Evidence of the authorization, licensure or registration of the FBOT pursuant to the regulatory scheme in its home country jurisdiction; and a representation by its regulator(s) that it is in good regulatory standing in the capacity in which it is authorized, licensed, or registered.

Eurex is registered as a Board of Trade and has received certification by the ESA of the State of Hesse.

With respect to the requirements of CFTC Regulation 48.7, Eurex and EFAG have obtained certain required representations from the ESA. These are the representations that have been undertaken by the ESA:

- Eurex Frankfurt AG is authorized by the ESA to operate Eurex Deutschland as a futures and options exchange, in accordance with the German Stock Exchange Act;
- 2) Eurex Deutschland and Eurex Frankfurt AG are in compliance with the German regulatory regime and the requirements imposed by the ESA; and
- 3) In the past five years, neither Eurex Frankfurt AG nor Eurex Deutschland have been subject of any disciplinary or enforcement actions or proceedings that have been brought against either entity, or any of the senior officers thereof.

These are the representations that have been undertaken by BaFin with respect to Eurex Clearing AG:

- 1) Eurex Clearing AG is authorized to operate as a clearing house by BaFin in accordance with the Section 32, Section 1, Paragraph 31 of the Banking Supervision Act.
- 2) Eurex Clearing AG is in compliance with the German regulatory regime and the requirements imposed by BaFin; and
- 3) In the past five years Eurex Clearing AG has not been [the] subject of any disciplinary or enforcement actions or proceedings that have been brought against either entity, or any of the senior officers thereof."

## Hessisches Ministerium für Wirtschaft, Verkehr und Landesentwicklung



Hessisches Ministerium für Wirtschaft, Verkehr und Landesentwicklung, Postfach 31 29, 65021 Wiesbaden Mr. David Stawick Office of the Secretary Commodity Futures Trading Commission Three Lafayette Center 1155 21<sup>st</sup> Street, NW Washington, DC 20581 USA  

 Aktenzeichen
 III 8 – 37 e # 020 Exchange Supervisory Authority

 Bearbeiter
 Karsten Hiestermann

 Telefon
 0611 - 815 - 2309

 Telefax
 0611 - 815 - 492309

 E-Mail
 karsten.hiestermann@hmwvl.hessen.de

 Datum
 June 29, 2012

RE: Registration of Eurex Deutschland as a Foreign Board of Trade ("FBOT") and Certification by the Exchange Supervisory Authority ("ESA") of the State of Hesse

Dear Mr. Stawick:

With respect to the requirements of CFTC Regulation 48.7, Eurex Deutschland and Eurex Frankfurt AG have requested that the Exchange Supervisory Authority of the State of Hesse, Germany, (the "ESA") make certain representations. Accordingly, please be advised of the following:

- 1) Eurex Frankfurt AG is authorized by the ESA to operate Eurex Deutschland as a futures and options exchange, in accordance with the *German Exchange Act;*
- 2) Eurex Deutschland and Eurex Frankfurt AG are in compliance with the German regulatory regime and the requirements imposed by the ESA; and
- 3) In the past five years neither Eurex Frankfurt AG nor Eurex Deutschland have been the subject of any disciplinary or enforcement actions or proceedings that have been brought against either entity, or any of the senior officers thereof.

Sincerely

Karsten Hiestermann Director Exchange Supervisory Authority of the State of Hesse

Bundesanstalt für Finanzdienstleistungsaufsicht



BaFin | Postfach 50 01 54 | 60391 Frankfurt

Mr

David Stawick Office of the Secretary Commodity Futures Trading Commission Three Lafayete Center 1155 21st Street, NW 20581 WASHINGTON, DC VEREINIGTE STAATEN VON AMERIKA

09.07.2012 GZ: WA 22-AZB 5105-31000000-2012/0001 (Bitte stets angeben) 2012/0419156 Registration of Eurex Deutschland as a Foreign Board of Trade ("FBOT") and Certification by the Federal Financial Supervisory Authority - Bundesanstalt für Finanzdienstleistungsaufsicht ("BaFin")

Dear Mr. Stawick:

With respect to the requirements of CFTC Regulation 48.7, Eurex Clearing AG has requested that the Federal Financial Supervisory Authority ("BaFin") make certain representations. Accordingly, please be advised of the following:

- Eurex Clearing AG is authorized to operate as a clearing house by BaFin in accordance with the Section 32, Section 1 para. 31 of the Banking Supervision Act;
- 2. Eurex Clearing AG is in compliance with the German regulatory regime and the requirements imposed by BaFin; and

Wertpapieraufsicht | Asset-Management

Hausanschrift: Bundesanstalt für Finanzdienstleistungsaufsicht Marie-Curie-Str. 24-28 60439 Frankfurt | Germany

Kontakt: Dr. Christian Schindler Referat WA 22 Fon +49(0)228 4108-3345 Fax +49(0)228 4108-63126 christian.sigmundt@bafin.de www.bafin.de

Zentrale: Fon +49(0)2284108-0 Fax +49(0)2284108-123

Dienstsitze: 53117 Bonn Graurheindorfer Str. 108 Georg-von-Boeselager-Str. 25

53175 Bonn Dreizehnmorgenweg 44-48

60439 Frankfurt Marie-Curie-Str. 24-28



Seite 2 | 2

3. In the past five years Eurex Clearing AG has not been subject of any disciplinary or enforcement actions or proceedings that have been brought against either entity, or any of the senior officers thereof.

Sincerely,

The Efy

Thomas Eufinger

Head of Section Secondary Markets