

CFTC's Division of Clearing and Risk Provides No-Action Relief to Certain Foreign Financial Institutions From Swap Clearing Requirements

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On November 7, the Commodity Futures Trading Commission's (CFTC) Division of Clearing and Risk (DCR) published Staff Letters 17-57, 17-58 and 17-59 (Staff Letters), which provided Banco Centroamericano de Integración Económica, the European Stability Mechanism, and the North American Development Bank, respectively, with no-action relief from the swap clearing requirements set forth in Section 2(h)(1) of the Commodity Exchange Act (Clearing Requirement), as implemented by CFTC Regulations 50.2 and 50.4. In each instance, DCR determined that granting such no-action relief was consistent with the end-user exception to the Clearing Requirement (End-User Exception). The Staff Letters note that the non-action relief provided thereunder does not extend to other provisions of the Commodity Exchange Act and CFTC regulations, such as the recordkeeping and reporting requirements under parts 23 and 45 of the CFTC's regulations.

Staff Letter 17-57 is available [here](#).

Staff Letter 17-58 is available [here](#).

Staff Letter 17-59 is available [here](#).

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