



Submission No. 24-156
November 15, 2024

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

Re: Amendments to Appendix VIII to Chapter 8 (European Union Deforestation Regulation Provisions) - Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6

Dear Mr. Kirkpatrick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended, and Commodity Futures Trading Commission (“Commission”) Regulation 40.6(a), ICE Futures U.S., Inc. (“IFUS” or “Exchange”) hereby self-certifies the amendments to Appendix VIII of Chapter 8 (“Appendix”) of the Exchange’s rules, as provided in Exhibit A. The Appendix sets forth additional requirements for coffee delivered in the European Union against the Coffee “C” futures contract.¹ As explained below, the Exchange is amending the Appendix to delay the implementation of such requirements for one-year.

The Appendix was adopted earlier this year to address the European Union Deforestation Regulation (“EUDR”) and align the terms of the Coffee “C” futures contract continue with anticipated commercial market conditions (see [ICE Futures U.S. Submission 24-74](#)). The implementation dates for the various provisions and requirements contained in the Appendix were set to coincide with the entry into application date for the EUDR (“Application Date”). However, recent events suggest that the Application Date may be delayed due to legislative uncertainty.

At the plenary session held on November 14, 2024, the European Union Parliament voted through a one-year delay of the entry Application Date for the EUDR. However, complicating matters, the European Union Parliament also voted through additional amendments to the EUDR which may prevent the one-year delay from being adopted prior to the current, December 30, 2024, Application Date, if at all. As such, it is unclear at this time if the delay will be adopted or if the EUDR will enter into application on December 30, 2024.

¹ The EU delivery points are the Port of Antwerp, the Port of Hamburg/Bremen and the Port of Barcelona.

In order to provide market participants with certainty with respect to the product to be delivered and received against the Coffee “C” futures contract, the Exchange is revising the implementation dates in the Appendix in advance of an ultimate resolution by the European Union. In sum, the amendments delay the implementation date for each provision and requirement for a period of one-year, as set forth in Exhibit A.

The Exchange’s Board of Directors adopted the amendments to Appendix VIII by unanimous vote.² The amendments will become effective on December 3, 2024, for all contract months. We note that market participants were advised of potential changes to the Appendix in an [Exchange Notice](#) issued on October 3, 2024. Further, we note that the amendments to Appendix VIII will align the Coffee “C” futures contract with the Robusta futures contract as ICE Future Europe is planning to adopt similar amendments.

I. CERTIFICATIONS

The Exchange is not aware of any opposing views to the amendments and certifies that amendments comply with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder. Specifically, the amendments comply with designated contract market core principle 3 (Contracts not Subject to Manipulation). The amendments are consistent with the guidance set forth in Appendix C to Part 38 of the Commission’s regulations. Specifically, the amendments will provide certainty to participants delivering and receiving coffee under the contract in the EU pending completion of the legislative process. The Exchange further certifies that, concurrent with this filing, a copy of this submission was posted on the Exchange’s website and may be accessed at (<https://www.theice.com/futures-us/regulation#rule-filings>). If you have any questions or need further information, please contact Tim Barry at 212-748-4096 or tim.barry@ice.com or the undersigned at 212-748-4021 or jason.fusco@ice.com.

Sincerely yours,



Jason V. Fusco
General Counsel
ICE Futures U.S., Inc.

² The amendments to Appendix VIII were adopted by the Board of Directors pursuant to Exchange Rule 6.01, which expressly authorizes the Board to place rules into effect which change the amount of money to be paid, or the quality of merchandise to be received, under an Exchange Futures Contract with open interest in certain circumstances.

Exhibit A

(In the text below, deletions are overstruck and additions are underscored.)

APPENDIX VIII EUROPEAN UNION DEFORESTATION REGULATION PROVISIONS

The following provisions of this Appendix shall apply to all coffee that is submitted for Exchange grading that is stored in an Exchange Licensed Warehouse in the Port of Antwerp, the Port of Barcelona, or the Port of Bremen Hamburg, and shall not apply to coffee that is stored in any other delivery point.

Definitions:

DDI System - means such due diligence information system as is specified by the Exchange from time to time.

Legacy Stocks - shall mean Arabica coffee, whether certified or not, which has a bill of lading issued before June 29, 2023.

Transition Stocks - shall mean all coffee that has a bill of lading that is issued on or after June 29, 2023 and which has been submitted for Exchange sampling and grading prior to December 31, 20~~24~~25, and for which Validated DDI is not available in the DDI System.

Validated DDI - shall mean such due diligence information as specified by the Exchange from time to time, validated to the extent so specified.

1. Required Provision of Validated DDI

All coffee that does not meet the definition of Legacy Stock in this Rule that is submitted for Exchange sampling and grading on and after [~~12/31/24~~]December 30, 2025 and that is stored in the Ports of Antwerp, Barcelona or Bremen/Hamburg must have Validated DDI provided in the DDI System, and the Deliverer is required to make available to the Receiver, the Exchange and the Clearing House the Validated DDI through the DDI system.

2. Transition Stocks Discount

Commencing with the March 202~~5~~6 contract month, the Exchange Delivery Invoice for all Transition Stocks shall include the following Transition Stocks Discount:

- (1) For contract months in calendar year 202~~5~~6, a discount of 25 points per calendar month calculated beginning January 202~~5~~6; and
- (2) For contract months in calendar year 202~~6~~7 and later, a discount of 300 points plus 50 points per calendar month beginning January 202~~6~~7.

- (3) For the avoidance of doubt, this Transition Stocks Discount shall not apply to Legacy Stocks, to coffee that is submitted for Exchange Sampling and Grading on and after ~~[12/31/24]~~ December 30, 2025, or to delivery of any coffee in delivery points other than the Ports of Antwerp, Barcelona and Bremen/Hamburg.