

**SUBMISSION COVER SHEET**

**IMPORTANT:** Check box if Confidential Treatment is requested

Registered Entity Identifier Code (optional): 15-452

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): October 15, 2015 Filing Description: Intent to Consider and Accommodate Opt-In Requests after October 16, 2015 Re Close-Out of NYMEX In Delivery Month European Union Allowance Futures Positions and Re-establishment of Equivalent Positions on CME Europe

**SPECIFY FILING TYPE**

Please note only ONE choice allowed per Submission.

**Organization Rules and Rule Amendments**

- |                                     |                                     |            |
|-------------------------------------|-------------------------------------|------------|
| <input checked="" type="checkbox"/> | Certification                       | § 40.6(a)  |
| <input type="checkbox"/>            | Approval                            | § 40.5(a)  |
| <input type="checkbox"/>            | Notification                        | § 40.6(d)  |
| <input type="checkbox"/>            | Advance Notice of SIDCO Rule Change | § 40.10(a) |
| <input type="checkbox"/>            | SIDCO Emergency Rule Change         | § 40.10(h) |

Rule Numbers: 1250 and 1260

**New Product**

Please note only ONE product per Submission.

- |                          |                                       |            |
|--------------------------|---------------------------------------|------------|
| <input type="checkbox"/> | Certification                         | § 40.2(a)  |
| <input type="checkbox"/> | Certification Security Futures        | § 41.23(a) |
| <input type="checkbox"/> | Certification Swap Class              | § 40.2(d)  |
| <input type="checkbox"/> | Approval                              | § 40.3(a)  |
| <input type="checkbox"/> | Approval Security Futures             | § 41.23(b) |
| <input type="checkbox"/> | Novel Derivative Product Notification | § 40.12(a) |
| <input type="checkbox"/> | Swap Submission                       | § 39.5     |

Official Product Name:

**Product Terms and Conditions (product related Rules and Rule Amendments)**

- |                          |   |                      |
|--------------------------|---|----------------------|
| <input type="checkbox"/> | Certification   | § 40.6(a)            |
| <input type="checkbox"/> | Certification Made Available to Trade Determination     | § 40.6(a)            |
| <input type="checkbox"/> | Certification Security Futures                          | § 41.24(a)           |
| <input type="checkbox"/> | Delisting (No Open Interest)                            | § 40.6(a)            |
| <input type="checkbox"/> | Approval  | § 40.5(a)            |
| <input type="checkbox"/> | Approval Made Available to Trade Determination          | § 40.5(a)            |
| <input type="checkbox"/> | Approval Security Futures                               | § 41.24(c)           |
| <input type="checkbox"/> | Approval Amendments to enumerated agricultural products | § 40.4(a), § 40.5(a) |
| <input type="checkbox"/> | “Non-Material Agricultural Rule Change”                 | § 40.4(b)(5)         |
| <input type="checkbox"/> | Notification  | § 40.6(d)            |

Official Name(s) of Product(s) Affected:

Rule Numbers:

October 15, 2015

**VIA ELECTRONIC PORTAL**

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

**RE: CFTC Regulation 40.6(a) Certification. Intent to Consider and Accommodate Opt-In Requests after October 16, 2015 Regarding Close-Out of NYMEX In Delivery Month European Union Allowance Futures Positions (CME Globex Code: 6T; Clearing Code: EAF; NYMEX Rulebook Chapter: 1250) and the Re-establishment of Equivalent Positions on CME Europe. NYMEX Submission No. 15-452**

Dear Mr. Kirkpatrick:

New York Mercantile Exchange, Inc. (“NYMEX” or “Exchange”) self-certified to the Commodity Futures Trading Commission (“CFTC” or “Commission”) procedures described in Special Executive Report (SER# 7472R dated October 8, 2015) to close-out opted-in NYMEX In Delivery Month European Union Allowance futures contract (“EUA Futures” or “EUA Futures contract”) positions (CME Globex Code: 6T; Clearing Code: EAF; NYMEX Rulebook Chapter: 1250) and re-establish equivalent positions on CME Europe Limited (“CMEE”).<sup>1</sup> The procedures were certified via Submission No. 15-425 (dated September 28, 2015) and revisions made thereto by Submissions No. 15-425R and No. 15-425RR.

SER 7472R established October 16, 2015 as the opt-in deadline for position holder participation in the close-out and re-establishment procedures with respect to EUA Futures (“CORE” or “CORE process”). As noted in SER 7472R, participation in the CORE process is voluntary and is intended to facilitate NYMEX EUA Futures position holders’ ability to migrate existing open interest to CMEE, a customer-preferred venue for trading EUA futures and related energy products.

In response to feedback from position holders, the Exchange is herein self-certifying its intent to consider and accommodate opt-in requests received after October 16, 2015 when otherwise consistent with the overall CORE process, and in particular, CORE’s migration of a balanced book of positions and the potential need to perform a pro-rata calculation and allotment of positions to achieve appropriate balance for market participants as well as contract stability. This submission shall become effective on Friday, October 30, 2015.

Under CORE, opted-in NYMEX EUA positions will be closed-out on Friday, October 30, 2015. Re-established EUA positions will begin trading on CMEE on Sunday, November 1, 2015 for trade date Monday, November 2, 2015, opening at the October 30, 2015 closing price.

As noted in SER 7472R, CMEE is seeking approval from its primary regulator, the United Kingdom’s Financial Conduct Authority, to list and trade emission allowance futures contracts. At the same time,

---

<sup>1</sup> References herein to NYMEX EUA Futures also include the NYMEX Daily European Union Allowance (EUA) futures contract (CME Globex/Clearing Code: EUL; NYMEX Rulebook Chapter: 1260). As of this writing, there is no open interest in the daily contract.

CMEE's clearinghouse, CME Clearing Europe ("CMECE"), is seeking approval from its primary regulator, the Bank of England, to clear emission allowance futures contracts. These authorizations and approvals, along with sufficient opted-in positions, remain condition precedents to implementing CORE.

The Exchange reviewed the designated contract market core principles ("Core Principles") as set forth in the Commodity Exchange Act ("Act" or "CEA") and identified that the CORE process may have some bearing on the following Core Principles:

- Daily Publication of Trading Information: NYMEX will continue to comply with this Core Principle by making public daily information on settlement prices, volume, open interest, and opening and closing ranges for the NYMEX EUA Futures contract.
- Availability of General Information: Pursuant to the Exchange's obligations under this Core Principle, the Exchange will publish an SER to notify market participants and position holders of its intent to consider and accommodate opt-in requests received after October 16, 2015 when consistent with the overall migration plan including CORE's migration of a balanced book of positions and the potential need to perform a pro-rata calculation and allotment of positions to achieve balance.
- Contract Not Readily Subject to Manipulation: As noted in SER 7472R, CMEE EUA Futures will be dual listed with the existing NYMEX EUA Futures contract. The CORE process does not change the price or settlement methodology of the NYMEX EUA Futures contract and presents no material concerns related to price manipulations. Opt-in requests received after October 16, 2015 will only be accommodated if consistent with the overall migration plan, and in particular, the migration of a balanced book of positions under CORE and the need to perform a pro-rata calculation if necessary to achieve balance. The CORE process and its resultant close-out and re-opening of positions therefore would not render NYMEX EUA Futures contracts readily susceptible to manipulation.

Pursuant to Section 5c(c) of the Act and CFTC Regulation 40.6(a), the Exchange hereby certifies that considering and accommodating opt-in requests received after October 16, 2015 when consistent with the overall CORE process complies with the Act, including regulations under the Act. The Exchange has contacted the market participants and holders of open interest. There were no substantive opposing views to considering and accommodating opt-in requests received after October 16, 2015.

The Exchange certifies that this submission has been concurrently posted on the Exchange's website at <http://www.cmegroup.com/market-regulation/rule-filings.html>.

Should you have any questions concerning the above, please contact the undersigned at (212) 299-2200 or via e-mail at [CMEGSubmissionsInquiry@cmegroup.com](mailto:CMEGSubmissionsInquiry@cmegroup.com).

Sincerely,

/s/ Christopher Bowen  
Managing Director and Chief Regulatory Counsel