

## **RESOLUTION No. 2**

**“Procedure for acquiring the Market Maker capacity in the Regulated Markets of ATHEX and the Alternative Market (EN.A)” as approved through ATHEX BoD Resolution of 17.7.2008 and amended through ATHEX BoD Resolution of 23.10.2008.**

### **THE BOARD OF DIRECTORS OF ATHENS EXCHANGE S.A. (Meeting of 17-7-2008)**

After having taken into account:

The provisions of articles 1.3 and 2.4 of the Athens Exchange Rulebook, the Rules of Operation of the Alternative Market (EN.A) and the need for determining the procedure for acquiring Market Maker Capacity in the Regulated Markets of ATHEX and in EN.A.

### **ISSUES THIS RESOLUTION AS FOLLOWS**

The ATHEX Members that wish to acquire the Market Maker capacity on transferable securities or derivatives in the Markets of ATHEX, respectively, must observe the following procedure:

**A. Procedure for acquiring the Market Maker capacity on transferable securities in the Securities Market of ATHEX or/and the Alternative Market of ATHEX.**

**A.1. Acquiring the Market Maker capacity on a specific transferable security**

The submission of the data-supportive documents for acquiring the Market Maker capacity in the Securities Market / Alternative Market, takes place according to the relevant procedure for examining and approving the applications for acquiring such capacity, as stipulated by ATHEX by virtue of this Resolution.

- 1.** The procedure of assessment and approval includes five (5) stages and, more specifically:
  - a. **Stage 1:** The stage for submitting the application for acquiring the Market Maker capacity on a specific transferable security.
  - b. **Stage 2:** The stage for submitting the memorandum, in which the Member describes its activation program in the Securities Market / Alternative Market of ATHEX as Market Maker on transferable securities, as well as any procedure set out by the Member for its legitimate and compliant to the ATHEX Rulebook participation in the trading of the transferable securities for which it needs to acquire the Market Maker capacity.
  - c. **Stage 3:** The stage during which the Member participates in the mock trading sessions organized by ATHEX, in order to verify the Member's and its employees' competence and readiness, with regard to the exercise of the Market Maker duties.
  - d. **Stage 4:** The stage of approval of the Member's application for acquiring the Market Maker capacity on the said transferable security.
  - e. **Stage 5:** The stage of activating the Member as Market Maker.

2. ATHEX informs the Member on the procedure for acquiring the Market Maker capacity and the assessment and completion of the various stages and supplies the Member with any information necessary for its participation in the above stages.
3. The Member's participation in each stage of the procedure presumes, in any case, the successful completion of the previous stages.

#### **A.2. Data and supportive documents**

For acquiring the Market Maker capacity on a specific transferable security, the Member must submit to ATHEX the following data and documents:

1. The Member's Application for acquiring the Market Maker capacity submitted in a standardised form provided by ATHEX as such is included in **Schedule A**, which constitutes an integral part hereof. It shall be noted that the Member may, in the same application, request to acquire the Market Maker capacity on more than one transferable security traded in the same or in different Market Segments of the ATHEX Markets (eg. Shares, ETF Units). However, ATHEX's approval is granted per transferable security.
2. The Member's memorandum – questionnaire included in **Schedule B**, which constitutes an integral part hereof, from which must result:
  - 2.1 The fulfillment of the conditions of organizational and operational adequacy for the exercise of the Market Maker duties on the transferable security, with regard to which the Member submits the application for obtaining the relevant capacity, according to ATHEX's Rulebook and the terms of Market Making.
  - 2.2 The special procedures of internal audit set out by the Member for monitoring and fulfilling its obligations as Market Maker on the said transferable security, with regard to which the Member submits the application for obtaining the relevant capacity, according to ATHEX's Rulebook and the terms of Market Making.
3. Copy of the appointment of the executive assuming the position of Head of the Market Making Department and its deputy.

ATHEX is entitled to request the applicant to provide additional information, as well as to have one or more of the Member's executives to appear in person before its bodies.

The capacity of Market Maker on a transferable security traded in ATHEX, is obtained through a decision of the ATHEX Board of Directors, in case the Member fulfills the conditions of the Rulebook and the applicable legislation.

The data and supportive documents referred to hereinabove are submitted together with the Member's application for acquiring the Market Maker capacity on transferable security.

It shall be clarified that the Member must fulfill the terms and conditions mentioned herein for each transferable security listed in ATHEX with regard to which the Member applies for becoming a Market Maker.

If the Member already possesses the Market Maker capacity on a transferable security, following a relevant statement submitted along with the application, the Member may be exempted from participating in the mock trading sessions.

### **A.3. Installation of hardware layout according to ATHEX's technical specifications**

1. In case the Market Maker wishes to install a new terminal which will be used exclusively for fulfilling its market making obligations, the Member must contact the, from time to time, competent ATHEX department and cooperate with it for the installation of the hardware layout (nodes, terminals, ODL Service, etc.) required for the Member's connection to the Trading System, as stipulated in the relevant Resolution of the ATHEX Board of Directors "*ATHEX's Provision of Technological Services*".
2. In case the Market Maker wishes to make use of an existing terminal exclusively for fulfilling its market making obligations, the Member must state its intention through an application submitted to ATHEX's competent department.

### **A.4. Opening a Market Maker's Account in DSS**

The Market Maker submits an application to the DSS System Operator for opening, once, a Market Maker's Account or/and an ETF Units Market Maker Account in the DSS, once.

### **A.5. Granting of a Market Maker trading Code**

1. At the latest, ten (10) business days prior to the commencement of the market making on the specific transferable security, the Market Maker, in order to activate the new user's code exclusively for its market making activity, sends to ATHEX's competent department the following forms, as stipulated in the ATHEX Board of Directors Resolution "OASIS Forms", duly filled out with the Member's and users' data:
  - The Form "*Entry of a new Member/Modification of a Member's Data*", and
  - The Form "*Application for Activating/Deactivating of the ID and modification of User's Data on OASIS*". This form is accompanied by a certified copy of the Hellenic Capital Market Commission's Decision regarding the appointment of the Head of Market Making Department as Securities Representative.
2. In case the ETF Units Market Maker has, simultaneously, market making duties on a different type of security (eg stocks), he is obliged to activate a separate code, different from the one used for market making on such securities. This separate code will be used by the ETF Units Market Maker exclusively for the needs of market making on ETF Units, including the trades on the underlying securities of the Index tracked by the ETF.

Moreover, the Member-candidate Market Maker along with its application of section A.2.1.:

- 3.1. Submits a statement that the Member is not holding shares of the issuing company in another Share Account, with the exception of the Market Maker's Account, on which the Member acts as Account Operator. The ETF Units Market Maker deposits a statement attesting that it does not maintain ETF Units in another Securities Account with the exception of the ETF Units Market Maker Account, on which the Member acts as Account Operator.
- 3.2. As far as Market Making regarding ETF Units is concerned, must be submitted within five (5) business days upon signing, the market making agreement between the Member and the ETF Issuer and upon submission of the supporting documents of the application regarding the listing of ETF Units in the Securities Market, at the latest. In case of existence of such agreement, the agreement is accompanied by the listed company's legalizing documents. The submission of the Market Making Agreement regarding ETF Units is mandatory.

4. It shall be clarified that, upon approval by the Board of Directors of ATHEX, the Member – Market Maker (as well as the listed company in case it has signed an agreement) makes an announcement to the investors with regard to the commencement date of the market making on the said transferable security and the duration of the agreement. As far as ETF Units Market Making is concerned, the Market Maker jointly with the ETF Issuer proceed to the announcement as mentioned above.

#### **A.6. Renewal of the duration of the capacity as a Market Maker**

1. It shall be noted that in order for accomplishing the renewal of the Market Maker capacity on the specific transferable security, the Member must inform ATHEX in written, at least ten (10) business days prior to the expiry of the term of the Market Maker's capacity, with regard to its request. In the letter the Member shall state and commit itself with regard to the full content of its initial application for acquiring the Market Making capacity on the specific transferable security.
2. The renewal of Market making capacity on a transferable security by the Member is effected by virtue of a decision of the ATHEX Board of Directors. The Member – Market Maker makes an announcement to the investors with regard to the renewal of the market making capacity on the said transferable security and the duration of the agreement, which cannot be less than one (1) year. In case of modifications in the content of the initial application for acquiring the Market Maker capacity on a transferable security, the Member must complete and submit a new application.

#### **B. Procedure for acquiring the Market Maker capacity on a Derivative Contract in ATHEX's Derivative Market**

##### **B.1. Assessment and approval procedure**

1. The submission of the supportive documents for acquiring the Market Maker capacity in the Derivatives Market takes place according to the relevant procedure for assessing and approving the Market Maker candidacy applications, as stipulated by ATHEX by virtue of this Resolution.
2. The procedure of assessment and approval includes five (5) stages and, more specifically:
  - a. **Stage 1:** The stage for submitting the application for acquiring the Market Maker capacity on a Derivative Contract.
  - b. **Stage 2:** The stage for submitting the memorandum, in which the Member describes its activation program in the Derivatives Market as Market Maker, as well as any procedure set out by the Member for its legitimate and compliant to the ATHEX Rulebook participation in the trading of the Derivative Contract(s) for which it needs to obtain the Market Maker capacity.
  - c. **Stage 3:** The stage during which the Member participates in the mock trading sessions organized by ATHEX, in order to verify the Member's and its employees' competence and readiness, with regard to the exercise of the Market Maker duties.
  - d. **Stage 4:** The stage of approval of the Member's application for acquiring the Market Maker capacity.
  - e. **Stage 5:** The stage of activating the Member as Market Maker.
3. ATHEX informs the Member on the procedure for acquiring the Market Maker capacity and the assessment and completion of the various stages and supplies the Member with any information necessary for its participation in the above stages.

4. The Member's participation in each stage of the procedure presumes, in any case, the successful completion of the previous stages.

## **B.2. Data and supportive documents**

For acquiring the Market Maker capacity on a Derivative Contract, the Member must submit to ATHEX the following data and supportive documents:

1. The Member's Application for acquiring the Market Maker capacity submitted in a standardised form provided by ATHEX, as such is included in **Schedule C**, which constitutes an integral part hereof. The Member may, in the same application, request to acquire the Market Maker capacity on more than one Derivative Contract. ATHEX's approval is granted per Derivative Contract.
2. The Member's memorandum from which must result:
  - 2.1 The fulfillment of the conditions of organizational and operational competence for the exercise of the Market Maker obligations on the Derivative Contract, with regard to which the Member submits the application for obtaining the relevant capacity, according to ATHEX's Rulebook and the terms of Market Making concerning the said Derivative Contract.
  - 2.2 The special procedures of internal audit set out by the Member for monitoring and fulfilling its obligations as Market Maker on said Derivative, with regard to which the Member submits the application for obtaining the relevant capacity, according to ATHEX's Rulebook and the terms of Market Making concerning this Derivative Contract.
3. Additional statement by the Member as a Market Maker or relevant statement provided by HELEX, in addition to the one submitted for becoming a Member and acquiring the capacity of an Agent or a Proprietary Trader, where this is deemed necessary by ATHEX, with regard to:
  - 3.1 The Member's participation, or non participation, in the clearing of derivatives transactions as Member of HELEX with regard to the trades it shall conclude, or
  - 3.2 The signing of a clearing agreement between the Member and an HELEX Member in case the clearing is given up to an HELEX Member, and
4. Copy of the appointment of the executive assuming the position of Head of the Market Making Department and its deputy as Securities Representative by the Hellenic Capital Market Commission, as well as documents proving their full time employment (Statement by the Member and the social security body).

The capacity of Market Maker on a Derivative Contract is obtained by decision of the ATHEX Board of Directors.

The data and supportive documents mentioned above are submitted with the application of the Member for acquiring the Market Maker's Capacity.

The Member must fulfil the terms and conditions hereof for every Derivative Contract with regard to which it applies for acquiring the Market Maker capacity.

If the Member has already acquired the Market Maker capacity on a Derivative Contract, following a relevant statement submitted along with the application, the Member might be exempted from participating in the mock trading sessions.

As far as the renewal of Market Maker's Capacity is concerned, the provisions under A6 proportionately apply.

### C. Technical Characteristics of Market Maker's Orders in ATHEX's Securities Market

Acting in its capacity as a Market Maker on a transferable security of a listed company or ETF Issuer, the Member concludes trades on its own account in compliance with the law and as provided by the ATHEX Rulebook, the Rules of Operation of EN.A. and the present Resolution.

#### C1 Securities Market

<b>Securities Market Segment</b>	<ol style="list-style-type: none"> <li>1. Big Capitalisation</li> <li>2. Medium &amp; Small Capitalisation</li> <li>3. Exchange Traded Funds</li> </ol>										
<b>Quote</b>	The bid and ask orders which are transmitted simultaneously by the Market Maker with regard to the transferable security on which the Member has acquired the market making capacity.										
<b>Market Making Order</b>	The bid order or the ask order which constitute part of the Quote.										
<b>Percentage Price Spread and Maximum Quote Price Spread</b>	<p>The Percentage Price Spread of a quote is determined by the following formula:</p> $A = \frac{T_{\Pi} - T_A}{(T_{\Pi} + T_A)/2} * 100$ <p>             A = the Percentage Price Spread of the quote              T<sub>A</sub> = bid order price              T<sub>Π</sub> = ask order price         </p> <p>The Market Maker must transmit bid orders and ask orders, in execution of its market making obligations, at price spreads which do not exceed the Maximum Quote Price Spread as such is defined hereinafter, as stipulated in the ATHEX Rulebook with regard to the daily variation limit of the share price:</p> <table> <thead> <tr> <th>Price Range (reference price)</th><th>Quote Spread</th></tr> </thead> <tbody> <tr> <td>(Price &gt; 3€)</td><td>≤ 2.5%</td></tr> <tr> <td>(2€ ≤ Price ≤ 3€)</td><td>3.0%</td></tr> <tr> <td>(1€ ≤ Price &lt; 2€)</td><td>6.0%</td></tr> <tr> <td>(Price &lt; 1€)</td><td>8.5%</td></tr> </tbody> </table>	Price Range (reference price)	Quote Spread	(Price > 3€)	≤ 2.5%	(2€ ≤ Price ≤ 3€)	3.0%	(1€ ≤ Price < 2€)	6.0%	(Price < 1€)	8.5%
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(Price < 1€)	8.5%										
<b>Minimum Disclosed Quantity of a Transferable Security</b>	<p>The Minimum Disclosed Quantity of a Transferable Security (MDQTS) is determined according to the following formula:</p> $MDQTS = \frac{T}{H} \times 0,3\% \quad \text{where}$ <p>T = the number of units traded in the previous 12 months, adjusted for</p>										

	<p>any corporate actions that may have occurred during the previous 12 months period.</p> <p><math>H</math> = number of trading days on an annual basis</p> <p>MDQTS is calculated by ATHEX per calendar quarter and is published in ATHEX's Daily Official List on the second business day after the end of the calendar quarter. For calculating MDQTS the number is rounded to the higher whole multiple of the share's trading unit. The day of commencement of application of the new MDQTS figures, is set to be the first business-day Monday following the publication in the ATHEX's Daily Official List, and in case this day is a holiday, the next business day.</p> <p>In case MDQTS is less than 50 then the MDQTS is set equal to 50, whereas in case MDQTS is higher than 2,000 then MDQTS is set equal to 2,000.</p> <p>In case of a newly admitted to trading share, the MDQTS is set equal to 50, until the next calculation of the calendar quarter.</p> <p>The period for the first calculation of MDQTS, hereinafter referred to as "initial prices", is set to be the period between 1/11/2004 and 31/10/2005 and the initial prices are published on ATHEX's Daily Official List during the second fortnight of November 2005. In particular, the first period of application of this Resolution, which starts on 28/11/2005 and ends on the first business-day Monday following the publication in the ATHEX's Daily Official List of the MDQTS figures for 1/1/2005 – 31/12/2005, the initial prices shall be used as MDQTS.</p>
<b>Minimum Daily Quantity (MDQ)</b>	<p>It shall be set at 160 times MDQTS (i.e. <math>MDQ = 160 * MDQTS</math>).</p> <p>Only the trades resulting from Quotes and limit orders within the Quote Spread limits at the time of their matching are included in the calculation of the Minimum Daily Quantity.</p> <p>The Minimum Daily Quantity is not applicable to quotes on ETF Units.</p>
<b>Minimum Time for Quote re-entry</b>	<p>The Market Maker must re-transmit market making quote, at the latest, three (3) minutes from the full or partial execution time of the previous market making quote, provided that with regard to the latter, the unexecuted remainder of the order is less than the MDQTS.</p>

## C2. EN.A.

As regards to the Market Making in EN.A. the following specific provisions apply:

- Maximum Quote Price Spread:**

<b>Price Range (reference price)</b>	<b>Quote Spread</b>
Price > 3€	<=4.0%
2€ >= Price >= 3 €	5.0%
1 € <= Price < 2€	8.0%
Price < 1 €	10.0%

- Minimum Disclosed Quantity of a Transferable Security: depending on the liquidity, the minimum being 25 and maximum 1.000 pieces.

- **Minimum Daily Quantity (MDQ):** 160 times the Minimum Disclosed Quantity of Transferable Security.
- **Minimum Time for Quote re-entry:** 3 minutes.

In case where the Market Maker is active in the Securities Market and in the MTF/EN.A. simultaneously the separate Market Making code provided by the ATHEX Regulation may be the same.

#### **D. Evaluation of Market Makers of the ATHEX's Securities Market / Alternative Market**

ATHEX hereby sets out a specific procedure for evaluating Market Makers which develop their activities in the Securities Markets. This Resolution also determines the way of informing the public with regard to the relevant procedures and evaluation results.

ATHEX, when evaluating, takes into account the following criteria per Market Maker and per transferable security:

- The total time of provision of bid and ask quotes (time criterion)*, that is the time period during which the quotes remain active in the order book in relation to the duration of the trading session. The total time during which the Market Maker has maintained a valid quote in the order book is estimated. This total time is divided by the duration of the trading session during which the Market Maker has the right (and not merely the obligation) to transmit a quote (i.e. it includes the auctions and continuous trading periods, but not the At The Close trading period). The calculations are made on a quarterly basis.
- The average spread during the market making time period (spread criterion)*, that is the spread of the Market Maker's quotes in relation to the Maximum Quote Prices Spread. The spread is time-weighted by use of the time period during which valid quotes of the Market Maker are maintained in the order book and is divided by the Maximum Quote Price Spread. Given that the Maximum Quote Price Spread depends on the share price level, in order to calculate the spread criterion, the ratio of quote spread to the Maximum Quote Prices Spread is initially calculated for each intraday observation of the spread, followed by the relevant time-weighting (on a quarterly basis).
- The volume of the bid and ask orders (volume criterion)*, that is the volume of quotes transmitted by the Market Maker in relation to the MDQTS. The average, time-weighted semi-sum of the adjusted volume of both legs (bid and ask) of all quotes transmitted by the Market Maker (i.e. variations resulting from partial execution are not taken into account) is calculated. The resulting volume figure is divided by the MDQTS that is applicable on the last day of the relevant quarter.

The following table presents the grade attributed to the price of each evaluation criterion:

<b>Time Criterion (T)</b>	<b>Grade</b>	<b>Spread Criterion (S)</b>	<b>Grade</b>	<b>Volume Criterion (V)</b>	<b>Grade</b>
$0.9 \leq T \leq 1$	A	$0 < S < 0.8$	A	$1.5 \leq V$	A
$0.7 \leq T < 0.9$	B	$0.8 \leq S < 0.85$	B	$1.3 \leq V < 1.5$	B
$0.5 \leq T < 0.7$	C	$0.85 \leq S < 0.9$	C	$1.1 \leq V < 1.3$	C
$0 < T < 0.5$	D	$0.9 \leq S \leq 1$	D	$1 \leq V < 1.1$	D



In case a Market Maker develops activities on more than one transferable securities, of the same or of a different type, the evaluation criteria are calculated cumulatively. In order to establish an overall (for all securities of the same or of a different type) evaluation of a Market Maker by each criterion, the average performance of the Market Maker for the specific evaluation criterion cumulatively on all securities is used (and not the average performance resulting from an average of the grades on each individual security).

Therefore, the overall evaluation of a Market Maker, which is presented quarterly, consists of three letters (e.g. A, B, C) out of which the first letter indicates its performance with regard to the time criterion, the second with regard to the spread criterion and the third with regard to the volume criterion, as such have resulted from the average performance in all shares in which the Member acts as a Market Maker.

The Market Makers evaluation is conducted quarterly, based on data acquired from the immediately previous quarter, while the results of such evaluation are announced to the public through ATHEX's website, within the seven (7) first business days of the following month (of the said quarter).

More specifically, the first evaluation shall take place in April 2006 and shall cover the period 28/11/2005 – 31/3/2006.

#### **E. Enforcement**

This Resolution shall be into force as from July 22, 2008. As from the enforcement of this Resolution, Resolution No. 4/24.11.2005. issued by ATHEX's Board of Directors is abolished.

This Resolution is to be immediately posted on ATHEX's website, [www.athex.gr](http://www.athex.gr).