Organization: New York Mercantile Exchange, Inc. ("NYMEX")         Filing as a:       DCM       SEF       DCO       SDR         Please note - only ONE choice allowed.       Filing Date (mm/dd/yy): May 16, 2019       Filing Description: Modifications to the Retz         Broker Incentive Program       SPECIFY FILING TYPE       Please note only ONE choice allowed per Submission.         Organization Rules and Rule Amendments       \$ 40.6(a)         Approval       \$ 40.5(a)         Notification       \$ 40.6(d)         Advance Notice of SIDCO Rule Change       \$ 40.10(a)         SIDCO Emergency Rule Change       \$ 40.2(a)         Certification       \$ 40.2(a)         Certification Security Futures       \$ 40.2(a)         Approval       \$ 40.2(a)         Swap Submission       \$ 39.5         Official Product Notification       \$ 40.6(a)         Vertification Security Futures       \$ 40.6(a)         Swap Submission       \$ 39.5         Official Product Notification (product related Rules and Rule Amendments)         Certification Made Available to Trade Determination       \$ 40.6(a) <tr< th=""><th colspan="3">Registered Entity Identifier Code (optional): <u>19-206 (3 of 4)</u></th></tr<>	Registered Entity Identifier Code (optional): <u>19-206 (3 of 4)</u>		
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"Non-Material Agricultural Rule Change" § 40.4(b)(5)			
	Approval Amendments to enumerated agricultural products	§ 40.4(a), § 40.5(a)	
		§ 40.4(b)(5)	



May 16, 2019

#### VIA ELECTRONIC PORTAL

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

# RE: Modifications to the Retail Broker Incentive Program NYMEX Submission No. 19-206 (3 of 4)

Dear Mr. Kirkpatrick:

Chicago Mercantile Exchange Inc. ("CME"), The Board of Trade of the City of Chicago, Inc. ("CBOT"), New York Mercantile Exchange, Inc. ("NYMEX"), and Commodity Exchange, Inc. ("COMEX") (collectively, the "Exchanges") hereby notify the Commodity Futures Trading Commission ("CFTC" or "Commission") of plans to modify the Retail Broker Incentive Program ("Program"). The modifications to the Program will become effective on June 1, 2019.

Exhibit 1 sets forth the terms of this Program. Modifications appear below, with additions <u>underscored</u> and deletions <del>overstruck</del>.

The Exchanges reviewed the designated contract market core principles ("Core Principles") as set forth in the Commodity Exchange Act ("CEA"). During the review, Exchange staff identified the following Core Principles as potentially being impacted: Monitoring of Trading, Execution of Transactions, Protection of Market Participants, Compliance with Rules, and Recordkeeping.

The Program does not impact the Exchanges' ability to perform their trade practice and market surveillance obligations under the CEA. The Exchanges' market regulation staff will monitor activity in the Program's products to prevent manipulative trading and market abuse. Additionally, the Exchanges have implemented systems to track Program participants' volume to ensure proper distribution of earned incentives. The Program does not affect the Exchanges' order execution. Participants in the Program will be selected by Exchanges' staff using criteria as set forth in Exhibit 1. Each of the Exchanges' respective rules includes prohibitions against fraudulent, non-competitive, unfair or abusive practices. All participants must execute a contractual agreement with the Exchanges' in which each participant expressly agrees to comply with, and be subject to, applicable regulations and applicable rules. The Program is subject to the Exchanges' record retention policies which comply with the CEA.

The Exchanges certify that the Program complies with the CEA and the regulations thereunder. There were no substantive opposing views to this Program.

The Exchanges certify that this submission has been concurrently posted on the Exchanges' website at <a href="http://www.cmegroup.com/market-regulation/rule-filings.html">http://www.cmegroup.com/market-regulation/rule-filings.html</a>.

If you require any additional information regarding this submission, please e-mail <u>CMEGSubmissionInquiry@cmegroup.com</u> or contact Rachel Johnson at 312-466-4393 or via e-mail at <u>Rachel.Johnson@cmegroup.com</u>. Please reference our NYMEX Submission No. 19-206 in any related correspondence.

Sincerely,

/s/ Christopher Bowen Managing Director and Chief Regulatory Counsel

Attachment: Exhibit 1

## **EXHIBIT 1**

### **Retail Broker Incentive Program**

#### Program Purpose

The purpose of the Program is to incentivize participants to educate their clients about the benefits of trading the Exchanges' products and centralized clearing, ultimately providing additional liquidity to the marketplace. A more liquid contract benefits all participants in the market.

#### Product Scope

All CME, CBOT, NYMEX, and COMEX products that are traded on the Globex Platform ("Products").

#### **Eligible Participants**

There is no limit to the number of firms that can participate in the Program. Retail firms with 10,000 or more active direct retail trading users may apply for participation in the Program. Participants must register with the Exchange to qualify for the Program.

#### Program Term

Start date is June 17, 2013. End date is January 31, 2020.

#### <u>Hours</u>

N/A

### **Obligations**

Participants must participate in at least two (2) marketing-planning sessions with the Exchange on an annual basis. To receive the Program incentives, participants must supply the Exchange with invoices showing expenses of the pre-approved marketing, sales, and commercial initiatives targeting Exchange products.

#### **Program Incentives\***

Upon satisfying all Program obligations, as determined by the Exchange, each calendar month participants may be eligible to earn fee credits. For each month in a six (6) month period, if a participant's retail monthover-month volume has increased at a higher rate compared to the Exchanges' total Globex volume, excluding CME Interest Rate futures and options products <u>and adjusted for Micro E-Mini futures volume\*\*</u>, the participant will receive a fee credit of \$0.50 for each incremental side grown versus the Exchanges'. Fee credits will accumulate over the six (6) month period and will be capped at \$750,000 per participant, per six (6) month period. Participants will receive the accumulated fee credits at the end of each six (6) month period as follows:

(i) Period 1 – February 1, 2019 through July 31, 2019: Fee credits available on August 1, 2019

(ii) Period 2 – August 1, 2019 through January 31, 2020: Fee credits available on February 1, 2020 All fee credits expire twelve (12) months after the end of each six (6) month period accrual. \*Participants may only join the Program on the first day of a month. Participants not joining the Program at the beginning of a six (6) month period will still be subject to the same accumulation and Period 1/Period 2 dates.

\*\*Micro E-Mini futures will be counted as 1/10<sup>th</sup> of a side for volume calculation.

#### Monitoring and Termination of Status

The Exchanges' shall monitor activity and participants' performance and shall retain the right to revoke Program participant status if it concludes from review that a Program participant no longer meets the eligibility requirements or fails to meet the obligations of the Program.