



September 18, 2020

Mr. Christopher J. Kirkpatrick
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

Re: ICE Clear Europe Weekly Notification of Rule Amendments Pursuant to
Commission Rule 40.6(d) – Amendments to Certain Definitions

Dear Mr. Kirkpatrick:

ICE Clear Europe Limited (“ICE Clear Europe” or the “Clearing House”), a registered derivatives clearing organization under the Commodity Exchange Act, as amended (the “Act”), hereby submits to the Commodity Futures Trading Commission (the “Commission”), pursuant to Commission Rule 40.6(d) this weekly notification of rule amendments. Specifically, the amendments described below to the ICE Clear Europe Clearing Rules (the “Rules”)¹, which constitute non-substantive revisions within the meaning of the rule, became effective on September 18, 2020.

The amendments were made to the definitions of “Applicable Law” and “Regulatory Authority” set out in Rule 101. The amendments were made to clarify the scope of such definitions in the context of the application by ICE Clear Europe to European Securities and Markets Authority (“ESMA”) for recognition as a third country central counterparty (“CCP”) under the European Market Infrastructure Regulation (“EMIR”)².

Specifically, the defined term “Applicable Law” has been amended to include expressly any consent entered into by the Clearing House for the benefit or one or more Governmental Authorities. The term “Regulatory Authority,” which is defined as a Governmental Authority that exercises certain regulatory or supervisory functions, has been amended specifically to refer to ESMA, among other enumerated regulatory authorities. The amendments are intended to clarify that the term

¹ Capitalized terms used but not defined herein have the meanings specified in the Rules.

² Regulation 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories.

Applicable Law includes a consent required to be executed by the Clearing House in favor of ESMA under EMIR³ in connection with the third country CCP application, pursuant to which ICE Clear Europe will, under certain circumstances set out in EMIR, provide ESMA on request with certain information and allow ESMA access to its business premises (the “Consent”). ICE Clear Europe does not believe the amendments change the substance of the relevant Rules but is amending these definitions to provide greater clarity that the Consent falls within these definitions and related provisions of the Rules.

ICE Clear Europe has posted a copy of this submission on its website concurrent with the filing of this submission.

If you or your staff should have any questions or comments or require further information regarding this submission, please do not hesitate to contact the undersigned at George.milton@theice.com or +44 20 7429 4564.

Very truly yours,



George Milton
Interim Head of Regulation & Compliance

³ EMIR article 25(2b)(c)(i).