

Melissa D. Jurgens, Secretary
Commodity Futures Trading Commission
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- **17 CFR Part 150**
- **RIN Number 3038-AD82**
- **Aggregation of Positions**

Dear Ms. Jurgens.

Thank you for giving us the opportunity to comment on your Notice of proposed rulemaking: Aggregation of Positions.

You are now proposing modifications to the aggregation provisions of part 150 of your regulations that are substantially similar to certain aggregation modifications proposed to part 151, except that the modifications address the policy for aggregation under the position limits regime for futures and option contracts on nine agricultural commodities set forth in part 150. Separately, you are also proposing to establish speculative position limits for the 28 exempt and agricultural commodity futures and options contracts and the physical commodity swaps that are economically equivalent to such contracts that previously had been covered by part 151 of the regulations. If both proposals are finalized, the modifications proposed here to the aggregation provisions of part 150 would apply to the position limits regimes for both the futures and option contracts on nine agricultural commodities and the 28 exempt and agricultural commodity futures and options contracts and the physical commodity swaps that are economically equivalent to such contracts. However, you may determine to adopt the modifications proposed here separately from any other amendment to the position limits regime.

Similarly to my previous comments on the subject of aggregation of positions,¹ I support proposed § 150.4(b)(2) concerning exemptions for certain ownership of greater than 10 percent in an owned entity as both practicable and reasonable.

¹ See my comment letter on Aggregation, Position Limits for Futures and Swaps, 77 FR 31767.

Please note that the comments expressed herein are solely my personal views

Proposed § 150.4(b)(3) now introduces exemptions for certain ownership of greater than 50% in an owned entity. My initial reaction to this proposal is negative, given control issues. However, proposed § 150.4(b)(3)(i)-(v) contain significant minimum conditions and requirements for the exemptions,² which should be sufficient in order to demonstrate independence and meet the statutory objectives. Therefore I support this proposal in principle.

Yours sincerely

C.R.B.

Chris Barnard

² Including non-consolidation under US GAAP, no coordinated trading, bona fide hedging requirement and approval by the CFTC.