

SUBMISSION COVER SHEET

Registered Entity Identifier Code (optional)

Date: January 8, 2013

IMPORTANT: CHECK BOX IF CONFIDENTIAL TREATMENT IS REQUESTED. ☐

ORGANIZATION

FILING AS A: ☒ DCM ☐ SEF ☐ DCO ☐ SDR ☐ ECM/SPDC

TYPE OF FILING

- **Rules and Rule Amendments**

- ☒ Certification under § 40.6 (a) or § 41.24 (a)
- ☐ “Non-Material Agricultural Rule Change” under § 40.4 (b)(5)
- ☐ Notification under § 40.6 (d)
- ☐ Request for Approval under § 40.4 (a) or § 40.5 (a)
- ☐ Advance Notice of SIDCO Rule Change under § 40.10 (a)

- **Products**

- ☐ Certification under § 39.5(b), § 40.2 (a), or § 41.23 (a)
- ☐ Swap Class Certification under § 40.2 (d)
- ☐ Request for Approval under § 40.3 (a)
- ☐ Novel Derivative Product Notification under § 40.12 (a)

RULE NUMBERS

Eris Exchange Rules 101, 305, and 601.

DESCRIPTION

The amendments define “Privileges of Membership” on the Exchange for the exclusive purposes of NFA Bylaw 1301(b), clarify the definition of “Participant” and clarify those Persons eligible to execute block trades.

January 8, 2013

BY ELECTRONIC FILING: submissions@cftc.gov

Ms. Sauntia S. Warfield
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20581

Re: Eris Exchange Rule Amendment Self-Certification (Rule 101 (Definitions); Rule 305 (Dues, Assessments and Fees); and, Rule 601 (Block Trades)) (Eris Exchange Submission #2013-01)

Dear Ms. Warfield:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended, (the "Act") and Commission Regulation 40.6(a), Eris Exchange, LLC ("Eris Exchange" or the "Exchange") hereby submits to the Commodity Futures Trading Commission (the "Commission") amendments to the Eris Exchange Rulebook Rule 101, Rule 305, and Rule 601 (the "Amendments"). These Amendments will be effective on January 23, 2013.

Summary of Rule 101, Rule 305, and Rule 601 Amendments

The purpose of the Rule 101, Rule 305, and Rule 601 amendments is to define the "Privileges of Membership" on the Exchange for the exclusive purpose of NFA Bylaw 1301(b), to clarify the definition of "Participant," and to clarify those Persons eligible to execute block trades.

Under the Amendments, "Privileges of Membership" are extended to any Participant that is a Founding Owner, Liquidity Provider, or Subsequent Investor. As a result of the addition of Privileges of Membership to the Rulebook, the definition of Founding Owner has been amended and the term Subsequent Investor has been defined in the Rulebook.

Additionally, the definition of "Participant" has been amended to clarify that the scope of term encompasses Independent Software Vendors and to remove duplicative language.

Finally, Rule 601 has been amended to clarify that a principal of a commodity trading advisor, investment advisor, or foreign Person performing a similar role or function, may execute block trades. The amendments to Rule 601 codify the Exchange's existing interpretation of the scope of Persons permitted to execute block trades. As amended the scope of Rule 601 is the same as proposed Commission Regulation 38.503.

The Exchange has attached a copy of the Exchange Advisory related to the aforementioned clarifications and amendments, as well as the text of the Rules including all additions and deletions. See Attachments A and B to the Exchange Advisory (the "Advisory"), attached hereto as Attachment 1.

Conclusion

Amended Rule 101, Rule 305, and Rule 601 are consistent with the Act, the Core Principles, and the Commission Regulations thereunder. Specifically, amended Rule 101 and Rule 305 are consistent with Core Principle 2 (Compliance with Rules), which permits a DCM to set forth access requirements. Additionally, amended Rule 601 is consistent with Core Principle 9 (Execution of Transactions), which permits a DCM to have rules related to off-exchange transactions.

The Exchange certifies that the amendments and Advisory comply with the Act and the regulations thereunder. The amendments and Advisory were provided to the Exchange Practices Committee and the Exchange Participant Committee. There were no substantive opposing views to the amendments and the Advisory.

The Exchange certifies that this submission has been concurrently posted on the Exchange's website at <http://www.erisfutures.com/rules-notices-policies>.

In the event that you have questions, please contact me at 312-626-2681 or stephen.humenik@erisfutures.com.

Sincerely,



Stephen M. Humenik
General Counsel and Chief Regulatory Officer

cc: Division of Market Oversight (via DMOSubmissions@cftc.gov)

Exchange Advisory

TO: Eris Exchange Market Participants

FROM: Eris Exchange Control Center and Market Regulation Department

ADVISORY: #13-01

DATE: January 8, 2013

SUBJECT: Notification of Eris Exchange Rule Self-Certification: Amendments to Rule 101 (Definitions), Rule 305 (Dues, Assessments and Fees), and Rule 601 (Block Trades).

Background

This Exchange Advisory serves to notify Participants of Eris Exchange, LLC (“Eris Exchange” or “Exchange”) that:

- I. The Exchange is amending Rule 101 and Rule 305 to define the Privileges of Membership and Subsequent Investor and to amend the definition of Founding Owner.
- II. The Exchange is amending Rule 101 to clarify the definition of Participant, to include the definition of an Independent Software Vendor.
- III. The Exchange is amending Rule 601 to clarify those Persons eligible to execute block trades.
- IV. The Exchange has filed a notification with the Commodity Futures Trading Commission to amend Exchange Rule 101 and Rule 305. **These amendments will be effective on January 23, 2013.**

The amended Rule 101, Rule 305, and Rule 601 are attached in redline format (Attachment A), as well as in final form (Attachment B).

You are receiving this email as you are subscribed to Notices@erisfutures.com. If you would like to unsubscribe or if you know of someone that should be on this distribution please contact the ErisControlCenter@erisfutures.com.

ATTACHMENT 1

ATTACHMENT A

RULE 101. Definitions

“Founding Owner,” ~~for purposes of NFA Bylaw 1301, Founding Owner shall~~ means a Participant that has made an equity investment in Eris Holdings prior to December 31, 2010. Such a Founding Owner has certain privileges, meaning the ability to vote for members of the Board of Eris Exchange. ~~A Founding Owner shall not be responsible for FCM Assessments to NFA as set forth in NFA Bylaw 1301(b).~~

~~“Independent Software Vendor” or “ISV” means any Person that offers services that provide access to the Eris Trading System. In order to provide access to the Eris Trading System the ISV must enter into a Connection Agreement with the Exchange and be approved by the Exchange.~~

“Participant” means a Clearing Firm, Broker Firm, or Participant Firm; any person who is either employed or is an agent of a Clearing Firm, Broker Firm, or Participant Firm ~~(including, but not limited to a Supervised Person, Authorized Trader and/or Authorized Broker); an ISV; or any person who is authorized to access or utilize Eris Exchange pursuant to the applicable User ID, or any Person initiating or executing a transaction on or subject to the Rules of the Exchange directly or through an intermediary, and any Person for whose benefit such a transaction has been initiated or executed. The term Participant includes Authorized Broker(s), Authorized Trader(s), Broker Firm(s), Clearing Firm(s), or Supervised Person(s).~~

~~“Privileges of Membership,” for purposes of NFA Bylaw 1301, shall be granted to any Participant that is a Founding Owner, Liquidity Provider, or Subsequent Investor as set forth in Rule 305.~~

~~“Subsequent Investor” means any Participant who has made an equity investment in Eris Holdings on or after December 31, 2010.~~

RULE 305. Dues, Assessments and Fees

~~(d) Any Participant that has been determined by the Exchange to be a Founding Owner, Liquidity Provider, or Subsequent Investor is hereby granted the “Privileges of Membership,” for purposes of NFA Bylaw 1301. A Participant with the “Privileges of Membership” shall not be responsible for FCM Assessments to NFA as set forth in NFA~~

Bylaw 1301(b).

RULE 601. Block Trades

(10) A commodity trading advisor ("CTA") registered or exempt from registration under the Act, including, without limitation, any investment advisor registered or exempt from registration under the Investment Advisors Act of 1940, or principal thereof, shall be the applicable entity for purposes of Sections (1), (3), (4) and (5), provided such advisors have total assets under management exceeding \$25 million and the block trade is suitable for the customers of such advisors.

(11) A foreign Person performing a similar role or function to a CTA or investment advisor as described in Section † 10, or principal thereof, and subject as such to foreign regulation, shall be the applicable entity for purposes of Sections (1), (3), (4) and (5), provided such Persons have total assets under management exceeding \$25 million and the block trade is suitable for the customers of such Persons.

ATTACHMENT 1

ATTACHMENT B

RULE 101. Definitions

“Founding Owner” means a Participant that has made an equity investment in Eris Holdings prior to December 31, 2010. Such a Founding Owner has certain privileges, meaning the ability to vote for members of the Board of Eris Exchange.

“Independent Software Vendor” or “ISV” means any Person that offers services that provide access to the Eris Trading System. In order to provide access to the Eris Trading System the ISV must enter into a Connection Agreement with the Exchange and be approved by the Exchange.

“Participant” means a Clearing Firm, Broker Firm, or Participant Firm; any person who is either employed or is an agent of a Clearing Firm, Broker Firm, or Participant Firm; an ISV; or any Person initiating or executing a transaction on or subject to the Rules of the Exchange directly or through an intermediary, or any person who is authorized to access or utilize Eris Exchange pursuant to the applicable User ID.

“Privileges of Membership,” for purposes of NFA Bylaw 1301, shall be granted to any Participant that is a Founding Owner, Liquidity Provider, or Subsequent Investor as set forth in Rule 305.

“Subsequent Investor” means any Participant who has made an equity investment in Eris Holdings on or after December 31, 2010.

RULE 305. Dues, Assessments and Fees

(d) Any Participant that has been determined by the Exchange to be a Founding Owner, Liquidity Provider, or Subsequent Investor is hereby granted the “Privileges of Membership,” for purposes of NFA Bylaw 1301. A Participant with the “Privileges of Membership” shall not be responsible for FCM Assessments to NFA as set forth in NFA Bylaw 1301(b).

RULE 601. Block Trades

(10) A commodity trading advisor ("CTA") registered or exempt from registration under the Act, including, without limitation, any investment advisor registered or exempt from registration under the Investment Advisors Act of 1940, or principal thereof, shall be the applicable entity for purposes of Sections (1), (3), (4) and (5), provided such

ATTACHMENT 1

advisors have total assets under management exceeding \$25 million and the block trade is suitable for the customers of such advisors.

(11) A foreign Person performing a similar role or function to a CTA or investment advisor as described in Section 10, or principal thereof, and subject as such to foreign regulation, shall be the applicable entity for purposes of Sections (1), (3), (4) and (5), provided such Persons have total assets under management exceeding \$25 million and the block trade is suitable for the customers of such Persons.

You are receiving this email as you are subscribed to Notices@erisfutures.com. If you would like to unsubscribe or if you know of someone that should be on this distribution please contact the ErisControlCenter@erisfutures.com.