

## **TERMS AND CONDITIONS OF COMMUNICATION WITH THE SECURITIES FINANCING TRANSACTIONS TRADE REPOSITORY**

### **§ 1**

These terms and conditions shall apply in legal relations arising from:

- 1) a trade repository participation agreement concluded with a participant under the Securities Financing Transactions Trade Repository Rules (hereinafter the "Rules");
- 2) a non-disclosure agreement concluded with an entity authorised to have commercial access to trade repository data under the Rules.

### **§ 2**

Whenever the following terms are used in these terms and conditions:

- 1) terms and conditions – this shall be understood to mean these Terms and conditions of communication with the securities financing transactions trade repository;
- 2) participant – this shall be understood to mean an entity which has concluded a participation agreement with KDPW under the Rules;
- 3) entity authorised to have commercial access to trade repository data – this shall be understood to mean an entity which is a party to a non-disclosure agreement concluded with KDPW, authorised by a participant to access details of transactions and events to which the participant is a party;
- 4) access application – this shall be understood to mean an application enabling access to a KDPW Group application based on a single sign-on (SSO), available on the website of KDPW and of KDPW's subsidiary;
- 5) SFTR trade repository application – this shall be understood to mean the IT system used in the securities financing transactions trade repository service, enabling the exchange of information or messages using data transmission;
- 6) U2A – this shall be understood to mean a graphical user interface supporting manual exchange of data with the SFTR trade repository application;
- 7) A2A – this shall be understood to mean a communication interface supporting automated exchange of data between the SFTR trade repository application and a participant's application
- 8) direct communication with the trade repository – this shall be understood to mean actions referred to in § 10 subpara. 1 of the Rules carried out in the SFTR trade repository application;
- 9) KDPW – this shall be understood to mean the company Krajowy Depozyt Papierów Wartościowych S.A.;
- 10) KDPW Group – this shall be understood to mean KDPW and the subsidiaries of KDPW.

### **§ 3**

1. The communication interfaces of the SFTR trade repository application available to participants include U2A and A2A.
2. KDPW does not provide programming components to participants necessary to develop trade repository communication applications.

3. The only communication interface of the SFTR trade repository application available to entities authorised to have commercial access to trade repository data is U2A.

#### **§ 4**

1. Communication with KDPW via U2A is available through an access account in the access application. The terms and conditions of opening access accounts and granting access to persons authorised by the participant/entity authorised to have commercial access to trade repository data to communicate with KDPW and the terms and conditions of communication with KDPW are laid down in the Rules of access to the IT systems of Krajowy Depozyt Papierów Wartościowych approved in a resolution of the KDPW Management Board.

2. Communication with KDPW via the A2A interface is established in accordance with the rules specified in the Rules as referred to in subpara. 1.

#### **§ 4a**

1. In case a participant should receive a feedback message from the SFTR trade repository application, this message shall be sent over the same communication channel as which the participant sent to KDPW the message to which this feedback message refers to.

2. The delivery of a feedback message to the participant is considered to be done by posting of this message in the SFTR trade repository application or - if the participant has an established connection via the A2A interface - placing this message via the A2A interface.

#### **§ 5**

1. Persons authorised by a participant/entity authorised to have commercial access to trade repository data may have access to the SFTR trade repository application as:

- 1) user – the authorised person has access to direct communication with the trade repository; or
- 2) administrator – the authorised person has access to granting and revoking other persons' permissions to communicate directly with the trade repository by granting or revoking, respectively, their access to the SFTR trade repository application.

2. Only KDPW may accept or reject requests for administrator access.

3. To accept a request for access of the first administrator authorised by an entity authorised to have commercial access to trade repository data, in addition to the fulfilment of the conditions laid down in the Rules as referred to in §4 subpara. 1, KDPW must receive the original counterpart of the statement referred to in § 18 subpara. 2 of the Rules. If so agreed with KDPW, the statement may be presented as a scan.

4. Subject to subpara. 5, requests for access to direct communication with the trade repository as user shall be accepted or rejected only by an administrator appointed by a participant/entity authorised to have commercial access to trade repository data.

5. Requests for access to the SFTR trade repository application as user presented by a person who is the only administrator established for a participant/entity authorised to have commercial access to trade repository data shall be accepted or rejected by KDPW.

6. Only KDPW may revoke access of a person acting as administrator.

7. Access of a person acting as user may only be revoked by the administrator appointed by the participant/entity authorised to have commercial access to trade repository data.
8. The participant/entity authorised to have commercial access to trade repository data shall authorise at least one person to act on its behalf as administrator.

## **§ 6**

To communicate with KDPW via A2A, a participant must download an electronic certificate. The terms and conditions of downloading and using electronic certificates are laid down in the Rules of access to the IT systems of Krajowy Depozyt Papierów Wartościowych approved in a resolution of the KDPW Management Board.

## **§ 7**

1. The Rules as referred to in §4 subpara. 1 are incorporated into these terms and conditions by reference.
2. By concluding a participation agreement or a non-disclosure agreement, a participant or an entity authorised to have commercial access to trade repository data, respectively, accept the Rules referred to in subpara. 1.

## **§ 8**

1. These terms and conditions and any amendment hereof shall be made available to participants and entities authorised to have commercial access to trade repository data by publishing them on the KDPW website no later than 2 weeks before the effective date.
2. Any amendment of these terms and conditions and its effective date shall be notified to participants/entities authorised to have commercial access to trade repository data.
  - 2a. Delivery of notification of an amendment to the Rules via e-mail to the e-mail address of the person authorized by a participant to gain access to the application of the SFTR trade repository shall be deemed effectively delivered to that participant.
3. If a participant/entity authorised to have commercial access to trade repository data refuses to accept an amendment of the terms and conditions, the participant/entity authorised to have commercial access to trade repository data may terminate the service participation agreement/non-disclosure agreement subject to the conditions of termination.
4. Unless a participant/entity authorised to have commercial access to trade repository data terminates the participation agreement according to subpara. 3, the participant/entity authorised to have commercial access to trade repository data shall be deemed to accept the amendment of the terms and conditions if notified according to subpara. 1 - 2a.