



August 04, 2021

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

Re: ICE Clear Europe Self-Certification Pursuant to Commission Rule 40.6 – ICE
Endex Austrian CEGH VTP Natural Gas Futures and ICE Endex Austrian
CEGH VTP Natural Gas Daily Futures Amendments

Dear Mr. Kirkpatrick:

ICE Clear Europe Limited (“ICE Clear Europe” or the “Clearing House”), a registered derivatives clearing organization under the Commodity Exchange Act, as amended (the “Act”), hereby submits to the Commodity Futures Trading Commission (the “Commission”), pursuant to Commission Rule 40.6 for self-certification, amendments to its Delivery Procedures (the “Delivery Procedures”)¹ discussed herein. The amendments will become effective on the first business day following the tenth business day after submission, or such later date as ICE Clear Europe may determine.

Concise Explanation and Analysis

ICE Clear Europe is amending Part EE of its Delivery Procedures to add provisions relating to delivery of an additional contract, the ICE Endex Austrian CEGH VTP Natural Gas Daily Futures (“ICE Endex VTP Natural Gas Daily Futures”), that will be traded on the ICE Endex exchange and cleared at ICE Clear Europe. The amendments also correct the name of the ICE Endex CEGH Austrian VTP Natural Gas Futures to ICE Endex Austrian CEGH VTP Natural Gas Futures (“ICE Endex VTP Natural Gas Futures”) and make certain corresponding updates throughout Part EE.

A definition of “ICE Endex VTP Natural Gas Daily Futures” is added. Where applicable, amendments are made throughout Part EE to apply to the ICE Endex VTP

¹ Capitalized terms used but not defined herein have the meanings specified in the Delivery Procedures.

Natural Gas Daily Futures in addition to ICE Endex VTP Natural Gas Futures. The existing defined term “ICE Endex VTP Natural Gas” is changed to “ICE Endex VTP Natural Gas Futures” for clarity and to distinguish that contract from the new daily futures contract. Various other corrections to the use of defined terms and other typographical and similar corrections are made.

Section 3.4 (which describes the price of the Contracts) is amended to provide that the price at which the Contract is delivered is the Exchange Delivery Settlement Price for the Delivery Day of each the ICE Endex VTP Natural Gas Futures or ICE Endex Natural Gas Daily Futures in accordance with the ICE Endex Rules (instead of the Business Day immediately prior to the calendar day on which the Delivery Month for the ICE Endex VTP Natural Gas Futures commences). This change is intended to update the Delivery Procedures to reflect current practice with respect to the ICE Endex VTP Natural Gas Futures.

Section 3.6 (which describes cessation of trading) is revised so that such procedures apply to ICE Endex VTP Natural Gas Daily Futures in addition to ICE Endex VTP Natural Gas Futures. The description of the cessation of trading have also been revised to clarify that it is consistent with the ICE Endex Rules. The ICE Endex VTP Natural Gas Daily Futures cease trading one business day prior to the Delivery Day.

Section 3.7 (which describes the Exchange for Physicals (EFPs) and Exchange for Swaps (EFSs)) is amended to specify that ICE Endex VTP Natural Gas Daily Futures, EFPs and EFSs may be posted up to thirty minutes following the cessation of trading in accordance with ICE Endex Rules.

In Section 6 Delivery Timetable, an outdated reference to ICE Endex Austrian VTP Natural Gas Futures is updated to ICE Endex VTP Natural Gas Futures.

A new Section 8 is added which includes a routine delivery timetable, from the last trading day of the Contract through final settlement, for ICE Endex VTP Natural Gas Daily Futures. The timetable specifies procedures, deadlines and requirements submissions of delivery intentions, nominations of Transferors or Transferees, Conversion and Confirmation Reports, notification files to the nomination agent, provision of Buyer’s and Seller’s security, final confirmation of the delivery report, release of Seller’s security and Buyer’s top-up following completion of delivery, payment and invoicing.

A new Section 9 is added which includes a delivery timetable for failed delivery for ICE Endex VTP Natural Gas Daily Futures. The timetable specifies the procedures and timing with respect to calling and releasing additional Seller’s Security and/or Buyer’s Security and invoicing, payment and receipt of failed deliveries. A note is also added that in the event of a failed delivery, the Clearing House may retain Buyer’s Security and/or Seller’s Security.

A new Section 11.2 is added that provides a delivery documentation summary with respect to ICE Endex VTP Natural Gas Daily Futures. The timetable specifies the reports produced by the Clearing House and made available to Buyers and Sellers electronically, an explanation of each such report, and when each such report is made

available. A note is also added that provides that such timetable may be altered at the discretion of the Clearing House.

Compliance with the Act and CFTC Regulations

The amendments to the Delivery Procedures are potentially relevant to the following core principles: (C) Product Eligibility and (E) Settlement Procedures and the applicable regulations of the Commission thereunder.

- *Product Eligibility.* The amendments to the Delivery Procedures are intended to facilitate the clearing of ICE Endex VTP Natural Gas Daily Futures, which will be traded on the ICE Endex change and cleared in a manner similar to the ICE Endex VTP Natural Gas Futures. As currently provided for ICE Endex VTP Natural Gas Futures, the amendments set out the delivery specifications with respect to ICE Endex VTP Natural Gas Daily Futures. ICE Clear Europe believes that its existing financial resources, risk management, systems and operational arrangements are sufficient to support clearing of such products (and to address physical delivery under such contracts) and to manage the risks associated with such contracts. In ICE Clear Europe's view, the amendments are thus consistent with the requirements of Core Principle C and Commission Rule 39.12(b).
- *Settlement Procedures.* As discussed above, the amendments establish delivery procedures with respect to the ICE Endex VTP Natural Gas Daily Futures and make certain clarifications with respect to ICE Endex VTP Natural Gas Futures. The amendments clearly set out the role, responsibilities, rights and liabilities of the Clearing House, Clearing Members and transferors and transferees in the physical delivery process for the ICE Endex VTP Natural Gas Daily Futures, including delivery timetables, invoicing, delivery documentation summaries and provisions relating to the liability of the Clearing House. As a result, ICE Clear Europe believes the amendments are consistent with the requirements of Core Principle E and Commission Rule 39.14.

As set forth herein, the amendments consist of the amendments to the Delivery Procedures, a copy of which is attached hereto.

ICE Clear Europe hereby certifies that the amendments comply with the Act and the Commission's regulations thereunder.

ICE Clear Europe received no substantive opposing views in relation to the proposed amendments.

ICE Clear Europe has posted a notice of pending certification and a copy of this submission on its website concurrent with the filing of this submission.

If you or your staff should have any questions or comments or require further information regarding this submission, please do not hesitate to contact the undersigned at robert.barlow@theice.com or +44 (0)20 7429 4575.

Sincerely,

A handwritten signature in black ink, appearing to be 'R Barlow', written over a light grey rectangular background.

Robert Barlow
Compliance & Regulatory Analyst
ICE Clear Europe Limited