

Eurex Clearing AG
ECAG Rule Certification 032-24, 033-24
May 8, 2024

1. The text of the proposed amendments to the Clearing Conditions (“Clearing Conditions”) of Eurex Clearing AG (“Eurex Clearing”) and the Statutes for the EMIR Risk Committee (“Statutes for the EMIR Risk Committee”) of Eurex Clearing is appended as Attachment A. Any additions are underlined and any deletions are struck through.
2. The date of intended implementation for Amendment No. 1 is June 3, 2024. The date of intended implementation for Amendment No. 2 is July 1, 2024.
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

Eurex Clearing is proposing the below amendments.

1. Currently, in case of a non-delivery of debt securities during the settlement of Fixed Income Futures, Eurex Clearing charges a contractual penalty (“Penalty Amount”) and an Interest Payment (“Interest of Delay”) towards the failing Clearing Member. With the proposed amendments, Eurex Clearing intends to waive the charging of the “Penalty Amount” if the failure to deliver the debt securities is not caused by the Clearing Member but by any technical issues in the relevant systems involved in the settlement process.

For avoidance of doubt, these amendments relate only to Eurex Exchange-listed Fixed Income Futures, which Eurex Clearing clears outside the scope of its DCO license, which applies only to swaps.

2. On July 13, 2023, the CFTC published new governance rules applicable to registered derivatives clearing organizations (“DCOs”) with a compliance date of July 12, 2024. One rule requires that

DCOs maintain written policies and procedures to make certain that membership of the Risk Committee is rotated on a regular basis. The proposed amendments to the Statutes for the EMIR Risk Committee provide that the Executive Board of Eurex Clearing will consider whether there has been sufficient EMIR Risk Committee Member rotation prior to the start of each term and implement a process whereby the Executive Board will receive information regarding Member rotation in the accompanying presentation.

Further information regarding the operation, purpose, and effect of the proposed amendments is discussed in Eurex Clearing Circulars 032/24 and 033/24, which are 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 E (Settlement procedures): The proposed amendments will comply with DCO Core Principle E because the amendments provide for an exemption for the “Penalty Amount” in case of non-deliveries for Fixed Income Futures, which are cleared outside the scope of Eurex Clearing’s DCO license, and all products cleared by Eurex Clearing under its DCO license will continue to be subject to appropriate standards in compliance with this Core Principle.
2. DCO Core Principle O (Governance Fitness Standards) and CFTC Regulation 39.24: The proposed amendments will comply with DCO Core Principle O and CFTC Regulation 39.24 because they provide that the Executive Board of Eurex Clearing will consider whether there has been sufficient EMIR Risk Committee Member rotation prior to the start of each term in compliance with the Commission’s finalized amendments to CFTC Regulation 39.24 in 2023.

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: May 8, 2024