
DECISION
1B/944/31.1.2022
of the Board of Directors

Subject: Amendment of the Regulation of Clearing of Transferable Securities Transactions in Book Entry Form

**THE BOARD OF DIRECTORS
OF THE HELLENIC CAPITAL MARKET COMMISSION**

Having considered:

1. Regulation (EU) No. 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories and its delegated regulations.
2. The provisions of Article 73 of Law 3606/2007 "Markets for financial instruments and other provisions" (Government Gazette A 195/17.08.2007).
3. Decision 1/704/22.01.2015 (Government Gazette B 237/17.02.2015) of the Board of Directors of the Hellenic Capital Market Commission "Authorization of the " Athens Exchange Clearing House SA"".
4. Paragraph 2 of Article 13 of Law 2166/1993 (Government Gazette A' 137), as amended by par. 3 of article 18 of Law 2198/1994 (Government Gazette A' 43) and was replaced by par. 6 of article 39 of Law 2324/1995 (Government Gazette A' 146).
5. The extract of the minutes of the 214/28.1.2022 meeting of the Board of Directors of the Athens Exchange Clearing House Société Anonyme.
6. The letter, with ref. no. EP 1087/31.1.2022, of the Athens Exchange Clearing House Société Anonyme.
7. The recommendation of the Directorate of Entities dated 31.1.2022.
8. Article 90 of Presidential Decree 63/2005 (Government Gazette A 98/22.4.2005) "Codification of legislation for the government and governmental bodies".

UNANIMOUSLY DECIDES

Article 1

The approval of the following amendment of the "Regulation of Clearing of Transferable Securities Transactions in Book Entry Form" (hereinafter referred to as the "Regulation") as mentioned in the Annex to the minutes of the 214th meeting of the Board of Directors of the société anonyme under the name "Athens Exchange Clearing House Société anonyme" of 28/1/2022:

A. Amended arrangements of the Regulation of Clearing of Transferable Securities Transactions in Book Entry Form

1. A) New definitions are introduced in Part 1 of Section I of the Regulation

<<Securities>>, <<ATHEXCSD>>, <<Own Securities Account>>, <<Clientele Securities Account>>, <<Customer Securities Account>>, <<System Operator's Share>>, <<Participant>> as follows:

<<2.Securities: Securities traded on a Market on the basis of the Market Regulation governing it and the transactions on which ATHEXClear clears under the terms hereof or which are the subject of collateral provided under the terms hereof, as the case may be. >>

<<14. ATHEXCSD: The société anonyme under the name "GREEK CENTRAL SECURITIES DEPOSITORY S.A." which operates as a Central Securities Depository (CSD) in accordance with Regulation (EU) No 909/2014, Law 4569/2018 and the specific terms of its Rulebook. >>

<<22. Own Securities Account: The Own Securities Account, as defined in the ATHEXCSD Rulebook>>

<<23. Clientele Securities Account: The Clientele Securities Account, as defined in the ATHEXCSD Rulebook>>

<<24. Customer Securities Account: The Customer Securities Account, as defined in the ATHEXCSD Rulebook>>

<<34. System Operator's Portion: The System Operator's Portion, as defined in the ATHEXCSD Rulebook>>

<<42. Participant: The DSS Participant as defined in the ATHEXCSD Rulebook>>

B) In Part 1 Definitions in Section I of the Regulation the following definitions are replaced by the following:

<< 6. Mediator: Investment Firm (EPEY) or credit institution, as defined in accordance with the applicable provisions in particular of Law 4514/2018 and Directive 2014/65/EU, which carries out transactions through Market Members in its own name but on behalf of its clients, which are cleared and settled in accordance with the terms of this Regulation.>>

<<7. Market Operator: The société anonyme under the name "Hellenic Exchanges-Athens Stock Exchange SA" and the distinctive title "Athens Stock Exchange" (ATHEX) which operates as a Market Operator in accordance with Law 4514/2018.>>

<< 8. Clearing Member: EPEY or credit institution, as defined in accordance with the applicable provisions in particular of Law 4514/2018 and Directive 2014/65/EU, participating in the System for the clearing and settlement of transactions cleared by ATHEXClear and liable to ATHEXClear for the fulfillment of all kinds of obligations arising from this participation in accordance with the terms of this Regulation. Where in this Regulation the term

"Clearing Members", in singular or plural, means both the Direct Clearing Members and the General Clearing Members as defined in this Regulation, or each as the case may be, unless otherwise expressly provided. >>

<<17.ATHEXCSD: The ATHEXCSD Rulebook as in force from time to time, issued by ATHEXCSD and approved by the Hellenic Capital Market Commission in accordance with Law 4569/2018>>

<<21.Securities Account: The Securities Accounts in the DSS, as defined in the ATHEXCSD Rulebook>>

<<25. Securities Settlement Account: The Securities Account held by a DSS Participant for the settlement of transactions in Securities in accordance with the Regulation on the Operation of ATHEXCSD. For the purposes of this Regulation, the Securities Accounts in the DSS are considered as Securities Settlement Accounts.>>

<<32.Share (DAT): The share as defined in the ATHEXCSD Rulebook>>

<<33. Member Settlement Share: The Member Settlement Share, as defined in the ATHEXCSD Rulebook>>

<<40. Securities Lending Contracts (Products): Securities financing transactions, such as in particular securities lending or selling or buying securities under a repurchase or reverse repurchase agreement within the meaning of Regulation (EU) 565/2017 that are carried out in the Securities Lending Market and are cleared by the ATHEXClear in accordance with the provisions of the Regulations on Clearing of Transactions on Derivatives.>>

<<41. Board: The Board of Directors of the ATHEXClear operating in accordance with the applicable provisions, in particular Law 4548/2018, Regulation (EU) 648/2012 and Law 3606/2007, as well as the general statutory regulation governing ATHEXClear.>>

<<43. Dematerialized Securities System (DSS): The Dematerialized Securities System as defined in the ATHEXCSD Rulebook>>

<<45. Financial Settlement Body: Credit institution of Law 4261/2014 and Directive 2013/36/EC or Central Bank through which the financial settlement of transactions cleared by ATHEXClear.>>

C) In Part 1 Definitions of Section I of the Regulation the following definitions are deleted

<<Securities>>, <<Operator Account>>, <<Operator>> .

2. In the points of this Regulation where the following terms are mentioned, << transferable securities>>,

<<Operator>>, << CSD >> and << identification >> are replaced by the terms

<<Securities>>, <<Participant>>, << ATHEXCSD>> and

<<matching>>.

Paragraph 5 of Article 2.1 of Part 2 of Section I of the Regulation is replaced by the following:

<<5. The settlement of transactions, including all kinds of transfers on Securities resulting from the clearing, are carried out by ATHEXCSD by delegation of the ATHEXClear applying the irrevocable settlement provisions of Law 2789/2000 and Directive 98/26/EC of the European Parliament and of the Council, Law 4569/2018 and Regulation (EU) 909/2014. The settlement of transactions is carried out on the basis of records of ATHEXClear which transmits to ATHEXCSD on a daily or other extraordinary basis using electronic systems. The ATHEXClear shall participate in the settlement of transactions as a central counterparty. The financial settlement shall be carried out with the participation of one or more Financial Settlement Bodies in accordance with the procedures of the ATHEXClear, taking into account the currencies and settlement conditions applicable to the transactions.>>

3. A) Paragraph 1 of Article 2.4.1 of Part 2 of Section II of the Regulation is replaced by the following:

<<1. Credit institutions or EPEY may acquire the status of Clearing Member, as defined in Law 4514/2018 and Directive 2014/65/EU of the European Parliament and of the Council. The Clearing Members may act with a registered office or establishment (branch) in Greece or remotely.>>

B) Paragraph 3 of Article 2.4.1 of Part 2 of Section II of the Regulation is replaced by the following:

<<3. To be accepted as an EPEY Clearing Member, it must have the permission to store and manage financial instruments on behalf of clients, as defined in Law 4514/2018 and Directive 2014/65/EU>>

4. Subparagraph (b) of paragraph 3 of Article 2.4.4 of Part 2 of Section II of the Regulation is replaced by the following:

<<b) have an Own Securities Account to serve settlement needs >>

5. A) Sections (vi), (vii) of subparagraph (a) of paragraph 3 of Article 3.1.1. of Part 3 of Section II of the Regulation are replaced by the following:

<< (vi) The code number of the Own Share held by the Clearing Member as a DSS Participant.

(vii) The authorization to use to the ATHEXClear to act as a Participant in a Securities Account of this Share for the provision of securities collateral in the DSS for the benefit of ATHEXClear.

B) Section (b) of paragraph 4 of Article 3.1.1. of Part 3 of Section II of the Regulation is replaced by the following:

< The code number of the Client Insurance Share that the Clearing Member maintain in the DSS as a Participant for the provision of ATHEXClear securities collateral held in the DSS, if applicable, >>

C) Section (c) of paragraph 4 of Article 3.1.1. of Part 3 of Section II of the Regulation is replaced by the following:

<< c) The authorization of use to ATHEXClear to act as a Participant in a Securities Account of the previous item Share. >>

(d) Sections (vi) and (vii) of subparagraph (b) of paragraph 5 of Article 3.1.1 of Part 3 of Section II of the Regulation is replaced by the following:

<< (vi) The code number of the Share held by the Customer in the DSS for the provision of ATHEXClear securities collateral to the DSS.

(vii) The relevant authorization to use to the ATHEXClear to act as a Participant in a Securities Account of the previous item Share. >>

6. Paragraph 3 of Article 4.2 of Part 4 of Section II of the Regulation is replaced by the following:

<<3. Securities, traded on a regulated market or multilateral trading facility within the meaning of Law 4514/2018 and Directive 2014/65/EC, as determined by ATHEXClear by its relevant decision, adopting the provisions of Annex I of Regulation (EU) 153/2013 and based on the specific criteria set by ATHEXClear, depending, for example, on the capitalization of the issuer, the liquidity of the Securities, their dispersion and their participation in official capital market indexes. Such Securities shall in addition meet the following conditions:

(a) they are the sole property of the Clearing Member holding them on its own account; or
b) they shall be held directly or indirectly in the name of the Clearing Member as a collateral provider, but on behalf of its clientele within the meaning of article 16 par. 13 of Law 4514/2018 and be classified in a central securities depository, system or register including the DSS as Clientele Securities provided as collateral in favor of ATHEXClear or

c) in the case of Securities that are provided in favor of ATHEXClear by a Customer as a collateral provider under the terms of this Regulation, be the exclusive property of the Customer and respectively be classified as insurance in favor of the ATHEXClear of the Customer

(d) and in any case be free from any encumbrance, attachment, claim or right of a third party or other commitment and are freely negotiable. >>

7. Subparagraph (a) of paragraph 3 of Article 4.5. of Part 4 of Section II of the Regulation is replaced by the following:

<<a) Security on Securities in the DSS is provided by transferring the Securities to the Own Securities Account or to the Clientele Securities Account or to the Customer Securities Account under the control of ATHEXClear. Accordingly, the return of the securities shall be effected by transferring the relevant Securities to an Own Securities Account designated by the Clearing Member or to the Clientele Securities Account or to the Customer Securities Account of its Share as

collateral provider of the Customer's Share, respectively, in the DSS. If it is a transfer of financial securities, it is provided by transferring the relevant Securities to the Securities Account of the System Operator's Share of ATHEXCclear, which is indicated by ATHEXCclear.

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8. Paragraph 5 of Article 6.4 of Part 6 of Section II of the Regulation is replaced by the following:

<<5. In the case of covered sale transactions in particular, the following shall apply:

(a) Covered sales shall be accepted for clearing if they have been made under the following conditions:

i) The Securities to be sold, to which the covered sale order relates, must be available for commitment in favour of the ATHEXCclear under the treatment of the Market Member as a Clearing Member and Participant in the Own Securities Account or in the Customer Securities Account or in the Clientele Securities Account, as the case may be, at the time of entry of the relevant order into the System.

ii) ATHEXCclear automatically binds the above available Securities by transferring them to its Securities Account, to the Client Insurance Share of the Clearing Member.

(b) After completion of the checks in accordance with Article 6.2, transactions carried out on the basis of covered sales orders shall be finalised in accordance with the conditions set out in the preceding paragraphs. The Securities sold, as pledged in accordance with section (a), shall be transferred back to the Own Securities Account or Customer Securities Account or Clientele Securities Account, as the case may be, for the purposes of the Irrevocable Declaration of Securities Account in accordance with Article 6.9.4.

c) Securities Commitments for covered sale orders for which no transaction is carried out on the day of their commitment for the total quantity committed are automatically removed from the System and the remaining Securities are returned to the Own Securities Account or the Customer Securities Account or the Clientele Securities Account, as the case may be, freely for use. >>

9. Paragraph 8 of Article 6.9.4 of Part 6 of Section II of the Regulation shall be deleted, paragraphs 9, 10 and 11 shall be renumbered 8, 9 and 10 respectively and paragraph 8 shall be replaced by the following:

<< 8. The disclosure of the Securities Settlement Account is accepted by the ATHEXCclear only if the amount of Securities due in full is included in the disclosed Account. Prior to the execution of each settlement cycle and up to the settlement day of the above partially settled transaction, the System shall check the fulfillment of the non-executed part of the settlement cycle and the executed part shall be bound each time. >>

10. Paragraphs 2 and 3 of Article 6.9.5.1 of Part 6 of Section II of the Regulation are replaced by the following:

<<2. The right to open an Intermediary Account for the above purpose is reserved to the Special Type Participants. Special Type Participants, for the purposes of the present, shall mean EPEY and credit institutions within the meaning of Law 4514/2018 and Directive 2014/365/EU that are DSS Participants and maintain an Intermediary Account System. The Clearing Members are not excluded from acting as Special Type Participants. Special Type Participants are not required to have the status of a Clearing Member.

3. The Mediator Account is not a Securities Settlement Account. A representation of the Mediator Account exists in the DSS as an Temporary Settlement Account of Intermediary, as defined in the Regulation on the Operation of ATHEXCSD, which serves the execution through it of the Intermediary's actions to the final beneficiaries, applied according to the provisions applicable to the Securities Settlement Account. >>

12. A) Paragraph 3 of Article 6.9.5.2 of Part 6 of Section II of the Regulation is replaced by the following:

<<3. Securities of the Intermediary's Share may be transferred on the basis of settlement instructions to the Temporary Intermediary's Settlement Account for the performance of the relevant delivery obligations to the beneficiaries, either to supplement the amount of Securities due or to fulfill an overdue delivery obligation to the beneficiaries.>>

B) Paragraph 5 of Article 6.9.5.2 of Part 6 of Section II of the Regulation is replaced by the following:

<<5. In the event that the Temporary Intermediary Settlement Account at the end of a period of time specified by the ATHEXCLEAR and in any case at the end of the settlement day, maintains a balance of Securities, these are automatically transferred with a relevant mandate of the ATHEXCLEAR to the DSS in the affiliated Share of the Intermediary.>>

13. Paragraph 1 of Article 2.2.2 of Part 2 of Section III of the Regulation is replaced by the following:

<<1. The settlement of deliveries and receivings on Securities is carried out through the Securities Accounts in the DSS in accordance with the provisions of the ATHEXCSD Rulebook or, in the case of another system, in accordance with the rules of the system. Each Securities Account concerns a single Participant, who is only allowed to access it and manage it based on the specific provisions of the ATHEXCSD Rulebook>>

14. Paragraph 2 of Article 3.2.1 of Part 3 of Section III of the Regulation is replaced by the following:

<<2. Based on the above method, the settlement is carried out on the basis of relevant mandates of ATHEXCLEAR to ATHEXCSD as follows:

a) The Securities to be delivered are bound by ATHEXCSD in the Securities Settlement Accounts, which are handled by the Participants acting for the sellers.

b) At the same time, the amounts to be paid into the Financial Settlement Accounts held for the Participants acting for the buyers are committed by ATHEXCSD.

c) With the fulfillment of the conditions provided in (a) and (b), simultaneous transfer movements are carried out, to and from the Securities Settlement Accounts of the Participants acting for the sellers and buyers, as well as to and from the Financial Settlement Accounts of the Participants acting for the buyers and sellers respectively.>>

15. Paragraph 1 of Article 6.9 of Part 6 of Section III of the Regulation is replaced by the following:

<<1. Settlement of settlement orders is carried out on a daily basis in at least three settlement cycles defined by the procedures of the ATHEXCLEAR and executed by ATHEXCSD >>

16. A) Paragraph 7 of Article 2.2 of Part 2 of Section IV of the Regulation is replaced by the following:

<<7. The charges referred to in paragraph 6 shall apply irrespective of the imposition of financial penalties on the defaulting Clearing Member in accordance with the conditions set out in Article 1.1 of SECTION V, or financial penalties in accordance with the terms of Regulation (EU) 1229/2018 and Regulation (EU) 389/2017 under paragraph 8. >>

B) A new paragraph 8 is inserted in Article 2.2. of Part 2 of Section IV of the Regulation as follows:

<< 8. A decision of ATHEXCLEAR establishes a procedure for imposing financial penalties in accordance with Regulation (EU) 1229/2018 and (EU) 389/2017, in compliance with the relevant provisions of the ATHEXCSD Rulebook, and specifies any technical issue and necessary detail regarding the calculation, collection and

distribution of the above financial penalties as well as the related objection procedure. The non-payment of financial penalties by the obliged Clearing Members, creates no obligation for the ATHEXClear for their respective payment to the beneficiary Clearing Members and/or Participants, as the case may be. >>

B. Validity of the 4th Amendment

17. 4th Amendment

The validity of the 4th Amendment to the Regulation, as adopted at the meeting of the Board of Directors of the ATHEXClear dated 28.01.2022, starts from the adoption of the Decision of the Hellenic Capital Market Commission approving the relevant amendment."

Article 2

The approved amendment is incorporated in a single text in the "Regulation of Clearing of Transferable Securities Transactions in Book Entry Form" and is posted on the website of the "Athens Exchange Clearing House Societe Anonyme".

Article 3

No expenditure shall be charged to the State Budget under the provisions of this Decision.

This Decision shall apply from the date of its adoption.

This decision shall be published in the Government Gazette (Issue B').

The Secretary

Alexandra Ninassiou

The President

The A Vice-President

The B Vice-President

Vasiliki Lazarakou

Nikolaos Kontaroudis

Anastasia Stamou

The members

Panagiotis Giannopoulos