



FCM REGULATIONS OF THE CLEARING HOUSE

LCH LIMITED

FCM Regulations

regulations (or to specific provisions within them) as amended, modified, supplemented or replaced from time to time.

Any reference to a Regulatory Body includes any successor or replacement Regulatory Body.

Reference to writing contained in these FCM Regulations or the FCM Procedures shall include typing, printing, photography, email, or any other mode of representing or reproducing words in a visible and legible form, irrespective of the medium used.

Words importing the singular shall, where the context permits, include the plural and vice-versa.

The words “**include**”, “**includes**” or “**including**” are to be deemed followed by the words “without limitation”.

Any reference to time contained in these FCM Regulations or the FCM Procedures shall, unless otherwise stated, be to London time. Times are shown using the twenty four hour clock.

Any reference in these FCM Regulations or the FCM Procedures to a person or a party (however described) shall include its legal successors or assigns.

Headings are used herein for ease of reference only.

**REGULATION 40 INTERPRETATION OF THESE FCM REGULATIONS;
APPLICABLE LAW; CLEARING HOUSE DATA**

- (a) In the event of inconsistency between the provisions of these FCM Regulations and the rules or regulations or other contractual provisions of any trading platform or other undertaking the provisions of these FCM Regulations shall prevail.
- (b) The headings to these FCM Regulations are for convenience only and shall not affect their interpretation.
- (c) FCMs shall at all times observe, interpret and give effect to the provisions of the Rulebook in a manner which promotes and maintains:
 - (i) the Clearing House's status as a recognised central counterparty under EMIR and a registered derivatives clearing organization under the United States Commodity Exchange Act and any other legal or regulatory status it has from time to time under any other Applicable Law;
 - (ii) the good reputation and integrity of the Clearing House and FCMs; and
 - (iii) the Clearing House's obligations under EMIR and any Applicable Law to act fairly and professionally in accordance with the best interests of FCMs and, where applicable, FCM Clients and sound risk management.
- (d) FCMs shall perform their obligations and exercise their rights under the Rulebook in accordance with Applicable Law.
- (e) FCM Clearing Members, FCM Clients and the service providers of FCM Clearing Members and FCM Clients may use Clearing House Data solely for the purposes of risk management and settlement activities in relation to FCM Contracts and positions held for the account of an FCM Client. FCM Clearing Members may only disclose the Clearing House Data:
 - (i) to (A) FCM Clients for whom the FCM Clearing Member provides Client Clearing Services and/or the service providers of such FCM Clients and (B) the service providers of the FCM Clearing Members, **provided** that, in each case, the FCM Clearing Members shall require by way of written contract that each relevant FCM Client and/or service provider shall only use Clearing House Data for the purposes of the FCM Client's or FCM Clearing Member's, as applicable, risk management and settlement activities in relation to FCM Contracts and positions held for the account of an FCM Client referencing the relevant Clearing House Data; and
 - (ii) where required or requested to do so by law or by a regulatory authority or for the purposes of commencing, or defending, an arbitration or court proceeding.
- (f) Without prejudice to paragraph (f) above and Section 2.1.1(e) of the FCM Procedures, FCMs shall not, and shall require by way of written contract that any third party receiving

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Clearing House Data as a result of such FCM's disclosure shall not, use any Clearing House Data for any other purpose, including:

- (i) the creation or development of any new or derived data or data product; or
- (ii) “provision of a benchmark”, “use of a benchmark” or “contribution of input data” under Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (Text with EEA relevance).

(g) Any requirement that a document is signed may be satisfied by an electronic signature or by electronic evidence of agreement, in each case in a form and manner that is acceptable to the Clearing House. This provision does not affect any other legal requirement that may apply to the form or manner of the execution of a document.