to execute the Application:

63.6.1. in case of non-provision by a Clearing Member of documents and/or information defined in the paragraph 63.2, 63.5;

63.6.2. in case if according to the opinion of the Clearing House execution of the Application may create a threaten to the financial stability of the Clearing House;

- 63.6.3. in case of submission of the Application later than the time defined in the Time Specifications;
- 63.6.4. in case if according to the opinion of the Clearing House execution of the Application within time frames, set out by the legislation, is impossible;
- 63.6.5. if the Clearing House commenced termination of obligations of a Clearing Member according to the grounds, set out by the Clearing Rules;
- 63.6.6. in case if obligations under trades, party to which is the Clearing Member, executed on the relevant on-exchange markets at the expense of the Clearing Member client, defined in the Application, are terminated.
  
- 63.7. Execution of the Application for execution of liquidation netting in respect of a client of a Clearing Member is performed in the following order.
  - 63.7.1. In case of revocation (annulment) by the Bank of Russia of the banking license of a client of a Clearing Member, which is a credit institution, obligations under Trades with the central counterparty, a party to which is a Clearing Member, executed using funds of such client of a Clearing Member before the date of revocation of such license, and obligations to return to a Clearing Member assets of such client, posted by a Clearing Member into an asset pool, are terminated in full on the date, which follows the date of revocation (annulment) by the Bank of Russia of the banking license of such client of a Clearing Member, by the emergence of the net obligation / net claim of a Clearing Member, calculated in accordance with the paragraph 63.8, obligations under Trades without the central counterparty, a party to which is a Clearing Member, executed using funds of such client of a Clearing Member before the date of revocation of such license, are terminated in full on the date, which follows the date of revocation (annulment) by the Bank of Russia of the banking license of a client of a Clearing Member, by emergence of net obligations / net claims of a Clearing Member in respect of other Clearing Members, its counterparties under the defined Trades, calculated in accordance with the paragraph 63.9.
  - 63.7.2. In case if the Arbitrage Court made the judgement on introduction of any bankruptcy proceeding in respect of a client of a Clearing Member, obligations under Trades with central counterparty, a party to which is Clearing Member, executed using funds of such client of a Clearing Member, and obligations to return to a Clearing Member assets of such client, posted by a Clearing Member into an asset pool, are terminated in full on the date, which follows the date when the Arbitrage Court made the judgement on introduction of any banking proceeding, by emergence of the net obligation / net claim of a Clearing Member calculated in accordance with the paragraph 63.8, obligations under Trades without central counterparty, a party to which is a Clearing Member, executed using funds of such client of a Clearing Member, are terminated in full on the date, which follows the date when the Arbitrage Court made the judgement on the introduction of any bankruptcy proceeding in respect of a client of a Clearing Member, by emergence of net obligations / net claims of a Clearing Member in respect of other Clearing Members its counterparties under the defined Trades calculated in accordance with the paragraph 63.9.
  
- 63.8. The Clearing House calculates the sum of the net obligation / net claim of a Clearing Member in Russian rubles under Trades with central counterparty, executed using funds of a client of a Clearing Member with the indication of Trade Accounts / other clearing registers, corresponding to Settlement Accounts, defined by the Clearing Member in the Application, provided according to the paragraph 63.5, according to the procedure similar to the one, set out in the paragraph 62.16, meanwhile the Collateral, recorded under the

Settlement Account, defined by the Clearing Member in the Application, provided according to the paragraph 63.5, is taken into account when calculating net obligation / net claim, and the Collateral, recorded under other Settlement Accounts of the Clearing Member, Collateral for Stress, Default Funds contributions are not taken into account when calculating net obligation / net claim.

63.9. The Clearing house calculates the sum of a net obligation / net claim of a Clearing Member in Russian rubles in respect of other Clearing Members its counterparties to Trades without the central counterparty executed using funds of a client of a Clearing Member with the indication of Trade Accounts, corresponding to the Settlement Accounts, defined by the Clearing Member in the Application, provided according to the paragraph 63.5, according to the procedure similar to the one, set out in the paragraph 62.17.

63.10. The Clearing House not later than 3 (three) workdays following the date of receipt by a Clearing Member of an Application for the execution of the liquidation netting in respect of a client of a Clearing Member, forwards to a Clearing Member a notification on termination of obligations under Trades executed using funds of a client of a Clearing Member. The defined notification also contains information on calculated in accordance with the paragraph 63.8 net obligation / net claim of a Clearing Member in respect of the Clearing House under Trade with the central counterparty executed using funds of such client of a Clearing Member, and also on calculated in accordance with the paragraph 63.8 net obligations / net claims of a Clearing Member in respect of its counterparty to a Trade without the central counterparty executed using funds of such client of a Clearing Member.

The notification on termination of obligations under Trades without the central counterparty containing information on calculated in accordance with this article net obligations / net claims of Clearing Members counterparties of a Clearing Member are forwarded to the defined Clearing Members – counterparties within the same time frames.

63.11. The Clearing House not later than 3 (three) workdays, which follow the day of receipt from a Clearing Member of the Application, in order to include a client of a Clearing Member into the competition returns to a Clearing Member:

- cash funds in Russian rubles in the amount of a net obligation of a Clearing Member, calculated in accordance with the paragraph 63.8;
- cash funds in Russian rubles in the amount of Collateral of the Clearing Member in Russian rubles, recorded under the Settlement Accounts, defined by the Clearing Member in the Application, provided according to the paragraph 65.5 and not used for the calculation of the net obligation / net claim of the Clearing Member in accordance with the paragraph 63.8;
- cash funds in foreign currency in the amount of Collateral of a Clearing Member in the relevant foreign currency, recorded under the Settlement Accounts, defined by the Clearing Member in the Application, provided according to the paragraph 65.5 and not used the calculation of net obligations / net claims of a Clearing Member in accordance with the paragraph 63.8;
- precious metals in the amount of the Collateral of a Clearing Member in the relevant precious metal, recorded under the Settlement Accounts, defined by the Clearing Member in the Application, provided according to the paragraph 65.5 and not used for the calculation of the net obligation / net claim of a Clearing Member in accordance with the paragraph 63.8.

- 63.12. Net Obligation of a Clearing Member calculated in accordance with the paragraph 63.8 is recorded as the Debt of such Clearing Member and is performed using Collateral of a Clearing Member recorded under proprietary Settlement Accounts and also Collateral for Stress and Default Funds contributions in the order defined by the Article 53.
- 63.13. If as the result of setting net obligation / net claim of a Clearing Member under Trades with the central counterparty, executed using funds of a client of a Clearing Member in accordance with this Article a Clearing Member obtains a Margin Call such Margin Call shall be fulfilled by a Clearing Member within the terms and the order defined by the Clearing Rules.
- 63.14. When debiting general collateral certificates the treasury depo account of the Clearing House in an amount, which corresponds to the interim value of net claim of a Clearing Member in general collateral certificates under REPO trades with the central counterparty executed using funds of a client of a Clearing Member, calculated in accordance with the paragraph 1) of the sub-paragraph 62.16.1 under REPO trades in general collateral certificates in the defined amount are redeemed by the Clearing House, cash funds in the sum of the nominal value of the redeemed general collateral certificates are withdrawing from the relevant asset pool.

Article 64. **Procedure for settling obligations in case of non-fulfillment by the Clearing House of obligations to return to the Clearing Member cash funds / securities / precious metals, recorded as Collateral / Collateral for Stress / Default Funds contributions (default of the Clearing House in respect of the Clearing Member)**

- 64.1. In case if the Clearing House failed to fulfill obligation to return to the Clearing Member cash funds / securities / precious metals, recorded as Collateral / Collateral for Stress / Default Funds contributions in the order and in the amount, set out in the common or special part of the Clearing Rules, while the Clearing Member does not have any non-fulfilled obligations towards the Clearing House, stipulated by the Clearing Rules, the Clearing Member is entitled to forward to the Clearing House notification of termination of all obligations under Trades with the Central Counterparty, party to which is this Clearing Member (hereinafter referred to as the Notification of default of the Clearing House in respect of the Clearing Member).
- 64.2. In case if within 30 (thirty) days since of the date when the Clearing House has forwarded the Notification of default of the Clearing House in respect of the Clearing Member to the Clearing House (hereinafter referred to as the Term for return), the Clearing House fulfils the obligation to return to the Clearing Member cash funds / securities / precious metals, recorded as Collateral / Collateral for Stress / Default Funds contributions, non-fulfillment of which has lead to the fact that the Clearing Member has forwarded the Notification of default of the Clearing House in respect of the Clearing Member to the Clearing House, taking into account terms of the defined obligations and also fulfillment terms, set out by the Clearing Rules, abovementioned obligation of the Clearing House is recognized as the fulfilled one, while the Notification of default of the Clearing House in respect of the Clearing Member is recognized as the annulled one.
- 64.3. In case if during the Term for return and till the fulfillment by the Clearing House of the obligation to return to the Clearing Member cash funds / securities / precious metals, recorded as Collateral / Collateral for Stress / Default Funds contributions, non-fulfillment

of which has led to the fact that the Clearing Member has forwarded the Notification of default of the Clearing House in respect of the Clearing Member to the Clearing House, the Clearing Member obtains Debt and/or Margin Call, which have not been fulfilled within the fixed period of time, set out in the Clearing Rules, under any Settlement Account, or execution terms of the abovementioned obligation, that allow to return the sum / amount of cash funds / securities / precious metals (when returning on the basis of the instruction with indication of the sum / amount of cash funds / securities / precious metals), stop being observed, or return any amount of cash funds / securities / precious metals (when returning on the basis of the instruction without indication of the sum / amount of cash funds / securities / precious metals), the Notification of default of the Clearing House in respect of the Clearing Member is recognized as the annulled one.

64.4. In case if during the Term for return the Clearing House fails to fulfil obligation to return cash funds / securities / precious metal, recorded as Collateral / Collateral for Stress / Default Funds contributions, non-fulfillment of which has led to the fact that the Clearing Member has forwarded the Notification of default of the Clearing House in respect of the Clearing Member to the Clearing House, in accordance with the paragraph 64.2, or the abovementioned obligation will not be terminated according to the paragraph 64.3, the Clearing House is recognized as the one that admitted default in respect of the Clearing Member.

64.5. In case if default of the Clearing House in respect of the Clearing Member is recognized, obligations under Trades with the Central Counterparty, party to which is the Clearing Member, in respect of which the Clearing House has admitted default, are terminated in full on the date when the Term for Return ends by emergence of net obligations / net claims, calculated as is by the end of the day when the Term for Return ends, in the order similar to the order, defined in the paragraph 62.16.

If the value, calculated according to his sub-paragraph, is positive, it means that there is net obligations of the Clearing House towards the Clearing Member, if it is negative it means that there is net claim of the Clearing House towards the Clearing Member.

64.6. Net obligations / net claims, calculated in accordance with the paragraph 64.5, shall be fulfilled within 1 (one) Settlement Day since of the day of calculation.

64.7. The following shall not be regarded as the grounds for forwarding the Notification of default of the Clearing House in respect of the Clearing Member:

64.7.1. Clearing House performs procedure for discounting obligations of the Clearing House to return Collateral in cash funds to Clearing Members in accordance with the Article 28;

64.7.2. Clearing House executes balancing trades with Non-defaulting Clearing Members in accordance with the paragraph 29.4;

64.7.3. Clearing House makes decision and/or takes actions, aimed at settling force majeure, stipulated by the Article 67.

**Article 65. Procedure for settling obligations in case of revocation (annulment) of the banking license of the Clearing House (liquidation netting in respect of the Clearing House)**

65.1. In case of revocation (annulment) of the banking license of the Clearing House, obligations under Trades with the central counterparty executed before the date of revocation (annulment) of such license, and obligations under an asset pool agreement are terminated on the date that precedes to the date of revocation (annulment) of the banking license of the Clearing House.

These particular obligations are terminated by occurrence of net obligations / net claims of the Clearing House calculated in accordance with the paragraph 65.4.

65.1.1. In case of revocation (annulment) of the banking license of the Clearing House, obligations under Trades with central counterparty executed on the date of revocation (annulment) of such license, are invalid.

A Clearing Member is entitled to file to the Clearing House a claim on levying losses, connected with the invalidity of these particular trades, and also on forfeits (fines, interest) duly to be paid in accordance with the Clearing Rules in the general order stipulated by the bankruptcy legislation.

65.2. In case of appointment of the interim administration in order to manage the Clearing House within the measures to prevent bankruptcy of the credit institution and introduction of the moratorium on the fulfillment of the Clearing House creditors' claims, obligations under Trades with the central counterparty, executed before the date when the moratorium on the fulfillment of creditors' claims is introduced, and obligations under the asset pool agreement are terminated in full on the date, preceding to the date when in respect of the Clearing House the moratorium on the fulfillment of the creditors' claims is introduced.

The abovementioned obligations are terminated through the emergence of net obligations / net claims of the Clearing House, calculated in accordance with the paragraph 65.4.

The Clearing Member is entitled to make a claim in respect of the Clearing House to recover forfeits (penalties, fines), which are to be paid in accordance with the Clearing Rules, in the general order, stipulated by the bankruptcy legislation

65.3. In case of revocation (annulment) of the banking license of the Clearing House, and also in case of appointment of the interim administration to manage the Clearing House within the measures to prevent bankruptcy of the credit institution and introduction of the moratorium on the fulfillment of claims of the Clearing House, a Clearing Member, which is a Pool Member, is entitled to submit to the Clearing House an application for extradition of assets from an asset pool on the date of revocation (annulment) of the banking license of the Clearing House / on the date of introduction of the moratorium on fulfillment of the Clearing House creditors' claims.

This particular application contains the indication of an Asset Pool Trade Account, a code and a sum / amount of cash funds / precious metals / securities and is executed under the condition of redemption of general collateral certificates when extraditing of the defined assets from an asset pool, defined in the Clearing Rules on the Securities Market, Deposit Market and Credit Market.

To execute the defined application the Clearing House forms and executes transfer of cash funds from Collateral Accounts, opened for the Asset Pool Settlement Accounts, which are the part of Asset Pool Trade Accounts, to Collateral Accounts, connected with the

Settlement Accounts, which are the part of Trade Accounts T+, also forms and forwards to the Settlement Depository of the instruction to transfer securities from asset pool depo sub-accounts, which forms the part of an Asset Pool Trade Account, to Securities Sub-accounts T+, which forms the part of the relevant Trade Accounts T+.

General collateral certificates, recorded under the Securities Sub-accounts, which forms the part of the Trade Account T+, are redeemed in the amount, calculated in accordance with the Clearing Rules on the Securities Market, Deposit Market and Credit Market.

65.4. The Clearing House calculates the sum of net obligations / net claims of the Clearing House in Russian rubles in respect of a Clearing Member separately:

- under Trades, executed at the expense of a Clearing Member – under all Proprietary Settlement Accounts and Asset Pool Settlement Accounts;
- under Trades, executed at the expense of a client of a Clearing Member, except for the Segregated Clients and trades, executed at the expense of funds of an Authorized Accounts Owner – under all client Settlement Accounts and Asset Pool Settlement Accounts, except for Settlement Accounts registered in the name of Segregated Clients, and Settlement Accounts, with which Segregated Sub-accounts Clusters are connected;
- under Trades, executed at the expense of each Segregated Client of a Clearing Member – under all Settlement Accounts and Asset Pool Settlement Accounts, registered in the name of Segregated Clients;
- under Trades, executed at the expense of funds of each Authorized Accounts Owner – under Settlement Account, with which Segregated Sub-accounts Cluster is connected;
- under Trades, executed at the expense of funds in trust management of a Clearing Member except for the Segregated Clients and trades, executed at the expense of Authorized Accounts Owners – under each Trust Settlement Account and Asset Pool Settlement Account.

65.4.1. The Clearing House for each asset pool and all relevant Settlement Accounts and Asset Pool Settlement Accounts:

- 1) calculates the intermediate value of the net obligation / net claim of a Clearing Member in general collateral certificates taking into account the sign:
  - Net obligations / Net claims of a Clearing Member in general collateral certificates under REPO trades with the central counterparty in general collateral certificates, recorded under the Trade Accounts T+, into the structure of which relevant Settlement Accounts are included;
  - claims of a Clearing Member towards the Clearing House to receive general collateral certificates in the amount, equal to the received by the Clearing House from the Bank of Russia when redeeming general collateral certificates from the Bank of Russia in accordance with the Clearing Rules on the Securities Market, Deposit Market and Credit Market, recorded by the end of the day termination of obligations arising from Trades under Trade Accounts T+, into the structure of which relevant Settlement Accounts are included, under all Settlement Dates.

If the value calculated in accordance with this paragraph is positive then a Clearing Member has the intermediate value of the net claim in general collateral certificates



recorded, and if it is negative then the intermediate value of the net obligation in general collateral certificates.

The Clearing House adds (taking into account the sign) to the intermediate value of the net claim of a Clearing Member in general collateral certificates the amount of general collateral certificates, recorded by the end of the day for the termination of fulfillment arising from Trades under Trade Accounts T+, into the structure of which relevant Settlement Accounts are included, but not more than the absolute value of the defined intermediate value of the net obligation of a Clearing Member in general collateral certificates;

- 2) calculates the intermediate value of the net obligation / net claim of a Clearing Member in Russian rubles under REPO trades in general collateral certificates equal to the sum of (taking into account):
  - Net obligations / net claims of a Clearing Member in cash funds under REPO trades with the central counterparty in general collateral certificates, recorded by the end of the day for termination of obligations arising from Trades under the relevant Settlement Accounts under all Settlement Dates. With regard to the abovementioned, calculated under REPO trades with settlements in foreign currency is converted into Russian rubles according to the exchange rate set by the Bank of Russia by the day of revocation of the banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on fulfillment of creditors' claims has been put;
  - obligations of a Clearing Member to pay to the Clearing House cash funds in the amount, equal to the nominal value of general collateral certificates, in respect of which a Clearing Member did not fulfill obligations towards the Bank of Russia under the second part of the repo agreement, recorded by the end of the day of termination of obligations arising from Trades under the relevant Settlement Accounts under all Settlement Dates.

If the value calculated in accordance with this paragraph is positive then a Clearing Member has the intermediate value of the net claim in Russian rubles under REPO trades in general collateral certificates recorded, if it is negative then it means the intermediate value of the net obligation in Russian rubles under REPO trades in general collateral certificates;

- 3) if a Clearing Member is a Pool Member, the Clearing House sells securities, precious metals and foreign currency, remained in an asset pool after the execution of the instruction of a Clearing Member, defined in the paragraph 65.3, and recorded under the relevant Asset Pool Settlement Accounts of a Pool Member, on the relevant Markets.

If the sum of cash funds in Russian rubles, recorded by the end of the day for termination of obligations arising from Trades, under the relevant Asset Pool Settlement Accounts of a Pool Member, also received from sell of securities, precious metals and foreign currency, recorded under relevant Asset Pool Settlement Accounts, is more than an absolute value of the intermediate value of the net obligation of a Clearing Member in Russian rubles, the Clearing House records cash funds in the sum of such exceeding under the Settlement Account, which forms the part of the Trade Account T+, which corresponds to the Asset Pool Settlement Account, and the positive difference between the remained sum of cash funds in Russian rubles and the nominal cost of general collateral certificates in the intermediate value of the net claim of a Clearing Member in general collateral

certificates, adds (taking into account the sign) to the intermediate value of the net obligation of a Clearing Member in Russian rubles.

If the sum of cash funds, recorded by the end of the day of termination of obligations under Trades under the relevant Asset Pool Settlement Accounts and also received from the securities, precious metals and foreign currencies sale, recorded under the relevant Asset Pool Settlement Accounts of a Pool Member, less than the nominal cost of general collateral certificates in the defined intermediate value of the net claim of a Clearing Member in general collateral certificates, non-fulfilled obligation of a Pool Member to post assets into an asset pool is recorded in further calculation of the relevant net obligation / net claim of a Pool Member in accordance with the paragraph 65.4.1;

- 4) The Clearing House adds (taking into account the sign) to the intermediate value of the net obligation / net claim of a Clearing Member in Russian rubles, calculated on the basis of actions, defined in the paragraphs 2)-3) of the sub-paragraph 65.4.1, and products of 1 (one) Russian ruble, which is the nominal cost of one general collateral certificate, and of the intermediate value of the net obligation / net claim of a Clearing Member in general collateral certificate, calculated on the basis of actions, defined in the paragraph 1) of the sub-paragraph 65.4.1.

Calculated in accordance with this paragraph intermediate value of the net obligation / net claim of a Clearing Member in Russian rubles under REPO trades in general collateral certificates is taking into account during further calculation of the relevant net obligation / net claim of a Clearing Member in accordance with the sub-paragraph 65.4.3.

- 65.4.2. After taking actions, defined in the sub-paragraph 65.4.1, all general collateral certificates are redeemed.

With regard to the abovementioned, all obligations of a Clearing Member, which is a Pool Member, under the agreement on an asset pool, the Clearing House stops recording obligations in respect of the return to a Pool Member of assets from an asset pool.

- 65.4.3. The Clearing House calculates the sum of the following values (taking into account the sign):

- a) under each security (taking into account the sign) the sum of Net Obligations / Net Claims arising from Trades with the central counterparty in the security, recorded by the end of the day of termination of obligations under Trades under Trade Accounts T+ / Asset Pool Trade Accounts, into the structure of which relevant Settlement Accounts / Asset Pool Settlement Accounts in respect of all Settlement Dates, denominated in Russian rubles according to the Settlement Price of the relevant security, set by the Clearing House on the date of revocation (annulment) of the banking license of the Clearing House / day when the moratorium on fulfillment of creditors claims has been put;
- b) the sum (taking into account the sign) of Net Obligations / Net Claims arising from Trades with the central counterparty in cash funds in Russian rubles of a Clearing Member, recorded by the end of the date of termination of obligations arising from Trades under relevant Settlement Accounts / Asset Pool Settlement Accounts, in respect of all Settlement Dates;
- c) under each foreign currency (taking into account the sign) the sum of Net Obligations / Net Claims arising from Trades with the central counterparty in cash funds in the

foreign currency, recorded by the end of the day of termination of obligations arising from Trades under the relevant Settlement Accounts / Asset Pool Settlement Accounts in respect of all Settlement Dates, denominated in Russian rubles according to the exchange rate, set by the Bank of Russia on the date of revocation (annulment) of the banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on the fulfillment of creditors' claims has been put;

- d) claims of the Clearing Member to return deposits in Russian rubles, recorded under the relevant Settlement Accounts, including the interest, calculated on the basis of the actual deposit period, which has elapsed since the deposit placement date, not including this date, till the date of termination of obligations arising from Trades, including this date;
- e) claims of the Clearing Member to return deposits in j-currency, recorded under the relevant Settlement Accounts, including the interest, calculated on the basis of the actual deposit period, which has elapsed since the deposit placement date, not including this date, till the date of termination of obligations arising from Trades, including this date, recalculated in Russian rubles according to the exchange rate, set by the Bank of Russia on the date of revocation (annulment) of the banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on the fulfillment of creditors' claims has been put;
- f) under each precious metal (taking into account the sign) the sum of Net Obligations / Net Claims arising from Trades with the central counterparty in precious metals, recorded by the end of the day of termination of obligations arising from Trades under the relevant Settlement Accounts / Asset Pool Settlement Accounts in respect of all Settlement Dates, denominated in Russian rubles according to the Central exchange rate of the relevant precious metal, set by the Clearing House on the date of revocation (annulment) of the banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on the fulfillment of creditors' claims has been put;
- g) under each commodity (taking into account the sign) the sum of Net Obligations / Net Claims arising from Trades with the central counterparty in the commodity, recorded by the end of the day of termination of obligations arising from Trades under Trade Accounts, into the structure for which Settlement Accounts are included, in respect of all Settlement Dates, denominated in Russian rubles according to the Settlement Price of the relevant commodity, set by the Clearing House on the date of revocation (annulment) of the banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on the fulfillment of creditors' claims has been put;
- h) calculated value (taking into account the sign) of the Standardised OTC Derivatives Contract, recorded under the positions register section of a Clearing Member, calculated on the date of termination of obligations arising from Trades (recorded with sign, counter to the sign of the calculated value of the Standardised OTC Derivatives Contract). Calculated value in foreign currency is denominated in Russian rubles according to the exchange rate, set by the Bank of Russia on the date of revocation (annulment) of the banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on the fulfillment of creditors' claims has been put;
- i) values (taking into account the sign) of obligations / claims of the Clearing Member in Russian rubles to pay / receive variation margin, recorded under the Settlement

- Account by the end of the day of revocation (annulment) of the banking license of the Clearing House / day when in respect of the Clearing House moratorium on satisfaction of creditors' claims is imposed;
- j) values (taking into account the sign) of obligations / claims of the Clearing Member to return accrued deposit margin, recorded under the Settlement Account(s) by the end of the day of revocation (annulment) of the banking license of the Clearing House / day when in respect of the Clearing House moratorium on satisfaction of creditors' claims is imposed;
  - k) the interim value of the net obligation / net claim of a Clearing Member in Russian rubles under REPO trades in general collateral certificates, calculated in accordance with the sub-paragraph 65.4.1;
  - l) the nominal value (in Russian rubles) of general collateral certificates, issued for the redemption by the Bank of Russia;
  - m) Collateral of a Clearing Member in Russian rubles, recorded under the relevant Settlement Accounts by the end of the day of termination of obligations arising from Trades (recorded with the "plus");
  - n) Collateral of a Clearing Member in foreign currency recorded under the relevant Settlement Accounts by the end of the day of termination of obligations arising from Trades, recalculated in Russian rubles according to the exchange rate, set out by the Bank of Russia on the date of revocation (annulment) of the banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on the fulfillment of creditors' claims has been put (recorded with the "plus");
  - o) Collateral of a Clearing Member in securities, recorded under the relevant Default Funds Trade Accounts / Collateral for Stress Trade Accounts by the end of the day of termination of obligations arising from Trades, recalculated in Russian rubles according to the Settlement Price of the relevant security, set by the Clearing House for the date of revocation (annulment) of banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on the fulfillment of creditors' claims has been put;
  - p) Collateral of a Clearing Member in precious metals, recorded under the relevant Settlement Accounts by the end of the day of termination of obligations arising from Trades, recalculated in Russian rubles according to the Central exchange rate, set by the Clearing House for the date of revocation (annulment) of banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on the fulfillment of creditors' claims has been put;
  - q) Collateral of a Clearing Member in commodities, recorded under the relevant Trade Accounts, into the structure of which relevant Settlement Accounts are included, by the end of the day of termination of obligations arising from Trades, denominated in Russian rubles according to the Settlement Price of the relevant commodity, set by the Clearing House for the date of revocation (annulment) of banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on the fulfillment of creditors' claims has been put;
  - r) Collateral for Stress of a Clearing Members in Russian rubles, recorded by the end of the day of termination of obligations arising from Trades (recorded with the plus only for Proprietary Settlement Accounts);

- s) Collateral for Stress of a Clearing Members in foreign currency, recorded by the end of the day of termination of obligations arising from Trades, denominated in Russian rubles according to the exchange rate, set by the Bank of Russia for the date of revocation (annulment) of banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on the fulfillment of creditors' claims has been put (recorded with the plus only for Proprietary Settlement Accounts);
- t) Collateral for Stress of a Clearing Members in securities, recorded by the end of the day of termination of obligations arising from Trades, denominated in Russian rubles according to the Settlement Price of the relevant security, set by the Clearing House for the date of revocation (annulment) of banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on the fulfillment of creditors' claims has been put (recorded with the plus only for Proprietary Settlement Accounts);
- u) Default Fund contribution of the Clearing Member in Russian rubles, recorded by the end of the day of termination of obligations arising from Trades (recorded with the plus only for Proprietary Settlement Accounts);
- v) Default Fund contribution of the Clearing Member in foreign currency, recorded by the end of the day of termination of obligations arising from Trades, denominated in Russian rubles according to the exchange rate, set by the Bank of Russia for the date of revocation (annulment) of banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on the fulfillment of creditors' claims has been put (recorded with the plus only for Proprietary Settlement Accounts);
- w) Default Fund contribution of the Clearing Member in securities, recorded by the end of the day of termination of obligations arising from Trades, denominated in Russian rubles according to the Settlement Price of the relevant security, set by the Clearing House for the date of revocation (annulment) of banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on the fulfillment of creditors' claims has been put (recorded with the plus only for Proprietary Settlement Accounts);
- x) Debt of the Clearing Member in Russian rubles, arisen till the date of revocation (annulment) of banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on the fulfillment of creditors' claims has been put, recorded under the relevant Settlement Accounts, not including non-fulfilled obligations of a Clearing Member to pay fees, compensations (fines). To be paid by a Clearing Member in accordance with the Clearing Rules (recorded with minus);
- y) obligations of a Clearing Member to transfer the Income, recorded under the relevant Settlement Accounts and not fulfilled as it is on the date of revocation (annulment) of banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on the fulfillment of creditors' claims has been put (recorded with minus);
- z) claims of a Clearing Member to receive the Income, recorded under the relevant Settlement Accounts and not fulfilled as it is on the day of revocation (annulment) of the banking license of the Clearing House / day, when in respect of the Clearing House the moratorium on the fulfillment of creditors' claims has been put (record with plus);

- aa) obligations of a Clearing Member to post assets into an asset pool, left after selling assets from an asset pool in accordance with the paragraph 65.4.1 (recorded with minus);
- bb) obligations of the Non-resident Clearing Member / Clearing Member – International Organization to pay the sum, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation, calculated according to the Article 7 (recorded with minus);
- cc) obligation of the Non-resident Clearing Member / Clearing Member – International Organization to pay the sum, corresponding to the sum of the organization profits tax on income of foreign organizations from sources located in Russian Federation, calculated according to the maximum rate, set by the Russian tax legislation, and the sum, corresponding to the tax amount, calculated according to the tax rate valid for the current calendar year, set by the applicable double taxation avoidance agreement, concluded with the state, which was the state of tax residence for the Non-resident Clearing Member, beneficial owner of income of the Non-resident Clearing Member or beneficial owner of income of the Clearing Member – International Organization for the previous calendar year (tax period) (recorded with minus);
- dd) obligations of the Clearing Member to pay the sum, corresponding to the sum of the tax on income from the source located in the USA and/or income, equal to it (recorded with “minus”).

If the value, calculated in accordance with this sub-paragraph of the Common part of the Clearing Rules, is negative then it means that the Clearing House has the net claim in respect of a Clearing Member, if it is negative the Clearing House has the net obligation in respect of a Clearing Member.

- 65.5. Information on the sum of net obligations / net claims of the Clearing House in Russian rubles in respect of a Clearing Member, calculated in accordance with the paragraph 65.4, is forwarded by the Clearing House to a Clearing Member.
- 65.6. Information on the sum of net obligations / net claims of the Clearing House in Russian rubles in respect of a Clearing Member, calculated in accordance with the paragraph 65.4 under Trades, executed at the expense of Authorized Accounts Owner, is forwarded by the Clearing House to an Authorized Accounts Owner.
- 65.7. After calculation of net obligations / net claims of the Clearing House in respect of a Clearing Member in accordance with the paragraph 65.4.

**Article 66. Cooperation with the Exchange in case of occurrence of events that may influence the possibility of Trading conduction**

- 66.1. In case of occurrence of events, causing and/or creating prerequisites to occurrence of failures (faults) when exploiting the Clearing System and/or directly constraining to its normal (usual) activity, including events out of control and also failures, and also failures and denials of the equipment; failures and errors of the software; failures, faults and denials of the network, energy, conditioning and other life support systems, and also other circumstances such as breach of rules of access control, and/or security attack in respect of the Clearing System, the Clearing House immediately notifies the Exchange and/or Settlement Organization and/or Settlement Depository on this through all available

communication channels and takes all possible measures aimed at managing these particular circumstances.

**Article 67. Force majeure**

67.1. As a force majeure may be recognized the situation, connected with the occurrence of circumstances that are an obstacle for the clearing service of a Clearing Member / Clearing Members and/or for the fulfillment by the Clearing House of its obligations towards Clearing Member / Clearing Members to return them cash funds, including:

- circumstances causing and/or creating prerequisites to occurrence of failures (refusals) when exploiting the Clearing System and/or directly constraining its normal (usual) activity, including circumstances that are out of control, and also failures and denials of the equipment; failures and errors of the software; failures, faults and denials of the network, energy, conditioning and other life support systems, and also other circumstances such as breach of rules of access control, and/or security attack in respect of the Clearing System consequences of which are not managed during 3 (three) hours after trading is closed;
- military actions, terror acts, diversion and sabotage acts, mass riots, strikes, change of the political regime, other political difficulties in Russian Federation as well as in other countries;
- decisions of the state bodies, other bodies, institutions and organizations of the Russian Federation and/or other states;
- fires and other accidents, destruction and significant damages of buildings, where the Clearing House is placed;
- any other circumstances, which create or may create danger for life and health of the staff of the Clearing House;
- receipt of a message from the Exchange on force majeure, which may lead to the breach of the clearing service of Clearing Members;
- termination / suspension of the provision by the Clearing House of services, required for the clearing service of the Clearing Member / Clearing Members, including termination / suspension of the services regarding correspondent account of the Clearing House by the bank or non-banking credit institution, including foreign credit;
- other circumstances, constraining the clearing service of the Clearing Member / Clearing Members, which are out of the control of the Clearing House.

67.2. Designation the situation as a force majeure is executed at the discretion of the Clearing House. The situation can be considered as force majeure in respect of one or several Clearing Members.

67.3. In case of designation of the occurred situation as a force majeure by the Clearing House, the Clearing House:

- notifies the Exchange through all available methods on the occurrence of a force majeure and on measures required to manage it in the opinion of the Clearing House;
- notifies Clearing Member / Clearing Members, in respect of which the situation is considered to be force majeure, Settlement Organization / Settlement Depository

through all available methods in this particular situation on occurrence of a force majeure and on connected with this taken measures;

- on the basis of the decision of the Clearing House agreed (if such agreement is possible taken into account these circumstances) with the Bank of Russia, and, if required with the Exchange, does not provide the clearing service to Clearing Member / Clearing Members.

67.4. As measures to manage force majeure (if required it shall be agreed with the Bank of Russia and the Exchange) the Clearing House may take the following decisions:

67.4.1. on changing the Time Specification and/or the terms of execution the document turnover when the Clearing House cooperates with a Settlement Institution, with the Settlement Depository and with the Exchange;

67.4.2. on excluding obligations under several or all Trades from the clearing pool;

67.4.3. on termination of recording securities, foreign currency, precious metals, commodities, defined by such decision, as the way to secure fulfillment of obligations under Partially Secured Trades of the Clearing Member(s) in respect of which the situation is recognized as force majeure;

67.4.4. on changing price / order for calculation of prices in respect of swap trades, executed by the Clearing House with the Clearing Member on the basis of the paragraph 47.5;

67.4.5. on changing REPO rate / procedure for calculation REPO rate in REPO trades, executed by the Clearing House with the Clearing Member on the basis of the paragraph 47.2;

67.4.6. on not applying paragraphs 29.8, sub-paragraphs 48.2.3, 49.4.5, 49.4.6, 49.4.7 for Total Net Obligations of the Clearing Member in the foreign currency / securities / precious metal / commodities, defined by such decision;

67.4.7. on changing the method of, procedure for fulfillment of and a Settlement Date of obligations under Trades by the Clearing Member / Clearing Members and/or by the Clearing House, including in accordance with the paragraph 67.5;

67.4.8. on changing way, procedure and/or Settlement Date by the Clearing House of the obligation to return to Clearing Members cash funds / precious metals / securities / commodities, defined by such decision, recorded as Collateral, Collateral for Stress / and/or Default Funds contributions;

67.4.9. on changing way, procedure and/or Settlement Date by the Clearing House of the obligation to return to the Authorized Accounts Owners cash funds / precious metals / securities / commodities, defined by such decision, recorded as Collateral of the Authorized Accounts Owner;

67.4.10. on executing other actions, aimed at managing force majeure.

After the Clearing House makes relevant decisions on managing force majeure correction of the relevant clearing registers is executed.

67.5. In case of designation a situation as force majeure because of circumstances stipulated by the paragraph 65, the Clearing House is entitled to make following decisions on changing way, procedure and Date for the fulfillment of obligations by the Clearing Member / Clearing Members and/or by the Clearing House, in accordance with which obligations under Trades with the Central Counterparty are fulfilled / terminated on the date, defined by the decision of the Clearing House in the following order:



- 67.5.1. Obligations under second parts of REPO trades in general collateral certificates and deposit agreements are fulfilled on the date, defined by the decision of the Clearing House, while price of buyback under REPO trade / deposit return sum is calculated on the basis of the actual REPO / deposit period of time, which passed since of the actual date for the fulfillment of obligations under the first part of the REPO / since of the date, when the deposit has been placed, not including this date, till the date for the fulfillment / termination of obligations under Trades, set out by the decision of the Clearing House, including this date.
- 67.5.2. Obligations under second parts of REPO trades in securities, except for general collateral certificates, and second parts of swap trades are terminated on the date, defined by the Clearing House by emergence of the obligation to pay / claim to receive the amount of cash funds, equal to the income under REPO trade / swap difference, calculated on the date of the fulfillment / termination of obligations under Trades with the Central Counterparty, defined by the decision of the Clearing House.
- 67.5.3. Obligations under buy-sell trades in securities / foreign currency / precious metal are terminated on the date, defined by the decision of the Clearing House by the emergence of the obligation to pay / claim to receive cash funds amount, calculated as the following:
- product of the number of securities / precious metal / amount of the foreign currency in the Trade and of the difference between the Settlement Price of the relevant security / precious metal / foreign currency, calculated during the last mark-to-market clearing session unless other order for the calculation of the Settlement Price is stated by the decision of the Clearing House, and the price of one security in the Trade / Trade rate – for “buy” Trades, or
  - product of the number of securities / precious metal / amount of the foreign currency in the Trade and of the difference between the price of one security in the Trade / Trade rate and the price of one security in the Trade / Trade rate – for “buy” Trades, Settlement Price of the relevant security / precious metal / foreign currency, calculated during the last mark-to-market clearing session unless other order for the calculation of the Settlement Price is stated by the decision of the Clearing House – for “buy” Trades.
- 67.5.4. Obligations under trades, which are derivatives, are terminated on the date, defined by the decision of the Clearing House by emergence of the obligation to pay / claim to receive the amount of cash funds, equal to the variation / deposit margin, calculated according to the Settlement Price, defined for the Clearing House for the last time in accordance with the Clearing Rules, unless otherwise stated by the decision of the Clearing House.
- 67.5.5. Clearing House at its sole discretion may state specifics for the fulfillment / termination of obligations under Trades with the Central Counterparty.
- 67.5.6. Obligations under second parts of REPO trades in general collateral certificates and deposit agreements, calculate in accordance with the sub-paragraph 67.5.1 and obligations / claims in cash funds, emerged due to termination of obligations under Trades with the Central Counterparty in accordance with the sub-paragraphs 67.5.2-67.5.5, are included into the relevant clearing pool, and are terminated in the defined clearing pool in the order, defined in the Article 44.
- 67.6. In case if cash funds in the foreign currency of the Clearing Member, in respect of which situation is recognized as force majeure, have been blocked by the foreign credit institution with the correspondent account of the Clearing House, designed for recording Collateral in such foreign currency, Clearing Member obtains obligation to post as Collateral cash funds

in such foreign currency in the amount of blocked cash funds of such Clearing Member on the date of recognizing situation as force majeure in respect of the Clearing Member, while the Clearing House obtains obligation to return to the Clearing Member Collateral in the defined amount after such funds in foreign currency are unfrozen.

- 67.6.1. If the Clearing House records Collateral of the Clearing Member in such foreign currency, obligation of the Clearing Member to post Collateral in the foreign currency, stipulated by this paragraph, is netted against the claim of the Clearing Member towards the Clearing House to return Collateral in such foreign currency.
- 67.7. Margin Call regarding Settlement Account and/or Debt of the Clearing Member, in respect of which situation has been recognized as force majeure, including the ones that emerged due to recognition of the situation as force majeure in respect of such Clearing Member and/or when the Clearing House takes measures to manage force majeure, shall be fulfilled by the Clearing Member in the order and within terms, defined in the Clearing Rules.
- 67.8. In case of non-fulfillment by the Clearing Member, in respect of which the situation has been recognized as force majeure, of obligations, stipulated by the Clearing Rules, including the ones that emerged due to recognition of the situation as force majeure in respect of such Clearing Member and/or when the Clearing House takes measures to manage force majeure, the Clearing House settles such non-fulfilled obligations in the order, stipulated by the Clearing Rules, also using central counterparty security levels, stipulated by the paragraph Article 26, and also discounting obligations of the Clearing House to return Collateral to Clearing Members, stipulated by the paragraph Article 28.
- 67.9. When making a decision on managing force majeure (if required it shall be agreed with the Exchange) the Clearing House is entitled:
- to set the terms and the procedure for execution of its decisions by the Clearing Member / Clearing Members;
  - to condition the procedure for its decisions coming into force under relevant circumstances.
- 67.10. On measures, taken by the decision of the Clearing House in order to manage force majeure, the Bank of Russia, Clearing Member / Clearing Members, in respect of which the situation has been considered to be force majeure, and the Exchange are notified through all available communication channels not later than the day of taking measures.
- 67.11. The Clearing House is not responsible for losses, which may occur in connection with non-performance of the clearing service of the Clearing Member / Clearing Members in accordance with the Clearing Rules in case of designation the situation as force majeure in connection with the circumstances stipulated by the paragraph 65.

#### **Article 68. Procedure for settling conflicts**

- 68.1. All conflicts and disagreements, which have arisen because of the application of, breach of, interpretation of the Clearing Rules, fulfillment of obligations resulted from the Creating Rules, invalidation of the Clearing Rules or of its part, shall be heard and passed in the Arbitration Centre within the Russian Union of Industrials and Entrepreneurs in accordance with its regulation act, which is valid at the moment of submission of the statement of claim.

68.2. The judgement of the Arbitration Centre within the Russian Union of Industrials and Entrepreneurs is final and binding. Non-fulfilled on the voluntary basis judgement of the Arbitration Centre within the Russian Union of Industrials and Entrepreneurs shall be fulfilled in the forced manner in accordance with the legislation of the Russian Federation or with the legislation of the state of forced fulfillment and/or with international treaties.

**Article 69. Significant conditions of the Clearing House's liability insurance contract**

69.1. Liability of the Clearing House is insured under conditions of complex insurance of property, insurance against computer crimes liability insurance.

69.2. Significant conditions of the insurance are the following:

69.2.1. Insurant: CCP NCC,

Insurer: Ingosstrakh Insurance Company Ltd (ITN 7705042179)

Co-insurer: SOGAZ INSURANCE (ITN 7736035485)

Period of insurance: from 00:00 March 15, 2021 to 24:00 March 14, 2022 (Moscow Time), both dates inclusively.

69.2.2. Total insured amount according to the contract is 65 million of US dollars.

69.2.3. Subject of insurance – property interest of the Clearing House, connected with its obligation to cover damage, caused to third parties (affected person) when performing activity which is insured, including central counterparty activity, in the order, set by the legislation of the Russian Federation. Property interest of the Insurant while performing Insured activity, connected with causing direct property damage to the Insurant, is also insured.

Insured activity is any activity performed by the Clearing House on the securities market (with certified and uncertified securities inclusively) and associated activity, activity on performing permitted banking operations, activity of the clearing organization, including central counterparty activity, and activity of the commodity delivery operator.

69.2.4. This article is in effect till the end (during the period), defined in the sub-paragraph 69.2.1.

**Supplement 1**  
to the Common part of the Clearing Rules

**Clearing membership agreement № \_\_\_\_\_**

**Moscow**

**dated “\_\_” \_\_\_\_\_, 20\_\_**

<b>Clearing Member (full name of legal entity)</b>	
<b>Clearing Organization</b>	Central Counterparty National Clearing Centre

1. The Clearing organization agrees to provide clearing services and other services connected with the clearing to a clearing member in accordance with the clearing rules, and a clearing member agrees to pay for the defined services unless otherwise stipulated by the legislation of the Russian Federation.
2. The content of services, terms and procedure for its provision, the amount of the fee and the procedure for making payments, and also other rights and liabilities of parties related to the clearing service, are set out in the clearing rules of the clearing organization. The clearing organization is entitled to approve different clearing rules which regulate different spheres of clearing activity.

	<b>Clearing Member acting by</b>	
<b>Full name</b>		
<b>Title</b>		
<b>Power of attorney</b>		
<b>Signature, Seal (if available)*</b>		

\* Seal (if available) is provided when signing and forwarding Clearing Membership Agreement in paper form.

**Supplement 2**  
 to the Common part of the Clearing Rules

**Agreement on keeping clearing registers # \_\_\_\_\_**

**Moscow**

**dated “\_\_” \_\_\_\_\_ 20\_\_**

<b>Trading Member (full name of legal entity)</b>	
<b>Clearing organization</b>	Central Counterparty National Clearing Centre

1. The Clearing organization agrees to provide services, regarding opening of clearing registers to a Trading Member and a Trading Member agrees to pay for the defined services.
2. The content of services, terms of and procedure for its provision, the amount of fees and the procedure for making payments, and also other rights and liabilities of parties related to the provision of services on keeping clearing registers, are set out in the clearing rules of the clearing organization.
3. To execute an agreement on keeping clearing registers, concluded with a Trading Member, the Clearing organization grants an access to the information, including through transferring, , including insider information, on obligations and collateral of a clearing member, which is a party to trades concluded by a Trading Member and also to the other information in respect of such clearing member, including insider information, in an amount, stipulated by the clearing rules and required for provision by the Clearing organization to a Trading Member of the services under this agreement.
4. Disputes and controversies arising out of or in connection with this agreement, the parties will be seeking to resolve through negotiations.  
 The parties agree that if they do not resolve disputes and/or controversies through negotiations then all disputes and controversies arising out of and in connection with this agreement, including ones related to its conclusion, execution, breach, termination or invalidity, shall be settled by the NAUFOR Arbitration (hereinafter the Arbitration Court) in accordance with the documents, which define the legal status of the Arbitration Court and the procedure for its resolving of disputes, which are valid at the moment of submission of the statement of claim. The judgement of the NAUFOR Arbitration is irrevocable and enforceable. Not fulfilled on the voluntary basis judgement of the Arbitration Court shall be enforced in accordance with the legislation of the Russian Federation or with the legislation of the state, where such enforcement takes place, and international treaties.

	<b>Trading Member acting by</b>	
<b>Full name</b>		
<b>Title</b>		
<b>Power of attorney</b>		

<b>Signature, Seal (if applicable)*</b>		
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\* Seal (if available) is provided when signing and forwarding Clearing Membership Agreement in paper form.

### **Procedure for the technical examination performance**

- 1) Performance of the technical examination in case of occurrence of a conflict in connection with the usage of the SES is executed by the technical commission established in case of impossibility to resolve conflict situation within the normal work mode.
- 2) If parties of a conflict do not agree on other, the equal number of the officials of each party to a conflict and of the Technical Centre but not less than one, are included into the technical commission. The right to represent the relevant party in the technical commission shall be confirmed by the power of attorney issued for each official for the working period of the technical commission.
- 3) Performance of the technical examination when resolving the conflicts in accordance with the specifics of functioning of the Clearing System, requires for application of the special software and informational support for execution of necessary checks and data documenting used when executing the necessary checks.
- 4) To perform technical examination the following are required:
  - information from the issuer (a Clearing Member, a Trading Member or the Clearing House) on the parameters of the Offer / electronic message in respect of which the technical examination is performed:
    - o the date and the time of the Offer / electronic message formation;
    - o a number of the Offer / electronic message, registered in the Clearing System;
    - o other parameters of the Offer / electronic message required for the complaint settlement;
  - transactions registration archive in the Clearing System for the defined date;
  - workplace, which allows to look through and print out the information from the transactions registration archive of the Clearing System in the comfortable for perceiving by the members of the technical commission form;
  - documents, which approve the direction in the defined order of a notification on assignment of the Clearing Login on the relevant market, to an authorized official of the issuer;
  - in case if the Offer / electronic message was sent through the Reuters Workplace, the protocol of negotiations between a Clearing Member and the Clearing House through the Reuters System.
- 5) Performance of the technical examination includes the execution of the following actions:
  - printed out paper copy of the Offer / electronic message, in respect of which the technical examination is performed;
  - check of the availability of information on registration of the Offer / electronic message, in respect of which the technical examination is performed, in the printed out paper copy of the Offer / electronic message;
  - check of the correspondence of the SES in the printed out paper copy of the Offer / electronic message to the assigned to the a Clearing Member / Trading Member / Clearing House Clearing Login on the relevant market;

- in case of the Offer / electronic message was issued through the Reuters workplace, the check of the correspondence of the parameters of the Offer / electronic message, registered in the Clearing System, to the parameters of an informational message, containing in the protocol of negotiations between a Clearing Member and the Clearing House under the Reuters System.
- fixing the results of the check in the protocol of the technical commission.

6) In case if:

- Offer / electronic message, in respect of which the technical examination, is found in the transactions registration archive of the Clearing System;
- Offer / electronic message, in respect of which the technical examination, corresponds to the copy of the Offer / electronic message, printed out on the paper;
- the correspondence of the SES in the printed out copy of the Offer / electronic message to the assigned to a Clearing Member / Trading Member / Clearing House of the Clearing Login on the relevant market, is set;
- in case if the Offer / electronic message was issued through the Reuters Workplace and the correspondence of the parameters of an electronic message, registered in the Clearing System, to the parameters of the informational message, containing in the protocol of negotiations between a Clearing Member and the Clearing House through the Reuters System;

it is considered to be stated that:

- Offer / electronic message in respect of which a conflict has arisen, was formed by a Clearing Member / Trading Member / Clearing House;
- after submission of the Offer / electronic message by a Clearing Member / Trading Member / Clearing House via the Clearing System no parameter of this particular Offer / electronic message has been changed;

7) All actions, taken by the technical commission to find out the actual circumstances, and also conclusions, made by the commission, are included into the Protocol of the technical commission. The protocol of the technical commission work shall contain the following data:

- the composition of the technical commission with the indication of the information on the functions at and place of work of each member of the technical commission;
- brief summary of the circumstances of the occurred conflict;
- events, held by the technical commission to find out reasons and consequences of the occurred conflict, with the indication of the date, time and the place of its execution;
- conclusions, to which the technical commission came as a result of held events;
- signs of all members of the technical commission.

The Protocol is composed in the hard copy in an amount of copies, which is equal to the amount of organizations, whose officials took part in the work of the technical commission.



## **Documents, provided by a legal entity to conclude a Clearing membership agreement**

### **I. List of documents, provided by a Resident<sup>1</sup>**

- 1) Legal entity form, which is an Supplement to the Procedure for provision of information and reporting, placed on the Clearing House's website, in a form of an electronic document and/or in hard copy.
- 2) Copies of the documents of establishment of a legal entity with changes and additions, with the sign of the registration by a federal body of the executive power, authorized to perform state registration of legal entities. These defined copies shall be certified by a federal body of the executive power authorized to perform state registration of legal entities, or notarized in the form of electronic document and/or in paper form.
- 3) In respect of the Director<sup>2</sup>:
  - original document of a notarized copy or a cope certified by the sign of the Director and by the seal of a legal entity (if any), of the decision of the official of a legal entity (may also be provided by notarized writing out from the decision or the original writing out, certified by the sign of a person, authorized to sign the decision, or certified by the sign of the Director and by the seal of a legal entity (if applicable) on election (designation) of the Director in the form of electronic document and/or in paper form;
  - copy of a document identifying the Director certified by the sign of an authorized person and by the seal of a legal entity (if applicable) in the form of electronic document and/or in paper form or the letter of the legal entity, prepared in any form, which contains the following data on the Director: surname, name, patronymic name (if any), legal nationality, details of the identification document, date and place of birth, residence (registration) address or place of stay, certified by the authorized person and by the seal if the legal entity (if any) with the provision of the master document or notarized copy of the document or of the copy of the document, identifying the Director, certified by the signature of the authorized person and by the seal of the legal entity (if any) for the data collation.
- 4) Original power of attorney or notarized copy or cope certified by the sign of a person that issued this particular power of attorney for the legal entity official, authorized to execute

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<sup>1</sup> Legal entities, which are the following: body of state power of the Russian Federation, body of state power of a constituent entity of the Russian Federation, local self-government body, body of state power of the foreign state, Bank of Russia, provide the documents in respect of representatives according to the requirements of this Supplement, also FATCA taking into account provisions of the paragraph 12.9.

<sup>2</sup> These documents are not provided by the following resident legal entities:

- bodies state powers, other state bodies, local self-government bodies, institutes under its authorities, state non-budgetary funds, state corporations or companies, with which the Russian Federation, constituent entities of the Russian Federation or municipal formations have more than 50 per cent of shares (stake) in capital;
- securities issuers, admitted to trading, which disclose information on securities according to the legislation of the Russian Federation;
- Bank of Russia,  
except for cases when the Director performs actions on behalf of the legal entity, required for provision, suspension and/or termination by the Clearing House of the clearing service of the legal entity, or performs on behalf of the legal entity transactions with cash funds and other assets.

actions (operations) on behalf of a legal entity within the relations with the Clearing House, including the power to sign all required documents in the form of electronic document and/or in paper form. In case if the power of attorney provides power to execute operations with cash funds or with other assets, additionally are provided the following:

- copy of the document identifying a legal entity, certified by the sign of an authorized person and by the seal of a legal entity (if applicable) in the form of electronic document and/or in paper form or the letter of the legal entity, prepared in any form, which contains the following data on the Director: surname, name, patronymic name (if any), legal nationality, details of the identification document, date and place of birth, residence (registration) address or place of stay, certified by the authorized person and by the seal if the legal entity (if any) with the provision of the master document or notarized copy of the document or of the copy of the document, identifying the representative, certified by the signature of the authorized person and by the seal of the legal entity (if any) for the data collation.
- 5) States of opinion about business reputation of a legal entity in the form of electronic document and/or in paper form (if any)<sup>3</sup>.
- 6) Consent of people specified in the documents of a legal entity directed by it to the Clearing House in accordance with the Clearing Rules on processing personal data under the form, posted at the Clearing House's website (in case if documents contain personal data of the subject of the personal data in accordance with the Federal Law "On personal data" and if the other does not arise from the requirements of the legislation).
- 7) In case if a person, for which is required to provide a copy of an identifying document, is a foreign citizen (a person without a citizenship) staying in the Russian Federation then it is required to additionally provide:
- certified by a sign of an authorized person and by a seal of a legal entity (if applicable) copy of a document confirming the right of a foreign citizen (a person without a citizenship) to stay (live) in the Russian Federation (a residence permit, a temporary residence permit, visa, other document confirming in accordance with the legislation of the Russian Federation the right of a foreign citizen or a person without a citizenship to stay (live) in the Russian Federation) in the form of electronic document and/or in paper form, or the letter of the legal entity in no particular form, which shall contain the following information on the individual citizen: surname, name, patronymic name (if any), details of the document, which confirms the right of the foreign citizen (stateless person) of residence in the Russian Federation: series (if any) and number of the document, start date of validity of the residence right, end date of validity of the residence right, notarized by the signature of which authorized person and by the seal of the legal entity (if any) together with the provision of the document original or notarized copy of the document or of a copy, which confirms the right of the foreign citizen (stateless person) of residence in the Russian Federation, notarized by the signature of the authorized person or by the seal of the legal entity (if any) for the verification of the provided information;

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<sup>3</sup> Information on business reputation (states of opinion (in free written form)) on the legal entity from other clients of the Clearing House, which have business relations with him; and (or) states of opinion (in free written form) from other credit institutions, which have provided service to the legal entity earlier, with the information from these credit institutions on assessment of business reputation of the legal entity), states of opinion from counterparties, which are not clients of the Clearing House, and/or audit report for the last financial year and/or information on the credit rate of the legal entity.

- certified by a sign of an authorized person and by the seal of a legal entity (if applicable) copy of a migration card in the form of electronic document and/or in paper form or the letter of the legal entity in no particular form, which shall contain the following information on the individual citizen: surname, name, patronymic name (if any) immigration card details: card number, start date of the period of stay, end date of the period of stay in the Russian Federation. notarized by the signature of the authorized person and by the seal of the legal entity (if any) together with the provision of the migration card original or notarized copy of the document or its copy, notarized by the signature of the authorized person and by the seal of the legal entity (if any) for the verification of the provided information;
  - a letter with the data on the address of the place of residence (registration) or the place of stay (in case if such information is not contained in other documents, provided in accordance with this particular list), certified by the sign of the authorized person and by the seal of the legal entity (if any) in the form of electronic document and/or in paper form.
- 8) Reporting, defined in the paragraphs 1), 3) – ) of the Supplement 5, in the form of an electronic document:
- Credit Institutions provide month forms of reporting - for the last thirteen reporting dates, quarterly forms of reporting – for the last five reporting dates, reports according to the form 0409051 “List of affiliated persons” and according to the form 0409052 “List of affiliated persons, which belong to a group of people, to which belongs a Credit Institution”, correct as at date of provision of documents;
  - Non-credit Institutions, defined in paragraphs 3)-6) of the Supplement 5, provide annual reports for the last reporting date, quarterly forms of reporting – for the last five reporting dates, month forms of reporting – for the last five reporting dates (as if on the 31<sup>st</sup> of March, 30<sup>th</sup> of June, 30<sup>th</sup> September, 31<sup>st</sup> of December), reporting under forms 0420402, 0420152, 0420251, which contain information on shareholders (members) and affiliated persons correct as at date of documents provision;
  - Non-credit Institutions, defined in the paragraph 7) of the Supplement 5, provide annual forms of reporting for the last reporting date, quarterly forms of reporting – for the last five reporting dates, month forms of reporting – for the last five reporting dates (as if on the 31<sup>st</sup> of March, 30<sup>th</sup> of June, 30<sup>th</sup> September, 31<sup>st</sup> of December), and a certificate which contains information on shareholders (members) and affiliated persons, correct as at date of documents provision, according to the form, set out in the Procedure for documents and reporting provision;
  - Non-credit Institutions, defined in paragraphs 8), 9) of the Supplement 5, provide annual accounting report and annual report on financial results for the last reporting date, quarterly forms of reporting – for the last five reporting dates, and also financial reporting under the IFRS (including consolidated) in Russian or in English language – when available or when published;
  - Non-credit Institutions, defined in the paragraph 8) of the Supplement 5, provide certificate on affiliated persons under the form set out in the Procedure for documents and reporting provision (in case if the requirement, regarding disclosure of the affiliated persons list according to the Bank of Russia Regulation No. 454-P “On information disclosure by issuers”, does not apply to the Non-credit Institution) correct as at date of documents provision;

- Regional public authorities, defined in the paragraph 9) of the supplement 5 provide annual reporting for the last reporting date; quarterly reporting for the last 5 reporting dates.
- 9) The form for the purposes of identification of foreign taxpayers in the form of an electronic document, and also other attached to the Form for recognition of foreign tax payers documents and data, provided for the FATCA purposes (taking into account provisions, stipulated by the paragraph 12.9) in the form of electronic document and/or in paper form.
  - 10) Other documents, which may be required by the Clearing House in necessary cases, also the Clearing House is also entitled to require for details of the information, which is contained in the documents provided earlier.

Documents provided by a legal entity shall be valid on the date of its provision to the Clearing House.

Documents, provided in the form of an electronic documents, shall contain scanned copy of the document. The original document or the other document, formed in accordance with the requirements of this supplement to the Common Part of the Clearing Rules, is scanned in order to receive the scanned copy.

Incorporating documents in an electronic form, certified by the federal executive authority that is authorized to register legal entities, and provided to the Clearing house in the form of an electronic document are recognized as original documents and shall contain file with the electronic signature of the representative of the authorized body together with incorporating documents.

Original documents, defined in the third unnumbered paragraph of the paragraph 2, paragraphs 4, 6 of this section, may be provided to the Clearing House in order to make copies of such documents and to make such documents certified by the staff member of the Clearing House.

## **II. The list of documents provided by the state corporation<sup>4</sup>**

- 1) Form of a legal entity, which is the Supplement to the Procedure for provision of information and reporting and is placed on the Clearing House's website, in the form of an electronic document and/or in hard copy.
- 2) In respect of the Director<sup>5</sup>:
  - original or notarized copy of the decision of the authorized body of the state corporation (notarized abstract from the decision or original abstract, signed by the authorized person) stipulated by the federal law that defines status, mission, functions and powers of such state corporation, on appointment of the Director in the form of electronic document and/or in paper form;
  - copy of a document identifying the Director of the state corporation certified by the sign of an authorized person and by the seal of the state corporation in the form of electronic document and/or in paper form or the letter of the legal entity, prepared in any form, which contains the following data on the Director: surname, name, patronymic name (if any), legal nationality, details of the identification document,

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<sup>4</sup> Legal entities, which are state corporations, provide documents in respect of representatives according to the requirements of this Supplement and Form for the purposes of identification of foreign taxpayers taking into account provisions of the paragraph 12.10.

<sup>5</sup> These documents of the Director are not provided by state corporations except for cases when the Director performs on behalf of the state corporations actions required for provision, suspension and/or termination by the Clearing House of the clearing service of the legal entity, or performs on behalf of the legal entity transactions with cash funds and other assets.

date and place of birth, residence (registration) address or place of stay, certified by the authorized person and by the seal if the legal entity (if any) with the provision of the master document or notarized copy of the document or of the copy of the document, identifying the Director, certified by the signature of the authorized person and by the seal of the legal entity (if any) for the data collation.

- 3) Original power of attorney or notarized copy, or copy certified by a person, who issued a power of attorney for the state corporation official, authorized to perform actions (operations) on behalf of the state corporation within the relations with the Clearing House, including powers to sign necessary documents in the form of electronic document and/or in paper form. In case if the power of attorney provides the powers to conduct operations with cash funds and with other assets, the following are additionally provided:
  - a copy of a document identifying the state corporation official, certified by the sign of an authorized person and by the seal of the state corporation in the form of electronic document and/or in paper form or the letter of the legal entity, prepared in any form, which contains the following data on the Director: surname, name, patronymic name (if any), legal nationality, details of the identification document, date and place of birth, residence (registration) address or place of stay, certified by the authorized person and by the seal if the legal entity (if any) with the provision of the master document or notarized copy of the document or of the copy of the document, identifying the representative, certified by the signature of the authorized person and by the seal of the legal entity (if any) for the data collation.
- 4) States of opinion about business reputation of the state corporation in the form of electronic document and/or in paper form (if any)<sup>6</sup>.
- 5) Consent of people, defined in the documents of the state corporation, directed to the Clearing House in accordance with the Clearing Rules, to processing personal data according to the form, posted at the Clearing House's website (in case if documents contain personal data of the subject of the personal data in accordance with the Federal Law "On personal data" and if the other arises from the requirements of the legislation).
- 6) In case if a person, for which it is required to provide a copy of identifying document is a foreign citizen (a person without a citizenship), staying in the Russian Federation the following is to be additionally provided:
  - a certified by the sign of an authorized person and by the seal of the state corporation copy of a document, confirming the right of a foreign citizen (a person without a citizenship) to stay (live) in the Russian Federation (a residence permit, a temporary residence permit, visa, other document confirming in accordance with the legislation of the Russian Federation the right of a foreign citizen or a person without a citizenship to stay (live) in the Russian Federation) in the form of electronic document and/or in paper form or the letter of the legal entity in no particular form, which shall contain the following information on the individual citizen: surname, name, patronymic name (if any), details of the document, which confirms the right of the foreign citizen (stateless person) of residence in the Russian Federation: series (if any) and number of the document, start date of validity of the residence right, end

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<sup>6</sup> Information on business reputation (states of opinion (in free written form)) on the legal entity from other clients of the Clearing House, which have business relations with him; and (or) states of opinion (in free written form) from other credit institutions, which have provided service to the legal entity earlier, with the information from these credit institutions on assessment of business reputation of the legal entity), states of opinion from counterparties, which are not clients of the Clearing House, and/or audit report for the last financial year and/or information on the credit rate of the legal entity.

- date of validity of the residence right, notarized by the signature of which authorized person and by the seal of the legal entity (if any) together with the provision of the document original or notarized copy of the document or of a copy, which confirms the right of the foreign citizen (stateless person) of residence in the Russian Federation, notarized by the signature of the authorized person or by the seal of the legal entity (if any) for the verification of the provided information;
- a certified by the sign of an authorize person and by the seal of the state corporation copy of a migration card in the form of electronic document and/or in paper form or the letter of the legal entity in no particular form, which shall contain the following information on the individual citizen: surname, name, patronymic name (if any), immigration card details: card number, start date of the period of stay, end date of the period of stay in the Russian Federation. notarized by the signature of the authorized person and by the seal of the legal entity (if any) together with the provision of the migration card original or notarized copy of the document or its copy, notarized by the signature of the authorized person and by the seal of the legal entity (if any) for the verification of the provided information;
  - a letter with the data on the address of the place of residence (registration) or of the place of stay (if such information is not contained in the other documents provided in accordance with this particular list), certified by the signature of authorized person and by the seal of the legal entity (if any) in the form of electronic document and/or in paper form.
- 7) Reporting, set out in the paragraphs 2), 8) and 9) of the Supplement 5 to the Common part of the Clearing Rules, in the form of an electronic message: month reporting forms – for the last thirteen reporting dates, quarterly reporting forms – for the last five reporting dates, financial reporting according to the IFRS (consolidated one inclusively) in Russian or English language (if any), as of the moment of documents provision.
- 8) The form for the purposes of identification of foreign taxpayers in the form of an electronic document, and also other attached to the form for the purposes of identification of foreign taxpayers documents and data, provided for the FATCA purposes (taking into account provisions, stipulated by the paragraph 12.9) in the form of electronic document and/or in paper form.
- 9) Other documents, which may be required by the Clearing House in the necessary cases, also the Clearing House is entitled to require for details of the information, which is contained in the documents provided earlier.

Documents, which are provided by the state corporation, shall be valid on the date of its provision to the Clearing House.

Documents, provided in the form of an electronic documents, shall contain scanned copy of the document. The original document or the other document, formed in accordance with the requirements of this supplement to the Common Part of the Clearing Rules, is scanned in order to receive the scanned copy.

Original documents, defined in the third unnumbered paragraph of the paragraph 2, paragraphs 4, 6 of this section, may be provided to the Clearing House in order to make copies of such documents and to make such documents certified by the staff member of the Clearing House.

### **III. List of documents, provided by the International Organization<sup>7</sup>**

- 1) Form of a legal entity, which is the Supplement to the Procedure for provision of information and reporting and which is posted on the Clearing House's website, in the form of an electronic document and/or in hard copy.
- 2) Notarized copy of an international treaty, including establishment documents (with all changes and additions), or a copy certified by the sign of an authorized person of an organization, which keeps international treaties in accordance with the legislation of the Russian Federation in the form of electronic document and/or in paper form.
- 3) Copy of the certificate of registration with the tax authority, certified by the sign of the authorized person and by the seal of an International Organization (if any) in the form of electronic document and/or in paper form.
- 4) In respect of the person that is authorized to act on behalf of the International Organization according to the international treaty and/or in the articles of association (hereinafter referred to as the Director)<sup>8</sup>:
  - original or notarized copy of the record or extract from the record of the meeting of the authorized body of the International Organization, which contains decision of the authorized body of the International Organization on appointment of the Director in the form of electronic document and/or in paper form;
  - copy of a document identifying the Director, certified by the sign of an authorized person and by the seal of the International Organization (if any) in the form of electronic document and/or in paper form or the letter of the legal entity, prepared in any form, which contains the following data on the Director: surname, name, patronymic name (if any), legal nationality, details of the identification document, date and place of birth, residence (registration) address or place of stay, certified by the authorized person and by the seal if the legal entity (if any) with the provision of the master document or notarized copy of the document or of the copy of the document, identifying the Director, certified by the signature of the authorized person and by the seal of the legal entity (if any) for the data collation.
- 5) Original of the power of attorney, or notarized copy, or a copy certified by a person, who issued defined power of attorney for the International Organization official, authorized to perform actions (operations) on behalf of the International Organization within the relations with the Clearing House, including powers to sign the required documents in the form of electronic documents and/or in paper form. In case if the power of attorney provides powers to conclude operations with cash funds and other assets, the following are additionally provided:
  - a copy of the document identifying the International Organization official certified by the sign of an authorized person and by the seal of an International Organization (if applicable) in the form of an electronic document and/or in paper form or the letter of the legal entity, prepared in any form, which contains the following data on the Director: surname, name, patronymic name (if any), legal nationality, details of the

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<sup>7</sup> Legal entities, which are international organization, provide documents in respect of representatives according to the requirements of this Supplement and Form for the purposes of identification of foreign taxpayers taking into account provisions of the paragraph 12.10.

<sup>8</sup> These documents of the Director are not provided by international organizations except for cases when the Director performs on behalf of the state corporations actions required for provision, suspension and/or termination by the Clearing House of the clearing service of the legal entity, or performs on behalf of the legal entity transactions with cash funds and other assets

identification document, date and place of birth, residence (registration) address or place of stay, certified by the authorized person and by the seal if the legal entity (if any) with the provision of the master document or notarized copy of the document or of the copy of the document, identifying the representative, certified by the signature of the authorized person and by the seal of the legal entity (if any) for the data collation.

- 6) States of opinion about the business reputation of the International Organization in the form of an electronic document and/or in paper form (if any)<sup>9</sup>.
- 7) Consent of people, defined in the documents of the International Organization directed to the Clearing House, in accordance with the Clearing Rules, for the processing of personal data according to the form, posted at the Clearing House's website (in case if documents contain personal data of the subject of the personal data in accordance with the Federal Law "On personal data" and if the other does not arise from the requirements of the legislation).
- 8) In case if a person, from which is required to provide an identifying document, is a foreign citizen (a person without a citizenship), staying (living) in the Russian Federation then the following are additionally provided:
  - a certified by the sign of an authorized person and by the seal of the International Organization (if applicable) copy of the document confirming the right of a foreign citizen (a person without a citizenship) to stay (live) in the Russian Federation (a residence permit, a temporary residence permit, visa, other document confirming in accordance with the legislation of the Russian Federation the right of a foreign citizen or a person without a citizenship to stay (live) in the Russian Federation) in the form of an electronic document and/or in paper form, or the letter of the legal entity in no particular form, which shall contain the following information on the individual citizen: surname, name, patronymic name (if any), details of the document, which confirms the right of the foreign citizen (stateless person) of residence in the Russian Federation: series (if any) and number of the document, start date of validity of the residence right, end date of validity of the residence right, notarized by the signature of which authorized person and by the seal of the legal entity (if any) together with the provision of the document original or notarized copy of the document or of a copy, which confirms the right of the foreign citizen (stateless person) of residence in the Russian Federation, notarized by the signature of the authorized person or by the seal of the legal entity (if any) for the verification of the provided information;
  - a certified by the sign of an authorized person and by the seal of the International Organization (if applicable) copy of a migration card in the form of an electronic document and/or in paper form or the letter of the legal entity in no particular form, which shall contain the following information on the individual citizen: surname, name, patronymic name (if any), immigration card details: card number, start date of the period of stay, end date of the period of stay in the Russian Federation. notarized by the signature of the authorized person and by the seal of the legal entity (if any) together with the provision of the migration card original or notarized copy of the

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<sup>9</sup> Information on business reputation (states of opinion (in free written form)) on the legal entity from other clients of the Clearing House, which have business relations with him; and (or) states of opinion (in free written form) from other credit institutions, which have provided service to the legal entity earlier, with the information from these credit institutions on assessment of business reputation of the legal entity), states of opinion from counterparties, which are not clients of the Clearing House, and/or audit report for the last financial year and/or information on the credit rate of the legal entity.



- document or its copy, notarized by the signature of the authorized person and by the seal of the legal entity (if any) for the verification of the provided information;
- a letter with data on the address of a place of residence (registration) or a place of stay (if such information is not contained in the other documents provided in accordance with the following list), certified by the signature of the authorized person and by the seal of the legal entity (if any) in the form of an electronic document and/or in paper form.
- 9) Reporting defined in the paragraph 0 of the Supplement 5 to the Common part of the Clearing Rules, in the form of an electronic document: quarterly reporting forms – for the last five reporting dates, financial reporting according to the IFRS (consolidated one inclusively) in Russian or English language (if any) as of the documents provision date.
- 10) The form for the purposes of identification of foreign taxpayers in the form of an electronic document and also other attached to the Form for the purposes of identification of foreign taxpayers and data provided for FATCA purposes (taking into account provisions, stipulated by the paragraph 12.9) in the form of an electronic document and/or in paper form.
- 11) In order to let the Clearing House act as tax agent according to the Article 7 (documents, defined in this paragraph, are not provided in respect of the beneficial owner of income of the International organization in case of the International organization is planning to become party only to spot and swap trades in foreign currency on behalf of the beneficial owner of the income):
- 11.1) International organization provides the following additionally:
- 11.1.1) Documents, stipulated by the international agreement, which regulates the international organization foundation, and (or) incorporating documents, required for the application of the tax procedure, stipulated by such international agreement and (or) incorporating documents (if any) in the form of an electronic document and/or in paper form.
- 11.1.2) Confirmation letter on the fact that the International organization has the actual right to receive the income, defined in the Clearing Rules, within the meaning of article 7 of the Tax Code of the Russian Federation (if applicable) in the form of an electronic document and/or in paper form.
- 11.1.3) In case if the International organization does not have the actual right to receive income, defined in the Clearing Rules, then the International organization provides confirmation letter on the fact that there is no actual right to receive income, defined in the Clearing Rules, and the Confirmation letter on the fact that the beneficial owner of the income has the actual right to receive the income, defined in the Clearing Rules, within the meaning of article 7 of the Tax Code of the Russian Federation in the form of an electronic document and/or in paper form.
- 11.1.4) Form for tax purposes made according to the requirements of the Clearing House in the form of an electronic document and/or in paper form.
- 11.1.5) Other documents, which may be requested by the Clearing House in particular cases. The Clearing House may also ask to clarify the information, contained in the documents provided earlier.
- 11.2) In case if the beneficial owner of the income is planning to apply DTA (agreement on avoiding dual taxation) then the following shall be provided additionally:

- 11.2.1) The document, which approves permanent location of the beneficial owner of the income in the state, with which the Russian Federation has the international treaty (contract), which covers tax issues (certificate of tax residence). The document shall be notarized by the authorized body of the relevant foreign state in the form of an electronic document and/or in paper form.
- Provision of the abovementioned documents is not obligatory in case if the income from operations with the Non-resident Bank, except for the branch of the EurAsEC Bank / EurAsEC Bank is paid, if the fact of the permanent location of the legal entity in the state, with which the Russian Federation has the international treaty (contract), which covers tax issues, is approved by the information, received from the public information service.
- 11.2.2) The document, which approves the right of the beneficial owner of the income to apply for tax benefits according to the international treaty (contract), which covers tax issues, in accordance with the articles, regulating privileges limitation (if applicable). The document shall be notarized by the competent body of the relevant foreign state. The document is not provided if the relevant provisions are defined in the certificate of tax residence, defined in the sub-paragraph 11.2.1 of this section in the form of an electronic document and/or in paper form.
- 11.2.3) Confirmation letter, which contains information on the fact that the beneficial owner of the income has the actual right on the received income, defined in the Clearing Rules, for the purposes of claims of the article 7 of the Tax Code of the Russian Federation in the form of an electronic document and/or in paper form.
- 11.2.4) If the beneficial owner of the income has the right for the simplified procedure for confirming the actual right to receive income according to the paragraph 1.5 of the article 312 of the Tax Code of the Russian Federation, the legal entity must provide the documents, which confirms the correspondence of the beneficial owner of the income to the requirements of the paragraph 1.5 of the article 312 of the Tax Code of the Russian Federation in the form of an electronic document and/or in paper form.
- 11.2.5) Articles of association and financial reporting of the beneficial owner of the income.
- 11.2.6) Form for tax purposes made according to the requirements of the Clearing House in the form of an electronic document and/or in paper form.
- 11.2.7) Other documents, which may be requested by the Clearing House in particular cases. The Clearing House may also ask to clarify the information, contained in the documents provided earlier.
- 11.3) If the beneficial owner of the income is not planning to apply DTA (agreement on avoiding dual taxation), then the following shall be provided additionally:
- 11.3.1) Confirmation letter on the fact that the beneficial owner of the income has the actual right to receive the income, defined in the Clearing Rules, within the meaning of article 7 of the Tax Code of the Russian Federation in the form of an electronic document and/or in paper form.
- 11.3.2) Form for tax purposes made according to the requirements of the Clearing House in the form of an electronic document and/or in paper form.
- 11.3.3) Other documents, which may be requested by the Clearing House in particular cases. The Clearing House may also ask to clarify the information, contained in the documents provided earlier.

- 11.4) In case if the received income, defined in the Clearing Rules, refers to the permanent representation of the legal entity or of the beneficial owner of the income in the Russian Federation, the International organization provides copy of the Russian tax registration certificate of the beneficial owner of the income, formed not earlier than during previous tax period, and the confirmation letter, formed according to the form of the Clearing House, on the fact that the received income, defined in the Clearing Rules, refers to such permanent representation in the Russian Federation and permanent representation of such entity will fulfill obligations of a taxpayer in respect of received income. In such case provision on branch office or on the representation of the legal entity or of the beneficial owner of the income in the Russian Federation is also provided.
- 11.5) In case if the client of the Clearing Member – International Organization is the foreign structure without establishing legal entity upon agreement with the Clearing House Confirmation letter on the fact that the beneficiary income receiver has the actual right to receive the income, defined in the Clearing Rules, might not be provided.

International organization provides certificate of tax residence in respect of beneficial owners of the income and the document, confirming the right to apply for tax benefits according to the agreement on avoiding dual taxation, mentioned in the sub-paragraphs 11.2.1 and 11.2.2 of this section, on an annual basis not later than the earliest date out of the following: the first date of the income payment, defined in the Clearing Rules, or not later than April 30<sup>th</sup> of the current year. Financial reporting, defined in the paragraph 15 of this section, is provided on an annual basis within the terms, set out in the requirements of the national legislation. In particular cases term for the provision of the certificate of tax residence may be enlarged due to requirements of the national legislation according to which the authorized authority may provide such certificate at a date later than the one, defined above. Not later than December 31<sup>st</sup> of every year beneficial owners of income provide letter of commitment to provide certificates of tax residence for the next calendar year within the terms, defined in the Clearing Rules, and confirm that permanent location (state of tax residence) will not be changed in the next calendar year.

Financial reporting, defined in the paragraph 11.2.5 of this section, is provided on an annual basis within the terms, defined in the requirements of the national legislation

In case of the information change, which is contained in documents, defined in the paragraphs 11.1.2-11.1.3, 11.2.1-11.2.4, 11.3.1 of this section, which may have an impact on the appliance of the procedure for taxation of income sources in RF and/or provisions of the international agreements, which also regulate tax issues, for instance, information on intention of the beneficial owner of the income to change state of tax residence or to form permanent representation in the Russian Federation, the International organization immediately notifies the Clearing House on such changes in written form.

When the new beneficial owner of the income appears the International organization provides the set of documents, defined in the paragraphs 11.2, 11.3 and 11.4 of this section. New set of documents, defined in paragraphs 16.1, 16.2 or 16.3 of this section, is also provided in case if the Clearing Member / beneficial owner of the income changes the state of tax residence or forms permanent representation in the Russian Federation.

Documents (except for the identification documents copies), formed on the territories of foreign states, shall be legalized or apostilled, unless otherwise stated by the international treaties of the Russian Federation.

Documents (except for the identification documents copies, under the condition that the individual citizen has the document that confirms the right of the legal residence on the territory of the Russian Federation (for example, visa or immigration card) and copies of documents, which contain

authorized signatures, submitted by the authorized bodies of foreign states, made in several languages, including Russian language), formed in full or in any part in the foreign language (excluding bilingual documents), shall be translated into Russian language. Accuratness of the translation and authenticity of the translator's signature shall be recorded by notary. Articles of association and financial reporting, defined in the sub-paragraph 11.2.5 of this section, made in English language, can be provided without translation into Russian language; in other cases documents can be translated into Russian language, accuratness of the translation or authenticity of the translator's signature shall be recorded by notary. Articles of association and financial reporting, defined in the sub-paragraph 11.2.5 of this section, may be provided in an electronic form.

Documents provided by the International Organization shall be valid on the date of its provision to the Clearing House.

Documents, provided in the form of an electronic document or in an electronic form, shall contain scanned copy of the document. The original document or the other document, formed in accordance with the requirements of this supplement to the Common Part of the Clearing Rules, is scanned in order to receive the scanned copy.

#### **IV. List of documents, provided by a Non-resident<sup>10</sup>**

- 1) Form of a legal entity, which is the Supplement to the Procedure for provision of information and reporting and which is posted on the Clearing House's website, in the form of an electronic documents and/or in hard copy.
- 2) Questionnaire of a Non-resident Bank in the form of an electronic document and/or in paper form.
- 3) Confirmation letter on the fact that a legal entity takes measures to combat money laundering derived from illegal proceeds and the financing of terrorism, signed by an authorized person of a legal entity (for Non-resident – Non-credit Institutions) in the form of an electronic document and/or in paper form.
- 4) Valid editions of establishment documents of a legal entity and all amendments to them in the form of an electronic document and/or in paper form.
- 5) Document confirming the state registration of a legal entity in the form of an electronic document and/or in paper form.
- 6) Tax authority registration certificate of a legal entity (if applicable) in the form of an electronic document and/or in paper form.
- 7) Special permission (license) issued by an authorized body of the state of establishment of a legal entity, to have the right to perform an activity, performance of which in accordance with the national legislation is possible when the relevant special permission of an authorized body is available in the form of an electronic document and/or in paper form.
- 8) Document confirming the tax authority registration in the Russian Federation (a copy the correction of which is notarized or certified by a legal entity itself) (if applicable<sup>11</sup>) in the form of an electronic document and/or in paper form.

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<sup>10</sup> Legal entities, which are bodies of state power of the foreign state provide the documents in respect of representatives according to the requirements of this Supplement, also FATCA taking into account provisions of the paragraph 11.9.

<sup>11</sup> In case if Non-resident receives admission to the trading on the deposit market of the Moscow Exchange, he must provide the document, which approves registration with the tax authority in the Russian Federation (notarized copies or copies certified by the legal entity himself).

- 9) In respect of a person authorized to act on behalf of a legal entity in accordance with the establishment documents (hereinafter the Director<sup>12</sup>):
- a document confirming the agreement on the candidacy of the Director of a legal entity of an authorized body of the state of establishment of a legal entity (if such agreement is stipulated by the legislation of the state of establishment of a legal entity) in the form of an electronic document and/or in paper form;
  - a document of an authorized body of a legal entity confirming the election (designation) of the Director in the form of an electronic document and/or in paper form;
  - a copy of a document identifying the Director or of other documents, which are set out by the federal law or by the recognized as identifying documents in accordance with the international treaty of the Russian Federation in the form of an electronic document and/or in paper form.
- 10) Powers of attorney for legal entity officials authorized to perform actions (operations) on behalf of a legal entity within the relations with the Clearing House, including powers to sign the necessary documents in the form of electronic documents and/or in paper form. In case if the power of attorney provides powers to perform operations with cash funds and with other assets then the following is additionally provided:
- certified by the sign of an authorized person and by the seal of a legal entity (if applicable) copy of a document identifying personality of a legal entity official or other documents, which are set out in the federal law or which are recognized as an identifying document in accordance with the international treaty of the Russian Federation in the form of an electronic document and/or in paper form.
- 11) States of opinion about the business reputation of a legal entity in the form of electronic documents and/or in paper form (if any)<sup>13</sup>.
- 12) Consent of people, defined in the documents of a legal entity directed to the Clearing House, in accordance with the Clearing Rules, for the processing of personal data according to the form, posted at the Clearing House's website (in case if documents contain personal data of the subject of the personal data in accordance with the Federal Law "On personal data" and if the other does not arise from the requirements of the legislation).

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<sup>12</sup> These documents are not provided by the following legal entities:

- foreign states or administrative and territorial units of foreign entities, which have the legal capacity;
- foreign companies, securities of which are listed on the foreign exchange, which is in the list approved by the Exchange;
- foreign company, which according to its own law has the right to provide services, connected with attracting clients and placing cash funds and other financial assets for keeping, managing, investing and (or) executing other trades in the name of the client or directly or indirectly at the expense of the client, under the condition that such organization is the resident of the foreign state – member of The Financial Action Task Force On Money Laundering (FATF), has the rate, approved by the Russian credit agency or by the international rate agency, is also included into the list of operating organizations of the relevant foreign state, except for the cases when the Director performs actions on behalf of the legal entity, required for provision, suspension and/or termination by the Clearing House of the clearing service of the legal entity, or performs on behalf of the legal entity transactions with cash funds and other assets.

<sup>13</sup> Information on business reputation (states of opinion (in free written form)) on the legal entity from other clients of the Clearing House, which have business relations with him; and (or) states of opinion (in free written form) from other credit institutions, which have provided service to the legal entity earlier, with the information from these credit institutions on assessment of business reputation of the legal entity), states of opinion from counterparties, which are not clients of the Clearing House, and/or audit report for the last financial year and/or information on the credit rate of the legal entity.

- 13) In case if a person, from which is required to provide an identifying document, is a foreign citizen (a person without a citizenship), staying (living) in the Russian Federation then the following are additionally provided:
- a certified by the sign of an authorized person and by the seal of a legal entity (if applicable) copy of the document confirming the right of a foreign citizen (a person without a citizenship) to stay (live) in the Russian Federation (a residence permit, a temporary residence permit, visa, other document confirming in accordance with the legislation of the Russian Federation the right of a foreign citizen or a person without a citizenship to stay (live) in the Russian Federation) in the form of an electronic document and/or in paper form, or the letter of the legal entity in no particular form, which shall contain the following information on the individual citizen: surname, name, patronymic name (if any), details of the document, which confirms the right of the foreign citizen (stateless person) of residence in the Russian Federation: series (if any) and number of the document, start date of validity of the residence right, end date of validity of the residence right, notarized by the signature of which authorized person and by the seal of the legal entity (if any) together with the provision of the document original or notarized copy of the document or of a copy, which confirms the right of the foreign citizen (stateless person) of residence in the Russian Federation, notarized by the signature of the authorized person or by the seal of the legal entity (if any) for the verification of the provided information;
  - a certified by the sign of an authorized person and by the seal of a legal entity (if applicable) copy of a migration card in the form of an electronic document and/or in paper form or the letter of the legal entity in no particular form, which shall contain the following information on the individual citizen: surname, name, patronymic name (if any), immigration card details: card number, start date of the period of stay, end date of the period of stay in the Russian Federation. notarized by the signature of the authorized person and by the seal of the legal entity (if any) together with the provision of the migration card original or notarized copy of the document or its copy, notarized by the signature of the authorized person and by the seal of the legal entity (if any) for the verification of the provided information;
  - a letter with data on the address of a place of residence (registration) or a place of stay (if such information is not contained in the other documents provided in accordance with the following list), certified by the signature of authorized person and by the seal of the legal entity (if any) in the form of an electronic document and/or in paper form.
- 14) Reporting defined in the paragraph 0 of the Supplement 5 to the Common part of the Clearing Rules, in the form of an electronic document, monthly reporting forms – for the last five reporting dates, quarterly reporting forms – for the last four reporting dates, financial reporting according to the IFRS in Russian or English language, certified by the auditor, and in case if there is no such one then the audited financial reporting, made in accordance with the requirements of the national legislation of the residence state.
- 15) The form for the purposes of identification of foreign taxpayers in the form of an electronic document and also other attached to the Form for the purposes of identification of foreign taxpayers and data provided for FATCA purposes in the form of an electronic document and/or in paper form.
- 16) In order to let the Clearing House act as tax agent according to the Article 7 (documents, defined in this paragraph, are not provided in respect of the beneficial owner of the income

of the Non-resident in case if the Non-resident is planning to become party only to spot and swap trades in foreign currency on behalf of the beneficial owner of the income:

- 16.1) In case if the legal entity and/or beneficial owner of income is not planning to apply DTA (agreement on avoiding dual taxation) then the following shall be provided additionally:
  - 16.1.1) Confirmation letter on the fact that the legal entity has an actual right to receive income, defined in the Clearing Rules, within the meaning of article 7 of the Tax Code of the Russian Federation in the form of an electronic document and/or in paper form.
  - 16.1.2) In case if the legal entity does not have the actual right to receive income, defined in the Clearing Rules, the legal entity provides confirmation letter on the fact that the legal entity has an actual right to receive income, defined in the Clearing Rules, within the meaning of article 7 of the Tax Code of the Russian Federation in the form of an electronic document and/or in paper form.
  - 16.1.3) Form for tax purposes made according to the requirements of the Clearing House in the form of an electronic document and/or in paper form. If agreed with the Clearing House, central banks of foreign states may not provide form for tax purposes.
  - 16.1.4) Other documents, which may be requested by the Clearing House in particular cases. The Clearing House may also ask to clarify the information, contained in the documents provided earlier.
- 16.2) In case if the legal entity and/or beneficial owner of income is planning to apply DTA (agreement on avoiding dual taxation) then the following shall be provided additionally:
  - 16.2.1) A document confirming permanent location of the legal entity in the state, with which the Russian Federation has an international treaty (agreement), which regulates the issues of taxation (certificate of tax residence) in the form of an electronic document and/or in paper form. The document shall be certified by a competent authority of the relevant foreign state.

Provision of the defined document is not required in case of income payments under operations with a Non-resident Bank, except for the branch of the Non-resident Bank / Bank EurAsEC/EAEU, if the fact of permanent location of a legal entity in the state, with which the Russian Federation has an international treaty (agreement), which regulates the issues of taxation, is approved by the data in the open informational resources.
  - 16.2.2) Document, which confirms that the legal entity has the right to apply privileges according to the international treaty (agreement), which regulates tax issues in accordance with the articles, which regulate privileges restrictions (if applicable) in the form of an electronic document and/or in paper form. The document shall be notarized by the authorized body of the relevant foreign state. Document is not provided is relevant provisions are contained in the certificate of tax residence, defined in the paragraph 16 of this section.
  - 16.2.3) Confirmation letter on the fact that the legal entity has the actual right for the received income, defined in the Clearing Rules, for the purposes of requirements of the articles 7 of the Tax Code of the Russian Federation in the form of an electronic document and/or in paper form.
  - 16.2.4) In case if the legal entity does not have an actual right for the received income, defined in the Clearing Rules, the legal entity provides the confirmation letter on the absence of the actual right for the received income, defined in the Clearing Rules, and the information on the beneficial owner of the income in the form of an electronic document and/or in paper form.

In respect of each such beneficial owner of the income the legal entity provides documents, defined in the sub-paragraphs 16.2.1), 16.2.2) and 16.2.3) (signed by the beneficial owner of the income), and also in sub-paragraphs 16.2.5-16.2.8. Articles of association and financial reporting are also provided in respect of each beneficial owner of the income.

- 16.2.5) If the legal entity and/or the beneficial owner of the income has the right for the simplified procedure for confirming the actual right for the income according to the paragraph 1.5 of the article 312 of the Tax Code of the Russian Federation, legal entity provides documents, confirming the correspondence of the legal entity and/or beneficial owner of the income to the terms, defined in the paragraph 1.5 of the article 312 of the Tax Code of the Russian Federation.
- 16.2.6) Form for tax purposes made according to the requirements of the Clearing House in the form of an electronic document and/or in paper form.
- 16.2.7) Other documents, which may be requested by the Clearing House in particular cases. The Clearing House may also ask to clarify the information, contained in the documents provided earlier.
- 16.3) In case if the received income, defined in the Clearing Rules, refers to the permanent representation of the legal entity or of the beneficial owner of the income in the Russian Federation, the legal entity provides to such entity copy of the Russian tax registration certificate, formed not earlier than during previous tax period, and the letter-confirmation, formed according to the form of the Clearing House, on the fact that the received income, defined in the Clearing Rules, refers to such permanent representation in the Russian Federation and permanent representation of such entity will fulfill obligations of a taxpayer in respect of received income, and also perform functions of the tax agent in respect of beneficial owners of the income (sub-paragraph 1 of the paragraph 2 of the article 310 of the Tax Code of the Russian Federation).

In such case provision on branch office or on the representation of the legal entity or of the beneficial owner of the income in the Russian Federation is also provided.

- 16.4) In case if the client of the Non-resident Clearing Member is the foreign structure foreign structure without establishing legal entity upon agreement with the Clearing House Confirmation letter on the fact that the beneficiary income receiver has the actual right to receive the income, defined in the Clearing Rules, might not be provided.

Certificate of tax residence and the document that confirms the right to apply tax benefits according to the agreement on avoiding dual taxation, are provided in respect of the legal entity and the beneficial owner of the income, on an annual basis not later than the April 30<sup>th</sup> of the current year. In particular cases term for the provision of the certificate of tax residence may be enlarged due to requirements of the national legislation according to which the authorized authority may provide such certificate at a date later than the one, defined above. Not later than December 31<sup>st</sup> of every year beneficial owners of income provide letter of commitment to provide certificates of tax residence for the next calendar year within the terms, defined in the Clearing Rules, and confirm that permanent location (state of tax residence) will not be changed in the next calendar year.

Financial reporting, defined in the paragraph 16.2.4 of this section, is provided on an annual basis within the terms, defined in the requirements of the national legislation.

In case of the information change, which is contained in documents, defined in the paragraphs 16.1.1, 16.1.2, 16.2.1-16.2.5, 16.3 of this section, which may have an impact on the appliance of the procedure for the tax income sources in RF, and/or of the provisions of the international agreements, which regulate tax issues, for instance, information on intentions of the legal entity or of the



beneficial owner of the income to change the state of tax residence or to form permanent representation in the Russian Federation, the legal entity immediately notifies the Clearing House on such changes in written form.

When new beneficial owner of the income appears, the legal entity provides the set of documents, defined in the sub-paragraphs 16.1, 16.2 or 16.3 of this section. New set of documents, defined in paragraphs 16.1, 16.2 or 16.3 of this section, is also provided in case if the Clearing Member / beneficial owner of the income changes the state of tax residence or forms permanent representation in the Russian Federation.

Documents (excluding copies of identifying documents), formed on the territory of foreign states shall be legalized and apostilled if the other is not stipulated by international treaties of the Russian Federation.

Documents (excluding copies of identifying documents, under the condition that the individual citizen has the document, confirms the right of legal residence on the territory of the Russian Federation (for example, visa, immigration card), and documents, which contain sign examples issued by competent authorities of foreign states, formed in several languages, including Russian language) formed in full or in any of its part in foreign language (except for bilingual version of documents) shall be translated into Russian language. The accuracy of the translation or the authenticity of the sign of a translator shall be notarized. Articles of association and financial reporting, defined in the sub-paragraph 16.2.4 of this section, formed in English language, can be provided in Russian language without translation; in other cases documents shall be translated into Russian language, accuracy of the translation or the authenticity of the sign of a translator shall be notarized. Articles of association and financial reporting, defined in the sub-paragraph 16.2.4 of this section, may be provided in an electronic form

Documents provided by a legal entity shall be valid on the date of its provision to the Clearing House.

Documents, provided in the form of an electronic document or in an electronic form, shall contain scanned copy of the document. The original document or the other document, formed in accordance with the requirements of this supplement to the Common Part of the Clearing Rules, is scanned in order to receive the scanned copy.

## **Reporting provided by Clearing Members to the Clearing House**

- 1) Credit Institutions provide to the Clearing House:
  - report on the financial results of the credit institution (form 0409102), list of affiliated persons (form 0409051)<sup>14</sup>, list of affiliated persons, belonging to the group, which the credit institution belongs to (form 0409052)<sup>15</sup>, certificate on the numerical value of the standard of the structured liquidity (net stable funding) (Basel III) (H28 (H29)) (on the basis of the form 0409121<sup>16</sup>) – quarterly
  - a trial balance sheet on bookkeeping accounts of a Credit Institution (Form 0409101), information on mandatory standards and on other performance indicators of the credit institution (form 0409135), calculation of own funds (capital) (Basel III) (capital 0409123), certificate on numerical value of the standard of the maximum risk per one borrowing entity or per the group of associated borrowing entities (H6) (according to the form 0409118), certificate on the numerical value of the standard of the maximum risk per the entity, associated with the bank, or per the group of entities associated with the bank (H25) (according to the form 0409118), information on the asset quality of the credit organization (on the basis of the 0409115 form), data on obligatory credit related commitments (on the basis of the 0409155 form<sup>17</sup>), data on statutory requirements and on dedicated own capital of the central counterparty (on the basis of the form 0409722<sup>18</sup> for the first date of the month, following the reporting one) – monthly.
- 2) State corporations and International Organizations, which maintain accounting records in accordance with the Russian accounting and reporting standards, set for the credit organizations, provide to the Clearing House:
  - bookkeeping accounts financial results report (form 0409102) – quarterly;
  - trial balance under all bookkeeping accounts of a credit institution (form 0409101); own assets (capital) calculation (Basel III) (form 0409123) – monthly.
- 3) Non-credit Institutions, which are professional members on the Securities market, provide to the Clearing House:
  - accounting balance of the Non-credit Financial Institution (form 0420002), report on the financial result of the Non-credit Financial Institution (form 0420003), cash flow

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<sup>14</sup> On the date of the report provision, information, given in it, must correspond to the last actual information on affiliated entities, provided to the Bank of Russia.

<sup>15</sup> On the date of the report provision, information, given in it, must correspond to the last actual information on affiliated entities, provided to the Bank of Russia.

<sup>16</sup> In accordance with the paragraph 1.3 of the Statute of the Bank of Russia No. 596-P, provision of information on value of the normative standard H28 is performed by the head credit institution of the banking group, which is too-big-to-fail credit institution on a consolidated basis; value of the normative standard H29 is provided by too-big-to-fail credit institution, which is not head credit institution of the banking group, on an individual basis (except for too-big-to-fail credit institution, which member of the banking group, in respect of which head credit institution set requirements regarding compliance with the normative standard H28).

<sup>17</sup> According to the line 27 of the Supplement 2 to the Instruction of the Bank of Russia No. 4927-U, form is provided by credit institutions, except for banks with basic license.

<sup>18</sup> According to the line 3 of the Supplement 2 to the Instruction of the Bank of Russia No. 4327-U, form is provided by non-banking credit institutions – central counterparties.

- statement of the Non-credit Financial Institution (form 0420005) – annually and quarterly;
- trial balance under all bookkeeping accounts (form 0420410) – for March, June, September, December of the reporting year;
  - data on reporting organization (list of entities responsible for reporting subject area) data on affiliated persons and on the property structure of the professional participant (form 0420402), data on receivables and payables of the professional participant (form 0420412); loans and credits (form 0420414); report of the professional participant on securities (form 0420415); calculation of the broker liquidity coverage ratio (form 0420454) – as at 31<sup>st</sup> March, 30<sup>th</sup> June, 30<sup>th</sup> September, 31<sup>st</sup> December of the reporting year;
  - calculation of own funds (form 0420413), calculation of capital adequacy ratio (form 0420455) – monthly.
- 4) Non-credit Institutions, which are joint-stock investment funds, investment funds management companies, mutual funds and non-state pension funds, provide the Clearing House with the following:
- accounting balance of the Non-credit Financial Institution (form 0420002), report on the financial result of the Non-credit Financial Institution (form 0420003), cash flow statement of the Non-credit Financial Institution (form 0420005) – annually and quarterly;
  - trial balance under bookkeeping accounts of the joint-stock investment fund, managing company (form 0420521) – for March, June, September, December of the reporting year;
  - calculation of own funds of the managing company of investment funds, mutual funds and of the non-governmental pension funds (form 0420514) – monthly.
- 5) Non-credit Institutions, which are insurance organizations and mutual insurance society, provide the Clearing House with the:
- report on shareholders (members) and on the affiliated persons list (form 0420152)<sup>19</sup> – annually;
  - balance sheet of the insurance organization (form 0420125), report on financial results of the insurance organization (form 0420126), cash flow statement of the insurance organization (form 0420128), balance sheet of the mutual insurance society (form 0420140), report on financial results of the mutual insurance society (form 0420142), cash flow statement of the mutual insurance society (form 0420144), general information on the insurer (form 0420150), report on insurance funds (form 0420155), report on credit worthiness (form 0420156)<sup>20</sup>, data on the insurer performance (form 0420162) – annually and quarterly;
  - data on attracted funds (form 0420160), report on issued instructions, independent guarantees and other ways of securing fulfillment of obligations (form 0420161) – quarterly;
  - report on the assets composition and structure (form 0420154), trial balance in respect of the insurer accounts (form 0420164) – for the March, June, September, December of the reporting year.

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<sup>19</sup> Is not provided by the mutual insurance company.

<sup>20</sup> Is not provided by the mutual insurance company.

- 6) Non-credit institution, which are non-state pension funds, provide the Clearing House with the following:
- balance sheet of non-state pension funds (form 0420201), report on financial results of non-state pension funds (form 0420202), cash flow statement of non-state pension funds (form 0420204), report on the compulsory pension insurance performance (form 0420255); report on shareholders and other affiliated persons of non-governmental pension fund (form 0420251), general information on the performance of the non-state pension fund (form 0420252), report on the non-governmental pension coverage performance (form 0420254) – annually and quarterly;
  - report on the structure of own assets portfolio (assets designed for the statutory activity) (form 0420256), trial balance under bookkeeping accounts of the non-governmental pension fund (form 0420260) – for March, June, September, December of the reporting year.
- 7) Non-credit institutions, which are microfinance organizations, provide the Clearing House with the following:
- microfinance organizations – report on microfinance activity (form 0420840), report on financial results (form 0420843 or 042812<sup>21</sup>), balance sheet (form 0420842 or 0420810<sup>22</sup>), certificate on affiliated persons under the form, set out in the Procedure for information and recording provision – quarterly and annually;
  - microcredit organizations – report on microcredit activity (form 0420846), report on financial results (form 0710002), balance sheet (form 0710001), certificate on affiliated persons under the form, set out in the Procedure for information and recording provision – quarterly and annually;
  - microfinance organizations – Calculation of own funds (according to the form, given in the Supplement to the Prescription of the Bank of Russia № 4037-Y<sup>23</sup> dated 09.06.2016) – monthly.
- 8) Non-credit institutions, not listed in paragraphs 3) – 6), which maintain accounting records according to the Russian standards, provide the Clearing House with the following:
- balance sheet (form 0710001); report on financial results (form 0710002), cash flow statement (form 0710005) – annually and quarterly;
  - balance sheet (form 0710001), report on financial results, made by Clearing Members (form 0710002), cash flow report (form 0710005) – quarterly;
  - issuer report (if any) – quarterly (if case if the relevant request is forwarded to the Clearing Member);
  - certificate on affiliated persons under the form, set out in the Procedure for information and recording provision (in case if the requirement, regarding disclosure of the affiliated persons list according to the Bank of Russia Regulation No. 454-P “On information disclosure by issuers”, does not apply to the Non-credit Institution) – quarterly;
  - financial reporting according to the IFRS (including consolidated one) in Russian or English language (if any).

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<sup>21</sup> Depending on the form of the microfinance organization’s incorporation.

<sup>22</sup> Depending on the form of the microfinance organization’s incorporation.

<sup>23</sup> On approving methodology for the calculation of own funds (capital) of the microfinance company.

- 9) State Corporations and International Organizations, which maintain accounting records according to the Russian standards, but not defined in the paragraph 2) provide the Clearing House with the following:
- balance sheet (form 0710001), report on financial results (form 0710002), cash flow statement (form 0710005) – annually;
  - balance sheet (form 0710001), report on financial results (form 0710002), cash flow statement (form 0710005) – quarterly;
  - emitter report (if any) – quarterly (in case of submission to a Clearing Member of a relevant request);
  - financial reporting according to the IFRS (including consolidated one) in Russian or in English language (if any).
- 10) Regional public authorities provide the following to the Clearing House:
- report on execution of the consolidated budget of the constituent entity of the Russian Federation and of the budget of the territorial state non-budgetary fund (form 0503317) – quarterly,
  - balance of the execution of the consolidated budget of the constituent entity of the Russian Federation and of the budget of the territorial state non-budgetary fund (form 0503320), consolidated report on financial results (form 0503321) – annually.
- 11) Clearing Members shall provide reporting defined in the paragraphs 1)-6) of this Supplement to the Common part of the Clearing Rules, within the following periods:
- Credit Institutions:
- calculation of own assets (capital) (Basel III) (form 0409123), a trial balance under all bookkeeping accounts (form 0409101), information on obligatory norms and on other indicators of the activity of a credit institution (form 0409135), data on contingent credit related commitments (on the basis of the 0409155<sup>24</sup> form), data on statutory requirements and on dedicated own capital of the central counterparty (on the basis of the form 0409722<sup>25</sup> for the first date of the month, following the reporting one) – not later than the 15<sup>th</sup> of the month following the reporting month;
  - an inquiry on the numerical value of the maximum risk of one borrower or of a group of connected borrowers (H6) of a credit institution – not later than the 15<sup>th</sup> of the month following the reporting month. On the 1<sup>st</sup> of January – not later than within two month of the year following the reporting one; and an inquiry on the numerical value of the maximum risk of a person connected with a bank or of a group of people connected with a bank (H25) (according to the data of the form 0409118), information on the asset quality of the credit organization (on the basis of the 0409115 form) – not later than the 10<sup>th</sup> workday of the second month of the quarter following the reporting one. On the 1<sup>st</sup> of January – not later than within two month of the year following the reporting one;
  - an inquiry on the numerical value of the structured liquidity standard (net stable funding) (Basel III) (H28 (H29)) (on the basis of the 0409121<sup>26</sup> form) – as of the 1<sup>st</sup>

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<sup>24</sup> According to the line 27 of the Supplement 2 to the Instruction of the Bank of Russia No. 4927-U, form is provided by credit institutions, except for banks with basic license.

<sup>25</sup> According to the line 3 of the Supplement 2 to the Instruction of the Bank of Russia No. 4327-U, form is provided by non-banking credit institutions – central counterparties.

<sup>26</sup> In accordance with the paragraph 1.3 of the Statute of the Bank of Russia No. 596-P, provision of information on value of the normative standard H28 is performed by the head credit institution of the banking group, which is too-

of April, 1<sup>st</sup> of July and 1<sup>st</sup> of October – not later than the 15<sup>th</sup> workday of the second month of the quarter, following the reporting one, as of the 1<sup>st</sup> of January – not later than two months of the year, following the reporting one (in case of calculation of the relevant standards);

- a report on financial results (form 0409102), list of affiliated people (form 0409051), list of affiliated people belonging to a group of people, to which a credit institution belongs (form 0409052), – not later than the 15<sup>th</sup> workday of the month following a reporting quarter.

State-owned corporations and International organizations, defined in the paragraph 2):

- trial balance sheet in respect of accounts (form 0409101), calculation of own funds (capital) (Basel III) (form 0409123) – not later than on the 15<sup>th</sup> workday of the month, following the reporting one;
- report on financial results (form 0409102) – not later than on the 15<sup>th</sup> workday of the month, following the reported quarter;

Non-credit organizations, which are professional participants of the securities Market:

- trial balance of the non-credit financial institution (form 0420002), report on financial results of the non-credit financial institution (form 0420003), cash flow statement of the non-credit financial institution (form 0420005) for the first quarter, for the first half of the year, for nine months of the reporting year; data on reporting organization (list of entities responsible for reporting subject areas); trial balance under bookkeeping accounts (form 0420410) for March, June, September of the reporting year; data on affiliated persons and on the structure of the property of the professional participant (form 0420402), data on the account receivable and payable (form 0420412), data on loans and credits (form 0420414), calculation of the broker liquidity coverage ratio (form 0420454) as of 31<sup>st</sup> of March, 30<sup>th</sup> of June, 30<sup>th</sup> of September of the reporting year – not later than 30 calendar days, following the reporting period / date;
- trial balance of the non-credit financial institution (form 0420002), report on financial results of the non-credit financial institution (form 0420003), cash flow statement of the non-credit financial institution (form 0420005) for the reporting year; data on reporting organization (list of entities responsible for reporting subject areas); trial balance under bookkeeping accounts (form 0420410) for the December of the reporting year; data on affiliated persons and on the structure of the property of the professional participant (form 0420402), data on the account receivable and payable (form 0420412), calculation of own assets (form 0420413), data on loans and credits (form 0420414), report of the professional securities participant (form 0420415), calculation of the broker liquidity coverage ratio (form 0420454) – not later than 45 calendar days, following the reporting period/date;
- calculation of own assets (form 0420413), calculation of capital adequacy ratio (form 0420455) as of the last calendar year of the month – not later than in 30 calendar days, following the reporting month.

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big-to-fail credit institution on a consolidated basis; value of the normative standard H29 is provided by too-big-to-fail credit institution, which is not head credit institution of the banking group, on an individual basis (except for too-big-to-fail credit institution, which member of the banking group, in respect of which head credit institution set requirements regarding compliance with the normative standard H28)

Non-credit Institutions, which are joint-stock investment funds, investment funds management companies, mutual funds and non-state pension funds, provide the Clearing House with the following:

- accounting balance of the Non-credit Financial Institution (form 0420002), report on the financial result of the Non-credit Financial Institution (form 0420003), cash flow statement of the Non-credit Financial Institution (form 0420005) – annually and quarterly, trial balance under bookkeeping accounts of the joint-stock investment fund, managing company (form 0420521) for March, June, September, December of the reporting year – not later than one calendar month following the reporting period;
- calculation of own funds of the managing company of investment funds, mutual funds and of the non-governmental pension funds (form 0420514) – not later than 10<sup>th</sup> business day of the month following the reporting period.

Non-credit organizations, which are insurance organizations and mutual insurance societies:

- trial balance of the insurance organization (form 0420125), report on financial results of the insurance organization (form 0420126), cash flow statement of the insurance organization (form 0420128), trial balance of the mutual insurance society (form 0420140), report on financial results of the mutual insurance society (form 0420142), cash flow statement of the mutual insurance society (form 0420144), general information on the insurer (form 0420150), report on insurance funds (form 0420155), report on creditworthiness (form 0420156)<sup>27</sup>, data on performance of the insurer (form 0420162) – for the first quarter, for the first half of the year, for nine months of the reporting year; data on obtained funds (form 0420160), report on issued comfort letters, independent guarantees and other obligations fulfillment (form 0420161) – for the first, second and third quarters of the reporting year; report on composition and on structure of assets (form 0420154), trial balance sheet according to the account of the insurer (form 0420164) for March, June, September of the reporting year – not later than one calendar month following the reporting period;
- trial balance of the insurance organization (form 0420125), report on financial results of the insurance organization (form 0420126), cash flow statement of the insurance organization (form 0420128), balance sheet of the mutual insurance society (form 0420140), report on financial results of the mutual insurance society (form 0420142), cash flow statement of the mutual insurance society (form 0420144), general information on the insurer (form 0420150), report on shareholders (members) and affiliated persons list (form 0420152)<sup>28</sup>, report on insurance funds (form 0420155), report on creditworthiness (form 0420156)<sup>29</sup>, data on performance of the insurer (form 0420162) – for the reporting year; data on obtained funds (form 0420160), report on issued comfort letters, independent guarantees and other obligations fulfillment (form 0420161) – for the fourth quarter of the reporting year; report on composition and on structure of assets (form 0420154), trial balance sheet according to the account of the insurer (form 0420164) for the December of the reporting year – not later than the 1<sup>st</sup> of March, following the reporting period.

Non-credit Institutions, which are non-state pension funds:

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<sup>27</sup> Is not provided by the mutual insurance company

<sup>28</sup> Is not provided by the mutual insurance company

<sup>29</sup> Is not provided by the mutual insurance company

- balance sheet of the non-state pension fund (form 0420201), report on financial results of the non-state pension funds (form 0420202), cash flow statement of the non-governmental pension fund (form 0420204), report on shareholders and affiliated persons of non-state pension fund (form 0420251), general data on performance of the non-state pension fund (form 0420252), business report in respect of the non-governmental pension fund (form 0420254), business report in respect of the mandatory pension insurance performance (form 0420255)<sup>30</sup> for the first quarter, for the first half of the year, for nine months of the reporting year; report on the composition of the own assets portfolio (form 0420256), trial balance under bookkeeping accounts of the non-governmental pension fund (form 0420260) for March, June, September of the reporting year not later than in one calendar month, following the reporting month;
- balance sheet of the non-state pension fund (form 0420201), report on financial results of the non-state pension funds (form 0420202), cash flow statement of the non-state pension fund (form 0420204), report on shareholders and affiliated persons of non-state pension fund (form 0420251), general data on performance of the non-state pension fund (form 0420252), business report in respect of the non-state pension fund (form 0420254), business report in respect of the mandatory pension insurance performance (form 0420255)<sup>31</sup> for the reporting year; report on the composition of the own assets portfolio (form 0420256), trial balance under bookkeeping accounts of the non-state pension fund (form 0420260) for the December of the reporting year – not later than 31<sup>st</sup> of March, following the reporting period.

Non-credit institutions, which are microfinance organizations:

- report on microfinance activity of the microfinance organization (form 0420840) as of the 31<sup>st</sup> of March, 30<sup>th</sup> of June, 30<sup>th</sup> of September of the reporting year; balance sheet (form 0420842 or 0420810<sup>32</sup>), report on financial results (form 0420843 or 0420812<sup>33</sup>), report on microfinance activity of the microfinance organization (form 0420846), balance sheet (form 0710001), report on financial results (form 0710002) for the first quarter, first half of the year, nine months of the reporting year – not later than in 23 workdays, following the reporting period;
- report on microfinance activity of the microfinance organization (form 0420840) as of the 31<sup>st</sup> of December of the reporting year; balance sheet (form 0420842 or 0420810<sup>34</sup>), report on financial results (form 0420843 or 0420812<sup>35</sup>), report on microfinance activity of the microfinance organization (form 0420846), balance sheet (form 0710001), report on financial results (form 0710002) for the reporting year – not later than the 1<sup>st</sup> of April of the year, following the reporting year;
- calculation of own funds of the microfinance company – not later than in 23 days, following the reporting month;
- certificate on affiliated persons under the form, stipulated by the Procedure for information and reporting provision, as is on 31<sup>st</sup> March, 30<sup>th</sup> June, 30<sup>th</sup> September of the reporting year – not later than in 30 calendar days following the reporting date.

Non-credit institutions, defined in paragraphs 8):

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<sup>30</sup> Is not provided by non-profit organizations.

<sup>31</sup> Is not provided by non-profit organizations.

<sup>32</sup> Depending on the form of the microfinance organization's incorporation.

<sup>33</sup> Depending on the form of the microfinance organization's incorporation.

<sup>34</sup> Depending on the form of the microfinance organization's incorporation.

<sup>35</sup> Depending on the form of the microfinance organization's incorporation.



- quarterly accounting balance of the non-credit institution (form 0710001), quarter report on financial results of the non-credit institution (form 0710002), quarter cash flow statement (form 0710005) – not later than in one calendar month following the reported quarter;
- annual accounting balance of the non-credit institution (form 0710001), annual report on financial results of the non-credit institution (form 0710002), annual cash flow statement (form 0710005) – not later than the 15<sup>th</sup> of April of the year following the reported one;
- certificate on affiliated persons under the form, set out in the Procedure for information and recording provision (in case if the requirement, regarding disclosure of the affiliated persons list according to the Bank of Russia Regulation No. 454-P “On information disclosure by issuers”, does not apply to the Non-credit Institution) as is on 31<sup>st</sup> March, 30<sup>th</sup> June, 30<sup>th</sup> September of the reporting year – not later than in 30 calendar days following the reporting date;
- financial reporting according to the IFRS (consolidated one inclusively) in Russian or in English language – when available or when published.

State corporations and International Organizations, defined in the paragraph 9):

- quarterly accounting balance of the non-credit institution (form 0710001), quarter report on financial results of the non-credit institution (form 0710002), annual cash flow statement (form 0710005) – not later than in one calendar month following the reporting quarter;
- quarterly accounting balance of the non-credit institution (form 0710001), annual report on financial results of the non-credit institution (form 0710002), annual cash flow statement (form 0710005) – not later than the 15<sup>th</sup> of April of the year following the reported one;
- financial reporting according to the IFRS (consolidated one inclusively) in Russian or in English language – when available or when published.

12) Regional public authorities:

- report on execution of the consolidated budget of the constituent entity of the Russian Federation and of the budget of the territorial state non-budgetary fund (form 0503317) – not later than the 15<sup>th</sup> calendar day of the month following the reporting period,
- balance of the execution of the consolidated budget of the constituent entity of the Russian Federation and of the budget of the territorial state non-budgetary fund (form 0503320), consolidated report on financial results (form 0503321) – not later than the period for the submission of the annual budgetary reporting to the Federal Treasury.

13) Non-resident banks and Non-credit Institutions, EurAsEC/EAEU Banks and also International Organizations, which do not maintain accounting records according to the Russian accounting and reporting standards (hereinafter referred to as Non-Residents) not later than 15 (fifteen) workdays after submission of quarter reporting accordingly or since of the date defined by a competent authority of the state of establishment of a Non-resident for submission of quarter reporting accordingly (in case if the period for submission of reporting is set out by a competent authority of the state of establishment of a Non-resident) provide to the Clearing House the following documents, composed in Russian or English language:

- financial reporting according to the IFRS in Russian or English language but if it is absent, an accounting balance (a trial balance under bookkeeping accounts), an income statement and calculation of own assets (capital) (if applicable) in accordance with the defined national standards of accounting and reporting – quarterly;
- main indicators of a Non-resident's activity (according to the forms in the Supplement 3 (for EurAsEC/EAEU Banks) and in the Supplement 4 (for Non-resident Banks and non-credit institutions) to the Procedure for provision of information and reporting) – quarterly;
- a document identifying data on actual and admitted values of obligatory regulations of the activity, set out by a competent authority, in case if in accordance with the national legislation of the state of establishment of a Non-resident such obligatory regulations are set – quarterly.

Non-residents not later than 15 (fifteen) workdays since of the date when the reporting is signed by an organization, which committed an audit of a Non-resident, provide:

- financial reporting according to the IFRS in Russian or in English language for the last reporting year certified by an auditor and in case of its absence audited financial reporting composed in accordance with the requirements of the national legislation of the state of establishment of a Non-resident – quarterly.
- 14) Formats of the provided reporting, defined in this Supplement to the Common part of the Clearing Rules, are defined in the Procedure for provision of information and reporting.
  - 15) Documents, defined in the paragraph 7) of this Supplement to the Common part of the Clearing Rules, shall be apostilled and legalized in the defined order, translated into Russian. The accuracy of the translation or the authenticity of the sign of a translator shall be notarized.
  - 16) In case if the bodies, which regulate provision terms for the reporting defined in this supplement, decide to change reporting dates, such reporting shall be provided according to the dates, set out in the relevant decision.

**Supplement 6**  
to the Common part of the Clearing Rules

**Time Specification**

#	Name of the operation	Time (Moscow Time)
<b>1.</b>	<b>Time (period of time) when clearing and other operations in the Clearing System of the Securities Market, Deposit Market and Credit Market are executed</b>	
1.1.	Receipt of an excerpt of Securities Sub-accounts / depo sub-accounts from the Settlement Depository.	till 9:30
1.2.	Execution of the mark-to-Market clearing session:	till 10:00 of a Settlement Day
1.2.1.	on the securities market, deposit market and credit market.	On the Settlement Day, till 06:50
1.2.2.	on the FX market and precious metals market.	On the Settlement Day, till 07:00
1.3.	Calculation of Margin Calls, Default Funds Margin Calls, Collateral for Stress Margin Calls, Margin Calls in respect of the pool, Concentration Risk Margin Calls, Margin Calls in respect of the Settlement Account for paying taxes.	On the Settlement Day, at 10:00
1.4.	Execution of the first clearing session.	from 17:30 till 18:00
1.5.	Execution of the second clearing session.	from 19:00 till 20:00
1.6.	Execution of the third clearing session.	from 20:00 till 20:45
1.7.	Submission by the Clearing Member to the Clearing House of the Request for the execution of early settlement, Standing Instructions to limit start time for execution of trades with the Clearing House and of the Requests for limiting end time for execution of trades with the Clearing House.	from 9:00 till 18:00
1.8.	Forwarding by the Clearing House of the Settlement Depository of the Request for the securities selection with the aim to satisfy Margin Calls, Margin Calls in respect of funds and/or Margin Calls in respect of Collateral for Stress, Margin Calls in respect of the pool, Concentration Risk Margin Call, Margin Calls in respect of the Settlement Account for paying taxes.	- immediately after the calculation of Margin Calls; -from 16:30 till 16:45
1.9.	Submission by the Clearing Member of the Request for the Trade Account replacement	till 20:00 of a Settlement Day
1.10.	End time for execution of trades with the Clearing House in case if the Clearing Member has provided Request for limiting end time for execution of trades with the Clearing House	during 15 minutes after Clearing House receives the Request for limiting end time for execution of trades with the Clearing House, within the periods from 12:00 to 14:00 and from 15:15 to 17:30
1.12.	End time for execution of trades with the Clearing House in case if the Clearing Member provides Request for limiting end time for execution of trades with the Clearing House with the indication of time / Standing instruction to limit end time for execution of trades with the Clearing House	At the time, defined in the request / instruction of the Clearing Member
<b>2.</b>	<b>Time (period of time) for Collateral posting and return</b>	

2.1.	Enter of cash funds on the clearing banking or to the correspondent account of the Clearing House to be recorded on the current Settlement Day.	till 21:00
2.2.	Forwarding by a Clearing Member to the Clearing House instructions to transfer cash funds in order to post / return Collateral / contributions to the Default Funds / Collateral for Stress with the indication of Trade Accounts, into to the structure of which Collateral Account T0 is not included (via the Clearing System of the Securities Market and ).	from 06:50 till 23:50 of a Settlement Day
2.3	Forwarding by a Clearing Member to the Clearing House instructions to transfer cash funds in order to post / return Collateral / contributions to the Default Funds / Collateral for Stress with the indication of Trade Accounts, into to the structure of which Collateral Account T0 is included (via the Clearing System of the Securities Market and ).	from 09:05 till 19:00 of a Settlement Day
2.4.	Forwarding by a Clearing Member to the Clearing House instructions to transfer securities in order to post / return Collateral / contributions to the Default Funds / Collateral for Stress (via the Clearing System of the Securities Market and ).	from 06:50 till 19:00 of a Settlement Day
2.5	Transfer by the Clearing Member to the Clearing House of Requests to transfer Assets Profiles	from 06:50 till 23:50 of a Settlement Day
2.6.	Acceptance by the Clearing House Requests for Collateral transfer in foreign currency, Russian rubles, precious metals.	
	- Settlement Account, opened for the Commodities Market, is indicated in the Request for Collateral transfer	from 09:00 till 17:00 of a Settlement Day
	- Settlement Account, opened for the Standardised Derivatives Market, is indicated in the Request for Collateral transfer	from 09:00 till 20:30 of a Settlement Day
	- in other cases.	from 06:50 till 23:50 of a Settlement Day
2.7.	Acceptance by the Clearing House Requests for Collateral return with the aim to return cash funds from Collateral / Default Funds / Collateral for Stress and Requests for depositing, and also acceptance by the Clearing House from the NSD of the Request for receiving cash funds:	on the Settlement Day at the time, determined for the relevant currency
	- Hong Kong dollars;	from 08:00 till 11:00 of a Settlement Day
	- yuan, Belarusian rubles, tenges;	from 08:00 till 12:00 of a Settlement Day
	- Swiss francs;	from 08:00 till 14:00 of a Settlement Day
	- euro, pounds sterling from the clearing accounts with the NSD;	from 08:00 till 16:25 of a Settlement Day
	- euros, pounds sterling from the clearing / correspondent accounts with the Settlement Organizations / Settlement Banks (except for the NSD);	from 08:00 till 17:00 of a Settlement Day;
	- Russian rubles	from 08:00 till 19:30 of a Settlement Day
	- US dollars, precious metals;	from 08:00 till 20:00 of a Settlement Day
	- yen with the entering on the account of the receiver not later than a Settlement Day following the date when the request is received.	from 08:00 till 20:00 of a Settlement Day
2.8.	Execution of Standing Instructions to return collateral, which contain the feature, indicating the necessity to return the whole available amount of	

	cash funds / whole available amount of precious metal, for external payments <sup>1</sup> , in:	
	- Hong Kong dollars;	12:45
	- Belarusian rubles, tenges, Turkish lira;	13:00
	- Swiss francs;	14:00
	- yuan;	14:30
	- euros, pounds sterling from clearing accounts, registered with the NSD;	16:20
	- euros, pounds sterling from clearing / correspondent accounts in the Settlement Organization / Settlement Banks (except for the NSD;)	17:15 <sup>2</sup> / 18:15
	- Russian rubles	19:45
	- US dollars, precious metals	20:00
	- yen with the entering on the account of the receiver lot later than a Settlement Day, following the date when the request is received.	20:00
2.9.	Execution of Standing instructions to return collateral, which contain the feature, indicating the necessity to return the whole available amount of cash funds / whole available amount of precious metal, for internal payments <sup>1</sup> , in:	
	- Hong Kong dollars;	12:45
	- Belarusian rubles, tenges, Turkish lira;	13:00
	- Swiss francs;	14:00
	- yuan;	14:30
	- euros;	17:15 <sup>2</sup> / 18:15
	- pounds sterling;	17:15 <sup>2</sup> / 18:15
	- Russian rubles;	19:45
	- US dollars, precious metals;	20:00
	- yen with the entering on the account of the receiver lot later than a Settlement Day, following the date when the request is received.	20:00
2.10.	Return by the Clearing House to a Clearing Member of cash funds / precious metals / securities, recorded as Collateral of a Clearing Member <sup>3</sup> .	on the Settlement Day when the Clearing House receives relevant request / on a Settlement Day (in case of return of cash funds / precious metals on the basis of the Standing Instruction to return collateral)
2.11.	Return by the Clearing House to Clearing Members of cash funds / securities, recorded as Guarantee Fund contributions / Collateral for Stress	on the Settlement Day, when the Clearing House receives relevant request / instruction
<b>3.</b>	<b>Time for the calculation of obligations in cash / precious metals to be fulfilled, under the Unified Pool Settlement Accounts, Settlement Accounts, registered for the securities market, Deposit Market and Credit Market, Settlement Accounts, registered for the fx market and precious metals market</b>	
3.1.	Calculation of Total Net Obligations / Total Net Claim in cash / precious metals:	
	- of Clearing Members, which have the Total Net Obligation, for the fulfillment of which there is no sufficient amount of cash funds / precious metals, emerged for 2 (two) Settlement Days in a row, on the 3 <sup>rd</sup> (third) Settlement Day;	On the Settlement Date at 10:00

	- of Clearing Members, provision of clearing service to which has been suspended;	
3.2.	- Calculation of Total Net Obligations / Total Net Claims in cash funds / precious metals (the abovementioned Total Net Claim is used for the execution of the Standing Instruction to return collateral, which contains the feature, indicating the necessity to return cash funds / precious metal in the amount of the net claim):	
	- in Hong Kong dollars;	On the Settlement Date at 11:00
	- in euro, pounds sterling, US dollars, Russian rubles, yen, precious metals for Clearing Members, which submitted the Request for the execution of early settlement, without indication of time till, 11:00 or the Request for the execution of early settlement / Standing Instruction to execute early settlement, with the indication of 11:00;	On the Settlement Date at 11:00
	- in yuan, Belorussian rubles, tenge, Swiss francs, Turkish lira;	On the Settlement Date at 12:00
	- in euro, pounds sterling, US dollars, Russian rubles, yen, precious metals for Clearing Members, which submitted the Request for the execution of early settlement, without indication of time, within the period of time from 12:00 to 14:00;	Within 15 minutes after receiving by the Clearing House of the Request for the execution of early settlement
	- in euro, pounds sterling, US dollars, Russian rubles, yen, precious metals for Clearing Members, which submitted the Request for the execution of early settlement without indication of time from 11:00 to 12:00 or the Request for the execution of early settlement / Standing Instruction to execute early settlement with the indication of 12:00	On the Settlement Date at 12:00
	- in euro, pounds sterling for Clearing Members, which did not submit the Request for the execution of early settlement or the Standing Instruction to execute early settlement;	On the Settlement Date at 15:15
	- in US dollars, Russian rubles, yen, precious metals for Clearing Members, which submitted the Request for the execution of early settlement, without indication of time, within the period of time from 14:00 to 15:15 or the Request for the execution of early settlement / Standing Instruction to execute early settlement with the indication of 15:15;	On the Settlement Date at 15:15
	- in US dollars, Russian rubles, yen, precious metals for Clearing Members, which submitted the Request for the execution of early settlement, without indication of time, within the period of time from 15:15 to 17:30;	Within 15 minutes after receiving by the Clearing House of the Request for the execution of early settlement
	- in US dollars, Russian rubles, yen, precious metals for Clearing Members, which submitted the Request for the execution of early settlement, without indication of time, within the period of time from 17:30 to 18:00 or the Request for the execution of early settlement / Standing Instruction to execute early settlement with the indication of 18:00	On the Settlement Date at 18:00
3.3.	Calculation of Total Net Obligations / Total Net Claims in cash funds / precious metals:	

	<ul style="list-style-type: none"> <li>- in US dollars, Russian rubles, yen, precious metals (except for precious metals with the feature Loco London) for Clearing Members, which did not submit the Request for the execution of early settlement or the Standing Instruction to execute early settlement, under trades, executed on the Settlement Date till 19:00;</li> <li>- in Russian rubles under REPO trades / buy-sell trades in securities, executed in accordance with the paragraph 5.7 of the Time Specifications;</li> </ul>	On the Settlement Date at 19:20
	<ul style="list-style-type: none"> <li>- in Hong Kong dollars under trades, executed on the Settlement Date from 11:00 till 19:00;</li> <li>- in yuan, Belorussian rubles, tenge, Swiss francs, Turkish lira under trades, executed on the Settlement Date from 12:00 till 19:00;</li> <li>- in euro, pounds sterling under trades, executed on the Settlement Date from 15:15 till 19:00.</li> </ul>	On the Settlement Date at 19:20
	<ul style="list-style-type: none"> <li>- in precious metals (precious metals with the feature Loco London)</li> </ul>	On the Settlement Date at 10:00
<b>4.</b>	<b>Time for the calculation of obligations in securities to be fulfilled, under the Unified Pool Trade Accounts, Trade Accounts, registered for the securities market, Deposit Market and Credit Market</b>	
4.1.	<p>Calculation of previous Total Net Obligations in securities:</p> <ul style="list-style-type: none"> <li>- of Clearing Members, which have Total Net Obligation in security, for the fulfillment of which there is no sufficient amount of securities, has emerged for 4 (four) Settlement Days in a row, on the 5 (fifth) Settlement Day under one Trade Account;</li> <li>- of Clearing Members, which have Total Net Obligation in security, for the fulfillment of which there is no sufficient amount of securities, has emerged for 8 (eight) Settlement Days in a row, on the 9 (ninth) Settlement Day under any Trade Account.</li> </ul>	Till 9:45
4.2.	Forwarding by the Clearing House to the Settlement Depository of the Request for the securities selection.	From 9:45 till 10:00
4.3.	<p>Calculation of the Total Net Obligations in securities</p> <ul style="list-style-type: none"> <li>- of Clearing Members that have a Total Net Obligation in security, to fulfill which there is no sufficient amount of securities, emerged for 4 (four) Settlement Days in a row, on the 5 (fifth) Settlement Day under one Trade Account;</li> <li>- of Clearing Members, which have Total Net Obligation in security, for the fulfillment of which there is no sufficient amount of securities, has emerged for 8 (eight) Settlement Days in a row, on the 9 (ninth) Settlement Day under any Trade Account;</li> <li>- of Clearing Members, provision of clearing service to which has been suspended.</li> </ul>	On the Settlement Date at 10:00
4.4.	Determination of Total Net Obligations / Total Net Claims in securities arising from trades, executed till 16:00	On the Settlement Date at 16:00
4.5.	Forwarding by the Clearing House to the Settlement Depository of the Request for securities selection.	from 16:30 till 16:45
4.6.	Calculation of advanced Total Net Obligations in securities, arising from trades, executed on the Settlement Date from 16:00 till 18:30	On the Settlement Date at 18:30
4.7.	Forwarding by the Clearing House to the Settlement Depository of the Request for securities selection	from 18:30 till 19:00
4.8.	Determination of Total Net Obligations / Total Net Claims in securities, arising from trades, executed on the Settlement Date from 16:00 till 18:30	On the Settlement Date at 19:00

5.	Obligations fulfillment period	
5.1.	<p>Fulfillment of Total Net Obligations in cash funds / precious metals by Clearing Members, which have Total Net Obligation, for the fulfillment of which there is no sufficient amount of cash funds / precious metals, or the Debt emerged on 2 (two) Settlement Days in a row, on the third Settlement Day.</p> <p>Fulfillment of Total Net Obligations in securities by Clearing Members, which have the Total Net Obligation, for the fulfillment of which there is no sufficient number of securities, emerged 4 (four) Settlement Days in a row, on the fifth Settlement Day under one Trade Account.</p> <p>Fulfillment of Total Net Obligations in securities by Clearing Member, which have the Total Net Obligation, for the fulfillment of which there is no sufficient amount of securities, has emerged for 8 Settlement Days in a row, on the ninth Settlement Day under any Trade Account.</p> <p>Fulfillment of Total Net Obligations in cash funds / precious metals / securities of Clearing Members, provision of clearing service to which has been suspended on the previous Settlement Day.</p>	10:00 of a Settlement Date
5.2.	Execution by Clearing Members of Total Net Obligations in securities under trades, executed on the Settlement Date till 16:00..	17:00 of a Settlement Date
5.3.	Execution by Clearing Members of Total Net Obligations in securities, under trades, executed on the Settlement Date from 16:00 till 19:00.	19:00 of a Settlement Date
5.4.	Execution by Clearing Members of Total Net Obligations in cash funds / precious metals	
	- in Hong Kong dollars, calculated under trades, executed on the Settlement Date till 11:00;	till 12:00 <sup>4</sup> of a Settlement Date
	- in yuan, Swiss francs, Belorussian rubles, tenge, calculated under trades, executed on the Settlement Date till 11:00;	till 13:00 <sup>4</sup> of a Settlement Date
	- in Turkish lira, calculated under trades, executed on the Settlement Date till 12:00	till 14:00 <sup>4</sup> of a Settlement Date
	- in pounds sterling, calculated under trades, executed on the Settlement Date till 15:15;	till 17:00 <sup>4</sup> of a Settlement Date
	- in euro, calculated under trades, executed on the Settlement Date till 15:15;	from 17:00 <sup>2</sup> / 18:00 of the Settlement Date
	<p>- in US dollars, Russian rubles, yen, precious metals (except for precious metals with the feature Loco London) under trades, executed on the Settlement Date till 19:00;</p> <p>- in Hong Kong dollars, calculated under trades, executed on the Settlement Date from 11:00 till 19:00;</p> <p>- in yuan, Belorussian rubles, tenge, Swiss francs, Turkish lira, calculated under trades, executed on the Settlement Date from 12:00 till 19:00;</p> <p>- in euro, pounds sterling, calculated under trades, executed on the Settlement Date from 15:15 till 19:00.</p>	till 20:00 <sup>4</sup> of a Settlement Date
	- in precious metals (precious metals with the feature Loco London)	On the Settlement Date till 12:00
5.5.	Satisfaction of Margin Calls in respect of Default Funds, Margin Calls in respect of Collateral for Stress, Concentration Risk Margin Calls, Margin Calls in respect of the Settlement Account for paying taxes, Margin Calls, emerged under the Unified Pool Settlement Accounts and Settlement Account, registered for the Securities Market, Deposit Market and Credit Market and on the FX Market and precious metals market.	till 17:30 of the day of the relevant Margin Call emergence
5.6.	Execution of REPO / buy-sell trades in securities in case if there are Total Net Obligations / Total Net Claims in securities under trades, executed	from 17:00 till 17:30 of the Settlement Day



	on the Settlement Date till 16:00, for the fulfillment of which there is no sufficient number of securities.	
5.7.	Execution of REPO / buy-sell trades in securities in case if there are Total Net Obligations / Total Net Claims in securities under trades, executed on the Settlement Date from 16:00 till 19:00, for the fulfillment of which there is no sufficient amount of securities.	from 19:00 till 19:30 of the Settlement Day
5.8.	Execution of swap / REPO trades in case if there are Total Net Obligations / Total Net Claims in cash funds / precious metals, for the fulfillment of which there is no sufficient amount of cash funds / precious metals.	from 20:00 till 20:30 of a Settlement Day <sup>4</sup>
5.9.	Termination of the Total Net Obligations / Total Net Claims in cash funds / precious metals.	On the Settlement Day at 20:30 <sup>4</sup>
<b>6.</b>	<b>Period for provision of reports submitted after clearing</b>	
6.1.	Forwarding by the Clearing House to Clearing Members Cash flow statements, Reports on Default Funds, Reports on Collateral for Stress, Reports on Concentration Risk Mitigation Collateral.	till 9:00
6.2.	Forwarding by the Clearing House to Clearing Members of Reports on Margin Calls.	10:00 – 10:15
6.3.	Forwarding by the Clearing House to Clearing Members of Reports on Total Net Obligations / Total Net Claims under Unified Pool Settlement Accounts, Settlement Accounts, opened for the Securities Market, Deposit Market and Credit Market, Settlement Accounts, registered for the FX Market and Precious Metals Market in:	
	- cash funds / precious metals / securities for Clearing Members, which have the Total Net Obligation, for the fulfillment of which there is no sufficient amount of cash funds / precious metals, has emerged for 2 (two) Settlement Days in a row, on the 3 (third) Settlement Day, or for Clearing Members, which have the Total Net Obligation in securities, for the fulfillment of which there is no sufficient amount of securities, has emerged for 4 (four) Settlement Days in a row, on the 5 (fifth) Settlement Day under one Trade Account, or for Clearing Members, which have Total Net Obligation in security, for the fulfillment of which there is no sufficient amount of securities, has emerged for 8 (eight) Settlement Days in a row, on the 9 (ninth) Settlement Day under any Trade Account;	from 10:00 till 10:15 of a Settlement Date
	- cash funds in Hong Kong dollars, calculated under Trades, executed on the Settlement Date till 11:00;	from 11:00 till 11:15 of a Settlement Date
	- cash funds in euro, pounds sterling, US dollars, Russian rubles, yen, precious metals for Clearing Members, which submitted the Request for the execution of early settlement, without the indication of time, till 11:00 or the Request for the execution of early settlement / Standing Instruction to execute early settlement with the indication of 11:00;	from 11:00 till 11:15 of a Settlement Date
	- cash funds in yuan, Belorussian rubles, tenge, Swiss francs, Turkish lira, calculated under trades, executed on the Settlement Date till 12:00;	from 12:00 till 12:15 of a Settlement Date
	- cash funds in euro, pounds sterling, US dollars, Russian rubles, yen, precious metals for Clearing Members, which submitted the Request for the execution of early settlement, without indication of time, within the period of time from 12:00 till 14:00;	Within 15 minutes after the Clearing House receives the Request for the execution of early settlement
	- cash funds in euro, pounds sterling, US dollars, Russian rubles, yen, precious metals for Clearing Members, which submitted the Request for the execution of early settlement without indication of the time	On the Settlement Date from 12:00 till 12:15

	from 11:00 till 12:00 or the Request for the execution of early settlement / Standing Instruction to execute early settlement with the indication of 12:00	
	- cash funds in euros, pounds sterling, hryvnias, calculated under trades, executed on the Settlement Date till 15:15;	from 15:15 till 15:30 of a Settlement Date
	- cash funds in US dollars, Russian rubles, yen, precious metals for Clearing Members, which submitted the Request for the execution of early settlement, without indication of time, within the period of time from 14:00 till 15:15 or the Request for the execution of early settlement / Standing Instruction to execute early settlement with the indication of 15:15;	from 15:15 till 15:30 of a Settlement Date
	- cash funds in US dollars, Russian rubles, yen, precious metals for Clearing Members, which submitted the Request for the execution of early settlement, without indication of time, within the period of time from 15:15 till 17:30;	Within 15 minutes after the Clearing House receives the Request for the execution of early settlement
	- cash funds in US dollars, Russian rubles, yen, precious metals for Clearing Members, which submitted the Request for the execution of early settlement, without indication of time, within the period of time from 17:30 till 18:00 or the Request for the execution of early settlement / Standing Instruction to execute early settlement with the indication of 18:00;	from 18:00 till 18:15 of a Settlement Date
	- cash funds in US dollars, Russian rubles, yen, precious metals (except for precious metals with the feature Loco London) under trades, executed on the Settlement Date till 19:00 for Clearing Members, which submitted the Request for the execution of early settlement or the Standing Instruction to execute early settlement; - cash funds in Hong Kong dollars, calculated under Trades, executed on the Settlement Date from 11:00 till 19:00 for Clearing Members, which did not submit the Request for the execution of early settlement or the Standing Instruction to execute early settlement; - cash funds in yuan, Belorussian rubles, tenge, Swiss francs, Turkish lira, calculated under trades, executed on the Settlement Date from 12:00 till 19:00, for Clearing Members, which have not submitted the Request for the execution of early settlement or the Standing Instruction to execute early settlement; - cash funds in euro, pounds sterling, calculated on the basis of trades, executed on the Settlement Date from 15:15 till 19:00 for Clearing Members, which did not provide the Request for the execution of early settlement or the Standing Instruction to execute early settlement;	from 19:00 till 19:35 of a Settlement Date
	- in precious metals (precious metals with the feature Loco London)	On the Settlement Date from 10:00 till 10:30
	- securities under trades, executed on the Settlement Date till 16:00;	from 16:00 till 16:15 of a Settlement Date
	- securities under trades, executed on the Settlement Date from 16:00 till 19:00.	from 19:00 till 19:15 of a Settlement Date
	- cash funds and in securities on the basis of the execution of swap and/or REPO trades in case if there are Total Net Obligations / Total Net Claims in cash / precious metals, for the fulfillment of which there is no sufficient amount of cash funds,	till 20:45 of the Settlement Day <sup>4</sup>
6.4.	Forwarding by the Clearing House of Reports on fees on the securities market, Deposit Market and Credit Market, fx market and precious metals market:	

	to Clearing Members, which submitted the Request for the execution of early exit from trading, without indication of time, till 11:00 or Requests / Standing Instruction to execute early exit from trading with the indication of 11:00;	from 11:00 till 11:15 of a trades execution date
	- to Clearing Members, which submitted the Request for limiting end time for execution of trades with the Clearing House, without indication of time, within the period of time from 11:00 till 14:00 or from 15:15 till 17:30;	Within 15 minutes after the Clearing House receives the Request for limiting end time for execution of trades with the Clearing House
	- to Clearing Members, which submitted the Request / Standing Instruction to limit end time for execution of trades with the Clearing House with the indication of 12:00	Trades conclusion date from 12:00 till 12:15
	- to Clearing Members, which submitted the Request for limiting end time for execution of trades with the Clearing House, without indication of time, within the period of time from 14:00 till 15:15 or the Request / Standing Instruction to execute early exit from trading with the indication of 15:15;	from 15:15 till 15:30 of a trades execution date
	- to Clearing Members, which submitted the Request for limiting end time for execution of trades with the Clearing House, without indication of time, within the period of time from 17:30 till 18:00 or the Request / Standing Instruction to execute early exit from trading with the indication of 18:00;	from 18:00 till 18:15 of a trades execution date
	- to Clearing Members, which submitted the Request / Standing Instruction to limit end time for execution of trades with the Clearing House with the indication of 19:00;	till 19:15 of a trades execution date
	- which contain the information on fees under trades, executed till 19:00: to Clearing Members, which did not submit the Request / Standing Instruction to limit end time for execution of trades with the Clearing House;	till 19:15 on the trade execution date
	- which contain the information on fees under trades, executed till 19:00: to Clearing Members, which did not submit the Request / Standing Instruction to limit end time for execution of trades with the Clearing House.	till 09:00 of the Settlement Day, following the trade execution date
<b>7.</b>	<b>- Period for transfer of obligations and Collateral</b>	
7.1.	Forwarding by a Segregated Client to the Clearing House of the Request for obligations and Collateral transfer.	till 18:00 of a day D1 <sup>5</sup> or till 13:00 of a day D2 <sup>5</sup> , when executing the procedure for obligations and collateral transfer on the grounds set out by the legislation; from 9:00 till 18:00 of the workday when executing the procedure for obligations and Collateral transfer on other grounds
7.2.	Forwarding by the Clearing House to the Clearing Member-Recipient of a message on amount of obligations / claims of the Basic Clearing Member in cash funds / securities / precious metals under obligations, accepted for clearing, under Trades executed using funds of a Segregated Client, and also on the amount of Collateral of the Basis Clearing	not later than 15:00 of a day, following the day D1 <sup>5</sup> ; not later than 17:00 of a day D2 <sup>5</sup> ; not later than 15:00 of a

	Member in cash funds / securities / precious metals, recorded under a Settlement Account of the Basis Clearing Member, to which a Segregated Client that provided the Application for obligations and Collateral transfer is fixed.	workday following the day D3 <sup>5</sup>
7.3.	Forwarding by a Clearing Member – recipient to the Clearing House of the Agreement on acceptance of obligations and Collateral.	not later than 16:00 of a day D1 <sup>5</sup> ; not later than 18:00 of a day D2 <sup>5</sup> ; not later than 16:00 of a day D3 <sup>5</sup> ;
7.4.	Transfer by the Segregated Client to the Clearing House of the Application to withdraw application for obligations and collateral transfer, Application to transfer obligations and collateral with the indication of the Receiving Clearing Member name.	not later than 13:00 of a day, following the day D1 <sup>5</sup> ; not later than 13:00 of a day D2 <sup>5</sup> ; not later than 13:00 of the workday, following the day D3 <sup>5</sup>
7.5.	Execution by the Clearing House of the Application for obligations and Collateral transfer	from 10:00 till 16:00, from 18:00 till 19:00.
7.6.	Transfer by the Clearing Member – Recipient of the Request for filling in short code of the client.	till 20:00 of the Settlement Day, preceding to the Date for fulfillment of obligations under Trades, defined in the request
<b>8.</b>	<b>Periods of time for the execution of the liquidation netting in respect of the Clearing Member client</b>	
8.1.	Provision by the Clearing Member to the Clearing House of the Application for the execution of the liquidation netting in respect of the Clearing Member client	till 15:00 of the day of revocation (annulment) by the Bank of Russia of the banking license of the Clearing Member client, which is the credit institution, or of the day, when the arbitration court made the decision on introduction of one of the bankruptcy procedures in respect of the Clearing Member client
<b>9.</b>	<b>Periods of time for the execution of other operations</b>	
9.1.	Clearing Member secures counter obligations according to the sub-paragraph 29.4.2	On the day when the necessity to execute balancing trades arises, till 18:45
9.2.	Time of balancing trades execution according to the paragraph 29.4	On the day when the necessity to execute balancing trades arises, at 18:45

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<sup>1</sup> Internal payment means the return of cash funds to the Account for Collateral Return, opened in the credit institution, which is a Settlement Bank / Settlement Organization for such currency, external payment means the return of cash funds to the Account for Collateral Return, opened in the credit institution, which is not a Settlement Bank / Settlement Organization for such currency.

<sup>2</sup> During the period when the summer time is valid on the territory of the European Union.

<sup>3</sup> Debiting the Account for Collateral Return with cash funds in foreign currency is executed in accordance with the periods for execution of instructions in foreign currency through correspondent accounts of a Settlement Bank, posted on the official website of a Settlement Bank on the Internet.

<sup>4</sup> If there is a failure in payment systems the defined time can be extended by the decision of the Clearing House till the defined failure is fixed.

D1 is the day when portability procedure starts, when executing portability procedure according grounds, set by the legislation, in case if the day following the defined procedure start day is the workday;

D2 is the day when portability procedure starts, when executing portability procedure according grounds, set by the legislation, in case if the day following the defined procedure start day is non-workday or holidays;

D3 is the day when portability procedure starts, when executing portability procedure according to the other grounds.