

MEMO# 27275

June 6, 2013

ICI and SIFMA AMG Request Relief for Certain FX Transactions

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TO: CLOSED-END INVESTMENT COMPANY MEMBERS No. 46-13
DERIVATIVES MARKETS ADVISORY COMMITTEE No. 41-13
INVESTMENT ADVISER MEMBERS No. 35-13
SEC RULES MEMBERS No. 51-13 RE: ICI AND SIFMA AMG REQUEST RELIEF FOR CERTAIN FX TRANSACTIONS

On June 4, 2013, ICI and the Asset Management Group (“AMG”) of the Securities Industry and Financial Markets Association submitted a letter to the Division of Swap Dealer and Intermediary Oversight (“Division”) of the Commodity Futures Trading Commission (“CFTC”) regarding the documentation requirements in Regulations § 23.500 through § 23.505 (“Final Swap Documentation Rules”) under the Commodity Exchange Act. The letter requests an extension of the compliance date of the Final Swap Documentation Rules for foreign exchange (“FX”) swaps and forwards exempted from the definition of swap by the Secretary of the Treasury until July 1, 2014. A copy of the letter is attached.

The letter explains that, although market participants understood that certain reporting and external business conduct rules applied to FX swaps and forwards, they were generally unaware that the Final Swap Documentation Rules also applied to FX swaps and forwards. Therefore, the letter requests that the Division issue interpretative guidance or no-action relief to the effect that it does not intend to bring an enforcement action against a swap dealer or major swap participant for failing to fully comply with applicable documentation requirements with respect to FX swaps and forwards through at least July 1, 2014. The letter states that this relief would enable market participants to assess their current documentation with respect to FX swaps and forwards and, if necessary, execute additional documentation with all appropriate counterparties, including with clients of asset managers.

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Senior Associate Counsel – Securities Regulation

[Attachment](#)

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