clear to trade

e u r e x c l e a r i n g *circular 036/13*

Date: 20 March 2013
Recipients: All Clearing Members, Non-Clearing Members and Registered Customers of Eurex Clearing AG and Vendors
Authorized by: Thomas Book

Amendment of Clearing Conditions due to the introduction of EurexOTC Clear for IRS Release 2.0 and extension of the Individual and Omnibus Clearing Models

Related Eurex Clearing circulars: 014/13, 027/13
Contact: Member Services & Admission, T +49-69-211-1 17 00, memberservices@eurexclearing.com

Content may be most important for:	**Attachments:**
Ü All departments	1. Amended sections of the Price List for Eurex Clearing AG 2. Amended sections of the Clearing Conditions for Eurex Clearing AG incl. amendments to the Clearing Agreements between Eurex Clearing AG, the Clearing Members, Non-Clearing Members and Registered Customers according to Appendices 1, 3, 4 and 7 to the Clearing Conditions

Summary:

Starting **8 April 2013**, EurexOTC Clear for Interest Rate Swaps (IRS) Release 2.0 will be available to the Clearing Members and Registered Customers. In addition the existing Omnibus Clearing Model will be extended to cover OTC Transactions and the Individual Clearing Model will be extended to cover further customer groups and further jurisdictions.

Attached to this circular you will find the amended sections of the Clearing Conditions for Eurex Clearing AG, (Clearing Conditions) including the amended Appendices to the Clearing Conditions, and the amended Price List as decided by the Executive Board of Eurex Clearing AG on 19 March 2013, which will come into effect on 8 April 2013.

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Aktiengesellschaft mit Sitz in Frankfurt/Main
HRB Nr. 44828
Amtsgericht Frankfurt/Main

Amendment of Clearing Conditions due to the introduction of EurexOTC Clear for IRS Release 2.0 and extension of the Individual and Omnibus Clearing Models

Starting 8 April 2013, EurexOTC Clear for Interest Rate Swaps (IRS) Release 2.0 will be available to the Clearing Members (CMs) and Registered Customers (RCs). In addition, the existing Omnibus Clearing Model will be extended to cover OTC transactions and the Individual Clearing Model will be extended to cover further customer groups and further jurisdictions.

Related to this, amendments to the Clearing Conditions and appendices to the Clearing Conditions, all effective 8 April 2013, have been made:

- Changes to Chapter VIII, Part 3 of the Clearing Conditions due to the new products introduced with Release 2.0.
- Extension of the Omnibus Clearing Model to include OTC Transactions according to Chapter VIII of the Clearing Conditions and to include Registered Customers.
- To offer the Individual Clearing Model for the clearing of OTC Transactions (Chapter VIII of the Clearing Conditions) to Investment Companies (Kapitalanlagegesellschaften, KAG) under German law having its registered seat in Germany to allow segregation per fund asset (Sondervermögen).
- Extension of the Individual Clearing Model to CMs, Non-Clearing Members (NCMs) and RCs located in Luxemburg[1].
- Extension of the Individual Clearing Model to CMs, NCMs and RCs located in Ireland[1].
- Editorial changes to the Price List for Eurex Clearing AG.

Attached to this circular please find the amended Clearing Conditions, including Appendices 1, 3, 4 and 7 to the Clearing Conditions, as approved by the Executive Board of Eurex Clearing AG on 19 March 2013, which will come into effect on 8 April 2013.

As of 8 April 2013, the amended Clearing Conditions will be available for download on the Eurex Clearing website www.eurexclearing.com under the following link:

Resources > Rules and Regulations

Pursuant to Chapter I, Part 1, Number 17.2.2 of the Clearing Conditions, each CM or NCM or RC accepts each amendment and addition to the Clearing Conditions, unless it objects by written notice to Eurex Clearing AG before the end of the Business Day prior to the actual effective date of such amendment or addition to the Clearing Conditions.

The same is valid for the amendments and additions to the Clearing Agreements entered into between Eurex Clearing AG and CMs according to Annex 1 to the Clearing Conditions and to the Clearing Agreements entered into between Eurex Clearing AG and CMs, NCMs and RCs according to Annexes 3, 4 and 7 to the Clearing Conditions communicated with this circular (attachment 2). The amendments and additions to the mentioned Clearing Agreements communicated in this circular shall be deemed to have been accepted by the affected CMs, NCMs and RCs unless they file objections by written notice to Eurex Clearing AG before the end of the Business Day prior to the actual effective date of such amendment or addition.

Pursuant to Number 16 Section 3 of the Price List, the amendments and additions to the Price List as communicated with this circular shall be deemed to have been accepted by the respective CM unless such CM's written objection is submitted to Eurex Clearing AG within ten (10) exchange days after publication.

[1] Further details on the usage of the Individual Clearing Model for Members located in Luxemburg and Ireland will be published in a separate Eurex Clearing circular in due time.

Registration of an Investment Company (KAG) as Registered Customer

Investment Companies (KAG) which want to use the Individual Clearing Model to allow segregation per fund asset (Sondervermögen) need to sign the NCM/RC CM Clearing Agreement for the Individual Clearing Model including Part 4 (printout of the upload-sheet “Flex_account_bulk_upload.xls”) to list the fund assets (Sondervermögen) for which the segregation shall apply.

Besides the NCM/RC CM Clearing Agreement for the Individual Clearing Model the following documents are needed to admit the segregated Registered Customer at Eurex Clearing:

- The completed "EurexOTC Clear Interest Rate Derivative - Static Data Form for Registered Customer".
- The individual funds need to be provided via the upload-sheet “Flex_account_bulk_upload.xls”
- Most recent excerpt from the Register of Companies ("Handelsregister")
- List of authorised signatures
- Eurex Clearing AG connection agreement for access to the Common Report Engine (CRE)

In addition to the legal admission requirements, the OTC IRS RC must be a user of an "Approved Trade Source" (e.g. MarkitWire). Also, the RC needs to have access to the Common Report Engine (CRE) to receive reports. The technical connection to the CRE is possible via Virtual Private Network (VPN), leased line or native Internet access.

The amended agreements and the above mentioned forms are available immediately on the Eurex Clearing website for download under the following link:

Resources > Forms > EurexOTC Clear > Client Asset Protection

The upload-sheet “Flex_account_bulk_upload.xls” is available under the link:

Cleared markets > EurexOTC > EurexOTC Clear > Interest rate swaps

If you have any questions or require further information, please contact Member Services & Admission at tel. +49-69-211-1 17 00 or send an e-mail to memberservices@eurexclearing.com.

20 March 2013

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CHANGES ARE MARKED AS FOLLOWS:

AMENDMENTS ARE UNDERLINED

DELETIONS ARE CROSSED OUT

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[...]

12. Transaction Fees for OTC Interest Rate Derivative Transactions

[...]

12.2 Standard Pricing Model

[...]

12.2.2 Maintenance fee

(1) The maintenance fee shall be EUR 0.007 (in case the relevant Trade Currency is not Euro, the same amount (0.007) shall be applied in the relevant Trade Currency without currency conversion) per million OTC Interest Rate Derivative Notional Amount and day in the relevant Tra~~c~~de Currency. The maintenance fee for current OTC Interest Rate Derivative Transactions shall be determined on a daily basis and calculated at the end of a calendar month. Number 14 Paragraph (4) shall not apply.

[...]