



Mr. David Stawick
Secretary
Commodity Futures Trading Commission
1155 21st Street, NW
Washington, DC 20581

January 18, 2011

**Foreign Futures and Options Contracts on a Non-Narrow-Based Security Index;
Commission Certification Procedures**

Dear Mr. Stawick:

Eurex Deutschland¹ ("Eurex") strongly supports the proposed adoption of new Section 30.13 of the Commodity Futures Trading Commission's ("Commission") rules. If adopted, Section 30.13 will provide foreign boards of trade with an expeditious procedure to certify that the index underlying a futures contract is a non-narrow-based security index that complies with the requirements of Section 2(a)(1)(C)(iv) of the Commodity Exchange Act ("a compliant index"). As noted in the Commission's notice of proposed rulemaking (75 *Federal Register* 77588: December 13, 2010) Eurex has previously requested that the Commission consider adopting such a procedure. Please see attachment for a copy of Eurex's petition.

The Commission's proposal would alter only the *procedures* pursuant to which a foreign board of trade may provide for the offer or sale of contracts based on a compliant index and that the proposal leaves intact the current standard for compliance. This limited change will benefit the U.S. public interest by making products available to U.S. persons for trading without undue delay, reducing the demand on Commission resources to process new non-narrow-based stock indexes,² and promoting competition as well as innovation in trading products. The proposed certification

¹ Eurex Deutschland is a futures and options exchange operated as a public law institution by Eurex Frankfurt AG in accordance with the laws of Germany. Eurex Frankfurt AG is a fully owned subsidiary of Eurex Zürich which is a joint venture equally owned by Deutsche Börse AG and SIX Swiss Exchange, a part of the SIX Group.

² According to the Commission's website there were 18 stock indexes pending staff no-action letter review as of January 5, 2011. As of that date, Commission staff have issued 115 no-action letters.



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procedures would also help close the gap that has developed between the efficient procedures under which a U.S. futures market may newly list non-narrow-based security index contracts and the time- and resource-consuming process applied to non-U.S. non-narrow-based security index contracts listed on a foreign board of trade.

Eurex notes that the tests provided in the proposed certification procedures focus on an index's compliance with the statutory standards for non-narrow stock index trading. Eurex recommends, therefore, that the Commission provide in its new Rule 30.13 that only prior notification by a foreign board of trade is required for the foreign board of trade to i) change contract terms that do not relate to the index composition – e.g. index multiplier – for newly listed contracts or ii) to list for additional products based on a certified index whose terms differ from the original contract by the size of the multiplier or other non-index related features.

Finally, in accordance with the Dodd-Frank Wall Street Reform and Consumer Protection Act the Commission has proposed to institute procedures for the registration of foreign boards of trade that provide direct market access to U.S. persons (76 Federal Register 70974; November 19, 2010). Accordingly, Eurex recommends that specific provision for *registered* foreign boards of trade should be made in Rule 30.13 whenever the Commission's proposal refers to Foreign Trading System No-Action Letters from the Division of Market Oversight – for example in Rule 30.13(f)(2) *Eligibility for Expedited Review*.

Eurex thanks you for the opportunity to comment on proposed Rule 30.13 and looks forward to its timely adoption by the Commission. If you have any questions please do not hesitate to contact us.

Yours sincerely,



Michael Peters
Member of the Executive Board



Vassilis Vergotis
Executive Vice President