

otherwise); (C) a written third-party guarantee; (D) the submitting counterparty's available financial resources; or (E) means other than those described in paragraphs (A) through (D); and

- (iv) whether the submitting counterparty is an Exchange Act Reporting Company and if so: (A) the relevant SEC Central Index Key number for the submitting counterparty; and (B) whether an appropriate committee of such counterparty's board of directors (or equivalent body) has reviewed and approved the decision to enter into swaps that are exempt from the clearing and trading requirements for swaps set out in the CEA.

**"ERISA"** means the Employee Retirement Income Security Act of 1974, as amended.

**"ERISA Special Entity"** means an employee benefit plan subject to Title I of ERISA.

**"European Union"** means the economic and political union established in 1993 by the Maastricht Treaty, with the aim of achieving closer economic and political union between member states that are primarily located in Europe.

**"Exchange Act"** means the Securities Exchange Act of 1934, as amended.

**"Exchange Act Reporting Company"** means an issuer of securities registered under Section 12 of the Exchange Act or that is required to file reports under Section 15(d) of the Exchange Act.

**"Exempt Small Financial Institution"** means any person described in CFTC Regulation 50.50(d), which includes any entity that is predominantly engaged in activities that are in the business of banking, or in activities that are financial in nature, as defined in Section 4(k) of the Bank Holding Company Act and:

- (i) is either: (A) organized as a bank, as defined in section 3(a) of the Federal Deposit Insurance Act, the deposits of which are insured by the Federal Deposit Insurance Corporation; (B) a savings association, as defined in section 3(b) of the Federal Deposit Insurance Act, the deposits of which are insured by the Federal Deposit Insurance Corporation; (C) a farm credit system institution chartered under the Farm Credit Act of 1971; or (D) an insured Federal credit union or State-chartered credit union under the Federal Credit Union Act; and
- (ii) has total assets of \$10,000,000,000 or less on the last day of its most recent fiscal year.

**"Exempted Pre-Trade Mark Transaction"** means any swap for which the CFTC provides no-action or other relief from the pre-trade mid-market mark disclosure requirements of the CFTC Regulations that is based, in whole or in part, upon the agreement of Client that DB need not disclose pre-trade mid-market marks, including but not limited to the relief from such requirements provided in CFTC Letters No. 12-42 and 12-58.

**"Financial Entity"** has the meaning ascribed to it in Section 2(h)(7)(C)(1) of the CEA and includes a Swap Dealer, Major Swap Participant, Security-Based Swap Dealer, Major Security-Based Swap Participant, a Commodity Pool, a Private Fund, an Active Fund and any person that is predominantly engaged in activities that are in the business of banking, or in activities that are financial in nature, as defined in Section 4(k) of the Bank Holding Company Act.

**"Financial Institution"** means a financial institution as defined in Section 1a(21) of the CEA and includes:

- (i) an "agreement corporation" operating under the fifth undesignated paragraph of section 25 of the Federal Reserve Act;
- (ii) an "Edge Act corporation" organized under section 25A of the Federal Reserve Act;