

**SUBMISSION COVER SHEET**

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

Registered Entity Identifier Code (optional): 19-191

Organization: The Board of Trade of the City of Chicago, Inc. ("CBOT")

Filing as a:  DCM  SEF  DCO  SDR

Please note - only ONE choice allowed.

Filing Date (mm/dd/yy): 05/02/19

Filing Description: Declaration of Force Majeure with respect to Corn and Soybean Shipping Stations Due to Flooding on the Illinois and Mississippi Rivers.

**SPECIFY FILING TYPE**

Please note only ONE choice allowed per Submission.

**Organization Rules and Rule Amendments**

- |                                     |                                     |            |
|-------------------------------------|-------------------------------------|------------|
| <input checked="" type="checkbox"/> | Certification                       | § 40.6(a)  |
| <input type="checkbox"/>            | Approval                            | § 40.5(a)  |
| <input type="checkbox"/>            | Notification                        | § 40.6(d)  |
| <input type="checkbox"/>            | Advance Notice of SIDCO Rule Change | § 40.10(a) |
| <input type="checkbox"/>            | SIDCO Emergency Rule Change         | § 40.10(h) |

**Rule Numbers:** See filing.

**New Product**

Please note only ONE product per Submission.

- |                          |                                       |            |
|--------------------------|---------------------------------------|------------|
| <input type="checkbox"/> | Certification                         | § 40.2(a)  |
| <input type="checkbox"/> | Certification Security Futures        | § 41.23(a) |
| <input type="checkbox"/> | Certification Swap Class              | § 40.2(d)  |
| <input type="checkbox"/> | Approval                              | § 40.3(a)  |
| <input type="checkbox"/> | Approval Security Futures             | § 41.23(b) |
| <input type="checkbox"/> | Novel Derivative Product Notification | § 40.12(a) |
| <input type="checkbox"/> | Swap Submission                       | § 39.5     |

**Official Product Name:**

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

- |                          |   |                      |
|--------------------------|---|----------------------|
| <input type="checkbox"/> | Certification   | § 40.6(a)            |
| <input type="checkbox"/> | Certification Made Available to Trade Determination     | § 40.6(a)            |
| <input type="checkbox"/> | Certification Security Futures                          | § 41.24(a)           |
| <input type="checkbox"/> | Delisting (No Open Interest)                            | § 40.6(a)            |
| <input type="checkbox"/> | Approval  | § 40.5(a)            |
| <input type="checkbox"/> | Approval Made Available to Trade Determination          | § 40.5(a)            |
| <input type="checkbox"/> | Approval Security Futures                               | § 41.24(c)           |
| <input type="checkbox"/> | Approval Amendments to enumerated agricultural products | § 40.4(a), § 40.5(a) |
| <input type="checkbox"/> | “Non-Material Agricultural Rule Change”                 | § 40.4(b)(5)         |
| <input type="checkbox"/> | Notification  | § 40.6(d)            |

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

**Rule Numbers:**

May 2, 2019

**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 40.6(a) Certification. Declaration of Condition of Force Majeure at Corn and Soybean Shipping Stations Due to Flooding on the Illinois and Mississippi Rivers.  
CBOT Submission No. 19-191**

Dear Mr. Kirkpatrick:

Pursuant to Commodity Futures Trading Commission (“CFTC” or “Commission”) Regulation 40.6(a), The Board of Trade of the City of Chicago, Inc. (“CBOT” or the “Exchange”) hereby notifies the Commission that effective on May 2, 2019, and until further notice, it has declared a condition of Force Majeure pursuant to CBOT Rule 701. (“Declarations of Force Majeure”) with respect to load-out impossibility at a majority of Corn and Soybean regular shipping stations on the Illinois and Mississippi Rivers. Such shipping stations are unable to load due to high water levels and/or flooding. As a result, CBOT Rule 703.C.G.(8) is in effect for ALL Corn and Soybean shipping stations.

The marketplace has been informed of this declaration via CME Group Special Executive Report (“SER”) S-8380. A copy of SER S-8380 appears in Exhibit A.

The Exchange has reviewed the designated contract market core principles (“Core Principles”) as set forth in the Commodity Exchange Act (“CEA”) and has identified that the declaration of Force Majeure may have some bearing on the following Core Principles:

- Emergency Authority: The declaration of Force Majeure by CBOT is an emergency circumstance, and, as such, requires prompt notice to be provided to the Commission under both Commission Regulations and CBOT Rule 701. The declaration of Force Majeure with respect to the Corn and Soybean shipping stations was made pursuant to CBOT Rule 701. given that the majority of the shipping stations are unable to load-out pursuant to Rule 703.C.G(8).
- Availability of General Information: The Exchange published SER S-8380 on May 2, 2019, to provide notice to the marketplace of the declaration of Force Majeure. In addition to being emailed to all market participants subscribed to receive SERs via email, the SER has also been uploaded to the CME Group website.

Pursuant to Section 5c(c) of the Act and CFTC Regulation 40.6(a), the Exchange certifies that the declaration of Force Majeure complies with the Act and regulations thereunder. There were no substantive opposing views to the is proposal.

The Exchange certifies that this submission has been concurrently posted on the Exchange's 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 212.299.2200 or via email at [CMEGSubmissionInquiry@cmegroup.com](mailto:CMEGSubmissionInquiry@cmegroup.com).

Sincerely,

/s/ Christopher Bowen  
Managing Director and Chief Regulatory Counsel

Attachment: Exhibit A – SER S-8380

## Exhibit A



S-8380

May 2, 2019

### **Declaration of Condition of Force Majeure at Corn and Soybean Shipping Stations Due to Flooding on the Illinois and Mississippi Rivers and Load-Out Impossibility**

Effective immediately and until further notice, pursuant to The Board of Trade of the City of Chicago, Inc. ("CBOT" or "Exchange") Rules 701. ("Declarations of Force Majeure") and 703.C.G.(8) ("Barge Load-Out Procedures for Corn, Soybeans, and SRW Wheat..."), CBOT is hereby declaring a condition of Force Majeure due to load-out impossibility at a majority of Corn and Soybean regular shipping stations on the Illinois and Mississippi Rivers. Such shipping stations are unable to load due to high water levels and/or flooding.

As a result, CBOT Rule 703.C.G.(8) is in effect for ALL Corn and Soybean shipping stations.

The text of Rule 703.C.G.(8) states the following:

The shipper shall load water conveyance at the shipping station designated in the shipping certificate. If it becomes impossible to load at the designated shipping station for three (3) consecutive business days due to any circumstance beyond the control of the shipping station (including, but not limited to an act of God, strike, lockout, blockage, embargo, governmental action or terrorist activity) and precludes any party from making or taking delivery of product, the shipper will arrange for water conveyance to be loaded at another regular shipping station in conformance with the shipping certificate and will compensate the owner for any transportation loss resulting from the change in the location of the shipping station. **If the aforementioned condition of impossibility prevails at a majority of regular shipping stations, and a declaration of Force Majeure is made pursuant to Rule 701, then shipment may be delayed for the number of days that such impossibility prevails at a majority of regular shipping stations.** If conditions covered in this Rule make it impossible to load at the designated shipping station, the shipper shall notify the Registrar's Office in writing of such condition within 24 hours of when the condition of impossibility began.

Corn and Soybean shipping stations may register and deliver shipping certificates during conditions of Force Majeure. However, the Exchange, pursuant to CBOT Rule 701., hereby affirms that should the owner of newly registered or outstanding shipping certificates held during conditions of Force Majeure cancel them for load-out, and the shipping station that issued said shipping certificates is unable to load due to the conditions of Force Majeure, premium charges as described in Rules 10108. for Corn and Rule 11108. for Soybeans shall be suspended starting the calendar day following the day that loading orders are issued and ending on the calendar day prior to the day that the condition of Force Majeure is no longer in effect.

All calendar days during the condition of Force Majeure shall not count toward the three-day loading obligation shipping stations face following the receipt of loading orders and canceled shipping certificates (Rule 703.C.A.1.). Also, all business days during the condition of Force Majeure shall not count toward the two-business-day window owners of shipping certificates have to decide against loading out grain (Rule 703.C.C.). However, should an owner decide during the Force Majeure conditions or within two days following the end of Force Majeure conditions to have shipping certificates re-issued, the owner shall be responsible for all premium charges during the Force Majeure period.

Questions regarding this matter may be directed to the following individuals in the Market Regulation Department:

Terry Gehring, at 312.435.3644 or [Terry.Gehring@cmegroup.com](mailto:Terry.Gehring@cmegroup.com)

Spencer McGowan, at 312.435.3662 or [Spencer.McGowan@cmegroup.com](mailto:Spencer.McGowan@cmegroup.com)

For media inquiries concerning this Advisory Notice, please contact CME Group Corporate Communications at 312.930.3434 or [corporate.communications@cmegroup.com](mailto:corporate.communications@cmegroup.com).