

We would like to draw your attention to the fact that only fully completed; readable and correctly and duly signed forms with original signatures will be recognized.
Therefore, the original of this form must be sent in any case by regular mail to the exchange operating company even if the form has been sent for checking in advance by fax or e-mail for reasons of urgency.

To
Wiener Börse AG
c/o EXAA
Abwicklungsstelle für Energieprodukte AG
Alserbachstraße 14 - 16
1090 Wien
AUSTRIA

Membership Applicant:

(Company name accord. to Companies Register and registered office)

(Phone, Fax, E-Mail)

■ DECLARATION AS EXCHANGE MEMBER OF COMPLIANCE WITH THE OBLIGATIONS OF ART. 28 STOCK EXCHANGE ACT

The Membership Applicant above has the intention of applying for admission as an exchange member of the Vienna Stock Exchange in its function as a general commodity exchange.

The Membership Applicant hereby declares that it explicitly acknowledges the provisions of Art. 28 Stock Exchange Act and confirms that

- I. there are no facts that question the required reliability of the Member for participation in exchange trading;
- II. there are no circumstances that restrict the capacity of the Member to carry on business transactions, especially due to insolvency; this also applies in the case of any similar circumstances outside the country;
- III. the Member or one of its officers has not been sentenced by a court of law due to a criminal act pursuant to Art. 13 Trade Act or pursuant to Articles 105 to 108, 154 to 156, 163 or 164 of the Stock Exchange Act or sentenced outside the country for a criminal act that may be deemed equivalent under these provisions;
- IV. there are no facts that may be detrimental to the reputation, orderly trading or fairness of trading on domestic markets.

The membership applicant hereby acknowledges that it must immediately report to Wiener Börse AG any circumstances that may render the assurances given above as no longer being in accordance with the facts and provide evidence of said report. Wiener Börse AG shall retain the right to review at any time compliance with the requirements for admission as an exchange member itself and to request the corresponding information of the exchange member.

Date

Duly signed by Membership Applicant

(legally binding signature(s) with name(s) in block letters and corporate seal)

Annex

Article 13 Trade Act (part of)

- (1) Natural persons shall be excluded from carrying on a commercial or business activity in the following cases:
1. If they have been sentenced by a court of law
 - a) due to the fraudulent withholding of payment of social insurance contributions and charges according the Construction Workers Holiday and Severance Payment Act (Art.153d Criminal Code), organized illegal work (Art. 153e Criminal Code), fraudulent behavior in bankruptcy, damages to third party creditors, preferential treatment of a creditor or gross negligent restrictions to creditor interests (Articles 156 to 159 Criminal Code) or
 - b) If he/she has been sentenced to a prison term of more than three months or to a fine of more than 180 daily rates for any other criminal acts
 2. The sentence has not been deleted from the criminal records.

Natural persons shall be excluded from carrying on a restaurant business if there is a sentence not canceled from criminal records due to a violation of Articles 28 to 31a of the Addictive Substances Act, Federal Law Gazette I No. 112/1997, as amended. In the case of fines that are not measured in daily court rates, then the prison sentence that applies shall be decisive. If a prison sentence and a fine have been imposed, then the terms of the prison sentence and substitute prison sentence are added. One month shall be calculated as 30 days. The provisions of this paragraph shall also apply if similar criminal acts have been committed outside the country due to the reasons of exclusion given above.
- (2) Anyone sentenced by a fiscal offence prosecution authority due to any of the following: financial crime of smuggling, concealment of receipts and expenses, handling of goods on which tax or duty has been evaded pursuant to § 37 par 1 lit a of the Fiscal Crimes Act, Federal Law Gazette No. 129/1958, as amended, due to the concealment of monopoly income, due to willful intervention in state monopoly rights or due to concealment of a monopoly pursuant to § 46 par 1 lit a of the Fiscal Crimes Act shall be excluded from the exercise of business activity if he/she has been sentenced due to such a financial crime to a fine of more than EUR 726 or in addition to such fine also sentenced to a prison sentence and if this occurred less than five years ago. The provisions of this paragraph shall also apply if similar criminal acts have been committed outside the country due to the reasons of exclusion given above.

Stock Exchange Act

Please see: <https://www.wienerbourse.at/en/legal/legal-framework/>