Drganization: <u>Commodity Exchange, Inc. ("COMEX"</u>	)
Filing as a: DCM SEF DCO	
Please note - only ONE choice allowed.	
Filing Date (mm/dd/yy): <u>January 8, 2015</u> Filing Description	
Contract, its Terms and Conditions, and Analysis of the Une	teriying warket
SPECIFY FILING TYPE Please note only ONE choice allowed per Submission.	
Drganization Rules and Rule Amendments	
Certification	§ 40.6(a)
Approval	§ 40.5(a)
Notification	§ 40.6(d)
Advance Notice of SIDCO Rule Change	§ 40.10(a)
SIDCO Emergency Rule Change	§ 40.10(h)
Subco Emergency Rule Change       Rule Numbers:	
New Product Please note only ONE	product per Submission.
Certification	§ 40.2(a)
Certification Security Futures	§ 41.23(a)
Certification Swap Class	§ 40.2(d)
Approval	§ 40.3(a)
Approval Security Futures	§ 41.23(b)
Novel Derivative Product Notification	§ 40.12(a)
Swap Submission	§ 39.5
Difficial Product Name: Gold Kilo Futures Contract	
Product Terms and Conditions (product related Rules and 1	Rule Amendments)
Certification	§ 40.6(a)
Certification Made Available to Trade Determination	§ 40.6(a)
Certification Security Futures	§ 41.24(a)
Delisting (No Open Interest)	§ 40.6(a)
Approval	§ 40.5(a)
Approval Made Available to Trade Determination	§ 40.5(a)
Approval Security Futures	§ 41.24(c)
Approval Amendments to enumerated agricultural products	§ 40.4(a), § 40.5(a)
"Non-Material Agricultural Rule Change"	§ 40.4(b)(5)



January 8, 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 40.2(a) Certification. Notification Regarding the New Product Listing of Gold Kilo Futures Contract. COMEX Submission No. 15-019R

Dear Mr. Kirkpatrick:

Commodity Exchange, Inc. ("COMEX" or "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that it is self-certifying the listing of a Gold Kilo Futures contract ("Contract") for trading on the COMEX trading floor and CME Globex and for submission for clearing on CME ClearPort effective on Sunday, January 25, 2015 for trade date Monday, January 26, 2015.

COMEX Submission Nos. 15-019R, 15-019S, and 15-019S(2) shall replace COMEX Submission No. 15-019 dated January 8, 2015 to provide additional granularity regarding the inventory levels at the Exchange-approved Depositories. No other revisions were made to COMEX Submission No. 15-019.

Pursuant to Commission Regulation 40.6(a), COMEX is separately self-certifying block trading on the Contract with a minimum threshold of 10 contracts in COMEX Submission No. 15-014.

Rule Chapter Number and Contract Title	Chapter 114 Gold Kilo Futures
Commodity Code	GCK
Contract Size	One kilogram (32.15 troy ounces)
First Listed and Delivery Month	April 2015
Listing Schedule (all venues)	Trading in Gold Kilo futures is regularly conducted in the following months: (1) the current calendar month; (2) the next two calendar months; and (3) each February, April, June, August, October, and December falling within a 12-month period beginning with the current contract month.

The Contract specifications are as follows:

1 North End Avenue New York, NY 10282 T 212 299 2200 F 212 299 2299 christopher.bowen@cmegroup.com cmegroup.com

Termination of Trading	Three business days prior to the delivery day. Business days will be based on U.S. and Hong Kong public holiday calendars.
Delivery Day	Third Wednesday of the contract month
Minimum Price Fluctuation	\$0.10 per troy ounce
Value per Tick	\$3.215
Block Trade Minimum Threshold	10 contracts
CME Globex Match Algorithm	First In First Out (FIFO)

## Trading and Clearing Hours:

COMEX Trading Floor: Monday – Friday 8:20 a.m. – 1:30 p.m. (7:20 a.m. – 12:30 p.m. Chicago Time/CT).

CME Globex and CME ClearPort: Sunday – Friday 6:00 p.m. – 5:15 p.m. (5:00 p.m. – 4:15 p.m. Chicago Time/CT) with a 45-minute break each day beginning at 5:15 p.m. (4:15 p.m. Chicago Time/CT).

## Trading and Clearing Fees:

Exchange Fees							
	Member Day	Member	Cross Division	Non- Member	IIP		
Pit	\$0.20	\$0.25	\$0.375	\$0.50			
Globex	\$0.20	\$0.25	\$0.375	\$0.50	\$0.375		
ClearPort		\$0.25		\$0.50			
Agency Cross Fee		\$0.25		\$0.50			

Processing Fees					
	Member	Non-Member			
Futures from E/A	\$0.25	\$0.50			
	House Acct	Cust Acct			
Delivery Notice*	\$0.50	\$0.50			
Additional Fees and					
Surch					
EFS	\$2.50				

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Surcharge	
Block	
Surcharge*	\$0.10
Facilitation	
Desk Fee	\$0.50

\*These fees shall be waived for all market participants until July 1, 2015.

The Exchange is also notifying the CFTC that it is self-certifying the insertion of the terms and conditions for the Contract into the Position Limit, Position Accountability and Reportable Level Table and Header Notes located in the Interpretations and Special Notices Section of Chapter 5 of the NYMEX Rulebook in relation to the listing of the Contract. The terms and conditions establish the all month/any one month accountability levels, expiration month position limit, reportable level and aggregation allocation for the Contract. (See Appendix B, attached under separate cover).

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

- <u>Prevention of Market Disruption</u>: Trading in this Contract will be subject to the COMEX rules ("Rulebook") Chapters 4 and 7 which include prohibitions on manipulation, price distortion and disruptions of the delivery or cash-settlement process. As with all products listed for trading on one of CME Group's designated contract markets, activity in the new product will be subject to extensive monitoring and surveillance by CME Group's Market Regulation Department.
- <u>Contracts not Readily Subject to Manipulation</u>: This Contract is not readily subject to manipulation based on the ample sources of deliverable supply that insure a smooth and orderly delivery process.
- Compliance with Rules: Trading in this Contract will be subject to the rules in Rulebook Chapter 4 which includes prohibitions against fraudulent, noncompetitive, unfair and abusive practices. Additionally, trading in this Contract will also be subject to the full panoply of trade practice rules, the majority of which are contained in Chapter 5 of the Rulebook. As with all products listed for trading on one of CME Group's designated contract markets, activity in this new product will be subject to extensive monitoring and surveillance by CME Group's Market Regulation Department. The Market Regulation Department has the authority to exercise its investigatory and enforcement power where potential rule violations are identified.
- <u>Position Limitations or Accountability</u>: The spot-month speculative position limits for the Contract are set at less than the threshold of 25% of the deliverable supply in the underlying market.
- <u>Availability of General Information</u>: The Exchange will publish information on the Contract's specification on its website, together with daily trading volume, open interest and price information.
- <u>Daily Publication of Trading Information</u>: Trading volume, open interest and price information will be published daily on the Exchange's website and via quote vendors.
- <u>Financial Integrity of Contracts</u>: All contracts traded on the Exchange will be cleared by the Clearing House of the Chicago Mercantile Exchange Inc. which is a registered derivatives clearing organization with the Commission and is subject to all Commission regulations related thereto.

<sup>1</sup> North End Avenue New York, NY 10282 T 212 299 2200 F 212 299 2299 christopher.bowen@cmegroup.com cmegroup.com

- <u>Execution of Transactions</u>: The Contract will be listed for trading on CME Globex and the COMEX trading floor. The CME Globex platform provides a transparent, open, and efficient mechanism to electronically execute trades on screen. In addition, the COMEX trading floor continues to be available as a trading venue and provide for competitive and open execution of transactions.
- <u>Trade Information</u>: All required trade information is included in the audit trail and is sufficient for the Market Regulation Department to monitor for market abuse.
- <u>Protection of Market Participants</u>: Rulebook Chapters 4 and 5 contain multiple prohibitions precluding intermediaries from disadvantaging their customers. These rules apply to trading on all of the Exchange's competitive trading venues and will be applicable to transactions in this product.
- <u>Disciplinary Procedures</u>: Chapter 4 of the Rulebook contains provisions that allow the Exchange to discipline, suspend or expel members or market participants that violate the Rulebook. Trading in this contract will be subject to Chapter 4, and the Market Regulation Department has the authority to exercise its enforcement power in the event rule violations in this product are identified.
- <u>Dispute Resolution</u>: Disputes with respect to trading in this contract will be subject to the arbitration
  provisions set forth in Chapter 6 of the Rulebook. Chapter 6 allows all nonmembers to submit a claim
  for financial losses resulting from transactions on the Exchange to arbitration. A member named as a
  respondent in a claim submitted by a nonmember is required to participate in the arbitration pursuant
  to Chapter 6. Additionally, the Exchange requires that members resolve all disputes concerning
  transactions on the Exchange via arbitration.

Pursuant to Section 5c(c) of the Act and CFTC Regulation 40.2(a), the Exchange hereby certifies that the Contract complies with the Act, including regulations under the Act. There were no substantive opposing views to the listing of the Contract.

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

Should you have any questions concerning the above, please contact the undersigned at (212) 299-2200 or <u>CMEGSubmissionInquiry@cmegroup.com</u>.

Sincerely,

/s/Christopher Bowen Managing Director and Chief Regulatory Counsel

Attachments:	Appendix A: Appendix B:	COMEX Rulebook Chapter Position Limit, Position Accountability, and Reportable Level Table in Chapter 5 of the NYMEX/COMEX Rulebook (attached under separate cover)
	Appendix C: Appendix D: Appendix E:	Rule 588.H – Non-reviewable Range Table Rule 589 – Special Price Fluctuation Limits Cash Market Overview and Analysis of Deliverable Supply (attached under separate cover)

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## **APPENDIX A**

## Chapter 114 Gold Kilo Futures

### 114100. SCOPE OF CHAPTER

This chapter is limited in application to physically delivered Gold Kilo futures. The procedures for trading, clearing, delivery and settlement not specifically covered herein or in Chapter 7 shall be governed by the general rules of the Exchange.

The provisions of these Rules shall apply to all gold bought or sold for future delivery on the Exchange.

The terms "seller" and "buyer" shall mean the seller of the physical product and the buyer of the physical product, respectively. Terms not specifically defined herein shall be defined in Chapter 7.

For purposes of these rules, unless otherwise specified, times referred to herein shall refer to and indicate New York time.

### 114101. CONTRACT SPECIFICATIONS

The gold for delivery on the futures contract shall be one kilogram bar (32.15 troy ounces). Gold delivered under this contract shall assay to a minimum .9999 fineness and must be a brand approved by the Exchange. Gold meeting all of the following specifications shall be deliverable in satisfaction of futures contract delivery obligations under this rule:

- 1. One kilogram bar (32.15 troy ounces)
- 2. Gold must consist of one of the Exchange's Brand marks, as provided in Chapter 7, current at the date of the delivery of contract.
- 3. Each warrant issued by a Depository shall reference the serial number and name of the Producer for each bar.
- 4. Each assay certificate issued by an Assayer shall certify that each bar of gold in the lot assays no less than .9999 fineness and indicates the weight and name of the Producer of the bar.
- 5. Gold must be delivered to a Depository by a Carrier as follows:
  - a. directly from the Producer;

b. directly from an Assayer, provided that such gold is accompanied by an assay certificate of such Assayer; or

c. directly from another Depository; provided, that such gold was placed in such other Depository pursuant to paragraphs (a) or (b) above.

### 114102. TRADING SPECIFICATIONS

Trading in Gold Kilo futures is regularly conducted in the following months: (1) the current calendar month; (2) the next two calendar months; and (3) each February, April, June, August, October, and December falling within a 12-month period beginning with the current contract month. The number of months open for trading at a given time shall be determined by the Exchange.

#### 114102.A. Trading Schedule

The hours for trading shall be determined by the Exchange.

#### 114102.B. Trading Unit

The contract unit shall be one kilogram bar (32.15 troy ounces).

#### 114102.C. Price Increments

The minimum price fluctuation shall be \$0.25 per troy ounces. Prices shall be quoted in dollars and cents per troy ounce.

#### 114102.D. Position Limits, Exemptions, Position Accountability and Reportable Levels

The applicable position limits and/or accountability levels, in addition to the reportable levels, are set forth in the Position Limit, Position Accountability and Reportable Level Table in the Interpretations & Special Notices Section of Chapter 5.

A Person seeking an exemption from position limits for bona fide commercial purposes shall apply to the Market Regulation Department on forms provided by the Exchange, and the Market Regulation Department may grant qualified exemptions in its sole discretion.

Refer to Rule 559 for requirements concerning the aggregation of positions and allowable exemptions from the specified position limits.

#### 114102.E. Termination of Trading

No trades in Gold Kilo futures deliverable in the current month shall be made after the third Business Day preceding the delivery day. The delivery day is the third Wednesday of the delivery month. For purposes of this rule, a "Business Day" shall be defined as a common U.S. and Hong Kong Business Day. Business Days are based on U.S. and Hong Kong public holiday calendars. Any contracts remaining open after the last trade date must be either:

- (a) Settled by delivery which shall take place on the third Wednesday of the contract month.
- (b) Liquidated by means of a bona fide Exchange for Related Position ("EFRP") pursuant to Rule 538. An EFRP is permitted in an expired futures contract until 12:00 p.m. on the Business Day following termination of trading in the expired futures contract. An EFRP which establishes a futures position for either the buyer or the seller in an expired futures contract shall not be permitted following the termination of trading of an expired futures contract.

#### 114102.F. Special Price Fluctuation Limits

At the commencement of each trading day, the contract shall be subject to special fluctuation limits as set forth in Rule 589 and in the Special Price Fluctuation Limits Table in the Interpretations & Special Notices Section of Chapter 5.

#### 114103. DELIVERY PROCEDURES

For purposes of this rule, a "Business Day" shall be defined as a common U.S. and Hong Kong Business Day. Business Days are based on U.S. and Hong Kong public holiday calendars.

A short clearing member may only commence the delivery procedures as detailed below with respect to a Warrant that has been registered into the electronic delivery system. The delivery procedures for Gold Kilo futures are as follows:

#### 114103.A. Location of Delivery of Gold Kilo

1. Delivery of Gold Kilo futures shall be made from the short clearing member's choice of a Facility.

2. All duties, entitlements, taxes, fees and other charges imposed prior to delivery on or in respect to Gold Kilo shall be paid by the short clearing member. Delivery shall be made in accordance with applicable Federal, State and local laws.

#### 114103.B. Notice of Intention to Deliver

The intent day shall be two Business Days prior to the delivery day.

1. Where Gold Kilo futures is sold for delivery in a specified month, delivery of such gold kilo shall be made by the seller on the third Wednesday of the contract month. If the third Wednesday of the contract month is not a common U.S. and Hong Kong Business Day, the delivery day shall be the following common Business Day.

A seller obligated or desiring to make delivery of gold kilo shall provide the Clearing House with a delivery notice in the form and manner specified by the Clearing House.

Where a clearing member has an interest both long and short for accounts on its own books, it must tender to the Clearing House such notices of intention to deliver as it receives from its accounts that are short. No office deliveries may be made by clearing members.

A notice of intention to deliver must be delivered to the Clearing House by 1:00 p.m. on the intent day. The Clearing House shall, on the same day, assign the deliveries to eligible buyers.

Upon determining the buyers obligated to accept deliveries tendered by issuers of delivery notices, the Clearing House shall promptly furnish to each issuer the names of the buyers obligated to

accept delivery for which a notice was submitted and shall also inform the issuer of the number of contracts for which each buyer is obligated.

2. The notice of intention to deliver is not transferable.

#### 114103.C. Notice Day

The notice day will be one Business Day prior to the delivery day.

The notice day shall be the day on which an assignment notification is issued by the Clearing House to the long clearing member and the short clearing member.

The assignment notification shall specify the parties matched for delivery and the number of contracts to be delivered. The invoice shall specify the Brand, the Warrant number, the weight, the Facility in which the gold kilo is stored, the name of the short clearing member, the name of the long clearing member, and the price of the gold kilo for each corresponding Warrant.

3. The assignment notification shall be issued by the Clearing House to the long clearing member and the short clearing member upon completion of assignment.

4. The assignment notification is not transferable.

#### 114103.D. Settlement Price

The settlement price at the close of business on the last trading day is provided to the Clearing House shall be the basis for delivery.

#### 114103.E. Delivery Day

The delivery day shall be the third Wednesday of the contract month. If the third Wednesday of the contract month is not a common U.S. and Hong Kong Business Day, the delivery day shall be the following common Business Day.

The day on which the long clearing member receives the Warrant for gold kilo shall be referred to as the delivery day. The cost of delivery will be debited or credited to the clearing member's settlement account. Long clearing members obligated to accept delivery must take delivery and make delivery payment and short clearing members obligated to make delivery must make delivery during the 7:45 a.m. settlement process, or at such other time designated by the Clearing House, on the day of delivery, except on banking holidays when delivery must be taken or made and delivery payment made during the 7:45 a.m. settlement process, or such other time designated by the Clearing House, on the next banking Business Day. Adjustments for differences between contract prices and delivery prices established by the Clearing House shall be made with the Clearing House in accordance with Exchange Rules, policies and procedures.

#### 114103.F. Settlement of Storage and Handling Charges

Gold kilo must be delivered to the long clearing member with handling and storage charges paid up to and including the day of delivery, and the long clearing members may require the short clearing member to furnish satisfactory proof of payment thereof. Any storage charges prepaid by the short clearing member for a period extending beyond the delivery day (but not in excess of 30 days) shall be refunded by the long clearing member to the short clearing member on a pro rata basis for the unexpired term and an adjustment made upon the invoice. All storage and handling charges for gold kilo must be in U.S. Dollars. Where "in and out labor" charges have been paid as evidenced by the Warrant receipt, or otherwise, the short clearing member shall be entitled to charge the long clearing member for one-half of such "in and out labor" charges; in other words, the long clearing member will have to assume the "out labor" charges.

### 114104-107. [RESERVED]

### 114108. VALIDITY OF DOCUMENTS

The Exchange makes no representation respecting the authenticity, validity or accuracy of any document or instrument delivered pursuant to these rules.

## APPENDIX B

## COMEX Rulebook Chapter 5 Position Limit Table

(Attached under separate cover)

# APPENDIX C

## Rule 588.H Globex Non-Reviewable Ranges

Instrument	Non-Reviewable Range (NRR) in Globex format	NRR including Unit of Measure	NRR Ticks
Gold Kilo Futures	1000	\$10.00 per troy ounce	40

# APPENDIX D

## **Rule 589 Special Price Fluctuation Limits**

Instrument	Rulebook Chapter	Commodity Code	Primary/ Associated	Associated With	Level 1	Level 2	Level 3	Level 4
Gold Kilo Futures	114	GCK	Associated	GC	1000	2000	3000	4000

## APPENDIX E

## Cash Market Overview and Analysis of Deliverable Supply

(Attached under separate cover)