



# **IMPLEMENTING REGULATION OF THE RULES OF THE GUARANTEE FUND**

BRATISLAVA STOCK EXCHANGE

## **Article 1**

### **Introductory Provisions**

- 1.1 This Implementing Regulation, issued in compliance with Article 3 Section 3.1 of Chapter IX of the Stock Exchange Rules, stipulates details on determining the level of financial contributions of the Stock Exchange members to the Guarantee Fund and the manner how those contributions are used.
- 1.2 If the below-mentioned terms are used in further provisions of this Implementing Regulation, they shall have the following meaning:
  - a) “Internet Banking” – a form of electronic banking, used for communication between a client and a bank, information/instruction forwarding from a bank to a client and/or execution of operations by means of the internet;
  - b) “GCM” - members that settle the payments of own transactions and transactions for Stock Exchange members specified in Subsection d) of this Section;
  - c) “CM” – members that settle the payments of own transactions;
  - d) “NCM” – members that settle the payments of transactions via the GCM.

## **Article 2**

### **Contributions to, Replenishing and Return of the Guarantee Fund Resources**

- 2.1 Each member contributes to the Guarantee Fund an amount comprised of the following two sums:
  - a) a fixed amount of EUR 6 638.78, which represents the initial deposit of each member;
  - b) a variable amount which represents 5% of the average daily volume of trading, achieved by a member in the previous calendar month, up to a maximum of EUR 33 193.92. The aforementioned volume includes only the “buy” part of electronic order book transactions, with the exception of transactions where the same member represents both the buyer and the seller.
- 2.2 A new member that has started trading on the Stock Exchange shall not pay the variable amount in the first month of the member’s operation, nor its aliquot part. In the following period, the variable amount shall be determined in the manner pursuant to Section 2.1 Subsection b) of this Article.
- 2.3 The level of the variable part of the Guarantee Fund is updated once per month, always on the last stock exchange day of the month. The difference between the original and the updated amount to a member’s credit is transferred by the Stock Exchange to the member’s account or, respectively, to the account of the member’s bank via Internet Banking. The difference to a member’s debit must be transferred by the member to the Guarantee Fund account within a stipulated period.
- 2.4 If the Guarantee Fund resources are drawn pursuant to relevant provisions of the Stock Exchange Rules and Implementing Regulations and the member-debtor does not replenish the Guarantee Fund resources pursuant to relevant provisions of the Stock Exchange Rules and Implementing Regulations, in order to meet the provision of Section 2.1 of this Article the member must replenish its contribution to the Guarantee Fund within 3 stock exchange days after being notified by the Stock Exchange.
- 2.5 Upon termination/end of Stock Exchange membership, the Stock Exchange shall place an order to transfer the financial resources from the member’s sub-account in the

Guarantee Fund to the member's account or to the account of the member's bank, respectively, not later than 5 stock exchange days after the member fulfils its obligations towards the Stock Exchange.

### **Article 3**

#### **Administration and Management of the Guarantee Fund Account**

- 3.1 The Guarantee Fund account of the Stock Exchange is kept in a bank. The money deposited in the members' sub-accounts earns interest in compliance with the General Conditions of a bank.
- 3.2 The Stock Exchange administers the Guarantee Fund and keeps records of its account balance.
- 3.3 The interest pursuant to Section 3.1 of this Article is credited to a member's Guarantee Fund account in a bank, on a once-per-month basis.
- 3.4 A member is informed of every change in the Guarantee Fund sub-account by means of a statement of account, issued by a bank once per month.
- 3.5 The procedure of the Stock Exchange, its members and bank usually follows this time schedule:
  - a) On the first stock exchange day of the following month, a bank credits interest to the Guarantee Fund account;
  - b) On the second stock exchange day of the following month, the Stock Exchange receives from a bank the statements of sub-accounts. The Stock Exchange then processes the level of deposits pursuant to Article 2 Section 2.1 Subsection b) and Section 2.3, informs the Stock Exchange members of the result of processing in electronic form and, at the same time, sends the results to the members by electronic post.
  - c) The third stock exchange day of the following month is available to the Stock Exchange members for their own processing of information and for possible transfers of after payments pursuant to Article 2 Section 2.3 to their account or, respectively, to the account of their GCM.
  - d) On the fourth stock exchange day of the following month, the Stock Exchange transfers, via Internet Banking, the difference between the original amount and the updated amount to a member's credit to the member's account or, respectively, to the account of its GCM. In the case of a difference to a member's debit, the Stock Exchange calls upon the member to replenish the resources from the member's account or, respectively, from the account of its GCM to the Guarantee Fund account.

### **Article 4**

#### **Drawing the Guarantee Fund Resources**

- 4.1 The Guarantee Fund resources can be drawn in the following cases:
  - a) A CM or a GCM does not have sufficient financial means in a bank's clearing account in the payment system;
  - b) An NCM does not have sufficient financial means in its account at the GCM through which it settles the payments of stock exchange transactions;

- c) A GCM – bank does not have sufficient financial means in the clearing account and the payment on an NCM's behalf cannot be made, despite the fact that the NCM has the relevant amount in its account at the GCM - bank.
- 4.2 In the case of lack of financial means, the DCD shall make this information accessible to the Stock Exchange in the clearing and settlement system. Based on this information, the Stock Exchange shall call upon the DCD to replenish the required amount from the Guarantee Fund account to the DCD's account in the payment system.
- 4.3 The manner of drawing of the Guarantee Fund resources in the event of a member's lack of financial means is solved in the Rules of Operation of DCD.

## **Article 5**

### **Final Provisions**

- 5.1 This Implementing Regulation was approved by the Board of Directors on 22 December 2011 and came into effect on 1 January 2012.

Amendments and supplements to this Implementing Regulation were approved by the Board of Directors on 27 January 2017 and come into effect on the day following the day of successful migration of the Central Securities Depository of the Slovak Republic ("CDCP SR") into the unified technical platform of the Eurosystem (T2S), however, not before the day following the day of coming into effect of the NBS's decision approving the relevant amendments to the Stock Exchange Rules.

Amendments and Supplements to this Implementing Regulation were approved by the Board of Directors on 20 December 2017 and came into effect on 3 January 2018.

Amendments and Supplements to this Implementing Regulation were approved by the Board of Directors on 26 September 2019 and came into effect on 1 October 2019.

Amendments and Supplements to this Implementing Regulation were approved by the Board of Directors on 31 May 2023 and came into effect on 1 June 2023.

***Note: Only the Slovak version of this document is legally binding.***