

Chapter VIII of the Clearing Conditions of Eurex Clearing AG

Clearing of OTC Interest Rate Derivative Transactions, OTC FX Transactions and OTC XCCY Transactions

As of 22.11.2021

AMENDMENTS ARE MARKED AS FOLLOWS:

INSERTIONS ARE UNDERLINED

DELETIONS ARE CROSSED OUT

[...]

Part 1 General Provisions

[...]

1.7 Certain Definitions

In this Chapter VIII:

[...]

- (6) "Refinitiv Screen" ~~"Reuters Screen"~~ means, when used in connection with any designated page and any floating rate index (Floating Rate Option), the display page so designated on the ~~Reuters~~ Refinitiv service, or any successor display page that has been officially designated by the sponsor of the original page or, if the sponsor has not officially designated a successor display page, the successor display page designated by the relevant information vendor or provider (if different from the sponsor).

[...]

1.8 Index-related Provisions

[...]

1.8.2 Permanent Index Cessation

[...]

- (9) **Specific provisions relating to calculation periods to which 'Linear Interpolation' is specified to be applicable**

In respect of any calculation period (i) to which 'Linear Interpolation' is specified to be applicable to determine the relevant rate for the floating rate and (ii) with regard to which the relevant rate is determined by reference to a LIBOR index, EURIBOR, a BBSW index or a CDOR index, Section 9.6248.1 of the 2021 ISDA Definitions shall apply *mutatis mutandis*, provided that Eurex Clearing states in accordance with

Chapter I Part 1 Number 16.1 that it is operationally and legally capable to use this fallback. In this or a further statement, Eurex Clearing may also issue accompanying provisions to clarify the fallback regime and its relation to the provisions of the Clearing Conditions.

[...]

1.8.3 Temporary Index Non-Publication

(1) A “**Temporary Index Non-Publication Event**” means

- (i) in respect of a Floating Rate Option set out in the Floating Rate Matrix, that the relevant index for the Designated Maturity (if applicable) in respect of the day for which it is required is not published by the Index Administrator or an authorized distributor and is not otherwise provided by the Administrator by either

[...]

[...]

1.9 Copyright Notices and Disclaimers of Third Parties

[...]

1.9.4 ~~WM/Reuters~~Refinitiv-related Copyright Notice and Disclaimer

The ~~WM/Reuters~~Refinitiv Closing Spot Rates, the ~~WM/Reuters~~Refinitiv Intra-Day Spot Rates, the ~~WM/Reuters~~Refinitiv Closing Forward Rates, the ~~WM/Reuters~~Refinitiv Intra-Day Forward Rates, the ~~WM/Reuters~~Refinitiv Closing Non-Deliverable Forward Rates, and the ~~WM/Reuters~~Refinitiv Intraday Non-Deliverable Forward Rates (and their successors) are provided by Refinitiv Benchmark Services Limited~~Thomson Reuters~~(or its successor). Refinitiv Benchmark Services Limited (or its successor)~~Thomson Reuters~~ shall not be liable for any errors in or delays in providing or making available the data contained within this service or for any actions taken in reliance on the same.

[...]

Part 2 Clearing of OTC Interest Rate Derivative Transactions

2.1 General Provisions

[...]

2.1.5 Novation Criteria and Process Regarding OTC Interest Rate Derivative Transactions

[...]

2.1.5.1 Transaction Type Specific Novation Criteria and Terms for OTC Interest Rate Derivative Transactions

[...]

(7) Shortened or extended calculation period (stub period)

In case of IRS (including basis swaps) and OIS, a non-standard shortened or extended calculation period ("**Interest Rate Stub Period**") that relates to a time period after novation, if any, must meet the following criteria:

(a) a short or long first calculation period ("**Interest Rate Front Stub Period**") and/or a short or long last calculation period ("**Interest Rate Back Stub Period**") may be specified for IRS and OIS per leg, provided that:

~~(aa) For floating rate versus floating rate basis swaps and for OIS, the combination of an Interest Rate Front Stub Period and an Interest Rate Back Stub Period on a leg is not eligible. If both legs have an Interest Rate Stub Period, these have to be of the same type, i.e. both Interest Rate Front Stub Periods or both Interest Rate Back Stub Periods;~~

~~(bb) For fixed rate versus floating rate IRS, up to two Interest Rate Stub Periods (Interest Rate Front Stub Periods and/or Interest Rate Back Stub Periods) per leg are eligible, whereby the following conditions have to be fulfilled: (i) If both legs have an Interest Rate Stub Period, these have to be of the same type, i.e. both Interest Rate Front Stub Periods or both Interest Rate Back Stub Periods. (ii) If a leg has both an Interest Rate Front Stub Period and an Interest Rate Back Stub Period, then the other leg must have also both an Interest Rate Front Stub Period and an Interest Rate Back Stub Period.~~

two diagonal Interest Rate Stub Periods are not eligible, i.e. if each leg has only one Interest Rate Stub Period, both Interest Rate Stub Periods must be either Interest Rate Front Stub Periods or Interest Rate Back Stub Periods.

(bb) two Interest Rate Stub Periods (i.e. an Interest Rate Front Stub Period and an Interest Rate Back Stub Period) on the same leg are only eligible (i) for IRS (excluding basis swaps) and OIS and (ii) if the other leg has also two Interest Rate Stub Periods, and

[...]

(8a) Floating Rate Options

[...]

(b) only until and including 17.12.2021, GBP-LIBOR (also referred to as GBP-LIBOR-BBA);

(c) USD-LIBOR (also referred to as USD-LIBOR-BBA);

(d) only until and including 03.12.2021, CHF-LIBOR (also referred to as CHF-LIBOR -BBA);

(e) only until and including 03.12.2021, JPY-LIBOR (also referred to as JPY-LIBOR-BBA);

[...]

[...]

2.2 Product-related terms for OTC Interest Rate Derivative Transactions

[...]

2.2.5 Rates for calculating the Floating Amount

[...]

(4) [...]

“*Day Count Basis*”, is, in respect of a Floating Rate Option, as specified in the OTC Trade Novation Report, or, if not specified in the OTC Trade Novation Report, the denominator of the Floating Rate Day Count Fraction set out in the Floating Rate Matrix; and

[...]

Part 3 Clearing of OTC FX Transactions

[...]

3.4 Failure to Pay with respect to an OTC Currency Transaction

[...]

3.4.3 Consequences of an FX/XCCY Failure to Pay

[...]

3.4.3.1 Step-in Process – Exercise of FX Swap Lines

[...]

(5) [...]

“**FX Swap Line Spot Rate**” means

(i) with respect to FX Hedging Transactions for EUR/USD, the mid-market rate determined from the FX rates appearing on the ~~Reuters~~ Refinitiv Screen EURUSDFIXP=WM (a WM/~~Reuters~~ Refinitiv Intra-Day Spot Rate); and

- (ii) with respect to FX Hedging Transactions for GBP/USD, the mid-market rate determined from the FX rates appearing on the ~~Reuters~~ Refinitiv Screen ~~GBPUSDFIXP=WM~~ (a ~~WM/Reuters~~ Refinitiv Intra-Day Spot Rate),

in each case of (i) and (ii) above, at 7:00 a.m. (Frankfurt am Main time) on the relevant FX Swap Line Exercise Day (where no information on the relevant FX rate is available on the relevant ~~Reuters~~ Refinitiv Screen page, the FX Swap Line Near Leg FX Rate will be the relevant mid-market rate determined from the FX rates appearing on the Bloomberg Screen BFix at 7:00 a.m. (Frankfurt am Main time) on the relevant FX Swap Line Exercise Day).

[...]

“**Applicable Swap Points**” means:

[...]

in each case of (a) and (b), appearing on the ~~Reuters~~ Refinitiv Screen ~~WM/REUTERSREFINITIV FORWARD RATES~~ (a ~~WM/Reuters~~ Refinitiv Forward Rate) at 7:00 a.m. (Frankfurt am Main time) on the relevant FX Swap Line Exercise Day for the relevant Currency Pair and maturity. Where no information on the swap points is available on the relevant ~~Reuters~~ Refinitiv Screen page, the Applicable Swap Points shall be zero.

[...]

3.4.3.2 Step-in Process – Payment of Alternative Currency Amount

- (1) [...]

in case of (i) and (ii) above, in an Available Currency based on the relevant ~~WM/Reuters~~ Refinitiv Intra-Day Spot Rate at 7:00 a.m. (Frankfurt am Main time) on the relevant payment date, provided that, in the case of (ii) above, if a USD Pay-Out Excess Amount (in case the Unavailable FX/XCCY Currency is USD) or a GBP Pay-Out Excess Amount (in case the Unavailable FX/XCCY Currency is GBP) has arisen with respect to one or more Non-Late CMs (the “**Pay-Out Excess Non-Late CMs**”), Eurex Clearing AG shall exercise its right to pay such corresponding amount in the following order: First, in respect of such Pay-Out Excess Non-Late CMs on a pro rata basis up to (A) the higher of the USD Pay-Out Excess Amount resulting from the application of (x) Number 3.3 (2)(A) and (y) Number 3.3 (2)(B) (in case the Unavailable FX/XCCY Currency is USD) and (B) the GBP Pay-Out Excess Amount (in case the Unavailable FX/XCCY Currency is GBP), second (and for the remaining corresponding amount), in respect of all Non-Late CMs (each corresponding amount so paid to a CM, (an “**Alternative Currency Amount**”). Any payment of an Alternative Currency Amount shall be made directly to the relevant Currency Products Cash Account of the Non-Late CM through the CLS CCP Service.

[...]

- (2) [...]

“**Alternative Currency Difference Amount**” means, with respect to each recipient of an Alternative Currency Amount, an amount denominated in the Unavailable FX/XCCY Currency which equals the difference between (i) the amount of the relevant Unavailable Currency Amount Payment Obligation and (ii) an amount corresponding to the relevant Alternative Currency Amount denominated in the Unavailable FX/XCCY Currency based on the relevant WM/Reuters/Refinitiv Intra-Day Spot Rate at the next full hour after Eurex Clearing AG has received all Debit Notifications on the relevant payment date. If the relevant Alternative Currency Difference Amount is negative it shall be deemed to be zero so that no Alternative Currency Difference Amount is due.

[...]

[...]

3.4.4 Late Payment

- (1) Without limiting any rights of Eurex Clearing AG set out in Number 3.4.3 above and without prejudice to the fact that timing is of the essence as regards the Relevant FX/XCCY Payment, if the Late CM makes the Relevant FX/XCCY Payment after the CLS Cut-Off Time on the relevant Settlement Date (the “**Late Payment**” and the amount of such Late Payment, the “**Late Payment Amount**”), then any payments with respect to OTC Currency Transactions (i) which are owed by Eurex Clearing AG to the Late CM on such date (including but not limited to the payments relating to the Relevant FX/XCCY Payment) and (ii) which are to be made through the CLS CCP Service will be made by Eurex Clearing AG only on the Business Day immediately following the relevant Settlement Date (the “**Deferred Payment**” and the amount of such Deferred Payment, the “**Deferred Payment Amount**”). Eurex Clearing AG shall be entitled to discharge its obligation to make the Deferred Payment by paying in whole or in part a corresponding amount in (a) any currency of a Currency Pair in respect of which the Late CM uses the Clearing services pursuant to this Part 3 or Part 4 or (b) EUR based on the mid-market rate of the relevant WM/Reuters/Refinitiv Intra-Day Spot Rate at 7:00 a.m. (Frankfurt am Main time) on the Business Day following the relevant payment date. For the avoidance of doubt, Number 3.2.2.2 above shall also apply in the case of Deferred Payments.

[...]

[...]

Part 4 Clearing of OTC XCCY Transactions

[...]

4.2 Product-related terms for OTC XCCY Transactions

[...]

4.2.8 Determination of the Currency Exchange Rate

[...]

Currency Pair	Rate	Source Page	MTM Fixing Date	MTM Fixing Time	Cut Off Time
EUR/USD	EUR/USD exchange rate expressed as USD per EUR 1.00 published on EURUSDFIXMP=WM	Reuters Refinitiv Screen WMRPSPOT01	The day that is two London Business Days prior to the first day of the Calculation Period	11 a.m. (London time)	12 noon (London time)
GBP/USD	USD/GBP exchange rate expressed as USD per GBP 1.00 published on GBPUSDFIXMP=WM	Refinitiv Reuters Screen WMRPSPOT01	The day that is two London Business Days prior to the first day of the Calculation Period	11 a.m. (London time)	12 noon (London time)

[...]
