



**VIA EMAIL TO: SUBMISSIONS@CFTC.GOV**

04 February 2014

Ms. Melissa Jurgens  
Commodity Futures Trading Commission  
1155 21<sup>st</sup> Street NW  
Three Lafayette Centre  
Washington DC 20581

Dear Ms. Jurgens:

Pursuant to CFTC regulation §40.6(a), LCH.Clearnet LLC ("LCH.Clearnet"), a derivatives clearing organization registered with the Commodity Futures Trading Commission (the "CFTC"), is submitting for self-certification the SwapClear US service's proposal to clear Forward Rate Agreements (FRAs) with upfront fees, effective from 03 March 2014.

### **Part I: Explanation and Analysis**

LCH.Clearnet's SwapClear US service currently accepts FRAs without fees for clearing, as historically the market did not include fees on FRAs. However, current industry practice is that fees are being included where clearing members wish to flatten a position. Therefore, following requests from clearing members, the SwapClear US service intends to extend its clearing eligibility on FRAs to support the clearing of upfront fees for all FRA eligible currencies.

FRA upfront fee eligibility criteria will be treated consistently with other trade products, as follows:

- Respect a minimum value date equal to the date of receipt of the FRA plus currency settlement lag in order for the upfront fee to be settled by SwapClear US.
- The value date of the fee must be prior or equal to the settlement date of the FRA.
- The fee must be in the same currency as the FRA itself.
- Up to six additional payments are accepted.

As with other trades cleared through the SwapClear US service, FRA trades with upfront fees are settled via LCH.Clearnet's Protected Payment System (PPS).

### **Part II: Amendments to the Rules and Regulations of LCH.Clearnet**

No changes to either the LCH.Clearnet Rules & Regulations or Procedures are required to effect these changes.



### **Part III: Core Principle Compliance**

LCH.Clearnet will continue to comply with all Core Principles following the implementation of these proposed enhancements to its product eligibility criteria. LCH.Clearnet has concluded that its compliance with the Core Principles would not be adversely affected by these changes. The changes reflected herein will ensure continued compliance with the Core Principles and, in particular with Core Principle C.

### **Part IV: Public Information**

LCH.Clearnet has posted a notice of pending certification with the CFTC and a copy of the submission on LCH.Clearnet's website at: [http://www.lchclearnet.com/rules\\_and\\_regulations/lc/default.asp](http://www.lchclearnet.com/rules_and_regulations/lc/default.asp).

### **Part V: Opposing Views**

There were no opposing views expressed to LCH.Clearnet by governing board or committee members, members of LCH.Clearnet or market participants that were not incorporated into the rule.

### **Certification**

LCH.Clearnet LLC hereby certifies to the Commodity Futures Trading Commission, pursuant to the procedures set forth in the Commission regulation § 40.6, that attached rule submission complies with the Commodity Exchange Act, as amended, and the regulations promulgated there under.

Should you have any questions please contact me at [laurian.cristea@lchclearnet.com](mailto:laurian.cristea@lchclearnet.com).

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Laurian Cristea', enclosed in a blue oval.

Laurian Cristea  
Senior Vice President, Compliance & Regulation  
US Contact: +1 212.513.5610



**Appendix I**  
**Submission Cover Sheet**

# SUBMISSION COVER SHEET

Registered Entity Identifier Code (optional) LCHLLC Date: 04 Feb 2014

IMPORTANT: CHECK BOX IF CONFIDENTIAL TREATMENT IS REQUESTED.

**ORGANIZATION** LCH.Clearnet LLC

**FILING AS A:**  DCM  SEF  DCO  SDR  ECM/SPDC

## TYPE OF FILING

### • Rules and Rule Amendments

- Certification under § 40.6 (a) or § 41.24 (a)
- “Non-Material Agricultural Rule Change” under § 40.4 (b)(5)
- Notification under § 40.6 (d)
- Request for Approval under § 40.4 (a) or § 40.5 (a)
- Advance Notice of SIDCO Rule Change under § 40.10 (a)

### • Products

- Certification under § 39.5(b), § 40.2 (a), or § 41.23 (a)
- Swap Class Certification under § 40.2 (d)
- Request for Approval under § 40.3 (a)
- Novel Derivative Product Notification under § 40.12 (a)

## RULE NUMBERS

N/A

## DESCRIPTION

Self-certification pursuant to §40.6(a) in respect of the acceptance for clearing of Forward Rate Agreements (FRAs) with upfront fees by LCH.Clearnet LLC’s SwapClear US service.