

Chapter I: Clearing Model Related Provisions

FCM Regulations of Eurex Clearing AG

As of 20.09.2021

AMENDMENTS ARE MARKED AS FOLLOWS:

INSERTIONS ARE UNDERLINED

DELETIONS ARE CROSSED OUT

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1 General Provisions

1.1 Scope of Application

[...]

1.1.2 [...]

in each case in the currently available version as amended from time to time. The FCM Clearing Conditions may be viewed at and downloaded from the [Eurex Clearing Website.Eurex Clearing AG website at \(www.eurexclearing.com\)](http://www.eurexclearing.com).

[...]

1.6 Additionally Monitored Risks and Risk Mitigating Measures

1.6.1 General Rules

[...]

[...]

- (3) Eurex Clearing AG will publish further details and guidelines regarding the determination of thresholds and limits and the applicable mitigation measures (together the “**Framework**”) on [the Eurex Clearing Website its homepage \(www.eurexclearing.com\)](http://www.eurexclearing.com). The Framework may be amended from time to time and published accordingly.

[...]

- (7) Eurex Clearing AG will publish the Country Classification and the Supranational Organization Classification in the member section on [the Eurex Clearing Website its website \(www.eurexclearing.com\)](http://www.eurexclearing.com).

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[...]

1.6.3 Assessment and Mitigation of Concentration Risk

- (1) Eurex Clearing AG defines Concentration Risk limits for any Eligible Margin Assets in the form of securities ("**Concentration Risk Limits**").

[...]

- (b) Eurex Clearing AG will publish the Concentration Risk Limits, and any changes thereof, on [the Eurex Clearing Website](http://www.eurexclearing.com) ~~its website (www.eurexclearing.com)~~.

[...]

- (2) Notwithstanding Paragraph (1), Eurex Clearing AG defines Concentration Risk thresholds in relation to Eligible Margin Assets in the form of securities ("**Concentration Risk Thresholds**").

[...]

- (c) Eurex Clearing AG will publish the Concentration Risk Thresholds, and any changes thereof, on [the Eurex Clearing Website](http://www.eurexclearing.com) ~~its website (www.eurexclearing.com)~~.

[...]

1.6.4 Assessment and Mitigation of Wrong Way Risk

[...]

- (4) Eurex Clearing AG will publish the Wrong Way Risk Thresholds, and any changes thereof, on [the Eurex Clearing Website](http://www.eurexclearing.com) ~~its website (www.eurexclearing.com)~~.

[...]

[...]

2 FCM Clearing Members

[...]

2.2 General Prerequisites for the FCM Clearing License

[...]

- 2.2.3 At the time of the application, it must have adjusted net capital, calculated in accordance with CFTC Regulation 1.17, in the minimum amount published by Eurex Clearing AG on [the Eurex Clearing Website](http://www.eurexclearing.com) ~~its website (www.eurexclearing.com)~~, provided that such initial minimum amount will not be greater than USD 50,000,000 (fifty million USD). It must provide evidence of its adjusted net capital to Eurex Clearing AG as part of the

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application, and if the FCM Clearing License is granted, periodically thereafter as provided in Number 2.3 Paragraph (3).

[...]

2.3 Additional Continuing Obligations for FCM Clearing Members

[...]

- (2) The FCM Clearing Member must maintain adjusted net capital, calculated in accordance with CFTC Regulation 1.17, which is at least the higher of (i) the minimum amount required as published by Eurex Clearing AG in the member section on [the Eurex Clearing Website its website \(www.eurexclearing.com\)](http://www.eurexclearing.com) or (ii) such higher amount as determined by Eurex Clearing AG based on the risks posed by the applicant or FCM Clearing Member.

[...]

[...]

3 General Provisions regarding Margin and Variation Settlement

3.1 General Provisions

3.1.1 Calculation of the Margin Requirement, Margin Methodology and Settlement Cycles

[...]

- (2) Eurex Clearing AG shall determine each Margin Requirement in accordance with the Eurex Clearing Prisma methodology. Eurex Clearing AG will publish further information on the Eurex Clearing Prisma methodology on [the Eurex Clearing Website its homepage www.eurexclearing.com](http://www.eurexclearing.com); such methodology shall form part of these FCM Clearing Conditions.
- (3) Each Margin Requirement calculated by Eurex Clearing AG shall equal, in respect of the relevant FCM Clearing Member Own Transaction Account or FCM Client Transaction Account, the sum of:

[...]

The “**Initial Margin**” equals the amount of any potential losses Eurex Clearing AG would suffer as of the time of the determination of the Margin Requirement from a closing of the Swap Transaction(s) in a particular FCM Clearing Member Own Transaction Account or FCM Client Transaction Account by entering into (an) inverse transaction(s) within the respectively applicable holding period for the respective set of Swap Transactions, as published by Eurex Clearing AG on [the Eurex Clearing Website its website \(www.eurexclearing.com\)](http://www.eurexclearing.com), taking into account assumed price changes due to extreme price movements in the market.

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[...]

3.1.2 Eligible Margin Assets and Valuation; Large Exposure

(1) Eligible assets to be provided as cover:

[...]

Eurex Clearing AG will publish the relevant applicable list of Eligible Margin Assets on [the Eurex Clearing Website its homepage www.eurexclearing.com](http://www.eurexclearing.com). Unless otherwise provided for in such list, debt securities that have a remaining term of 15 calendar days or less will not be accepted as Eligible Margin Assets.

[...]

3.1.3 Currency Conversion, Use of Eligible Margin Assets in the form of cash and Income on Margin Assets

[...]

(3) Eurex Clearing AG may determine from time to time to either pay interest or charge negative interest on Eligible Margin Assets in the form of cash that is Actually Delivered by an FCM Clearing Member to Eurex Clearing AG in respect of Margin. Eurex Clearing AG publishes information on the calculation of interest rates or negative interest rates as well as any changes to the applicable calculation method due to extraordinary market conditions or market disruptions on [the Eurex Clearing Website its website \(www.eurexclearing.com\)](http://www.eurexclearing.com). Such information will be amended from time to time and published accordingly. When determining to charge negative interest, Eurex Clearing AG shall consider the currently applicable benchmark interest rates and interest rates charged by the central banks or commercial banks.

[...]

[...]

3.1.6 Participation of FCM Clearing Members in non-default losses

[...]

(2) Definitions

[...]

“**Commercial Bank Currency**” means any currency accepted by Eurex Clearing AG as Eligible Margin Assets for which Eurex Clearing AG does not maintain an account with a central bank. Eurex Clearing AG shall publish a list of the Commercial Bank Currencies on [the Eurex Clearing Website its website \(www.eurexclearing.com\)](http://www.eurexclearing.com).

(3) Allocation of Losses

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- (a) Eurex Clearing AG shall participate in the Loss on a pro rata basis (“**Own Contribution**”). The maximum Own Contribution shall be EUR 50,000,000 (“**Maximum Own Contribution**”). The Maximum Own Contribution refers to all past and future Losses and, in case of the occurrence of a Loss, the Maximum Own Contribution shall be reduced by the relevant Own Contribution (“**Available Own Contribution**”). Eurex Clearing AG shall publish the current Available Own Contribution on ~~the Eurex Clearing Website~~ ~~its website~~ (~~www.eurexclearing.com~~).

[...]

[...]

6 Clearing of FCM Client Transactions

[...]

6.5 LSOC With Excess Model

[...]

6.5.1 Collateral Value Reports

[...]

- (2) The FCM Clearing Member must produce and submit CVRs in accordance with the CFTC Part 22 Regulations and any other Applicable Law, and such CVRs must also comply with the requirements prescribed by Eurex Clearing AG from time to time set forth in the technical description for CVRs which are published on ~~the Eurex Clearing Website~~ ~~the website of Eurex Clearing AG~~ (~~www.eurexclearing.com~~).

[...]

[...]

9 Termination Rules with respect to the FCM Clearing Member

[...]

[...]

9.2 Termination Events, Insolvency Termination Event, Suspension of Clearing, and Declaration of Termination

[...]

9.2.3 Declaration of Termination

- (1) Submission of Declaration of Termination

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[...]

- (b) a Termination Event has occurred and is continuing with respect to the FCM Clearing Member and Eurex Clearing AG determines in its discretion that it would be unreasonable to set a Grace Period or if the relevant Termination Event cannot be remedied,

[...]

As soon as reasonably practicable, Eurex Clearing AG will publish that it has submitted a Declaration of Termination with respect to the FCM Clearing Member on [the Eurex Clearing Website](http://www.eurexclearing.com)~~its website (www.eurexclearing.com)~~.

[...]

[...]

13 Liabilities, Indemnification, Emergency Actions, Contractual Penalties, Delegation

[...]

13.2 Disciplinary Procedures; Contractual Penalties

13.2.1 All FCM Clearing Members are subject to the disciplinary procedures (the “**Disciplinary Procedures**”) as set out in the disciplinary procedures rules, which are published on [the Eurex Clearing Website](http://www.eurexclearing.com)~~the website of Eurex Clearing AG (www.eurexclearing.com)~~ and shall form an integral part of these Clearing Conditions, (the “**Disciplinary Procedures Rules**”). Pursuant and subject to the Disciplinary Procedures Rules, certain Sanctions (as defined in the Disciplinary Procedures Rules) may be imposed on an FCM Clearing Member following the alleged breach of such FCM Clearing Member of any of its obligations under, or any of its representations made in, the FCM Clearing Agreement (including the FCM Clearing Conditions). Such Sanctions may include contractual penalties, provided that the Disciplinary Procedures Rules do not apply to contractual penalties which are explicitly regulated in the FCM Clearing Conditions (other than in the Disciplinary Procedures Rules).

Eurex Clearing AG shall establish a Committee for the purpose of providing recommendations to the Executive Board of Eurex Clearing AG in connection with the Disciplinary Procedures, as provided for in the statutes of the disciplinary committee (the “**Statutes of the Disciplinary Committee**”). The Statutes of the Disciplinary Committee are published on [the Eurex Clearing Website](http://www.eurexclearing.com)~~the website of Eurex Clearing AG (www.eurexclearing.com)~~ and shall form an integral part of these FCM Clearing Conditions.

[...]

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15 Publications and Notices

15.1 Notices from Eurex Clearing AG

If provided for in these FCM Clearing Conditions, all notices from Eurex Clearing AG regarding these FCM Clearing Conditions will be published (i) via electronic circular to FCM Clearing Members or (ii) on the Eurex Clearing AG website (www.eurex.com/ec-en) ("**Eurex Clearing Website**")~~www.eurexclearing.com~~ for at least three (3) Business Days. Such notices will become effective immediately upon publication, provided that changes and amendments to the FCM Clearing Conditions will become effective in accordance with Number 16.2.

[...]

16 Miscellaneous

[...]

16.3 Current Version of the FCM Clearing Conditions

The current valid version of the FCM Clearing Conditions is available via the internet on the Eurex Clearing Website.~~(www.eurexclearing.com)~~.

[...]
