

**Eurex Clearing AG**  
**ECAG Rule Certification 103-21**  
**November 24, 2021**

1. The text of the proposed amendments to the Clearing Conditions (“Clearing Conditions”) of Eurex Clearing AG (“Eurex Clearing”), the Default Management Committee Rules (“DM Committee Rules”) and the FCM Default Rules (“FCM Default Rules”) of Eurex Clearing is appended as Attachment A. Any additions are underlined and any deletions are struck through.
2. The proposed amendments in Nos. 1-3 below are subject to a consultation process (“Consultation”); the Consultation will end upon expiry of December 22, 2021. The planned effective date of these amendments is February 1, 2022 depending on the outcome of the Consultation which will be communicated in a separate Eurex Clearing circular.

The date of intended implementation of the proposed amendments in No. 4 below is February 1, 2022.

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/ecen/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.

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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 proposing the following amendments to its Clearing Conditions, Default Management Committee Rules, and FCM Default Rules:

**1. Amendments to the Clearing Conditions, DM Committee Rules, and FCM Default Rules regarding the removal of the mandatory DMC meeting convention rule**

The current provisions in the Clearing Conditions foresee that a DMC Meeting will take place if at least one OTC Interest Rate Derivative Transaction or one OTC Currency Transaction or one Interest Rate Derivative Transaction is among the Terminated Transactions. Eurex Clearing is proposing amendments to the Clearing Conditions, DM Committee Rules, and FCM Default Rules to harmonize the rules across all Liquidation Groups and therefore to remove the mandatory DMC meeting convention rule, leaving the decision at the discretion of Eurex Clearing.

**2. Amendments to the Clearing Conditions regarding the evaluation method for participation in the Default Management Process for Bond Liquidation Group**

According to the current provisions, when evaluating a Clearing Member's performance in the Bonds Default Management Process, Eurex Clearing creates a score card which reflects the results for participation in the independent sale and auction process. Based on the overall result of the score card, the order of Default Fund Contribution utilization is determined.

For simplification and harmonization reasons and to strengthen transparency, Eurex Clearing is proposing an amendment to the Clearing Conditions to align the Default Management Participation evaluation rules with other Liquidation Groups. Therefore, the utilization order regarding the Default Fund Contributions in case of the occurrence of a default event would be determined based on bids received during the Auction process.

Based on the relevant reference price, the Contributions of such Clearing Members, which provided bids below the reference price or which did not bid at all, would be realized prior to the Contributions of other Clearing Members for the affected Liquidation Group.

**3. Amendments to the Clearing Conditions regarding the Default Management Process for FX Rolling Spot Futures**

Eurex Clearing reviewed the Default Management Process for FX Rolling Spot Futures and concluded that the product characteristics of FX Rolling Spot Futures do not require special close-out methods in case of the occurrence of a Termination with respect to a Clearing Member clearing FX Rolling Spot Futures.

Instead, Eurex Clearing proposes applying the general Default Management Process which would provide for sufficient measures to liquidate terminated FX Rolling Spot Futures as well. Therefore, Eurex Clearing is proposing to amend the Clearing Conditions to remove the currently applicable special Default Management Process provisions (Market Integrity Process) for FX Rolling Spot Futures.

For avoidance of doubt, Eurex Clearing clears the FX Rolling Spot Futures contract outside the scope of its DCO registration, which applies only to swaps.

**4. Minor amendments to the Clearing Conditions and the FCM Default Rules regarding the scope of independent sales and auctions as well as clarifications regarding the consequences of bad bids or non-bidding**

Eurex Clearing is proposing minor amendments to the Clearing Conditions and FCM Default Rules to remove several restrictions regarding the scope of independent sales and auctions and including clarifications regarding the consequences of bad bids or non-bidding.

Further information regarding the operation, purpose and effect of the proposed amendments is discussed in the attached Eurex Clearing Circular 103-21, 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 G (Default Rules and Procedures): The proposed amendments will comply with DCO Core Principle G because amendments harmonize rules and remove the mandatory DMC meeting convention rule where Terminated Transactions involve at least one OTC Interest Rate Derivative Transaction or one OTC Currency Transaction or one Interest Rate Derivative Transaction, as well as harmonize the Default Management Participation evaluation rules across Liquidation Groups, Eurex Clearing's default rules and procedures will continue to allow for the efficient, fair, and safe management of events in a prospective default situation in compliance with this Core Principle.

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: <https://www.eurex.com/ec-en/rules-regs/regulations/cftc-dco-filings>.

/s/ Eric Seinsheimer

By: Eric Seinsheimer

Title: US CCO, Eurex Clearing AG

Dated: November 24, 2021