

Australian Derivative Trade Repository Licence (Chicago Mercantile Exchange Inc) 2015

1. Name of Licence

This Licence is the *Australian Derivative Trade Repository Licence (Chicago Mercantile Exchange Inc.) 2015*.

2. Commencement

This Licence commences when it is granted.

3. Authority

This Licence is granted under section 905C of the Act.

4. Definitions

In this Licence:

Act means the *Corporations Act 2001*.

APRA means the Australian Prudential Regulation Authority.

ASIC means the Australian Securities and Investments Commission.

Australian Court has the meaning given by section 9 of the Act.

Australian Regulator means each of APRA, ASIC and RBA.

Business Day has the meaning given by section 9 of the Act.

Derivative has the meaning given by section 761D of the Act.

Derivative Trade Data has the meaning given by section 761A of the Act.

Derivative Trade Repository has the meaning given by section 761A of the Act.

CME means Chicago Mercantile Exchange Inc (ARBN 103 432 391).

CFTC means the Commodity Futures Trading Commission or any successor organisation in the United States responsible for the supervision of the Derivative Trade Repository operated by CME.

Participant has the meaning given by Rule 1.2.3 of the *ASIC Derivative Trade Repository Rules 2013*.

RBA means the Reserve Bank of Australia.

Regulations means the *Corporations Regulations 2001*.

Swap Data Repository Licence means the licence granted to CME by the CFTC pursuant to 17 C.F.R. Part 49 to operate a swap data repository, whether provisionally registered or registered, in the United States.

5. Facility

CME is authorised under this Licence to operate a Derivative Trade Repository in this jurisdiction.

6. Classes of Derivatives

(1) The classes of Derivatives in respect of which CME may provide services for the purposes of Part 7.5A of the Act are:

- (a) commodity derivatives;
- (b) credit derivatives;
- (c) foreign exchange derivatives; and
- (d) interest rate derivatives.

7. Requirement to notify ASIC of matters

(1) It is a condition of this Licence that CME notify ASIC in writing:

- (a) as soon as practicable and in any event within 2 Business Days of any of the following:
 - (i) any application by CME to the CFTC to cancel CME's Swap Data Repository Licence in the United States;
 - (ii) becoming aware that the CFTC has revoked CME's Swap Data Repository Licence in the United States, regardless of whether CME intends to appeal the decision;
 - (iii) becoming aware that the CFTC intends to, or is taking action to, revoke CME's Swap Data Repository Licence in the United States;
 - (iv) becoming aware that the CFTC has exercised its emergency powers in relation to CME;
 - (v) becoming aware that the CFTC intends to, is taking action to, or has given written notice to, vary the conditions and restrictions on CME's Swap Data Repository Licence in the United States, or impose further conditions and restrictions on CME's Swap Data Repository Licence in the United States;
 - (vi) receiving a direction from the CFTC requiring the removal of an officer of CME;
- (b) as soon as practicable and in any event within 5 Business Days of the appointment of a person as CME's chairman, chief executive officer, director or to serve in any key management position or committee of CME affecting CME's operation of the Derivative Trade Repository.

Note: CME may also have an obligation to notify ASIC of these matters, and other matters, under section 904C of the Act.

8. Governing Law

- (1) It is a condition of this Licence that:
- (a) CME submits to the jurisdiction of Australian Courts in any action brought by ASIC in relation to CME's Derivative Trade Repository in this jurisdiction or to the operation of CME's Derivative Trade Repository in this jurisdiction; and
 - (b) CME must comply with any order of an Australian Court in relation to any matter relating to CME's Derivative Trade Repository in this jurisdiction or to the operation of CME's Derivative Trade Repository in this jurisdiction.

9. Access, validation and notification requirements for Derivative Trade Data and information that is created or derived from Derivative Trade Data

- (1) It is a condition of this Licence that:
- (a) CME notify the Australian Regulators, in writing, as soon as CME becomes aware that Derivative Trade Data or information (including statistical data) that is created or derived from Derivative Trade Data, that has been provided to the Australian Regulators:
 - (i) is affected by material data quality issues due to technical faults; or
 - (ii) is materially incomplete or materially inaccurate;
 - (b) CME perform data validation checks when requested by an Australian Regulator, to determine whether Derivative Trade Data accepted by CME from Participants:
 - (i) is in the correct format, of an appropriate type (e.g. numeric, alphabetic);
 - (ii) is within a particular value range (where a range is applied by CME); and
 - (iii) to the extent appropriate, consistent with Derivative Trade Data previously reported in relation to the same Derivative (e.g. for data unaffected by a modification to the Derivative); and
 - (iv) contains all required data fields;

(c) CME:

- (i) if requested by an Australian Regulator, checks that its systems are operating to provide the Australian Regulators with current Derivative Trade Data;
- (ii) regularly monitors its weekly statistical data processes and data validation processes to check that those processes are operating satisfactorily; and
- (iii) performs spot checks of the accuracy of its systems for processing position reports, where the volume of transactions materially increases or decreases compared to previous reporting dates;

(d) CME:

- (i) notifies and consults each Australian Regulator about any proposed changes which would materially impact the content or format of Derivative Trade Data made available to the Australian Regulators; and
- (ii) does not implement any notified changes until one month has passed from the notification date, unless each Australian Regulator has agreed that the notified change may be implemented before one month has passed from the notification date.

Dated this 23rd day of October 2015



Signed by Oliver Harvey

as a delegate of the Australian Securities and Investments Commission