

**Eurex Clearing AG**  
**ECAG Rule Certification 088-22**  
**November 29, 2022**

1. The text of the proposed amendments to the Clearing Conditions (“Clearing Conditions”) of Eurex Clearing AG (“Eurex Clearing”) and FCM Default Rules (“FCM Default Rules”) of Eurex Clearing is appended as Attachment A. Any additions are underlined and any deletions are struck through.

2. The amendments to the Clearing Conditions are subject to a consultation process (“Consultation”). The Consultation will end on December 28, 2022 (“Consultation Period”). The planned effective date of these amendments is February 12, 2023, depending on the outcome of the Consultation, and will be communicated in a separate Eurex Clearing circular and filed with the Commodity Futures Trading Commission (“CFTC”) pursuant to CFTC Regulation 40.6(a) or (d).

The date of intended implementation for the amendments to the FCM Default Rules is February 12, 2023.

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/ec-en/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.

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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

Article 9 (14) of the CCP Recovery & Resolution Regulation in the EU requires Eurex Clearing to implement a second layer of pre-funded own resources, called Second Skin in the Game (“SSITG”), which will cover default and non-default events.

Currently, Eurex Clearing contributes to the Default Waterfall at two levels:

- Immediately after the Contributions of the defaulting Clearing Member and prior to the Contributions of the non-Defaulting Clearing Members, Eurex Clearing realizes its “Dedicated Amount” (First “Skin in the Game” (“SITG”)) of 200 million euro.
- Second, when requesting that non-defaulting Clearing Members provide Further Contributions to the Default Fund (“Assessments”), Eurex Clearing contributes on a pro-rata basis with its “Further Dedicated Amount” (“FDA”) of up to 300 million euro.

With the introduction of SSITG, Eurex Clearing is refining its participation to the Default Waterfall. Overall, Eurex Clearing's contribution will remain well above the regulatory requirements. Eurex Clearing will redistribute its currently prefunded amount of 200 million euro between the SITG and the SSITG, in the same proportion to the regulatory requirements. The "Dedicated Amount" (SITG) will amount to 143 million euro and the SSITG to 57 million euro.

Eurex Clearing's FDA of up to 300 million euro will remain unchanged.

SSITG will follow the current segmented structure of the Default Waterfall, as described and shown in the graph in Eurex Clearing Circular 088-22, which is appended as Attachment A. SSITG will be split in segments proportionally to the Liquidation Group size, similarly to the Default Fund of the Clearing Members. Each SSITG segment will be utilized just after the corresponding segment of the non-defaulted Clearing Members. The remaining order of priority of other layers in the Default Waterfall remains unchanged.

Further information regarding the operation, purpose, and effect of the proposed amendments is discussed in Attachment A.

Eurex Clearing has identified the following derivatives clearing organization ("DCO") Core Principle as potentially being relevant to the above amendments:

1. DCO Core Principle G (Default Rules and Procedures): The proposed amendments will comply with DCO Core Principle G because the amendments refine Eurex Clearing's Default Waterfall to provide for a SSITG per EU regulations. Eurex Clearing's Default Waterfall will continue to provide for the efficient, fair, and safe management of events in the event of a Clearing Member insolvency or default and will continue to ensure that Eurex Clearing may take timely action to contain losses and liquidity pressures and continue to meet each of Eurex Clearing's obligations. Eurex Clearing's Default Waterfall will continue to comply with CFTC Regulation 39.16 and the specific requirements of 39.16(c)(2).

CERTIFICATIONS PURSUANT TO SECTION 5c OF THE COMMODITY EXCHANGE ACT, 7  
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: November 29, 2022