

Eurex Clearing AG
ECAG Rule Certification 074-21
August 23, 2021

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 (“Clearing Conditions”) of Eurex Clearing AG (“Eurex Clearing”) or FCM Regulations (“FCM Regulations”) of Eurex Clearing.
2. The date of intended implementation is October 4, 2021.
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: <https://www.eurex.com/ec-en/rules-regs/regulations/cftc-dco-filings>.
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 is setting forth the proposed stated policy stated in Eurex Clearing Circular 074/21 (appended as Attachment A) to adopt the 2021 ISDA Interest Rate Derivatives Definitions (the “2021 ISDA Definitions”) as part of EurexOTC Clear Release 11.3. The International Swaps and Derivatives Association (“ISDA”) published the 2021 ISDA Definitions in June 2021 as a “root and branch update” of the 2006 ISDA Definitions to replace them as the standard definitional book for bilateral OTC interest rate derivatives. The implementation date is targeted on the weekend of 2 - 3 October 2021.

Eurex Clearing will meet ISDA’s implementation date and as of October 4, 2021, will accept transactions for clearing that reference the 2021 ISDA Definitions in the “Contractual Definitions” field or use 2021 ISDA Definitions-based FRO labels. Clearing of bilateral OTC IRD and OTC XCCY transactions referencing the 2006 ISDA Definitions (as well as other master agreements such as the German Master Agreement) (“*Deutscher Rahmenvertrag für Finanztermingeschäfte*”) will continue. Eurex Clearing will support both 2006 ISDA-based FRO labels as well as 2021 ISDA Definitions-based FRO labels to facilitate the transition phase.

Upon acceptance of bilateral OTC transactions into clearing by Eurex Clearing by way of novation, the Clearing Conditions or FCM Regulations apply to the cleared transaction. For cleared OTC IRD and OTC XCCY transactions, the Clearing Conditions and FCM Regulations are closely aligned to the market standard set by ISDA to the extent feasible in the context of cleared transactions. Hence, the provisions of

the Clearing Conditions and FCM Regulations for OTC IRD and OTC XCCY transactions are currently broadly based on the 2006 ISDA Definitions.

Eurex Clearing will maintain fungibility of cleared transactions, irrespective of whether they are submitted based on 2000 ISDA Definitions, 2006 ISDA Definitions, 2021 ISDA Definitions, the German Master Agreement, or other contractual definitions. Cleared transactions that are 2006 ISDA Definitions-based will not be updated to 2021 ISDA Definitions-based at this stage.

Eurex Clearing will not change the current FpML version/structure but will simply show the “new” values (“ISDA2021-based” Contractual Definitions and new FRO labels) for transactions that reference the 2021 ISDA Definitions in the trade notification messages and reports.

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 amendments will comply with DCO Core Principle C because the amendments adopt the new ISDA definitions. All products cleared by Eurex Clearing under its DCO license will continue to be subject to appropriate standards in compliance 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>.

/s/ Eric Seinsheimer

By: Eric Seinsheimer

Title: US CCO, Eurex Clearing AG

Dated: August 23, 2021