

Eurex Clearing AG
ECAG Rule Certification 021-24
March 28, 2024

1. The text of the proposed amendments to the Clearing Conditions (“Clearing Conditions”) of Eurex Clearing AG (“Eurex Clearing”) is appended as Attachment A. Any additions are underlined and any deletions are struck through.
2. The date of intended implementation is June 3, 2024. The proposed amendments are subject to a consultation process (“Consultation”). The Consultation will end with the expiry of April 22, 2024 (“Consultation Period”). The planned effective date is June 3, 2024, 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/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.

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

Clearing Capacities are a composition of product types with comparable product properties falling under the same Clearing License as determined by Eurex Clearing. A Clearing Capacity is a notion to indicate which products a Clearing Member and Exchange Member is able to trade and clear. In case of a default of a Clearing Member, Eurex Clearing initiates a Default Management Process with the objective to balance the clearing house after the default. The Default Management Process is conducted on the basis of Liquidation Groups. As the margin methodology of Eurex Clearing grants margin offsets for positions within the same Liquidation Group, also the Default Management Process is performed on the basis of such Liquidation Groups, with the consequence that the terminated positions of the defaulted Clearing Member are liquidated within such Liquidation Groups via so-called Independent Trades or Default Management Auctions. The counterparty to an Independent Trade or, in case of a Default Management Auction, the auction winner is only able to take over the auction portfolio if such Clearing Member has the Clearing Capacities for all Transactions forming part of the relevant auction portfolio assigned.

To facilitate the establishment of the new Transactions between Eurex Clearing and the auction winner, the proposed amendments to the Clearing Conditions introduce a right for Eurex Clearing to assign Clearing Capacities during the Default Management Process. To protect the interests of the Clearing Members, the entitlement by Eurex Clearing AG to assign a Clearing Capacity will be conditional upon strict

requirements. An assignment of additional Clearing Capacities can only occur, if the relevant Clearing Member fulfils all Clearing Capacity requirements and, particularly, is able to comply with any specific settlement requirements, reporting duties or applicable tax-related requirements.

Further information regarding the operation, purpose, and effect of the proposed amendments is discussed in Eurex Clearing Circular 021-24, which is appended as 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 provide for the introduction of the concept of Clearing Capacities with the provision to allow Eurex Clearing to assign Clearing Capacities to Clearing Members under strict requirements in a Default Management Process. Eurex Clearing will continue to have rules and procedures designed to allow for the efficient, fair, and safe management of events during which members or participants become insolvent or default.

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: March 28, 2024