

## RESOLUTION 2<sup>1</sup>

### “Professional competence of Clearing Members”

(as approved at the 40<sup>th</sup> EnExClear’s BoD meeting on 02.02.2022)

#### THE CLEARING HOUSE EnExClear

Having regard to the provisions of ~~sub~~the:

- i. ~~Sub-section 2.10.7, Chapter 2 of the Clearing Rulebook for Transactions on the Day-Ahead & Intraday Markets (hereinafter the "Clearing Rulebook of HEnEx Electricity Markets")<sup>2</sup> and the provisions of sub~~
- ii. ~~Sub-section 2.10.7, Chapter 2 of the Clearing Rulebook for Balancing Market Positions (hereinafter the “Clearing Rulebook of Balancing Market”)<sup>3</sup> as in force and~~
- iii. ~~Sub-section 2.10.7, Chapter 2 of the Clearing Rulebook for Transactions on HEnEx’s Natural Gas Trading Platform (hereinafter the “Clearing Rulebook of Natural Gas”)<sup>4</sup>~~

as in force,

#### HEREBY RESOLVES AS FOLLOWS

##### Article 1. PURPOSE & SCOPE

1. The purpose of this Resolution is to set out the professional capacity requirements that must be met by employees and executives of Clearing Members of the Clearing House "EnExClear" as well as the procedures for their certification as Certified Clearers, for their access to the Clearing System of

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<sup>1</sup> Unofficial translation from the Greek language (~~Ref. EnExClear: 204/05.06.2020~~), as of ~~23/06/2020~~04/02/2022. In case of any discrepancy between the Greek and the English version, the Greek version prevails.

<sup>2</sup> Regulatory Authority for Energy (RAE), ~~Resolution~~Decision 1125A/2019, «Approval of the Clearing Rulebook for Transactions on the Day Ahead and Intraday Market», pursuant to Art. 13 par.2 of L.4425/2016 (Gov.Gazette A' 185), as in force» (Gov.Gazette B' 428/12.02.2020).

<sup>3</sup> ~~It is noted that Regulatory Authority for Energy (RAE), Decision 943/2020, «Approval of the Clearing Rulebook for Positions on Balancing Market has been submitted~~Positions, pursuant to the Regulatory Authority for Energy for approval~~Art.12, 13 par.2 of L.4425/2016 (Gov. Gazette A' 185), as in force».~~

<sup>4</sup> Regulatory Authority for Energy (RAE), Decision 89/2022, «Approval of Clearing Rulebook for Transactions on HEnEx’s Natural Gas Trading Platform, pursuant to Art.19 of L.4425/2016 (Gov. Gazette A' 185), as in force»

EnExClear (hereinafter the "System") in accordance with the Clearing Rulebook of HEnEx Electricity Markets ~~and~~, the Clearing Rulebook of Balancing Market, the Clearing Rulebook of Natural Gas and the respective procedures governing the function of clearing.

2. This Resolution applies to Clearing Members and to those persons holding the position of Certified Clearer at a Clearing Member.

3. The terms and definitions used in this Resolution shall have the same meaning as ~~in the one assigned to them by~~ Law 4425/2016, Law 4001/2011 or ~~in any other related~~ legislation of national ~~National~~ or ~~EU law~~ Union Law, in the Clearing Rulebook of HEnEx Electricity Markets, in the Clearing Rulebook of Balancing Market and in the Clearing Rulebook of ~~Balancing Market~~, Natural Gas as well as any Resolutions issued in ~~other decisions adopted in their~~ implementation, unless otherwise expressly stipulated.

In every case, the provisions of the above texts this Resolution are interpreted in accordance with the rules and principles provisioned in the Scope of Application of the Clearing Rulebook of HEnEx Electricity Markets, in the Scope of Application of the Clearing Rulebook for Balancing Market and in the Scope of Application of the Clearing Rulebook of Natural Gas.

Moreover, any reference in this Resolution to "Competent Department" shall be to the Certification/Training Department which EnExClear has or utilises in the framework of using relevant outsourcing services to exercise its functions in accordance with the terms hereof.

## Article 2. CERTIFICATES OF CLEARING MEMBER EMPLOYEES AND OFFICERS

### 2.1 Certificates

1. For the purpose of recognising the professional competence of employees and officers, EnExClear issues the Energy Clearer Certificate (hereinafter "ECC").

2. The ECC relates to the performance of duties of a Certified Energy Clearer at a Clearing Member of EnExClear ~~both for the Clearing of Transactions on the Day Ahead and Intraday Markets of HEnEx and the Clearing of Positions on the Balancing Market of the HETS Operator for:~~

a) the Clearing of Transactions on the Day Ahead and Intraday Markets of HEnEx,

b) the Clearing of Positions on the Balancing Market of the HETS Operator and

c) the Clearing of Transactions on HEnEx's Natural Gas Trading Platform.

### 2.2 Obligations of Clearing Members

1. Every employee or officer acting as a Certified Energy Clearer at a Clearing Member must have an ECC.

2. Clearing Members must ensure that the Energy Clearing Members employed by them have an ECC.

3. Clearing Members must also ensure that the Energy Clearing Members employed by them have, on an ongoing basis, adequate knowledge of the Clearing Rulebook of HEnEx Electricity Markets and, the Clearing Rulebook of Balancing Market, the Clearing Rulebook of Natural Gas and the procedures in general which govern the operation of EnExClear and its systems.

### 2.3 Prerequisites for the granting of the ECC

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1. The ECC is granted by EnExClear provided all the following requirements are met:

- a) the candidate is at least 18 years old,
- b) there are no grounds for not granting the ECC pursuant to par. 2,
- c) the candidate has passed the examinations held for granting of the relevant Certificate in accordance with the provisions of paragraphs 3.1 to 3.4 of Article 3 or qualifies for exemption from the aforesaid examinations in accordance with the provisions of par. 3.5, Article 3 of this Resolution,
- d) the candidate has paid the relevant fees to EnExClear in accordance with the provisions of par. 3.6, Article 3 of this Resolution.

2. The ECC is not granted if:

- a) the candidate has been convicted by final judgment of an offence that constitutes an impediment to his or her appointment to a civil servant position, in accordance with the relevant provisions of paragraph 1, Article 8, Law 3528/2007 (Government Gazette A' 26/2007), or has been dismissed from another position for disciplinary reasons pursuant to the same law, or has been convicted by final judgment of any offence of articles 398 or 406 of the Penal Code as they were in force (default and fraudulent misleading to exchange market transactions) or of legislation on protection against acts of persons holding privileged information and acts of market manipulation pursuant to Regulation (EU) 1227/2011 (OJ L 326, 8.12.2011), Regulation (EU) 596/2014 (OJ L 173, 12.6.2014), Law 4443/2016 (Government Gazette A' 232/9.12.2016) and Directive (EU) 2014/57 (OJ L 173, 12.6.2014) and legislation on the prevention and suppression of money laundering and terrorist financing (Directive 2015/849/EU, Law 4557/2018, Government Gazette A' 139/2018).
- b) a fine of at least ten thousand euros (€ 10,000) in total has been issued on the candidate for breaches of the provisions of instance (a) above, for which the time allowed for filing a court appeal has expired or in regard to which a final judgment has been entered dismissing the appeal.
- c) references to the above provisions include also their former versions depending on the time the offense was committed.

### 2.4 Certification Application & Documentation

1. The applications for granting the ECC in accordance with the present submitted to the Competent Department, which ensures for the issuance of the ECC in accordance with the terms thereof.
2. The application must be submitted in a form that is available from the aforesaid Department.
3. The application must be accompanied by the supporting documents required in each case, along with the proof of payment of the applicable certification fee, as these are specified by the Competent Department.
4. In order to be reviewed by the Competent Department, the application and relevant documentation must be completed fully and clearly before being submitted within the deadline set in each instance.

### **Article 3. TERMS & CONDITIONS ON CONDUCTING CERTIFICATION SEMINARS AND EXAMINATIONS AND ISSUING CERTIFICATES**

#### **3.1 Responsibility for conducting certification seminars and examinations**

1. Seminars and examinations for granting the ECC are held by the Competent Department under the supervision of the Examination Committee of par. 3.2, Article 3.
2. Certification examinations are held by the Competent Department at least once (1) a year.
3. In order to conduct certification seminars and exams for granting the ECC, the Examination Committee must first approve, the training programme including the curricula and exam material, in accordance with par. 3.3, Article 3, as well as the lecturers.
4. The place and time for the holding of certification seminars and examinations for granting of the ECC, as well as all other related issues, shall be posted on the relevant website by the Competent Department.

#### **3.2 Examination Committee**

1. The Examination Committee shall oversee the holding of ECC exams relating to professional competence in accordance with the provisions hereof.
2. The Examination Committee shall also be responsible for verifying fulfilment of requirements relating to the exemption from certification examinations as set out in par. 3.5 of Article 3, as well as for any other matter relating to the granting of an ECC pursuant to this Resolution.
3. The composition and members of the Examination Committee and any other matter relating to its operation shall be determined by decision of EnExClear.

#### **3.3 Exam material**

1. The exam material for the examinations for granting the ECC covers subjects pertaining to Clearing and Settlement, in accordance with the regulatory provisions governing Clearing and Settlement, as specified in the Clearing Rulebook of HEnEx [Electricity Markets](#), [the Clearing Rulebook of Balancing Market](#) and the Clearing Rulebook of [Balancing Market Natural Gas](#), as well as the systems and procedures applied in the respective Markets.
2. The exam material or any changes thereto shall be specified by decision of the Examination Committee and posted on the EnExClear website at least fifteen (15) business days before the date on which the examinations are held.

### 3.4 Arrangements for holding Certification Examinations

1. Certification Examinations are written using the multiple choice test system.
2. Prior to the conduction of the examinations, the Examination Committee shall decide on any matters relating to their conduction such as, indicatively, the total number of questions, the scoring method, the duration of the examinations, as well as the Examiners it has appointed to conduct the entire procedure.
3. The Examination Committee or its duly appointed Examiners shall choose the questions, supervise the examination procedure, score and sign the answer sheet of each examinee and draw up the final list of successful candidates. The aforesaid list shall be posted on the website of EnExClear. To pass the examination, candidates must correctly answer at least sixty percent (60%) of the questions.
4. All sets of questions, as a result of the above procedure, shall be kept in a special file confidentially.
5. With regard to the Certification Examination, the following shall apply in particular:
  - a) Candidates must appear at the examination venue at the time specified in relevant announcements posted on the website of EnExClear.
  - b) Following the relevant identity check, candidates are given a special answer sheet that has a piece of opaque material masking the section containing the examinee's identification details.
  - c) The examination commences once all the examinees have been handed out the questions, so they are also allowed to look at the questions. The duration of the examination shall be strictly observed, with examinees handing in the answer sheets and questions at the end of the allotted time.
  - d) The Examination Committee or its duly appointed Examiners evaluate, score and sign the answer sheet of each examinee. On the responsibility of the Competent Department, the opaque material is then removed from each answer sheet and the list of successful candidates is prepared in alphabetical order.

6. The Examination Committee is entitled to modify the procedure for conducting Certification Examination, especially in cases where the use of electronic systems is used to perform a remote examination. This procedure will be announced at the same time as the announcement of the examination material of the examinations.

### 3.5 Exemption from Certification Examinations

An ECC may be awarded without a candidate's participation in Certification Examinations provided the candidate meets cumulatively the criteria 1, 2 and 3 below:

1. Has:

a) a certificate equivalent to the ECC, granted by a clearing house or central counterparty in the energy markets (electricity or/and natural gas) of a member state of the European Economic Area (EEA) ~~or of a state incorporated in market coupling system of the target model,~~ or

b) two years of previous work experience, gained over the five (5) years period prior to the submission of the certification application, at an energy market member (electricity or/and natural gas) or clearing house or central counterparty in a member state of the EEA, ~~or of a state incorporated in market coupling system of the target model,~~ primarily engaged in the performance of clearer duties in respect of energy products corresponding to the object of the requested ECC certification.

2. Has attended the relevant seminar organized by EnExClear on subjects relating to the function of clearing and settlement. These seminars are held at least ~~two (2) times~~ one (1) time a year.

3. Both the candidate and the Clearing Member at which the candidate intends to perform his/her duties declare, in a form made available by EnExClear, that the candidate is acquainted with the Clearing Rulebook of HEnEx Electricity Markets ~~and,~~ the Clearing Rulebook of Balancing Market ~~and~~ , the Clearing Rulebook of Natural Gas and the relevant ~~Implementing and Technical~~ Resolutions of EnExClear, fully understands their content, and is fully aware of the obligations and consequences emanating from the performance of duties as a Certified Energy Clearer in accordance with the terms hereof.

### 3.6 Fees payable to EnExClear

-In order to consider the application for an ECC, candidates must pay to EnExClear the applicable certification fee, as this is set from time to time and posted on the website of EnExClear. The certification fee covers only the participation in the examinations for granting an ECC or the exemption from these and does not apply to the participation in the certification seminars.

### 3.7 Certificate Withdrawal

An Energy Clearing Certificate granted in accordance with the terms hereof will be temporarily revoked or withdrawn by EnExClear:

1. If it was revoked, withdrawn or for any reason ceased the validity of the certificate of the Article ~~Error! Reference source not found. par.3.5~~ par. 1 (a) of the present that the ECC holder submitted to be granted the ECC.
2. If EnExClear considers this appropriate due to breaches of the Clearing Rulebook of HEnEx Electricity Markets or ~~and~~ the Clearing Rulebook of Balancing Market or the Clearing Rulebook of Natural Gas, by the holder of the ECC in accordance with the procedure provided in Part 2, Chapter 5 of the Clearing Rulebook of HEnEx Electricity Markets or ~~and~~ the relevant procedure as stipulated in Part 2 of Chapter 5 of the Clearing Rulebook of Balancing Market , or the relevant procedure as stipulated in Part 2 of Chapter 5 of Clearing Rulebook of Natural Gas .
3. If there are reasonable grounds to believe that the information and documentation submitted for the granting of the ECC are false or misleading.
4. If the candidate is convicted or fined in accordance with the provisions of par. 2 of the Article 2.3.

### Article 4. Entry into force

This Resolution enters into force as of ~~05/06/2020~~<sup>5</sup>04/02/2022.

This Resolution is to be posted ~~immediately~~ on the website of EnExClear ([www.enexgroup.gr](http://www.enexgroup.gr)).

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<sup>5</sup>~~Subject to approval of the Clearing Rulebook for Positions on Balancing Market by the Regulatory Authority for Energy (RAE).~~