

Eurex Clearing AG
ECAG Rule Certification 069/18
August 14, 2018

1. The text of the proposed stated policy is appended as Attachment A. This certification does not propose any express amendments to the Clearing Conditions of Eurex Clearing (“Clearing Conditions”).
2. The date of intended implementation is September 3, 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.

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 previously submitted, pursuant to CFTC Rule 40.6, Rule Self-Certification 021-18, which provided amendments to the Clearing Conditions related to Section 871(m) of the Internal Revenue Code (“IRC”). In Eurex Clearing Circular 069-18, appended as Attachment A, Eurex Clearing is providing further stated policy related to these amendments. Specifically, Eurex Clearing is stating that based on the U.S. tax documentation received (Form W-8IMY or W 9), Eurex Clearing has classified its Clearing Members as either Section 871(m) eligible or non-eligible. Eurex Clearing is also stating that derivative products potentially subject to Section 871(m) will be migrated to new product groups and that only Clearing Members with the appropriate U.S. tax status will be permitted to clear such products as of the effective date stated above.

Further information regarding the operation, purpose, and effect of the proposed stated policy is discussed in the attached Eurex Clearing Circular 069/18, which is appended as Attachment A.

Eurex Clearing has identified the following DCO Core Principle as potentially being relevant to the above amendments:

1. DCO Core Principle C (Participant and Product Eligibility): The proposed stated policy will comply with DCO Core Principle C because the stated policy provides for compliance with a U.S. tax law for certain, applicable transactions, and all products cleared by Eurex Clearing will continue to comply with this Core Principle.

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>.



By: Eric Seinsheimer

Title: US Compliance Officer, Eurex Clearing AG

Dated: August 14, 2018