

FMX Futures Exchange, L.P.
Rule Amendments
Submission #2024-02
March 5, 2024

1. The texts of the changes to the FMX Futures Exchange, L.P., (“Exchange”) Rules are attached. The changes to Rule III-13 and Rule XXV-1 were approved by the Board of Directors at its meeting on February 22, 2024. Changes to Rule III-15 were approved by the Board of Directors at its meeting on October 12, 2023 and were inadvertently overlooked in the Exchange’s reorganization of the Rules which was certified with the Commodity Futures Trading Commission (“Commission”) on January 26, 2024.
2. The proposed effective date is ten business days after receipt by the Commission of this submission.
3. Attached, please find a certification that: (1) these rule amendments comply with the Commodity Exchange Act and the Commission’s regulations thereunder; and (2) concurrent with this submission, the Exchange posted on its website: (i) a notice of pending certification of the rule submissions with the Commission; and (ii) a copy of this submission.
4. A concise explanation and analysis of the operation, purpose, and effect of the amended rules changes appear below.
5. There were no opposing views expressed regarding this amendment.

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CONCISE EXPLANATION AND ANALYSIS OF THE OPERATION, PURPOSE, AND
EFFECT OF THE CERTIFIED RULE AND ITS COMPLIANCE WITH APPLICABLE
PROVISIONS OF THE ACT, INCLUDING CORE PRINCIPLES AND THE COMMISSION’S
REGULATIONS THEREUNDER

The Exchange is amending its *Rule III-13 Financial Requirements for Order Entry and Executions* to specify Clearing Members shall impose risk-based limits in its proprietary and Customer accounts. The amendments will also require Clearing Members to screen orders on an automated basis in compliance with Commission Rule 1.73. The purposes of the changes to Rule III-13 are to clarify Clearing Members’ responsibilities with regard to risk limits and to align better the rule with the Commission’s regulations.

The Exchange is amending *Rule III-15 Customer Margin* to specify that Clearing Members and FCMs that carry Customer accounts must obtain minimum amounts of margin that are no less than the amount required by LCH Limited for Clearing Members for such accounts.

The Exchange is also updating its automated liquidity program for the 2024 tropical storm season. It is amending its *Rule XXV-1 2023 Automated Liquidity Provider (ALP) Program*, which governs the incentive program for Atlantic Named Storm Landfall Swaps contracts, to provide

substantially similar incentives to market participants in 2024 as in 2023. The number of landfall locations which will be seeded with incentive funds will increase to 16 from last year's 13 by including the three landfall locations from the 2023 season in addition to the 2021 and 2022 season landfall locations that were used in the 2023 program. The updated list of locations appears in the amended Schedule A.

CERTIFICATIONS PURSUANT TO SECTION 5c OF THE COMMODITY EXCHANGE ACT,
7 U.S.C. §7A-2 AND COMMODITY FUTURES TRADING COMMISSION RULE 40.6, 17
C.F.R. §40.6

I hereby certify that:

(1) the amended Rules as attached comply with the Commodity Exchange Act and the Commission's regulations thereunder; and

(2) concurrent with this submission, FMX Futures Exchange, L.P. posted on its website, FMXFutures.com: (a) a notice of pending certification of the above Rule with the Commission; and (b) a copy of this submission.

By: Thomas Thompson
Title: Chief Compliance Officer
Date: March 5, 2024

Attachment — Amended Rules

III-13 Financial Requirements for Order Entry and Executions

Each ~~FMX Participant and~~ Direct Access Customer and each FMX Participant that is not itself a Clearing Member must establish a clearing relationship with a Clearing Member. The Clearing Member shall establish ~~risk controls and trading parameters~~ risk-based limits in its proprietary account and in each Customer account based on position size, order size, margin requirements, or similar factors for each FMX Participant, Direct Access Customer and Customer for which it clears ~~and will provide such information to the Exchange in a manner suitable to the Exchange~~. All orders shall be checked against the risk controls prior to admittance into the order book. ~~A Clearing Member shall utilize the risk control software tools provided by the Exchange, as appropriate. Notwithstanding the foregoing, the FMX Members shall use automated means to screen orders for compliance with the limits in accordance with CFTC Rule 1.73. The FMX Participant shall remain responsible in accordance with these Rules for the acts and omissions of any of its Direct Access Customers or Responsible Trading Agents regardless of the level of risk controls set by the Clearing Member and the approval of such risk controls by the Exchange.~~

III-15 Customer Margin

(a) The minimum amount of margin which must be obtained by (i) FMX Participants who carry Customer Accounts and (ii) Clearing Members from each FMX Participant, Direct Access Customer and Customer for which ~~it carries an~~ they carry accounts shall be ~~the same as no less than~~ the minimum amounts which must be so obtained by Clearing Members, as specified by LCH Limited.

(b) The maintenance margin level which must be maintained by all Clearing Members for each account which has an open Contracts shall be ~~the~~ no less than the amount or level specified by LCH Limited.

(c) At the close of trading on any Business Day when the net liquidating value of any account is less than the maintenance margin level, the Clearing Member carrying such account shall be required to reinstate the minimum amount of margin to the full amount required pursuant to these Rules within a reasonable period of time.

(d) Each Clearing Member which carries an account that is required to reinstate a minimum amount of margin shall issue a call for margin within one (1) Business Day after the account is required to reinstate a minimum amount of margin. Each Clearing Member shall maintain written records of all margin calls (and any cancellations of margin calls). Such records shall be kept and shall be open for inspection in accordance with CFTC Rule 1.31.

Additions are underlined; deletions are struck-through

(e) A Clearing Member may liquidate any or all positions in a Customer account it carries that does not meet a margin call as required by these Rules. Any loss or deficiency resulting from such liquidation shall be the liability of the Customer account holder.

(f) A Clearing Member shall not accept Orders for an undermargined account except for the establishment or closure of Contracts that reduces the risks of existing Contracts, unless the Clearing Member has been given assurances by the Person for whom the account is carried that funds to restore the equity in the account to the then prevailing minimum amount of margin are forthcoming and will be received within a reasonable period of time.

XXV-1. 202~~43~~ Automated Liquidity Provider (ALP) Program

(a) This incentive program provides the initial liquidity for the Atlantic Named Storm Landfall Swaps contracts for the 202~~34~~ tropical storm season.

(b) No direct payments to Participants will be made under this program.

(c) The Exchange, using its own funds, will allocate an amount not to exceed \$25,000 for this program and such funds will be placed in a CX Participant Clearing Account for this purpose.

(d) Using funds allocated for this program, the exchange will purchase ~~300-250~~ contracts at ~~16+3~~ different locations upon the listing of each named storm contract, provided that:

(i) the named storm is listed on or after June 1, 202~~43~~;

(ii) at the time of listing, the purchase price of contracts is \$1.00;

(iii) the CX Participant Clearing Account has at least \$~~3,9004,000~~ of available funds to cover such purchases.

(e) Contracts will be purchased at the zip codes closest to the ~~163~~ landfall locations of tropical storms during the 2021, ~~and~~ 2022 and 2023 tropical storm seasons. The locations are attached here as Schedule A.

(f) Once purchased, contracts will be retained by the Exchange in a designated Participant Account for this program. Accordingly, all such contract purchases will be reported as volume and open interest in the normal course.

(g) Contracts purchased will be held until settlement at the original strike code locations. This Participant Account will not engage in strike code switching, as permitted by contract rules.

Additions are underlined; deletions are struck-through

(h) Contracts will be settled in the normal course for each named storm. Any proceeds from settlements will be returned to the Exchange's Participant Clearing Account in the normal course and, therefore, may continue to be used for the program.

(i) At the end of the 202~~4~~³ tropical storm season, the Exchange will close its account(s) and withdraw any remaining funds.

(j) This program shall be in effect for the 202~~4~~³ tropical storm season and may be terminated at any time by the Exchange in its absolute discretion upon three (3) days' notice to Participants.

Initial effective date: June 1, 2024

Schedule A

2021 Landfall Locations

- 29.2N 91.0W
- 32.3N 80.5W
- 29.8N 83.5W
- 40.9N 72.3W
- 41.4N 71.7W
- 29.7N 89.4W
- 41.2N 71.6W
- 29.1N 90.2W
- 29.7N 85.1W
- 28.7N 95.7W

2022 Landfall Locations

- 26.7N 82.2W
- 33.3N 79.2W
- 27.6N 80.4W

2023 Landfall Locations

- 27.1N 97.4W
- 29.8N 83.6W
- 34.7N 77.0W