

Chapter II: Special Provisions for Clearing of Interest Rate Derivative Transactions

FCM Regulations of Eurex Clearing AG

As of 10.02.2020

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AMENDMENTS ARE MARKED AS FOLLOWS:

INSERTIONS ARE UNDERLINED,

DELETIONS ARE CROSSED OUT.

Please note: This markup version replaces the markup version provided as Annex 7 to Eurex Clearing Circular 123/19.

[...]

Part 1 General Provisions

[...]

1.8 Index-related Provisions

[...]

1.8.2 Permanent Index Cessation

[...]

(4) If no Successor Index can be determined in accordance with Paragraph (3), Eurex Clearing AG shall perform a cash settlement of any affected ~~OTC Interest Rate Derivative Swap~~ Transaction based on the last available level of the ceased index on or before the Index Cessation Date.

(5) If under ~~an OTC Interest Rate Derivative Swap~~ Transaction that qualifies as a FRA a payment is required just after the fixing of an index in advance of the fixing period as specified in the trade confirmation, but the final relevant rate of the Successor Index is only available at or after the end of the fixing period, the relevant transaction will be amended so that the respective payments in respect of both legs of the transaction are to be made two Business Days after the final relevant rates of the Successor Index are available to Eurex Clearing AG.

If a payment under ~~an OTC Interest Rate Derivative Swap~~ Transaction is deferred in accordance with this Paragraph (5), the payment shall be calculated as if a payment at the end of the respective fixing period has been specified (i.e. without applying the original discount factor which has been introduced to account for a payment just after the fixing of an index).

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(6) [...]

(7) If with respect to an index a Permanent Index Cessation Event has occurred and a Successor Index may be determined in accordance with Paragraph (3) which will replace the index as of the Index Cessation Date, and the Successor Index consists of a fallback index plus or minus a certain fixed spread, Eurex Clearing AG may amend the affected OTC Interest Rate Derivative Swap Transaction so that either

[...]

[...]

Part 2 Clearing of Interest Rate Derivative Transactions

2.1 General Provisions

[...]

2.1.5 Novation Criteria and Process Regarding Interest Rate Derivative Transactions

[...]

2.1.5.2 Documentation of Original Swap Transactions

(1) In the Trade Record submitted via the ATS in respect of an Original Swap Transaction, one of the following ~~master agreements may frameworks has to~~ be specified as the ~~contractual basis of an source of specifications (in particular the financial and/or pricing terms) applicable to the~~ Original Swap Transaction:

(i) the ~~1992 contractual definitions issued by ISDA Master Agreement or (in particular, the 2002-2000 ISDA Master Agreement,~~

~~(ii) Definitions and the 2017/2006 ISDA/FIA Cleared Derivatives Execution Agreement, Definitions),~~

~~(iii)~~ the German Master Agreement for Financial Derivatives Transactions (*Rahmenvertrag für Finanztermingeschäfte*, the “**DRV**”), or

~~(iv)~~ the AFB/FBF Master Agreement.

For an Original Swap Transaction, which has been submitted to Eurex Clearing as being based on one of the following master agreements without explicit selection of the source of specifications, Eurex Clearing will apply the following:

(i) for an Original Swap Transaction submitted as based on an ISDA Master Agreement or the 2017 ISDA/FIA Cleared Derivatives Execution Agreement, the 2006 ISDA Definitions will be considered as the source of specifications,

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- (ii) for an Original Swap Transaction submitted as based on the DRV, the DRV will be considered as the source of specifications,
- (iii) for an Original Swap Transaction submitted as based on the AFB/FBF Master Agreement, the AFB/FBF Master Agreement will be considered as the source of specifications.

(2) Irrespective of the documentation of the Original Swap Transaction,

- (i) the “**Terms for ISDA Interest Rate Derivative Transactions**” set out in Number 2.3 below shall apply to all Swap Transactions that are Interest Rate Derivative Transactions ~~(which are based on Original Swap Transactions submitted via the ATS as having been entered into underbased on the ~~1992~~contractual definitions issued by ISDA Master Agreement, the 2002 ISDA Master Agreement, the 2017 ISDA/FIA Cleared Derivatives Execution Agreement or the AFB/FBF Master Agreement~~ “(**ISDA Interest Rate Derivative Transactions**”).~~The~~) and
- (ii) the “**Terms for DRV Interest Rate Derivative Transactions**” set out in Number 2.4 below shall apply to all Swap Transactions that are Interest Rate Derivative Transactions which are based on Original Swap Transactions submitted via the ATS as having been entered into ~~under the DRV and which, accordingly, are designated as “**DRV-based**” in the applicable Swap Trade Novation Report~~based on the DRV, either by selecting DRV as the source of specifications of the Original OTC Transaction (irrespective of the indicated master agreement) or by selecting DRV as the master agreement of the Original OTC Transaction (to the extent DRV or the contractual definitions issued by ISDA are specified as contractual definitions applicable to the Original OTC Transaction) (the “**DRV Interest Rate Derivative Transactions**”).

[...]

[...]
