

## § 19.02

New York, NY, unless otherwise specifically authorized by the Commission or its designee.

(Approved by the Office of Management and Budget under control number 3038-0009)

[43 FR 45828, Oct. 4, 1978, as amended at 46 FR 63036, Dec. 30, 1981; 57 FR 41390, Sept. 10, 1992; 71 FR 37821, July 3, 2006; 74 FR 12192, Mar. 23, 2009]

### § 19.02 Reports pertaining to cotton call purchases and sales.

(a) *Information required.* Persons required to file '04 reports under § 19.00(a)(2) of this chapter shall file CFTC Form 304 reports showing the quantity of call cotton bought or sold on which the price has not been fixed, together with the respective futures on which the purchase or sale is based. As used herein, call cotton refers to spot cotton bought or sold, or contracted for purchase or sale at a price to be fixed later based upon a specified future.

(b) *Time and place of filing reports.* Each report shall be made weekly as of the close of business on Friday and filed at the Commission's office in New York, NY, not later than the second business day following the date of the report. Reports may be transmitted by facsimile or, alternatively, information on the form may be reported to the appropriate Commission office by telephone and the report mailed to the same office, not later than midnight of its due date.

[57 FR 41391, Sept. 10, 1992]

### §§ 19.03-19.10 [Reserved]

## PART 20—LARGE TRADER REPORTING FOR PHYSICAL COMMODITY SWAPS

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## 17 CFR Ch. I (4-1-16 Edition)

APPENDIX A TO PART 20—GUIDELINES ON FUTURES EQUIVALENCY

APPENDIX B TO PART 20—EXPLANATORY GUIDANCE ON DATA RECORD LAYOUTS

AUTHORITY: 7 U.S.C. 1a, 2, 5, 6, 6a, 6c, 6f, 6g, 6t, 12a, 19, as amended by Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. 111-203, 124 Stat. 1376 (2010).

SOURCE: 76 FR 43862, July 22, 2011, unless otherwise noted.

### § 20.1 Definitions.

As used in, and solely for the purposes of, this part:

*Business day* means “business day” as that term is defined in § 1.3 of this chapter.

*Cleared product* means a paired swap or swaption that a clearing organization offers or accepts for clearing.

*Clearing member* means any person who is a member of, or enjoys the privilege of, clearing trades in its own name through a clearing organization.

*Clearing organization* means the person or organization that acts as a medium between clearing members for the purpose of clearing swaps or swaptions or effecting settlements of swaps or swaptions.

*Closed swap or closed swaption* means a swap or swaption that has been settled, exercised, closed out or terminated.

*Commodity reference price* means the price series (including derivatives contract and cash market prices or price indices) used by the parties to a swap or swaption to determine payments made, exchanged, or accrued under the terms of the contracts.

*Counterparty* means, from the perspective of one side to a contract, the person that is the direct legal counterparty corresponding to the other side of the contract.

*Clearing member customer* means any person for whom a reporting entity clears a swap or swaption position.

*Futures equivalent* means an economically equivalent amount of one or more futures contracts that represents a position or transaction in one or more paired swaps or swaptions consistent with the conversion guidelines in appendix A of this part.

*Open swap or swaption* means a swap or swaption that has not been closed.

## Commodity Futures Trading Commission

## § 20.2

*Paired swap or paired swaption* means an open swap or swaption that is:

(1) Directly or indirectly linked, including being partially or fully settled on, or priced at a differential to, the price of any commodity futures contract listed in §20.2; or

(2) Directly or indirectly linked, including being partially or fully settled on, or priced at a differential to, the price of the same commodity for delivery at the same location or locations.

*Person* means any “person” as that term is defined in §1.3 of this chapter.

*Reportable account or consolidated account that is reportable* means a consolidated account that includes a reportable position.

*Reportable position* means:

(1)(i) A position, in any one futures equivalent month, comprised of 50 or more futures equivalent paired swaps or swaptions based on the same commodity underlying a futures contract listed in §20.2, grouped separately by swaps and swaptions, then grouped by gross long contracts on a futures equivalent basis or gross short contracts on a futures equivalent basis;

(ii) For a consolidated account (described in §20.4(a)) that includes a reportable position as defined in paragraph (1)(i) of this definition, all other positions in that account that are based on the commodity that renders the account reportable; and

(iii) The first reporting day on which a consolidated account (described in §20.4(a)) no longer includes a reportable position as described in paragraph (1)(i) of this definition (because on such day, the reporting entity’s consolidated account shall continue to be considered and treated as if it in fact included reportable positions as described in paragraph (1)(i) of this definition); or

(2) At the discretion of a reporting entity, and as an alternative to paragraph (1) of this definition, so long as the same method is consistently applied to all consolidated accounts (as described in §20.4(a)) of the reporting entity, all positions on a gross basis in a consolidated account that are based on the same commodity.

*Reporting day* means the period of time between a clearing organization or reporting entity’s usual and customary last internal valuation of

paired swaps or swaptions and the next such period, so long as the period of time is consistently observed on a daily basis and the Commission is notified, upon its request, of the manner by which such period is calculated and any subsequent changes thereto.

*Reporting entity* means:

(1) A clearing member; or

(2) A swap dealer in one or more paired swaps or swaptions as that term is defined in section 1a of the Act and any Commission definitional regulations adopted thereunder.

*Swap* means:

(1) Until the effective date of any definitional rulemaking regarding “swap” by the Commission under section 1a of the Act, an agreement (including terms and conditions incorporated by reference therein) which is a commodity swap (including any option to enter into such swap) within the meaning of “swap agreement” under §35.1(b)(1) of this chapter, or a master agreement for a commodity swap together with all supplements thereto; or

(2) “Swap” as defined in section 1a of the Act and any Commission definitional regulations adopted thereunder, upon the effective date of such regulations.

*Swaption* means an option to enter into a swap or a swap that is an option.

### § 20.2 Covered contracts.

The futures and option contracts listed by designated contract markets for the purpose of reports filed and information provided under this part are as follows:

#### COVERED AGRICULTURAL AND EXEMPT FUTURES CONTRACTS

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Chicago Board of Trade (“CBOT”) Corn.  
CBOT Ethanol.  
CBOT Oats.  
CBOT Rough Rice.  
CBOT Soybean Meal.  
CBOT Soybean Oil.  
CBOT Soybeans.  
CBOT Wheat.  
Chicago Mercantile Exchange (“CME”) Butter.  
CME Cheese.  
CME Dry Whey.  
CME Feeder Cattle.