

**Eurex Clearing AG**  
**ECAG Rule Certification 042/18**  
**May 9, 2018**

1. The text of the proposed amendments to the Clearing Conditions of Eurex Clearing (“Clearing Conditions”) is appended as Attachment A. Any additions are underlined and any deletions are struck through.
2. The date of intended implementation is June 1, 2018.
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: <http://www.eurexclearing.com/clearing-en/resources/cftc-dco-filing>.
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.

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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 following amendments to Chapters V (Transactions Concluded at the Frankfurter Wertpapierbörse) and IX (Clearing of Securities Lending Transactions) of the Clearing Conditions to amend the penalty fee regime for late deliveries on dividend record dates. Currently, clearing members that do not deliver securities on time (late sellers) over dividend record dates face a penalty fee in the amount of 35.8 percent of the net dividend. The amendments lower this penalty fee rate for late sellers to 35 percent of the net dividend. In addition, the amendments introduce a contractual penalty for the benefit of clearing members not duly receiving the securities (late buyers) in the amount of 15 percent of the net dividend. This contractual penalty may only be implemented if the calculation results in an amount of at least €5,000 (or referenced amounts in other currencies) and solely upon request in writing within 30 days following the contractual delivery day.

Further information regarding the operation, purpose, and effect of the proposed amendments is discussed in the attached Eurex Clearing Circular 042/18, which is 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 H (Rule Enforcement): The proposed amendments will comply with DCO Core Principle H because the amendments amend a penalty fee regime for late deliveries in certain products, which serves to enforce compliance with Eurex Clearing rules.

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: <http://www.eurexclearing.com/clearing-en/resources/cftc-dco-filing>.



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Title: US Compliance Officer, Eurex Clearing AG

Dated: May 9, 2018