

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2021/583

of 9 April 2021

amending Implementing Decision (EU) 2016/1073 on the equivalence of designated contract markets in the United States of America in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories ⁽¹⁾, and in particular Article 2a(2) thereof,

Whereas:

- (1) In Commission Implementing Decision (EU) 2016/1073 ⁽²⁾, the Commission has determined that the legal and supervisory framework applicable to designated contract markets (DCMs) in the United States of America (USA), under the regulatory oversight of the Commodity Futures Trading Commission (CFTC), ensures that DCMs comply with the legally binding requirements that are equivalent to those that apply to regulated markets in the Union, and that those DCMs are subject to effective supervision and enforcement on an ongoing basis.
- (2) Since the adoption of Implementing Decision (EU) 2016/1073, a number of additional DCMs established in the USA have obtained authorisation from the CFTC to trade in derivatives. In light of the information received from the CFTC, those additional DCMs comply with the legally binding requirements that are equivalent to the requirements for Union regulated markets laid down in Title III of Directive 2014/65/EU ⁽³⁾. In addition, some DCMs referred to in the Annex to Implementing Decision (EU) 2016/1073 have vacated their authorisation or amended their names. The Annex of the Implementing Decision (EU) 2016/1073 should therefore be amended accordingly.
- (3) The measures provided for in this Decision are in accordance with the opinion of the European Securities Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2016/1073 is replaced by the text in the Annex to this Decision.

Article 2

This Decision shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 201, 27.7.2012, p. 1.

⁽²⁾ Commission Implementing Decision (EU) 2016/1073 of 1 July 2016 on the equivalence of designated contract markets in the United States of America in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 178, 2.7.2016, p. 24).

⁽³⁾ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast) (OJ L 173, 12.6.2014, p. 349).

Done at Brussels, 9 April 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

ANNEX

Designated contract markets in the United States of America referred to in Article 1:

- (a) Bitnomial Exchange, LLC
 - (b) Cantor Futures Exchange, L.P.
 - (c) Cboe Futures Exchange, LLC
 - (d) Chicago Board of Trade (Board of Trade of the City of Chicago, Inc.)
 - (e) Chicago Mercantile Exchange, Inc.
 - (f) Commodity Exchange, Inc.
 - (g) ELX Futures, L.P.
 - (h) Eris Exchange, LLC
 - (i) ICE Futures U.S., Inc.
 - (j) KalshiEX, LLC
 - (k) LedgerX, LLC
 - (l) LMX Labs, LLC
 - (m) Minneapolis Grain Exchange, Inc.
 - (n) New York Mercantile Exchange, Inc.
 - (o) Nodal Exchange, LLC
 - (p) North American Derivatives Exchange, Inc.
 - (q) OneChicago LLC
 - (r) Small Exchange, Inc
 - (s) TrueEX LLC
-