

03 Apr 2024  
[Eurex Clearing](#)

# Reporting by Eurex Clearing according to Article 9 EMIR: Updated Clearing Conditions for Exchange Traded Derivatives

## **Eurex Clearing Circular 026/24 Reporting by Eurex Clearing according to Article 9 EMIR: Updated Clearing Conditions for Exchange Traded Derivatives**

### **1. Introduction**

According to Article 9 of Regulation (EU) No. 648/2012 (EMIR) both Eurex Clearing AG (Eurex Clearing) and its Clearing Members are obliged to the reporting of its derivatives contracts.

Since both counterparties of a derivatives contract must report and since common data must be identical, it is important that the CCP and its Clearing Members use the same methodology.

In this context, Eurex Clearing decided to report Exchange Traded Derivatives ("ETDs") on position level as all ETD transactions are included in positions at the end of the day. Also, valuation takes place on position level, only.

As the relevant agreement between Eurex Clearing AG and its counterparties, the Clearing Conditions of ECAG are amended accordingly.

The amendment will become effective **29 April 2024**, together with EMIR REFIT.

Please find attached to this circular the updated Clearing Conditions.

## **2. Required action**

Members are asked to read the Clearing Conditions and acknowledge ECAG's reporting of ETDs on position level.

## **3. Details of the initiative**

Eurex Clearing updated Chapter II of the Clearing Conditions by adding the following paragraph:

"Eurex Clearing AG and Clearing Members which are obliged to reporting under Art. 9 of EMIR shall report the Eurex Transactions on position level in accordance with Article 3 of Commission Delegated Regulation (EU) No 2022/1855 of 10 June 2022 supplementing EMIR with regard to regulatory technical standards specifying the minimum details of the data to be reported to the trade repositories and the type of the reports to be used."

To reflect this decision in the legal framework of Eurex Clearing AG, the following provisions will be amended as outlined in the Attachment.

As of the effective date, the full versions of the amended Clearing Conditions will be available for download on the Eurex Clearing website under the following link:

**[Rules & Regs > Eurex Clearing Rules and Regulations > 1. Clearing Conditions](#)**

The amendments to the legal framework of Eurex Clearing AG published by this circular are deemed accepted by each affected contractual party of Eurex Clearing AG, unless the respective contractual party objects by written notice to Eurex Clearing AG prior to the relevant effective date(s) as stipulated in this circular. In case of an objection by the respective contractual party pursuant the preceding sentence, Eurex Clearing AG is entitled to terminate the respective contract (including 5a Clearing Agreement, if applicable). Instead of submitting an objection, the respective contractual party may submit in writing to Eurex Clearing AG comments to any amendments of the legal framework of Eurex Clearing AG within the first 10 Business Days after the

Unless the context requires otherwise, terms used and not otherwise defined in this circular shall have the meaning ascribed to them in the Clearing Conditions or FCM Clearing Conditions of Eurex Clearing AG, as applicable.

**Attachment:**

- ◆ Amended sections of Clearing Conditions of Eurex Clearing AG

**Further information**

Recipients: All Clearing Members, ISA Direct Clearing Members, Disclosed Direct Clients of Eurex Clearing AG and vendors

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Target groups: Middle + Backoffice

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Contact: ECAGRegulatoryReporting@eurex.com

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Web: Support > **Regulation > EMIR**

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Authorized by: Jens Janka

## Further information

[!\[\]\(0d5ec72f61334709c3fc9450209b754f\_img.jpg\) Attachment to Eurex Clearing Circular 026/24](#)

A member of



Chapter II of the Clearing Conditions of Eurex Clearing AG

# Transactions Concluded at Eurex Deutschland

(Eurex Exchange)

As of 29.04.2024

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AMENDMENTS ARE MARKED AS FOLLOWS:

INSERTIONS ARE UNDERLINED;

DELETIONS ARE CROSED OUT

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[...]

## **Part 1 General Provisions**

[...]

### **1.11 Extraordinary Events, Disruption in orderly exchange trading**

[...]

- (4) Where Eurex Exchange makes any determinations with respect to any Futures Contracts or Options Contracts in particular on the basis of any provisions in the Eurex Exchange Rules, Eurex Trading Conditions and/or the Eurex Contract Specifications relating to disrupted market conditions or any other disruption in orderly exchange trading, Eurex Clearing AG shall, save in case of obvious errors, be entitled to rely on such determinations and apply them in the Clearing of the respective Futures Contracts and/or Options Contracts without any liability for any of the effects such determinations may have on the Futures Contracts and/or Options Contracts.

### **1.12 Reporting of Eurex Transactions according to Article 9 EMIR**

Eurex Clearing AG and Clearing Members which are obliged to reporting under Art. 9 of EMIR shall report the Eurex Transactions on position level in accordance with Article 3 of Commission Delegated Regulation (EU) No 2022/1855 of 10 June 2022 supplementing EMIR with regard to regulatory technical standards specifying the minimum details of the data to be reported to the trade repositories and the type of the reports to be used.

[...]

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