

**SUBMISSION COVER SHEET**

**IMPORTANT:** Check box if Confidential Treatment is requested

Registered Entity Identifier Code (optional): 21-444 (1 of 8)

Organization: NEX SEF Limited ("NEX SEF")

Filing as a:  DCM  SEF  DCO  SDR

Please note - only ONE choice allowed.

Filing Date (mm/dd/yy): 10/06/21 Filing Description: Initial Listing of Eight (8) Overnight Index Swap Contracts

**SPECIFY FILING TYPE**

Please note only ONE choice allowed per Submission.

**Organization Rules and Rule Amendments**

- Certification § 40.6(a)
- Approval § 40.5(a)
- Notification § 40.6(d)
- Advance Notice of SIDCO Rule Change § 40.10(a)
- SIDCO Emergency Rule Change § 40.10(h)

**Rule Numbers:**

**New Product**

Please note only ONE product per Submission.

- Certification § 40.2(a)
- Certification Security Futures § 41.23(a)
- Certification Swap Class § 40.2(d)
- Approval § 40.3(a)
- Approval Security Futures § 41.23(b)
- Novel Derivative Product Notification § 40.12(a)
- Swap Submission § 39.5

**Product Terms and Conditions (product related Rules and Rule Amendments)**

- Certification § 40.6(a)
- Certification Made Available to Trade Determination § 40.6(a)
- Certification Security Futures § 41.24(a)
- Delisting (No Open Interest) § 40.6(a)
- Approval § 40.5(a)
- Approval Made Available to Trade Determination § 40.5(a)
- Approval Security Futures § 41.24(c)
- Approval Amendments to enumerated agricultural products § 40.4(a), § 40.5(a)
- "Non-Material Agricultural Rule Change" § 40.4(b)(5)
- Notification § 40.6(d)

**Official Name(s) of Product(s) Affected:**

**Rule Numbers:**

October 6, 2021

**VIA ELECTRONIC PORTAL**

Mr. Christopher J. Kirkpatrick  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, DC 20581

**Re: CFTC Regulation 40.2(a) Certification. Initial Listing of Eight (8) Overnight Index Swap Contracts.  
NEX SEF Submission No. 21-444 (1 of 8)**

Dear Mr. Kirkpatrick:

NEX SEF Limited (“NEX SEF”) is certifying to the Commodity Futures Trading Commission (“CFTC” or “Commission”) the initial listing of eight (8) overnight index swap contracts (the “Contracts”) for trading effective Sunday, October 17, 2021 for trade date Monday, October 18, 2021 as more specifically described below.

Specifically, NEX SEF will list the (1) SONIA-GBP, (2) EuroSTR-EUR, (3) FedFunds-USD, (4) SOFR-USD, (5) CORR-CAD, (6) SARON-CHF, (7) TONA-JPY, and (8) SORA-SGP overnight interest swap contracts.

NEX SEF is adopting new Rule 802(7) (“Overnight Index Swaps”) to provide the specifications of the Contracts (collectively, the “Rule Amendments”).

**Reference Rates**

**SONIA**

The Sterling Overnight Index Average (SONIA) is the effective interest rate for unsecured overnight transactions in the British wholesale sterling market. This rate is calculated by the Bank of England, and the SONIA rate for any given London business day is published by the Bank of England at 9:00 a.m. on the following London business day.<sup>1</sup>

**EuroSTR**

The euro short-term rate (€STR) reflects the wholesale euro unsecured overnight borrowing costs of banks located in the euro area. The €STR is based on transaction data collected as part of the daily reporting data submitted from the 52 largest eurozone banks. The rate is calculated and published by the European Central Bank.<sup>2</sup>

**Effective Federal Funds Rate**

The Effective Federal Funds Rate (EFFR) is the interest rate at which depository institutions trade federal funds (balances held at Federal Reserve Banks) with each other overnight. The effective federal funds rate (EFFR) is calculated as a volume-weighted median of overnight federal funds transactions reported by

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<sup>1</sup> See <https://www.bankofengland.co.uk/markets/sonia-benchmark>

<sup>2</sup> See [https://www.ecb.europa.eu/paym/interest\\_rate\\_benchmarks/WG\\_euro\\_risk-free\\_rates/shared/pdf/ecb.ESTER\\_methodology\\_and\\_policies.en.pdf](https://www.ecb.europa.eu/paym/interest_rate_benchmarks/WG_euro_risk-free_rates/shared/pdf/ecb.ESTER_methodology_and_policies.en.pdf)

certain market participants. The New York Fed publishes the EFR for the prior business day on the New York Fed's website at approximately 9:00 a.m.<sup>3</sup>

### **SOFR**

The Secured Overnight Financing Rate (SOFR) is a broad measure of the cost of borrowing cash overnight collateralized by Treasury securities. The SOFR is calculated as a volume-weighted median of transaction-level tri-party repo data as well as transaction data relating to bilateral repo transactions that are cleared through the Fixed Income Clearing Corporation. This rate is published on a daily basis by the Federal Reserve Bank of New York.<sup>4</sup>

### **CORRA**

The Canadian Overnight Repo Rate Average (CORRA) measures the cost of overnight general collateral funding in Canadian dollars using Government of Canada treasury bills and bonds as collateral for repurchase transactions. The Bank of Canada computes CORRA as the daily volume-weighted median of eligible repo transactions, as reported by submitters before a submission deadline of 22:00 Eastern Time on the day transactions occurred.<sup>5</sup>

### **SARON**

The Swiss Average Overnight Rate (SARON) represents the overnight interest rate in the secured money market for Swiss Francs, and is based on transactions and quotes posted in the Swiss repo market. The Swiss Stock Exchange is the administrator of this index and is responsible for its calculation and publication.<sup>6</sup>

### **TONA**

The Tokyo Overnight Average Rate (TONA) is an unsecured interbank overnight interest rate and reference rate for Japanese yen. This rate is based on data supplied by information providers in respect of overnight transactions brokered in the uncollateralized call money markets (where financial institutions lend and borrow short-term funds). The rate is calculated as the volume-weighted average of these transactions.<sup>7</sup>

### **SORA**

The Singapore Overnight Rate Average (SORA) is the volume-weighted average rate of borrowing transactions in the unsecured overnight interbank cash market in Singapore between 8 a.m. and 6:15 p.m. The Monetary Authority of Singapore (MAS) conducts computes SORA for each business day and then publishes this rate on the MAS website the next business day at 9 a.m.<sup>8</sup>

## **Core Principle Analysis**

NEX SEF reviewed the Swap Execution Facility core principles ("Core Principles") as set forth in the Commodity Exchange Act ("CEA" or "Act") and identified that the Contracts and the Rule Amendments may have some bearing on the following Core Principles.

- **Compliance with Rules:** Trading in the Contracts will be subject to all NEX SEF Rules, including the rules on trading procedures set forth in Chapter 3 of its rulebook, the prohibitions against fraudulent, noncompetitive, unfair and abusive practices as outlined in Chapter 4 of its rulebook,

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<sup>3</sup> See <https://www.newyorkfed.org/markets/reference-rates/effr>.

<sup>4</sup> See <https://www.newyorkfed.org/markets/reference-rates/sofr>

<sup>5</sup> See <https://www.bankofcanada.ca/2020/06/bank-canada-becomes-administrator-canadian-overnight-repo-rate-average/>.

<sup>6</sup> See <https://www.six-group.com/en/products-services/the-swiss-stock-exchange/market-data/indices/swiss-reference-rates.html>

<sup>7</sup> See <https://www.boj.or.jp/en/finsys/libor/index.htm/>.

<sup>8</sup> See <https://www.mas.gov.sg/monetary-policy/sora>

and the dispute resolution and arbitration procedures of Chapter 5 of its rulebook. As with all products listed for trading on NEX SEF, trading activity in the Contracts will be subject to monitoring and surveillance by NEX SEF's market regulation staff, which has the authority to exercise its investigatory and enforcement power where potential rule violations are identified.

- **Contract Not Readily Subject to Manipulation:** The Contracts are not readily subject to manipulation because of the underlying market and reliance on a well administered index. Further analysis of this matter is set forth on Exhibit B attached hereto.
- **Prevention of Market Disruption:** Trading in the Contracts will be subject to the Rules of NEX SEF, which include prohibitions on manipulation, price distortion, and disruption to the cash settlement process. As with any contract listed for trading on NEX SEF, trading activity in the Contracts proposed herein will be subject to monitoring and surveillance by NEX SEF's market regulation staff.
- **Availability of General Information:** NEX SEF will publish on its website information in regard to contract specifications, terms, and conditions, as well as daily trading volume and price information for the Contracts. In addition, NEX SEF will advise the marketplace of the launch of the Contracts by releasing a notice to its participants.
- **Daily Publication of Trading Information:** NEX SEF will publish contract trading volumes and price information daily on its website.
- **Protection of Market Participants:** NEX SEF Rulebook Chapter 4 sets forth multiple prohibitions that preclude intermediaries from disadvantaging their customers. These rules apply to trading in all of the Exchange's competitive trading venues.
- **Disciplinary Procedures:** Chapter 5 of the Rulebook contains provisions that allow NEX SEF to discipline, suspend or expel members or market participants that violate the Rulebook. Trading in the Contracts will be subject to Chapter 5, and the NEX SEF market regulation staff has the authority to exercise its enforcement power in the event rule violations in these products are identified.

Pursuant to Section 5c(c) of the Act and CFTC Regulation 40.2(a), NEX SEF hereby certifies that listing the Contracts and the Rule Amendments comply with the Act, including regulations under the Act. There were no substantive opposing views to the proposal.

NEX SEF certifies that this submission has been concurrently posted on its website at <http://www.cmegroup.com/market-regulation/rule-filings.html>. If you require any additional information regarding this submission, please contact the undersigned at 212-299-2000 or via email at [CMEGSubmissionInquiry@cmegroup.com](mailto:CMEGSubmissionInquiry@cmegroup.com).

Sincerely,

/s/ Christopher Bowen  
Managing Director and Chief Regulatory Counsel

Attachments: Exhibit A: New NEX SEF Rule 802(7)  
Exhibit B: Core Principle Analysis (additional information)

## EXHIBIT A

### NEX SEF Rulebook New Rule 802 (7) — Overnight Index Swaps

| Contract Specification      | Details   |                      |     |     |     |     |  |  |     |     |     |     |     |     |     |  |  |  |  |  |  |  |
|-----------------------------|---|----------------------|-----|-----|-----|-----|--|--|-----|-----|-----|-----|-----|-----|-----|--|--|--|--|--|--|--|
| <b>Product Description</b>  | An Overnight Index Swap is an interest rate swap for which settlement is in the form of one fixed interest payment and one floating interest payment based on a measure of an overnight index over every day of the payment period. These payments are exchanged based on a notional amount.  |                      |     |     |     |     |  |  |     |     |     |     |     |     |     |  |  |  |  |  |  |  |
| <b>Currencies</b>           | <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="7" style="text-align: center;">Available Currencies</th> </tr> <tr> <th style="text-align: center;">USD</th> <th style="text-align: center;">GBP</th> <th style="text-align: center;">CHF</th> <th style="text-align: center;">EUR</th> <th style="text-align: center;">CAD</th> <th style="text-align: center;">SGP</th> <th style="text-align: center;">JPY</th> </tr> </thead> <tbody> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>  | Available Currencies |     |     |     |     |  |  | USD | GBP | CHF | EUR | CAD | SGP | JPY |  |  |  |  |  |  |  |
| Available Currencies        |   |                      |     |     |     |     |  |  |     |     |     |     |     |     |     |  |  |  |  |  |  |  |
| USD                         | GBP   | CHF                  | EUR | CAD | SGP | JPY |  |  |     |     |     |     |     |     |     |  |  |  |  |  |  |  |
|                             |   |                      |     |     |     |     |  |  |     |     |     |     |     |     |     |  |  |  |  |  |  |  |
| <b>Trading Conventions</b>  | <ul style="list-style-type: none"> <li>• Buyer (Payer) pays fixed interest rate and receives floating interest rate.</li> <li>• Seller (Receiver) receives fixed interest rate and pays floating interest rate.</li> </ul>  |                      |     |     |     |     |  |  |     |     |     |     |     |     |     |  |  |  |  |  |  |  |
| <b>Swap Leg Conventions</b> | <ul style="list-style-type: none"> <li>• The terms of Overnight Index Swaps are based on a number of combinations of the criteria below.             <ul style="list-style-type: none"> <li>▪ Fixed Leg                 <ul style="list-style-type: none"> <li>• Payment Frequency                     <ul style="list-style-type: none"> <li>○ Term and Annual</li> </ul> </li> <li>• Day Count Convention                     <ul style="list-style-type: none"> <li>○ Money Market Basis (actual/360) for USD, CHF, and EUR; Actual/365(fixed) for GBP, SGP, CAD and JPY</li> </ul> </li> <li>• Holiday Calendar                     <ul style="list-style-type: none"> <li>○ Applied in accordance with the country relating to the currency of the Contract.</li> </ul> </li> <li>• Business Day Convention                     <ul style="list-style-type: none"> <li>○ Modified Following with adjustment to period end dates. Business days in this convention must be valid business days on both the holiday calendars of that country. If not, it will be the next day that is a business day on both calendars.</li> </ul> </li> <li>• Fixed Rate                     <ul style="list-style-type: none"> <li>○ The traded interest rate yield or basis points on the trade date.</li> </ul> </li> </ul> </li> <li>▪ Floating Leg                 <ul style="list-style-type: none"> <li>• Payment Frequency                     <ul style="list-style-type: none"> <li>○ Term and Annual</li> </ul> </li> <li>• Reset Frequency                     <ul style="list-style-type: none"> <li>○ Daily</li> </ul> </li> <li>• Day Count Convention                     <ul style="list-style-type: none"> <li>○ Money Market Basis (actual/360) for USD, CHF, and EUR; Actual/365(fixed) for GBP, SGP, CAD and JPY.</li> </ul> </li> <li>• Holiday Calendar                     <ul style="list-style-type: none"> <li>○ Applied in accordance with the country relating to the currency of the Contract.</li> </ul> </li> <li>• Business Day Convention</li> </ul> </li> </ul> </li> </ul> |                      |     |     |     |     |  |  |     |     |     |     |     |     |     |  |  |  |  |  |  |  |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>○ Modified Following with adjustment to period end dates. Business days in this convention must be valid business days on both the calendars for each country. If not, it will be the next day that is a business day on both respective country holiday calendars.</li> <li>• Interest Rate Benchmark<br/><br/><u>Index and Currency</u><br/><br/>SONIA – GBP<br/>EuroSTR- EUR<br/>FedFunds- USD<br/>SOFR – USD<br/>CORRA – CAD<br/>SARON – CHF<br/>TONA – JPY<br/>SORA - SGP</li> </ul> |
| <b>Effective Date</b>                              | <ul style="list-style-type: none"> <li>• The date on which accrued obligations are calculated. The Effective Date of the Swap must be a business day subject to the appropriate Business Day Convention.</li> </ul>  |
| <b>Trade Start Type</b>                            | <ul style="list-style-type: none"> <li>• Spot Starting – The Effective Date of the Contract is the trade date.</li> <li>• Forward Starting – The Effective Date of the Contract occurs after the trade date.</li> </ul>  |
| <b>Maturity Date</b>                               | <ul style="list-style-type: none"> <li>• The final date until which Fixed and Floating amounts accrue as agreed by the parties. The Maturity Date may also be referred to as the Termination Date or End Date.</li> </ul>  |
| <b>Tenor</b>                                       | <ul style="list-style-type: none"> <li>• The duration of time from the Effective Date to the Maturity Date.</li> </ul>   |
| <b>Floating Reset Dates</b>                        | <ul style="list-style-type: none"> <li>• Dates utilized to determine the Floating Rate amount for the interest accrual period during the Tenor of the Contract.</li> </ul>   |
| <b>Fixing Date</b>                                 | <ul style="list-style-type: none"> <li>• The Fixed Rate for the interest period is fixed on the Effective Date, and the Floating Rate for the interest period is determined on the Maturity Date by the daily compounded fixing rates from the Effective Date to the Maturity Date.</li> </ul>   |
| <b>Trade Types</b>                                 | <ul style="list-style-type: none"> <li>• Outrights <ul style="list-style-type: none"> <li>▪ An Outright swap is where one party is the payer of the fixed rate and receiver of the floating rate and the other party is the receiver of the fixed rate and payer of the floating rate.</li> </ul> </li> <li>• Switches also known as Spreads <ul style="list-style-type: none"> <li>▪ These are the simultaneous purchase and sale of two different Tenors of the yield curve.</li> </ul> </li> </ul>                            |
| <b>Settlement Terms</b>                            | <ul style="list-style-type: none"> <li>• Bilateral settlement is performed in USD, GBP, CHF, EUR, SGP, CAD or JPY.</li> </ul>  |
| <b>Minimum and Incremental size</b>                | <ul style="list-style-type: none"> <li>• Minimum notional size is dependent on currency.</li> <li>• Block Trades – Minimum notional size as stated by the Commission and increments are dependent on currency and tenor.</li> </ul>  |
| <b>Minimum Price Fluctuation / Price Tick Size</b> | <ul style="list-style-type: none"> <li>• The minimum price change is 0.00001</li> </ul>  |
| <b>Quoting Convention</b>                          | <ul style="list-style-type: none"> <li>• Outrights are quoted in interest rate yield is dependent on currency.</li> <li>• Spreads/Switches will be quoted in basis points dependent in multiples of the increments of the underlying Outrights.</li> </ul>   |

|                                |   |
|--------------------------------|---|
| <b>Last Trading Day / Time</b> | <ul style="list-style-type: none"> <li>• Close of business on Trade Date.</li> </ul>  |
| <b>Trading Months</b>          | <ul style="list-style-type: none"> <li>• Any calendar month.</li> </ul>   |
| <b>Trading Hours</b>           | <ul style="list-style-type: none"> <li>• Order Book: 24 Hours, beginning at 6:00 a.m. Wellington Time on Monday (5:00 p.m. UTC on Sunday during NZDT/6:00 p.m. UTC on Sunday during NZST) and ending at 5:00 p.m. New York Time on Friday (10:00 p.m. UTC during EST/9:00 p.m. UTC during EDT).</li> <li>• Voice RFQ: Not Available.</li> <li>• All Pre-Arranged Crosses: 24 Hours, beginning at 6:00 a.m. Wellington Time on Monday (5:00 p.m. UTC on Sunday during NZDT/6:00 p.m. UTC on Sunday during NZST) and ending at 5:00 p.m. New York Time on Friday (10:00 p.m. UTC during EST/9:00 p.m. UTC during EDT).</li> </ul> |
| <b>Settlement Date</b>         | <ul style="list-style-type: none"> <li>• Settlement Date is the Maturity Date.</li> </ul>   |
| <b>Contract Size</b>           | <ul style="list-style-type: none"> <li>• As agreed by the parties.</li> </ul>   |
| <b>Position Limits</b>         | <ul style="list-style-type: none"> <li>• Not Applicable.</li> </ul>   |
| <b>Reportable Levels</b>       | <ul style="list-style-type: none"> <li>• Not Applicable.</li> </ul>   |
| <b>Clearing</b>                | <ul style="list-style-type: none"> <li>• Depending on eligibility, Overnight Index Swaps may be cleared at LCH.Clearnet, Eurex, CME and JSCC.</li> </ul>  |

## **EXHIBIT B**

### **Appendix B to Part 37—Demonstration of Compliance That a Contract is Not Readily Susceptible to Manipulation**

**Core Principle 3 of Section 5h of the Act—Swaps Not Readily Susceptible to Manipulation.** The swap execution facility shall permit trading only in swaps that are not readily susceptible to manipulation.

**(a) Guidance.**

**(1) In general, a swap contract is an agreement to exchange a series of cash flows over a period of time based on some reference price, which could be a single price, such as an absolute level or a differential, or a price index calculated based on multiple observations. Moreover, such a reference price may be reported by the swap execution facility itself or by an independent third party. When listing a swap for trading, a swap execution facility shall ensure a swap's compliance with Core Principle 3, paying special attention to the reference price used to determine the cash flow exchanges. Specifically, Core Principle 3 requires that the reference price used by a swap not be readily susceptible to manipulation. As a result, when identifying a reference price, a swap execution facility should either: Calculate its own reference price using suitable and well-established acceptable methods or carefully select a reliable third-party index.**

- The reference prices on which the Contracts utilizing SONIA, EuroSTR, SOFR, CORRA, SARON, TONA and SORA as reference rate represent the overnight interest rate in the primary funding markets in the relevant currency. The reference price on which a Contract utilizing EFRF settles represents the interest rate at which depository institutions trade federal funds (balances held a Federal Reserve Banks) with each other.

**(2) The importance of the reference price's suitability for a given swap is similar to that of the final settlement price for a cash-settled futures contract. If the final settlement price is manipulated, then the futures contract does not serve its intended price discovery and risk management functions. Similarly, inappropriate reference prices cause the cash flows between the buyer and seller to differ from the proper amounts, thus benefitting one party and disadvantaging the other. Thus, careful consideration should be given to the potential for manipulation or distortion of the reference price.**

- Please see below.

**(3) For swaps that are settled by physical delivery or by cash settlement refer to the guidance in appendix C to part 38 of this chapter—Demonstration of Compliance That a Contract is not Readily Susceptible to Manipulation, section b(2) and section c(4), respectively.**

- Please see below.

### **Appendix C to Part 38—Demonstration of Compliance That a Contract is Not Readily Susceptible to Manipulation**

**(c) Futures Contracts Settled by Cash Settlement. (1) Cash settlement is a method of settling certain futures or option contracts whereby, at contract expiration, the contract is settled by cash payment in lieu of physical delivery of the commodity or instrument underlying the contract. An acceptable specification of the cash settlement price for commodity futures and option contracts would include rules that fully describe the essential economic characteristics of the underlying commodity (e.g., grade, quality, weight, class, growth, issuer, maturity,**



**source, rating, description of the underlying index and index's calculation methodology, etc.), as well as how the final settlement price is calculated. In addition, the rules should clearly specify the trading months and hours of trading, the last trading day, contract size, minimum price change (tick size) and any limitations on price movements (e.g., price limits or trading halts).**

Essential Economic Characteristics of the Contracts. The terms and conditions of the Contract match the terms of overnight index swaps that are commonly offered in the market and are listed in Exhibit A. The Contract is a spot starting or forward starting cash-settled interest rate swap that allows a party to speculate on, or hedge risks associated with, interest rate movements. The Contract is available in (1) USD; (2) GBP; (3) CHF; (4) EUR; (5) SGP; (6) JPY; and (7) CAD. One party to the Contract (the "Buyer") agrees to make a payment at a fixed interest rate, established on the trade date, on a notional principal amount to the other party (the "Seller"). The Seller agrees to make a payment to the Buyer at a floating interest rate that is calculated based on a daily compounded overnight rate (one of the Benchmark Rates) on the agreed notional principal amount. Settlement is a single payment at the maturity date of the difference between the amounts calculated using the fixed rate and the floating rate on the notional amount. All of the essential terms of the Contract, other than the contingent Benchmark Rate at the maturity date, are agreed at the trade date of the Contract (the "Effective Date").

- Calculation of Cash Settlement Price. One leg of each Contract will pay a fixed rate on a notional principal amount established at the Effective Date and which will remain unchanged throughout the life of the Contract. The other leg of the Contract will pay a floating rate that is calculated based on a daily compounded overnight rate (one of the Benchmark Rates) on the agreed notional principal amount. The calculation of a Benchmark Rate is governed by a standard set of rules and calculation procedures published by a Benchmark Rate provider, as discussed below.

**(2) Cash settled contracts may be susceptible to manipulation or price distortion. In evaluating the susceptibility of a cash-settled contract to manipulation, a designated contract market should consider the size and liquidity of the cash market that underlies the listed contract in a manner that follows the determination of deliverable supply as noted above in (b)(1). In particular, situations susceptible to manipulation include those in which the volume of cash market transactions and/or the number of participants contacted in determining the cash-settlement price are very low. Cash-settled contracts may create an incentive to manipulate or artificially influence the data from which the cash-settlement price is derived or to exert undue influence on the cash-settlement price's computation in order to profit on a futures position in that commodity. The utility of a cash-settled contract for risk management and price discovery would be significantly impaired if the cash settlement price is not a reliable or robust indicator of the value of the underlying commodity or instrument. Accordingly, careful consideration should be given to the potential for manipulation or distortion of the cash settlement price, as well as the reliability of that price as an indicator of cash market values. Appropriate consideration also should be given to the commercial acceptability, public availability, and timeliness of the price series that is used to calculate the cash settlement price. Documentation demonstrating that the settlement price index is a reliable indicator of market values and conditions and is commonly used as a reference index by industry/market agents should be provided. Such documentation may take on various forms, including carefully documented interview results with knowledgeable agents.**

- Contract Not Readily Susceptible to Manipulation. The Contract is not readily susceptible to manipulation for a number of reasons. As noted above, all of the essential terms of the Contract, other than the payment contingent on a Benchmark Rate, are agreed at the Effective Date, thereby reducing the impact of potentially unrepresentative data. Overnight index swaps are widely used by market participants to transfer and manage interest rate risk. The size and liquidity of the market in overnight index swaps is well documented and the significant liquidity in overnight index swaps such as the Contracts makes the Contracts difficult to manipulate. The floating rate of each Contract is the Benchmark Rate. The Benchmark Rates are calculated and

published by a reliable independent third party (for example, the Central Bank that issues the relevant currency) (each, a “Benchmark Administrator” and collectively, the “Benchmark Administrators”) which NEX SEF believes are impartial and employ appropriate systems and safeguards against manipulation to protect the value of the Benchmark Rates.

The Benchmark Rates are widely accepted by market participants as reliable overnight index swap rates. Furthermore, the calculation and management of the Benchmark Rates is rules-based, therefore making it difficult for individuals or entities to change calculation of amounts due under the Contract. Additionally, the Benchmark Rates are widely followed by numerous market participants and basing interest rate swaps on the Benchmark Rates has been a longstanding and widely accepted practice. Accordingly, the Contract is not readily susceptible to manipulation or price distortion because the method of determining the cash settlement price is based on terms that are fixed or determinable at the Effective Date of each Contract.

**(3) Where an independent, private-sector third party calculates the cash settlement price series, a designated contract market should consider the need for a licensing agreement that will ensure the designated contract market’s rights to the use of the price series to settle the listed contract.**

**(i) Where an independent, private-sector third party calculates the cash settlement price series, the designated contract market should verify that the third party utilizes business practices that minimize the opportunity or incentive to manipulate the cash-settlement price series. Such safeguards may include lock-downs, prohibitions against derivatives trading by employees, or public dissemination of the names of sources and the price quotes they provide. Because a cash-settled contract may create an incentive to manipulate or artificially influence the underlying market from which the cash-settlement price is derived or to exert undue influence on the cash-settlement computation in order to profit on a futures position in that commodity, a designated contract market should, whenever practicable, enter into an information-sharing agreement with the third-party provider which would enable the designated contract market to better detect and prevent manipulative behavior.**

- Independent Third-Party Pricing. As described above, the cash settlement price is calculated through a cash settlement method that is not readily susceptible to manipulation. As stated above, the Benchmark Administrators manage and calculate the Benchmark Rates. NEX SEF believes that the Benchmark Administrators are impartial, employ appropriate systems and safeguards against manipulation to protect the value of the Benchmark Rates, and uses business practices that minimize the opportunity or incentive to manipulate the reference index associated with the Contract’s exchange of cash flows. To the extent that NEX SEF’s Market Regulation Staff determines that there is reason to suspect manipulation or attempted manipulation with respect to the Contract that involves a Benchmark Rate, it will so inform the relevant Benchmark Administrator and will seek to share information as necessary to investigate the potential manipulation or attempted manipulation.

**(ii) Where a designated contract market itself generates the cash settlement price series, the designated contract market should establish calculation procedures that safeguard against potential attempts to artificially influence the price. For example, if the cash settlement price is derived by the designated contract market based on a survey of cash market sources, the designated contract market should maintain a list of such entities which all should be reputable sources with knowledge of the cash market. In addition, the sample of sources polled should be representative of the cash market, and the poll should be conducted at a time when trading in the cash market is active.**

- Please see above.

**(iii) The cash-settlement calculation should involve computational procedures that eliminate or reduce the impact of potentially unrepresentative data.**

- Please see above.

**(iv) The cash settlement price should be an accurate and reliable indicator of prices in the underlying cash market. The cash settlement price also should be acceptable to commercial users of the commodity contract. The registered entity should fully document that the settlement price is accurate, reliable, highly regarded by industry/market agents, and fully reflects the economic and commercial conditions of the relevant designated contract market.**

- Please see above.

**(v) To the extent possible, the cash settlement price should be based on cash price series that are publicly available and available on a timely basis for purposes of calculating the cash settlement price at the expiration of a commodity contract. A designated contract market should make the final cash settlement price and any other supporting information that is appropriate for release to the public, available to the public when cash settlement is accomplished by the derivatives clearing organization. If the cash settlement price is based on cash prices that are obtained from non-public sources (e.g., cash market surveys conducted by the designated contract market or by third parties on behalf of the designated contract market), a designated contract market should make available to the public as soon as possible after a contract month's expiration the final cash settlement price as well as any other supporting information that is appropriate or feasible to make available to the public.**

- The Benchmark Rates are readily available from reliable public sources.

**(4) Contract terms and conditions requirements for futures contracts settled by cash settlement.**

**(i) An acceptable specification of the terms and conditions of a cash-settled commodity contract will also set forth the trading months, last trading day, contract size, minimum price change (tick size) and daily price limits, if any.**

- The essential terms and conditions of the Contract are attached as Exhibit A.

**(A) Commodity Characteristics: The terms and conditions of a commodity contract should describe the commodity underlying the contract.**

- The terms and conditions of the Contract specify that the Contract is based on the Benchmark Rate.

**(B) Contract Size and Trading Unit: An acceptable specification of the trading unit would be a contract size that is consistent with customary transactions in the cash market. A designated contract market may opt to set the contract size smaller than that of standard cash market transactions.**

- The size of each Contract is consistent with customary transactions in the market.

**(C) Cash Settlement Procedure: The cash settlement price should be reliable, acceptable, publicly available, and reported in a timely manner as described in paragraphs (c)(3)(iv) and (c)(3)(v) of this appendix C.**

- The cash settlement procedures and an explanation of how the Contract is not readily susceptible to manipulation are described above.

**(D) Pricing Basis and Minimum Price Fluctuation (Minimum Tick):** The minimum price increment (tick) should be set a level that is equal to, or less than, the minimum price increment commonly observed in cash market transactions for the underlying commodity. Specifying a futures' minimum tick that is greater than the minimum price increment in the cash market can undermine the risk management utility of the futures contract by preventing hedgers from efficiently establishing and liquidating futures positions that are used to hedge anticipated cash market transactions or cash market positions.

- As agreed to between the parties.

**(E) Maximum Price Fluctuation Limits:** Designated contract markets may adopt price limits to: (1) Reduce or constrain price movements in a trading day that may not be reflective of true market conditions but might be caused by traders overreacting to news; (2) Allow additional time for the collection of margins in times of large price movements; and (3) Provide a “cooling-off” period for futures market participants to respond to bona fide changes in market supply and demand fundamentals that would lead to large cash and futures price changes. If price-limit provisions are adopted, the limits should be set at levels that are not overly restrictive in relation to price movements in the cash market for the commodity underlying the futures contract. For broad-based stock index futures contracts, rules should be adopted that coordinate with New York Stock Exchange (“NYSE”) declared Circuit Breaker Trading Halts (or other market coordinated Circuit Breaker mechanism) and would recommence trading in the futures contract only after trading in the majority of the stocks underlying the index has recommenced.

- NEX SEF believes price limits are not necessary for the Contract and accordingly has not adopted price limits.

**(F) Last Trading Day:** Specification of the last trading day for expiring contracts should be established such that it occurs before publication of the underlying third-party price index or determination of the final settlement price. If the designated contract market chooses to allow trading to occur through the determination of the final settlement price, then the designated contract market should show that futures trading would not distort the final settlement price calculation.

- The last trading day for each Contract is the maturity date of each Contract, which is set by the counterparties. The Benchmark Rate is published daily.

**(G) Trading Months:** Trading months should be established based on the risk management needs of commercial entities as well as the availability of price and other data needed to calculate the cash settlement price in the specified months. Specification of the last trading day should take into consideration whether the volume of transactions underlying the cash settlement price would be unduly limited by occurrence of holidays or traditional holiday periods in the cash market. Moreover, a contract should not be listed past the date for which the designated contract market has access to use a proprietary price index for cash settlement.

- The maturity date of each Contract is agreed to between the parties and based on their risk management needs. The maturity date may be in any calendar month.

**(H) Speculative Limits: Specific rules and policies for speculative position limits are set forth in part 150 and/or part 151, as applicable, of the Commission's regulations.**

- None are currently required by the Commission. If and to the extent the Commission imposes speculative limits on the Contract, the limits imposed by NEX SEF will be the same.

**(I) Reportable Levels: Refer to § 15.03 of the Commission's regulations.**

- None are currently required by the Commission. If and to the extent the Commission imposes a reporting requirement based on reportable levels of the Contract imposed by the Commission, the reportable levels imposed by NEX SEF will be the same.

**(J) Trading Hours: Should be set by the designated contract market to delineate each trading day.**

- Order Book: 24 Hours, beginning at 5:00 am Sydney time Monday and ending at 5:30 p.m. Eastern Time on Friday.
- Voice RFQ: Not Available.
- All Pre-Arranged Crosses: 24 Hours, beginning at 3:00 am Sydney time Monday and ending at 5:30 p.m. Eastern Time on Friday.