

# INFORMATION NOTICE

ON CERTAIN REPORTING OBLIGATIONS  
RELATED TO TRADING IN FUTURES  
CONTRACTS, OPTIONS ON FUTURES  
CONTRACTS AND ECONOMICALLY  
EQUIVALENT SWAPS LISTED ON A  
UNITED STATES EXCHANGE

29 November 2024

Dear Client,

Please read this information notice as it relates to information about your account that must be reported to regulators.

This purpose of this document is to inform you of certain reporting obligations of OTP Bank Group (“**OTP Bank**”) relating to trading U.S.-exchange listed futures contracts, options thereon and economically equivalent swaps (collectively, the “**Contracts**”) under the U.S. Commodity Exchange Act (“**CEA**”), as amended by Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the “**Dodd-Frank Act**”), and the applicable rules of the U.S. Commodity Futures Trading Commission (“**CFTC**”) and U.S. exchanges (e.g., CME Group, Inc. and ICE Futures U.S.) (each an “**Exchange**” and, collectively, the “**Exchanges**”).

In order to monitor large positions, the CFTC and Exchanges have established a comprehensive system of collecting information on market participants as part of its market surveillance and large trader reporting program. Under the CFTC’s large trader reporting program, clearing members, futures brokers (known as futures commission merchants or “**FCMs**”), foreign (i.e., non-U.S.) brokers (including OTP Bank) and swap dealers (collectively, “**Reporting Entities**”) are required to provide periodic reports to the CFTC.

Specifically, with respect to the Contracts, Reporting Entities must file a report on “Form 102” with the CFTC for each account in which a “reportable position” (i.e., any open contract position that at the close of the market on any given business day equals or exceeds the specified quantity set forth in 17 **CFR**<sup>1</sup> § 15.03) is held, which is referred to as a “special account.” These reports must be filed for the business day (measured at the end of the day) that the reportable position in the Contracts is created.

Generally, Form 102 requires Reporting Entities to identify basic information regarding its customer, including the customer’s name; the customer’s address; and the customer’s account numbers. Please see below for additional detail with respect to the information that may be included in Form 102. While the primary reporting falls on the clearing member for Form 102 (e.g., the carrying broker), the CFTC requires that “non-clearing entities” (i.e., non-clearing FCMs, foreign brokers and omnibus account originators) (including OTP Bank) also report special accounts on Form 102A with respect to their customers/sub-accounts that are not fully disclosed to the clearing member or FCM, in the event that such accounts, if carried directly with a clearing member, would be required to be reported as a relevant special account (i.e., position-based special accounts). An “omnibus account originator” (including OTP Bank) is any FCM, clearing member or foreign broker that executes trades for one or more customers via one or more accounts that are part of an omnibus account carried by another FCM, clearing member or foreign broker. Omnibus accounts are accounts that one futures commission merchant, clearing member or foreign broker carries for another in which the transactions of multiple individual accounts are combined. The identities of the holders of the individual accounts are not generally known or disclosed to the carrying firm (e.g., the clearing member).

Each FCM, clearing member and foreign broker (including OTP Bank) must submit a report to the CFTC on the business day following the date on which a special account carried by such entity becomes reportable, *except* for an account carried on the books of another FCM or clearing member on a fully-disclosed basis. For OTP Bank, the omnibus account carried with its clearing member is not maintained on a fully-disclosed basis (i.e., the clearing member does not have insight into the trading accounts underlying the omnibus account). Where an omnibus account is maintained, both the FCM and the foreign broker (i.e., OTP Bank) may have reporting responsibilities under CFTC regulations. For example, if a clearing member holds a customer omnibus account on behalf of a foreign broker (i.e., the omnibus account originator) which has two or more customers with reportable positions, then the clearing member should identify the following information to the CFTC regarding the omnibus account originator customer (i.e., OTP Bank):

- the customer’s account name and number (i.e., the numeric identifier used by the clearing member to uniquely identify a special account and the name of the special account assigned by the clearing member);

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<sup>1</sup> **Code of Federal Regulations (CFR)**: a codification of general and permanent regulations by the executive departments and agencies of the United States federal government. The CFR is divided into 50 titles, which represent the broad areas of federal regulation. The CFR is published annually as a special issue of the Federal Register by the Office of the Federal Register and the Government Publishing Office. In addition to this annual edition, the CFR is published online at the Electronic CFR (eCFR) website, which is updated daily.

- whether the customer's account is a house account (i.e., exclusively contains the proprietary accounts of the omnibus account originator) or customer account (i.e., contains the accounts of customers of the omnibus account originator);
- the customer's contact information (i.e., name, address, phone number, contact person details (name, job title, explanation of the relationship of the contact person to the originator, phone number, and email address), website (if any), National Futures Association ("NFA") ID (if any), and Legal Entity Identifier ("LEI") number (if any); and
- the trading account number(s), any related short code(s) that comprise the special account, and the reporting market at which each trading account number appears.

Additionally, the foreign broker (i.e., OTP Bank) should identify the following information to the CFTC regarding the customer's reportable position:

- the customer's account name and number (i.e., the numeric identifier used by OTP Bank to uniquely identify a special account and the name of the special account assigned by OTP Bank); and
- the special account controller's contact information (i.e., name, address, phone number, email address, contact person details - if controller is not a natural person (i.e., name, job title, explanation of the relationship of the contact person to the controller, phone number, and email address), website (if any), NFA ID (if any), and LEI number (if any).

If an account contains a "reportable position," the CFTC may then contact the trader (i.e., OTP Bank) directly and require that the trader file a more detailed identification report on CFTC Form 40. This request is also referred to as a "Special Call" and CFTC rules require each trader that holds or controls a reportable Contract position to file Form 40 when it receives the CFTC request.

An FCM must make an additional filing (on Form 102B) when an individual trading account meets a specified trading volume level in an individual product (i.e., "volume threshold account" ). If the volume threshold account is a customer omnibus account, the CFTC can, in its discretion, issue a request for additional information (on Form 71) to the originating firm for such account (e.g., OTP Bank). If OTP Bank receives such a request, it must provide the CFTC with information regarding any sub-account to which the customer omnibus account allocated trades that resulted in reportable trading volume (i.e., the "reportable sub-account"). If the reportable sub-account is itself an omnibus sub-account, OTP Bank must indicate whether the omnibus reportable sub-account is a house omnibus account (i.e., OTP Bank proprietary account) or customer omnibus account, and to provide information sufficient to identify and contact the originator of the sub-account, including:

- the originator's contact information (i.e., name, address, and phone number);
- the account number of the reportable sub-account;
- contact person (i.e., name, job title, an explanation of the relationship of the contact person to the originator, phone number, and email address);
- the originator's website (if any);
- the originator's NFA ID (if any); and
- the originator's LEI number (if any).

If such reportable sub-account is not an omnibus sub-account, OTP Bank is required to provide information sufficient to identify and contact the owner(s) (which can be a legal entity or natural person) and controller(s) (which must be a natural person) of such non-omnibus reportable sub-account, including:

- the owner's contact information (i.e., name, address, phone number, and email address);
- contact person, if owner is not a natural person (i.e., name, job title, an explanation of the relationship of the contact person to the owner, phone number, and email address);
- the owner's website (if any);
- the owner's NFA ID (if any);
- the owner's LEI number (if any);
- the controller's contact information (i.e., name, address, phone number, and email address);
- the name of the controller's employer and the controller's job title; and
- an explanation of the relationship of the controller to the owner.

In sum, due to OTP Bank's status as a "foreign broker" and "omnibus account originator", both OTP Bank and the FCMs it uses to execute orders for your account may be required to report certain information to the CFTC about your account on Form 102A. Furthermore, to the extent that the CFTC makes a special call to OTP Bank regarding such omnibus account as a result of trading volume levels that were reported by the FCM on Form 102B, OTP Bank may be required to provide additional information about your account via Form 71.

#### Notices and disclaimers

The above information is not exhaustive and, as a result of the regulations described, does not include all the rights and obligations of the parties and market participants concerned, including OTP Bank Plc. The present information notice, which does not constitute legal opinion or legal advice, contains a general and non-exhaustive description of the relevant legal acts and other regulatory documents as published up to 29 November 2024. OTP Bank Plc. endeavours to ensure that the present information notice contains the relevant rules in accordance with the applicable legal acts and regulatory documents in force but does not assume any liability for this. We strongly recommend that you consult the applicable legal acts, regulatory documents, and their regulatory interpretations before entering into any transaction involving you. In all cases, we recommend that you consult your legal advisor before using OTP Bank Plc's investment or ancillary investment services (collectively referred to as the "Investment Services") in order to ascertain the specific legal consequences of any transaction involving you. Should you have any questions about what is described in this information notice, or should you not have access to any of the documents or information referred to herein, please contact your local branch, where our staff will be happy to assist you. This information notice is not intended to be tax or investment advice, investment analysis, investment recommendation, offer, solicitation, advertisement, or advertising with respect to a specific financial instrument or transaction. Certain persons may not have access or may have limited access to the products and/or services mentioned in this information notice. The publication of information and the displaying of information by OTP Bank Plc. about the products and/or services referred to in this information notice shall under no circumstances be deemed to constitute an intention on the part of OTP Bank Plc. to make information on said products and/or services available to persons for whom the use, acquisition or advertising of the products and/or services in question is prohibited or restricted by any legal act or regulatory document.

OTP Bank Plc. may unilaterally amend the content of the above information notice at any time without prior notice.