

# Default Waterfall

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Document Title	EMIR* Article	RTS** Article	Document Class
Default Waterfall	45	35, 36	Procedure

\*EMIR =VO (EU) 648/2012, \*\* ESMA RTS = \*Verordnung (EU) 153/2013

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## Document Information

<b>Document Owner</b>	Chief Risk Officer
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### **Change Log**<sup>1</sup>

Version	Date	Change Description
<b>V2.0</b>	06.06.2014	Derivatives market reference has been removed; 2.3: measures regarding reporting to FMA and replenishment in case of subsequent member defaults have been inserted; 2.5: monitoring of availability of dedicated own resources and reporting to FMA inserted
<b>V2.1</b>	12.06.2014	Minor editorial changes
<b>V2.2</b>	07.05.2018	Harmonisation with GTC wording IOSCO public quantitative data disclosure included
<b>V2.3</b>	12.04.2019	Annual review – no changes
<b>V2.4</b>	07.04.2020	Annual review – no changes
<b>V3.0</b>	09.11.2021	Changes due to extension of services to clearing of electricity spot products

<sup>1</sup> The Change log is only used for final versions.

<b>V3.1</b>	02.05.2022	Annual review – no changes
<b>V3.2</b>	25.05.2023	Annual review – no changes
<b>V3.3</b>	01.02.2024	Changes due to implementation of Second-Skin-in-the-Game according to CCPRRR

## Content

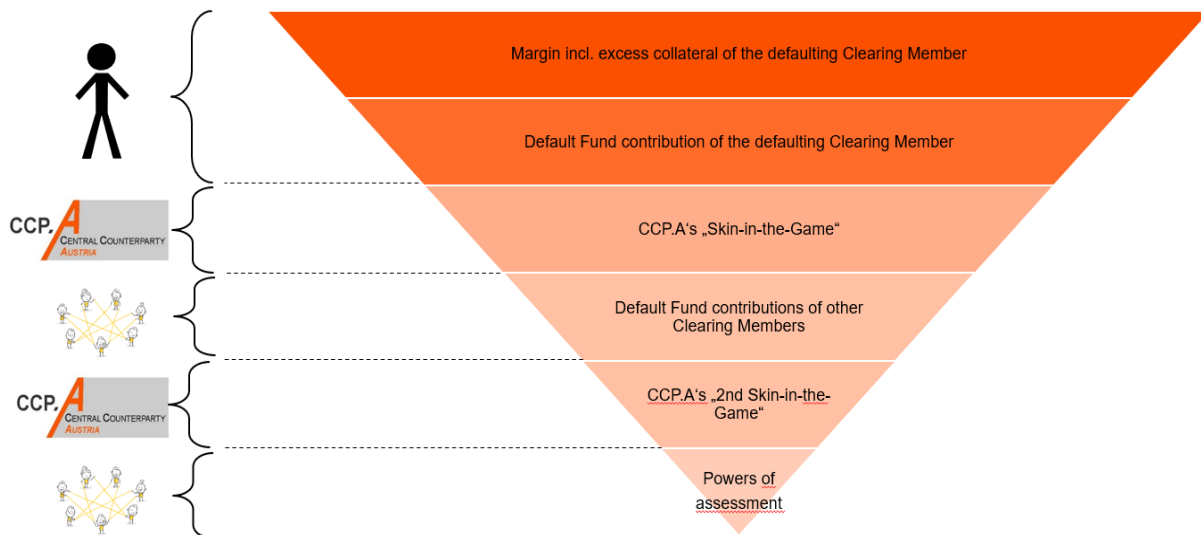
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# 1 Introduction

This document describes the default waterfall implemented by CCP.A according to Article 45 EMIR.

## 2 Default Waterfall Principle

The following diagram shows the order of usage of resources in CCP.A's default waterfall in both cleared markets of CCP.A:



The application of the default waterfall principle and the order of realisation of the resources on different levels in the event of a Clearing Member's default is stipulated

- in Section V B *Realisation of Clearing Collateral* and V C *Use of the Default Fund* in the *General Terms and Conditions of Business of CCP.A* (hereinafter GTC) on the securities market and
- in Section VII *Default* in the *General Terms and Conditions Electricity Spot Market of CCP.A* (hereinafter GTC Energy)

## 2.1 Realisation of the defaulting Member's collateral

### 2.1.1 Securities Cash Market

The GTC stipulate the consequences for the collateral resources or assets of Clearing Members when CCP.A resolves a Clearing Member's default. The resolving process involves first the positions and assets of the defaulting Clearing Member. It is structured by the following actions and measures, arranged in chronological order:

- CCP.A immediately informs the Exchange Operating Company (Wiener Börse) and Financial Market Authority (FMA) about the default of the Clearing Member and, in case of a General Clearing Member, of the affected Non-Clearing Members.
- The Exchange Operating Company suspends the Clearing Member (and the affected Non-Clearing Members) from trading and CCP.A no longer accepts any transactions from the Clearing Member or its assigned Clients.

- If possible, positions and assets of segregated accounts are transferred to the previous announced back-up Clearing Member.
- The remaining positions are closed-out, with the remaining cash balances being used for loss coverage.
- In parallel, CCP.A is authorised to fully realise the collateral of the defaulting Clearing Member, pursuant to § 51 GTC.
- If the collateral of a defaulting Clearing Member is consumed by CCP.A, the defaulting Clearing Member is obliged to replenish the required collateral fully, as margin requirements have to be fulfilled at any time.
- If the Clearing Member fails on the replenishment objective, it runs formally into default on providing collateral ('default on collateral'), pursuant to § 34 GTC.

## 2.1.2 Electricity Spot Market

The GTC Energy stipulate the consequences for the collateral resources or assets of Clearing Members when CCP.A resolves a Clearing Member's default. The resolving process is structured by the following actions and measures, arranged in chronological order:

- CCP.A immediately informs the Exchange Operating Company (Wiener Börse) and EXAA (assigned with operation of trading system) about the default of the Clearing Member.
- Wiener Börse suspends the Clearing Member from trading and CCP.A no longer accepts any new transactions from the Clearing Member for clearing.
- EXAA blocks the access to the trading system for the concerned Exchange Member and deletes all open orders in the trading system.
- CCP.A retains the credit-side cash balances of the affected Clearing Member as additional collateral as of that time.
- CCP.A starts the realisation of collateral assets in order to cover the financial loss resulting from the Clearing Member default, pursuant to § 33 GTC Energy.
- If the collateral of a defaulting Clearing Member is consumed by CCP.A, the defaulting Clearing Member is obliged to replenish the required collateral fully, as margin requirements have to be fulfilled at any time.
- If the Clearing Member fails on the replenishment objective, it runs formally into default on providing collateral ('default on collateral'), pursuant to § 30 GTC Energy.

## 2.2 Realisation of the defaulting Clearing Member's contribution to the default fund

### 2.2.1 Securities Cash Market

Following the procedures described in sec. 2.1.1, involving positions and collateral of a defaulting Clearing Member, the resolving process addresses then the default fund to the extent as needed:

- CCP.A realises the defaulting Clearing Member's (own) contributions to the default fund in the amount necessary to cover remaining losses.

- If the default fund contribution of a defaulting Clearing Member is consumed by CCP.A, the defaulting Clearing Member is obliged to replenish the contribution, as default fund contributions requirements have to be fulfilled at any time.
- If the Member fails on the replenishment objective, it runs formally into default on providing collateral ('default on collateral'), pursuant to § 34 GTC.

## 2.2.2 Electricity Spot Market

Following the procedures described in sec. 2.1.2, involving the collateral of a defaulting Clearing Member, the resolving process addresses then the default fund to the extent as needed:

- CCP.A realises the defaulting Clearing Member's (own) contributions to the default fund in the amount necessary to cover remaining losses.
- If the default fund contribution of a defaulting Clearing Member is consumed by CCP.A, the defaulting Clearing Member is obliged to replenish the contribution, as default fund contributions requirements have to be fulfilled at any time.
- If the Member fails on the replenishment objective, it runs formally into default on providing collateral ('default on collateral'), pursuant to § 30 GTC Energy.

## 2.3 Realisation of CCP.A's own dedicated additional resources

Following the procedures described in sec. 2.2, involving the default fund contribution of a defaulting Clearing Member, the resolving process activates the waterfall facility of CCP.A, i.e. the dedicated additional resources ("skin-in-the-game") of CCP.A to the extent as needed and is applicable to both cleared markets:

- CCP.A uses the skin-in-the-game (SIG) to the extent needed to cover remaining losses. The available extent of the skin-in-the-game is set according to Art 45 EMIR and Art 35 Regulation (EU) 153/2013 (hereinafter RTS 153/2013). The calculation of CCP.A's own default resources is performed on a regular basis and publicly disclosed on CCP.A's website under IOSCO Public Quantitative Data Disclosure (field 4.1.1): <https://www.ccpa.at/cpmi-iosco/>. Currently CCP.A's skin-in-the-game amounts to EUR 1.875.000 (25% of its capital requirement according to Art 16 EMIR EUR 7.5 million).
- The skin-in-the-game is allocated to CCP.A's two Default Funds (for the clearing of securities and the clearing of electricity spot market products) in proportion to their size:
- $$SIG_i = \frac{DF_i}{(DF_1 + DF_2)} * € 1.875.000$$
- In case of a Clearing Member's default, CCP.A immediately reports to the Financial Market Authority (FMA) the amount, which was realised and reinstates the dedicated own resources to the full extent required, within one month from the notification at the latest.
- Where a subsequent default of one or more Clearing Members on the same cleared market occurs before CCP.A has reinstated the dedicated own resources, only the residual amount of the allocated dedicated own resources by CCP.A is used in the default waterfall.

## 2.4 Realisation of non-defaulting Clearing Member's contributions to the default fund

Following the procedures described in sec. 2.3, involving the waterfall facility of CCP.A, the resolving process will address the default fund contribution of the other non-defaulting Clearing Members (joint and several liability) on the affected market to the extent as needed:

- CCP.A determines the remaining liabilities of the defaulting Clearing Member, compares them to the size of the remaining default fund of the other Clearing Members and calculates a percent share of the open liabilities.
- The contributions of the other non-defaulting Clearing Members to the default fund will be realised to the percent rate calculated as described above, covering the liabilities of the defaulting Clearing Member.

## 2.5 Realisation of CCP.A's additional amount of pre-funded dedicated own resources

If, after the realisation of the default fund contributions of all other Clearing Members, there are still outstanding liabilities of the defaulting Clearing Member, CCP.A shall use an additional amount of its pre-funded dedicated own resources (second-skin-in-the-game) in accordance with Article 9 para. 14 CCPRRR, the calculation of which is based on Commission Delegated Regulation (EU) 2023/840.

The second-skin-in-the-game is allocated to CCP.A's two Default Funds (for the clearing of securities and the clearing of electricity spot market products) in proportion to their size. The allocation is performed quarterly according to the following formula:

$$SSIGi = \frac{DFi}{(DF1+DF2)} * € 558.000^2$$

## 2.6 Replenishment of default fund (powers of assessment)

If CCP.A has drawn on the contributions of other non-defaulting Members, such Clearing Members are obliged to replenish their contributions, as default fund contributions requirements have to be fulfilled at any time.

If the realised contributions are not sufficient to fully resolve the default at once, i.e. if the remaining default fund size, is smaller than the respective liabilities then the realisation procedures are being repeated as often as required.

### 2.6.1 Securities Cash Market

According to § 52 GTC, default fund contributions realised on the securities cash market shall be replenished by each Clearing Member within the period specified by CCP.A in the Official Publication Medium by making new contributions to the default fund up to the fivefold amount of the previous contributions in accordance with the request by CCP.A, unless the Clearing Member informs CCP.A about the termination of its Clearing Membership in the clearing at the latest on the bank day after the

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<sup>2</sup> The amount of second-skin-in the-game calculated based on annual financial report 2023

realisation of the default fund contributions defined by CCP.A and published in the Official Publication Medium.

## 2.6.2 Electricity Spot Market

According to § 33 GTC Energy, realised default fund contributions shall be replenished by each Clearing Member within five banking days by making new contributions to the default fund up to the twofold amount of the previous contributions in accordance with the request by CCP.A, unless the Clearing Member informs CCP.A about the termination of its Clearing Membership by the end of the third banking day after the realisation of the default fund contributions defined by CCP.A the latest.

## 2.7 Continuous monitoring and reporting

CCP.A continuously monitors its capital requirement and the own dedicated resources (first and second skin-in-the-game) and reports the current value to the Austrian National Bank (OeNB) and to Financial Market Authority (FMA) within the monthly EMIR reporting. Due to the size and business model of CCP.A (proportionality) and the well-defined and stable (not varying) exposure to the non-clearing business partners the calculated capital requirement lies far below the minimum amount defined in EMIR of EUR 7.5 million but is still fully adequate to meet the EMIR-requirements. Therefore, it is assured that the own funds and the other dedicated resources of CCP.A are sufficient at any time.

CCP.A immediately informs Financial Market Authority (FMA) if the amount of dedicated own resources held falls below the amount according to sec. 2.3 and sec. 2.5 together with the reasons for the breach and a comprehensive description in writing of the measures and the timetable for the replenishment of such an amount.

The calculation of CCP.A's regulatory capital requirement and own default resources (first and second skin-in-the-game) is performed on regular basis and publicly disclosed in the section CCP.A *IOSCO Public Quantitative Data Disclosure* on CCP.A's website: <https://www.ccpa.at/cpmi-iosco/>.