



Special Executive Report

S-7459R

September 16, 2015

Amendments to CME/CBOT/NYMEX/COMEX Rule 701 (“Declarations of Force Majeure”) and CBOT Rule 703.C.G(8)

Pending all relevant regulatory review periods, effective Wednesday September 30, 2015, CME, CBOT, NYMEX and COMEX (collectively, the “Exchanges”) will adopt amendments to Rule 701 (“Declarations of Force Majeure”) and CBOT Rule 703.C.G(8) (“Regular Warehouses and Shipping Stations – Load-Out”).

The amendments to Rule 701 add the Chief Regulatory Officer to the list of individuals authorized to declare Force Majeure. This addition will ensure there is appropriate coverage to promptly address situations where such declaration is needed.

The amendments to CBOT Rule 703.C.G(8) relocate the Force Majeure provision such that it applies solely to a circumstance where a majority of the shipping stations are unable to load out because no declaration of Force Majeure is required where less than a majority of the shipping stations are unable to load out.

The amendments to appear below, with additions underscored and deletions overstruck.

CME, CBOT, NYMEX and COMEX

701. DECLARATIONS OF FORCE MAJEURE

If a determination is made by the Chief Executive Officer, Executive Chairman & President, President of Global Operations, Technology & Risk, ~~or~~ Chief Operating Officer or Chief Regulatory Officer, or their delegate, that delivery or final settlement of any contract cannot be completed as a result of Force Majeure, he shall take such action as he deems necessary under the circumstances, and his decision shall be binding upon all parties to the contract. The Exchange shall notify the CFTC of the implementation, modification or termination of any action taken pursuant to this Rule as soon as possible after taking the action.

It shall be the duty of clearing members, members and regular facilities to notify the Exchange of any circumstances that may give rise to a declaration of Force Majeure.

Nothing in this Rule shall in any way limit the authority of the Board of Directors to act in a Force Majeure situation pursuant to Rule 230.k.

CBOT

Rule 703. REGULAR WAREHOUSES AND SHIPPING STATIONS

[Sections A. and B. are unchanged.]

703.C. Load-Out

[Subsections C.A. – C.G(7) are unchanged.]

(8) The shipper shall load water conveyance at the shipping station designated in the shipping certificate. If it becomes impossible to load at the designated shipping station for three (3) consecutive business days due to any circumstance beyond the control of the shipping station (including, but not limited to an act of God, strike, lockout, blockage, embargo, governmental action or terrorist activity) and precludes any party from making or taking delivery of product as a result of Force Majeure, the shipper will arrange for water conveyance to be loaded at another regular shipping station in conformance with the shipping certificate and will compensate the owner for any transportation loss resulting from the change in the location of the shipping station. If the aforementioned condition of impossibility prevails at a majority of regular shipping stations, and a declaration of Force Majeure is made pursuant to Rule 701, then shipment may be delayed for the number of days that such impossibility prevails at a majority of regular shipping stations. If conditions covered in this Rule make it impossible to load at the designated shipping station, the shipper shall notify the Registrar's Office in writing of such condition within 24 hours of when the condition of impossibility began.

[The remainder of the Rule is unchanged.]

Questions concerning these revisions may be directed to Erin Coffey, Sr. Rules and Regulatory Specialist at 312.341.3286 or Chris Reinhardt, Sr. Director Market Surveillance at 312.435.3665.

For media inquiries concerning this Special Executive Report, please contact CME Group Corporate Communications at 312.930.3434 or news@cmegroup.com.