



Christopher Bowen  
Managing Director and Chief Regulatory Counsel  
Legal Department

September 17, 2012

**VIA E-MAIL**

Ms. Sauntia Warfield  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581

**RE: Modifications to CME FX EFP Surcharge Volume Incentive Program  
CME Submission No. 12-286**

Dear Ms. Warfield:

Chicago Mercantile Exchange Inc. ("CME" or the "Exchange") hereby notifies the Commodity Futures Trading Commission ("Commission") that it plans to modify and extend the CME FX EFP Surcharge Volume Incentive Program ("Program"). The modifications to the Program will become effective on October 2, 2012.

Exhibit 1 sets forth the terms of the Program. The modifications appear below with additions underscored and deletions ~~overstruck~~.

CME business staff responsible for the Program and the CME legal department collectively reviewed the designated contract market core principles ("Core Principles") as set forth in the Commodities Exchange Act ("CEA"). During the review, CME staff identified the following Core Principles as potentially being impacted; Prevention of Market Disruption, Execution of Transactions, Protection of Market Participants and Compliance with Rules.

The Program does not impact the Exchange's ability to perform its trade practice and market surveillance obligations under the CEA. Nevertheless, the Exchange's market regulation staff will continue to monitor the Program's products to prevent manipulative trading and market abuse. The reduced surcharges that may be earned through bona fide transactions under the Program incentivize centralized clearing in the products listed in Exhibit 1 and lead to increases in and development of open interest in the products listed in Exhibit 1. As a result, the increases in open interest levels provides the basis upon which a centralized trading market can develop, particularly with the development of a more fluid and liquid product traded on the Globex Platform. The Program is open to all market participants that trade the Program's products. Chapter 4 of the Exchange rules includes prohibitions against fraudulent, non-competitive, unfair or abusive practices. The Program is subject to these rules.

CME certifies that the Program complies with the CEA and the regulations thereunder. There were no substantive opposing views to this Program.

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>

If you require any additional information regarding this submission, please contact Robert Lev at 312-930-3019 or via e-mail at [robert.lev@cmegroup.com](mailto:robert.lev@cmegroup.com), or contact me at 212-299-2200. Please reference our CME Submission No. 12-286 in any related correspondence.

Sincerely,

/s/ Christopher Bowen  
Managing Director, Chief Regulatory Counsel

Attachments

# EXHIBIT 1

## CME FX EFP Surcharge Volume Incentive Program

### Program Purpose

The purpose of this Program is to incentivize market participants to trade the products listed below on the CME Globex® Platform and grow overall open interest and liquidity in foreign exchange (“FX”) products. The purpose of the current modifications is to further incentivise open interest and liquidity on the central limit order book. The resulting increase in open interest and liquidity benefits all participant segments in the market.

### Product Scope

All CME FX standard sized futures and options products (“Products”).

### Eligible Participants

There is no limit to the amount of participants that may participate in the Program. CME Equity Members, Clearing Members, Rule 106.J Equity Member Firms, Rule 106.I Members, Rule 106.S Member Approved Funds, Rule 106.R Electronic Corporate Members, Rule 106.H and 106.N Firms are eligible to participate. The fee incentives described below will be automatically applied to all executed trades made by participants in the Products. For purposes of calculating volume below, trades will be aggregated across accounts within a specific billing firm.

### Program Term

Start date is January 1, 2012. End date is ~~December 31, 2012.~~ December 31, 2013.

### Hours

The Program will be applicable regardless of the transaction time.

### Program Incentives:

1. Progressive Tiered Volume Incentives:

Participants in the Program may receive discounted surcharges for exchange of futures for physical (“EFP”) trades ~~and block trades~~ in the Products depending on their overall average daily volume (“ADV”) of EFPs ~~and block trades~~ transacted in the Products over a given calendar month. The incentives below only impact the above reference surcharges and standard exchange rates will continue to apply. The applicable surcharge amount will be based on a progressive volume tier structure as set forth in the table below:

<del>EFP/Block</del> ADV (in sides)	<del>EFP/Block</del> Surcharges (Per side)
0 to 2,500	\$1.00/Side
2,501-5,000	\$0.75/Side
5,001-8,000	\$0.50/Side
8,001-above	\$0.25/Side

**2. Quarterly ADV Incentive. Each calendar quarter that a participant in the Program accounts for two percent (2%) or more of the total combined volume on Globex in all CME FX standard sized futures products ("Qualifying Quarter"), the applicable participant will qualify to receive reduced EFP Surcharges in all CME FX standard sized futures products traded during the calendar quarter immediately following the applicable Qualifying Quarter. The reduced fees are as follows:**

<b><u>EFP Surcharges (Per side)</u></b>
<u>\$0.50/Side</u>

**The Progressive Tiered Volume Incentive described above may not be combined with the Quarterly ADV Incentive and will be not be applied during a respective participant's Qualifying Quarters.**

### **Monitoring and Termination of Status**

The Exchange shall monitor trading activity and shall retain the right to revoke Program participant status if it concludes from review that a Program participant no longer meets the eligibility requirements of the Program.