

Eurex Clearing AG
ECAG Rule Certification 002-22
February 8, 2022

1. The text of the proposed amendments to the Clearing Conditions (“Clearing Conditions”) of Eurex Clearing AG (“Eurex Clearing”), the Price List of Eurex Clearing (“Price List”), the Default Management Committee Rules of Eurex Clearing (“DM Committee Rules”), the FCM Regulations of Eurex Clearing (“FCM Regulations”), the General Terms and Conditions to the Agreement on Technical Connection to the Clearing EDP of Eurex Clearing (“GTC Connection Agreement”), and the Statutes for the Fixed Income and Currencies Board Advisory Committee of Eurex Clearing (“Statutes for the FIC Board Advisory Committee”) is appended as Attachment A. Any additions are underlined and any deletions are struck through.
2. The date of intended implementation of the proposed amendments in Nos. 1-7 below is March 1, 2022.

The proposed amendments in No. 8 below fall within the scope of Special Provisions of the Clearing Conditions and are subject to a consultation process (“Consultation”). The Consultation will end upon expiry of February 28, 2022 (“Consultation Period”). The planned effective date of these amendments is April 1, 2022 depending on the outcome of the Consultation, which will be communicated in a separate Eurex Clearing Circular.
3. Attached please find a certification that: (1) these amendments comply with the Commodity Exchange Act (the “Act”), and the Commission’s regulations thereunder; and (2) concurrent with the filing of this submission, Eurex Clearing is posting a copy of this filing to its website at: <https://www.eurex.com/ecen/rules-regs/regulations/cftc-dco-filings>.
4. A concise explanation and analysis of the operation, purpose, and effect of the amended rule appears below.
5. There were no opposing views expressed regarding these amended rules.
6. Confidential treatment is not requested.

CONCISE EXPLANATION AND ANALYSIS OF THE OPERATION, PURPOSE, AND EFFECT OF THE PROPOSED RULE AND ITS COMPLIANCE WITH APPLICABLE PROVISIONS OF THE ACT, INCLUDING CORE PRINCIPLES AND THE COMMISSION’S REGULATIONS THEREUNDER

Eurex Clearing is proposing the following amendments to the Clearing Conditions, Price List, Default Management Committee Rules, FCM Regulations, GTC Connection Agreement, and the Statutes for the FIC Board Advisory Committee:

1. Amendments to the GTC Connection Agreement regarding the clarification to Section G of the GTC Connection Agreement

Eurex Clearing is proposing amendments to Section G of the GTC Connection Agreement. The proposed amendments clarify that, for clients covered by this section (in particular, DC Market Participants and Indirect Client Market Participants), obligations towards Eurex Clearing arise only once these clients actually order connectivity or access to network channels.

For avoidance of doubt, the clients covered in this section are trading participants on Eurex Exchange, and therefore these amendments do not apply to Eurex Clearing's DCO license or clients clearing under the DCO license.

2. Amendments to the Clearing Conditions and Statutes for the FIC Board Advisory Committee corresponding to the Partnership Program 2022

Corresponding to the Partnership Program 2022 extending the responsibilities of the FIC Board Advisory Committee, Eurex Clearing is proposing to amend the respective provision of the Clearing Conditions regarding the matters on which the FIC Board Advisory Committee may advise.

Eurex Clearing is furthermore proposing amendments to the Statutes for the FIC Board Advisory Committee to align them with the Partnership Program 2022 terms and to implement certain procedural simplifications, such as a new possibility for the FIC Committee to decide electronically or by circular procedure.

3. Amendments to the Price List regarding the clarification that the clearing license admission fee is only charged once for Clearing Members

Eurex Clearing is proposing amendments to the Price List to clarify that the admission fee is only charged for the first clearing license obtained from Eurex Clearing by a Clearing Member and that any additional clearing licenses are granted free of charge.

For the avoidance of doubt, the provisions regarding the admission fees for Basic Clearing Members and for the Specific Repo License for companies wishing to only act as net cash providers remain unaffected.

4. Amendments to the Price List regarding the increase of the notional outstanding included in the OTC Interest Rate Derivatives Basic Pack for IRS or OIS transactions

Eurex Clearing currently offers the OTC IRD Basic Pack ("OTC IRD Basic Pack") rebate scheme that allows clearing of IRS, OIS, Basis and FRA transactions which are proprietary transactions of a Clearing Member without extra booking fees and maintenance fees up to certain volume thresholds.

Eurex Clearing is proposing amendments to the Price List to increase the volume threshold for notional outstanding at the end of each month which is included in the OTC IRD Basic Pack regarding the clearing of IRS and OIS transactions without further maintenance fees from EUR 300 billion to EUR 500 billion.

5. Amendments to the Price List regarding the application of termination fees for Multilateral Compression and Rate Blending for OTC Interest Rate Derivatives transactions

Eurex Clearing is proposing amendments to the Price List to clarify that the termination fees for Rate Blending and Multilateral Compression as applicable for OTC Interest Rate Derivative Transactions are only based on the notional volume terminated.

6. Amendments to the Clearing Conditions regarding the deletion of transitional provisions for €STR+8.5bp to €STR flat for EURO STOXX® 50 Total Return Futures

In Eurex Clearing Circular 083-21 and corresponding Rule Certification 083-21 filed pursuant to CFTC Rule 40.6, Eurex Clearing proposed amendments to the Clearing Conditions regarding the implementation of the transition of the reference Funding Rate of EURO STOXX® 50 Index Total Return Futures (TESX) from Euro Short-Term Rate (€STR) plus the EONIA transition spread as provided by the ECB (8.5 basis points) to €STR flat.

After the successful completion of this transition on October 18, 2021, Eurex Clearing is proposing to reverse the corresponding changes to the Clearing Conditions as these transitional provisions are now inoperable

Further information on the transitional provisions for €STR+8.5bp to €STR flat for EURO STOXX® 50 Total Return Futures can be found in Eurex Circular 086-21 and Eurex Clearing Circular 083-21.

For avoidance of doubt, these proposed amendments only apply to EURO STOXX® 50 Total Return Futures, which is a listed futures contract, and therefore falls outside the scope of Eurex Clearing's DCO license, which applies only to swaps.

7. Amendments to the Clearing Conditions and FCM Regulations regarding the termination of clients

Currently, the Clearing Conditions and FCM Regulations only foresee processes on how to handle client-related transactions in case of the occurrence of a default or termination in the relationship between the Clearing Member and the relevant Disclosed Direct Client.

In order to provide clients with a certain protection, Eurex Clearing is proposing amendments to the Clearing Conditions and the FCM Regulations that would entitle the Clearing Member or FCM Clearing Member to terminate any client-related Standard Agreement or FCM Client Netting Set.

The termination would be effective after 30 days following the termination request provided that all transactions cleared under the respective client-related Standard Agreement or FCM Client Netting Set have been fully cancelled, closed, or discharged prior to the termination.

8. Amendments to the DM Committee Rules regarding the already existing concept of Market Advisers – Consultation until the end of February 28, 2022

According to the current provisions under the DM Committee Rules, Eurex Clearing may consult Default Management Committees and nominated Market Advisors regarding the execution of the Default Management Process (“DMP”) after the occurrence of a termination with respect to a Clearing Member or FCM Clearing Member.

Following the review of the framework, Eurex Clearing intends to amend the setup. Eurex Clearing is therefore proposing that Market Advisors are consulted on a regular basis (at least annually) regarding market developments and the design of the DMP rather than in case of a Clearing Member's default event. The role of the Default Management Committees will remain unchanged.

Pursuant to Chapter I Part 1 Number 17 of the Clearing Conditions, the proposed amendments to the DM Committee Rules under No. 8 are subject to a Consultation which will end with the expiry of February 28, 2022.

Further information regarding the operation, purpose and effect of the proposed amendments is discussed in the attached Eurex Clearing Circular 002-22, which is appended as Attachment A.

Eurex Clearing has identified the following DCO Core Principles as potentially being relevant to the above amendments:

1. DCO Core Principle C (Participant and Product Eligibility): The proposed amendments in Nos. 3-5 above will comply with DCO Core Principle C because they propose changes to the Price List in certain ways, and the Price List will continue to be objective, publicly disclosed, and permit fair and open access in compliance with this Core Principle.
2. DCO Core Principle O (Governance Fitness Standards): The proposed amendments in No. 2 above will comply with DCO Core Principle O because they proposed changes regarding a committee's responsibilities related to Eurex Clearing's Partnership Program for OTC IRD, and Eurex Clearing's governance arrangements will continue to comply with this Core Principle and accompanying CFTC Rule 39.24.
3. DCO Core Principle G (Default Rules and Procedures): The proposed amendments in Nos. 7-8 above will comply with DCO Core Principle G because they provide for a termination mechanism of an FCM Netting Set and amend the DM Committee Rules regarding the consultation of Market Advisors, and Eurex Clearing's default rules and procedures will continue to allow for the efficient, fair, and safe management of insolvency or default events.

U.S.C. §7a-2 AND COMMODITY FUTURES TRADING COMMISSION RULE 40.6, 17 C.F.R. §40.6

I hereby certify that:

- (1) the amendments comply with the Commodity Exchange Act, and the Commission's regulations thereunder; and
- (2) concurrent with the filing of this submission, Eurex Clearing is posting a copy of this filing to its website at: <https://www.eurex.com/ec-en/rules-regs/regulations/cftc-dco-filings>.

/s/ Eric Seinsheimer

By: Eric Seinsheimer

Title: US CCO, Eurex Clearing AG

Dated: February 8, 2022