



July 07, 2023

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 Self-Certification Pursuant to Commission Rule Rule 40.6 –
Part HH of its Delivery Procedures Amendments

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 for self-certification, amendments to its Delivery Procedures¹ discussed herein. The amendments will become effective on the first business day following the tenth business day after submission, or such later date as ICE Clear Europe may determine.

Concise Explanation and Analysis

ICE Clear Europe is amending Part O of its Delivery Procedures for ICE Futures Europe Financials and Softs Cocoa Futures Contracts (“Cocoa Contracts”) to provide for use of a new Softs Delivery Platform, make certain related changes to the delivery timetable and delivery documentation, and address certain matters relating to allocation and the conversion of lots.

The changes to Part O of its Delivery Procedures amend certain delivery specifications to reflect the implementation by the Clearing House of a new Softs Deliveries Platform

¹ Capitalized terms used but not defined herein have the meanings specified in the Delivery Procedures or, if not defined therein, the ICE Clear Europe Clearing Rules.

to be used for certain documentation, notice and other requirements in connection with deliveries under the Cocoa Contract. A conforming change will also be made in the introductory section of the Delivery Procedures. Certain other provisions in Part O relating to the delivery timetable and allocation and conversion of lots will also be amended, as described herein, in connection with the implementation of the Softs Delivery Platform.

In the General Provisions section of the Delivery Procedures, in paragraph 21, references to the new Softs Delivery Platform as an electronic grading and delivery system used for making and taking delivery under certain softs contracts will be added (alongside the existing Guardian system). The amendments will also remove an incorrect reference to bonds (for which neither Guardian nor the new Softs Delivery Platform is used).

The proposed amendments in Part O of the Delivery Procedures will replace relevant references to the Guardian delivery system throughout Part O with the new Softs Delivery Platform, such that applicable delivery notices and other specified delivery documentation relevant to Sellers and Buyers will be provided or made available through the Softs Delivery Platform.

Procedures for allocations of cocoa, including notifications and reports relating to allocations will be reorganized and consolidated into a single provision. As proposed to be revised, reports relating to allocation details will be made available to both Sellers and Buyers through the Clearing House MFT system.

The amendments also update the content of reports made available to Seller and Buyer to remove general references to “delivery details,” as the relevant information is provided in the specific referenced reports provided through the Softs Delivery Platform. The timing of the conversion of lots (and related notifications) will be moved from by 16:00 LPT to after 10:00 LPT. The amendments will also remove an incorrect reference about converting bulk or large delivery units into other large delivery units. The amendments will change the system used to send Sellers and Buyers information relating to LDU Conversion Notices from Guardian to MFT. Similarly, the amendments revise the information required to be provided to remove unnecessary references to delivery details.

The amendments also update the summary of required delivery documentation. Specifically, amendments will clarify that invoices and account sales statements will be provided through MFT. References to provisional invoices in the case of conversion will be removed as unnecessary in light of other reports made available to Buyer and Sellers. In the context of settlement, references to transfer of warrants will be replaced with transfers of electronic warehouse receipts (EWRs) through the Softs Delivery Platform, which more precisely reflects the mechanism of transfer consistent with the relevant contract specifications.

Compliance with the Act and CFTC Regulations

The amendments to the Part O of the Delivery Procedures are potentially relevant to the following core principle: (E) Settlement Procedures, and the applicable regulations of the Commission thereunder.

- *Settlement Procedures.* The amendments are designed to revise ICE Clear Europe's delivery procedures relating to Cocoa Contracts to reflect the implementation of the new Softs Delivery Platform for certain notices and delivery documentation. Notably, the amendments will replace references to use of existing Guardian system with references to use of the Softs Delivery Platform or MFT system, as appropriate. In connection with the implementation of the Softs Delivery Platform, the amendments revise and simplify the process for allocations and conversion of lots by the Clearing House and certain related delivery notification and delivery documentation requirements. The amendments do not otherwise change the terms of the Cocoa Contracts or the manner in which the contracts are cleared and settled, and will not affect the financial resources, risk management, systems and operational arrangements that support clearing of the contracts. The amendments thus appropriately clarify the role and responsibilities of the Clearing House and Clearing Members with respect to delivery documentation for the Cocoa Contracts. As a result, ICE Clear Europe believes the amendments are consistent with the requirements of Core Principle E and Commission Rule 39.14.

As set forth herein, the amendments consist of the amendments to the Delivery Procedures, a copy of which is attached hereto.

ICE Clear Europe hereby certifies that the amendments comply with the Act and the Commission's regulations thereunder.

ICE Clear Europe received no substantive opposing views in relation to the amendments.

ICE Clear Europe has posted a notice of pending certification and 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
Head of Regulation & Compliance