

# The Clearing Corporation of India Limited

## Consultation Paper

05<sup>th</sup> Sept'19

### Introduction of Clearing Member structure in the Rupee Derivatives Segment

#### A. Introduction

The Clearing Corporation of India Ltd. (CCIL) was set up in April, 2001 for providing Central Counterparty (CCP) clearing services for transactions in Money, Government Securities, Foreign Exchange and Rupee Derivatives. CCIL is a Qualified Central Counterparty (QCCP) which is authorized and supervised by the RBI under the Payment and Settlement Systems Act, 2007 and is subject to the Principles for Financial Market Infrastructures (PFMIs) issued by the Committee on Payment and Market Infrastructure (CPMI) and International Organization of Securities Commissions (IOSCO).

2. As per PFMI requirements, a QCCP is required to adhere to the under-noted requirements:

#### Principle 14: Segregation and portability

*A CCP should have rules and procedures that enable the segregation and portability of positions of a participant's customers and the collateral provided to the CCP with respect to those positions.*

Key considerations in this respect are as under:

*i. A CCP should, at a minimum, have segregation and portability arrangements that effectively protect a participant's customers' positions and related collateral from the default or insolvency of that participant. If the CCP additionally offers protection of such customer positions and collateral against the concurrent default of the participant and a fellow customer, the CCP should take steps to ensure that such protection is effective.*

ii. A CCP should employ an account structure that enables it readily to identify positions of a participant's customers and to segregate related collateral. A CCP should maintain customer positions and collateral in individual customer accounts or in omnibus customer accounts.

iii. A CCP should structure its portability arrangements in a way that makes it highly likely that the positions and collateral of a defaulting participant's customers will be transferred to one or more other participants.

iv. A CCP should disclose its rules, policies, and procedures relating to the segregation and portability of a participant's customers' positions and related collateral. In particular, the CCP should disclose whether customer collateral is protected on an individual or omnibus basis. In addition, a CCP should disclose any constraints, such as legal or operational constraints, that may impair its ability to segregate or port a participant's customers' positions and related collateral.

3. CCIL deals directly with all its members and there is no indirect participation except in Securities Segment where indirect participation exists through a constituent mode as stipulated by the Reserve Bank of India.

CCIL had issued a consultation paper in Feb 2014 proposing client clearing with segregation of collaterals to be introduced in Securities and CBLO<sup>1</sup> segments. A Member meeting was held on 23<sup>rd</sup> May 2014 to discuss the proposal and the feedback received on the Consultation paper. The minutes of the Member meeting were then circulated to all members. Subsequently, the proposal was submitted to RBI along with Member feedback and CCIL's response to the feedback.

4. RBI advised CCIL to make some revisions in the proposed model highlighting the need to have "*fellow customer protection*" for the margin made available by a client. The original model was then slightly modified to incorporate RBI's suggestions and the same is now scheduled for implementation in the Securities Segment (including Triparty repo clearing) soon.

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<sup>1</sup> Since 5<sup>th</sup> Nov 2018, CBLO segment has been decommissioned and the same has been aligned to Triparty Repo (within Securities segment) as per RBI's Directions on Triparty repo (2018).

5. With the implementation of the Clearing Member structure already underway in the Securities Segment, it is felt that a similar structure can be put in place in other segments as well. Segregation of margins deposited by the Clearing Member on its own account and on behalf of each of its clients forms an integral part of Clearing Member structure. This is going to be achieved by way of new account structures for SGF in the Securities Segment. However, since the margin made available by a member in the form of SGF in the Securities Segment is also used to meet the member's margin obligation in Forex Forwards and Rupee Derivatives segments, once the new account structures are in place in the Securities Segment, they would automatically apply to Forex Forwards and Rupee Derivatives segments as well. Implementation of the Clearing Member structure in the Securities segment thus paves the way for extending this structure to these two segments mentioned above.

6. Recently, RBI has allowed Non-residents to participate in Rupee OIS market for both hedging and other than hedging. RBI has also allowed retail users to undertake Interest Rate Derivatives (IRDs) for hedging and non-retail users (entities having net worth more than Rs 500 Cr) to do trades for hedging and otherwise. It is, therefore, proposed to extend the services of CCP clearing and settlement to non- resident and resident users such as Foreign Portfolio Investors and Corporates who may not otherwise be eligible to become direct members, but can avail such facility as constituents of Clearing Member (s) (CMs).

7. We present below the following:

- a) A description of the account structures being implemented in the Securities Segment to achieve segregation of the margins deposited by the Clearing Member on its own account and on account of each of its clients.
- b) An approach to implementation of the Clearing Member structure in the Derivatives Segment (**which is the subject matter of this consultation paper**)

## **B. Account Structures being implemented in the Securities Segment**

CCIL will be offering two different account structures with regard to the SGF maintained in the Securities Segment, viz.:

- a. Legally Separated, Operationally commingled (LSOC) omnibus account (*in line with PFMI recommendation, 3.14.12*)
- b. Individual client segregated account (*in line with PFMI recommendation, 3.14.9*)

### **I. Legally Separated, Operationally commingled (LSOC) omnibus account**

#### **a) Margin**

- i. The clearing member shall be required to report to the Clearing Corporation the value of margin collected by it from each constituent. In the case of Legally Separated, Operationally Comingled (LSOC) model, the cumulative “Margin Posted by the CM for all the clients” in the group should be equal to or greater than the “Cumulative Margin reported by CM for all the clients” in the group. The margin posted by the clearing member will be in the form of eligible securities and cash (as specified by CCIL for other direct members).
- ii. In the case of LSOC accounts, the Cumulative Margin blocked by CCIL on all clients’ portfolios in the group will be higher of (cumulative Margin computed on all clients’ portfolios, Cumulative Margin reported by CM for all the clients in the group) and the same will be blocked from the Margin Posted by CM for the client group. This would ensure that if the CM has reported higher cumulative margin for the client group than the cumulative actual margin requirement for the client group, the reported higher cumulative margin will be blocked from the margin made available for the group.
- iii. Clearing members will continue to be responsible to CCIL for any margin deficit or any settlement shortfall in the account of any of the clients which access clearing services through them.

- b) LSOC requires that customer collateral be segregated on the books and records of the clearing member and CCP, but allows customer collateral to be commingled in an omnibus account. All margins deposited on behalf of the constituents will be in the CSGL account of CCIL but the same will be segregated in the books and records of clearing members and CCIL.

## II Individual client segregated (ICS) account

PFMI Principle 3.14.9 states that:

*“The individual account structure provides a high degree of protection to the clearing level collateral of customers of participants in a CCP, even in the case where the losses associated with another customer’s default exceed the resources of the participant. Under this approach, each customer’s collateral is held in a separate, individual account at the CCP, and depending on the legal framework applicable to the CCP, a customer’s collateral may only be used to cover losses associated with the default of that customer (that is, customer collateral is protected on an individual basis).....Maintaining individual accounts, however can be operationally and resource intensive for the CCP in settling transactions and ensuring book keeping”.*

### a. Margins

- i. In the case of Individual Client Segregated (ICS) Accounts, the margin posted should at all times be equal to or greater than the margin reported by the clearing member as collected from the constituent.
- ii. In the case of ICS accounts, the margin blocked by CCIL on account of the Client’s portfolio will be higher of (Margin computed on a client’s portfolio, Margins reported as collected from client by CM) and the same will be blocked from the Margin Posted by CM for the client. This would ensure that if the CM has reported higher margin for the client than the client’s actual margin requirement, the reported higher margin will be blocked from the margin provided by CM.

- b. As mentioned in PFMI, this account structure facilitates the clear and reliable identification of a customer's collateral which supports full portability of an individual client's positions and collateral or alternatively, can expedite the return of collateral to the customer.

## **C. Proposal for implementation in the Derivatives Segment**

### **1. Account Structures**

1.1 In the proposed clearing member structure, CCIL will have relationship with CMs only and no relationship with the constituents. The existing membership structure will be modified as under:

i. Trading cum Self Clearing Members (SCM)

These are direct members of the segment who can only clear their proprietary trades.

ii. Trading Cum Clearing Members (CM)

In addition to clearing their own trades, such members can also clear trades of their constituents. The criteria for selection of a Clearing Member (CM) in the segment shall be notified. Only Clearing Members with a good financial standing and credit rating shall be permitted to offer clearing member services in the segment.

However, SCM or CM may or may not avail services of trading system.

1.2 Since the margin made available by an entity in the Securities Segment is used to meet its margin obligation in this segment, the two types of account structures for segregation of client collateral placed as margin will be as specified in the Securities Segment i.e.:

i. Legally separated, operationally comingled (LSOC) model

ii. Individual Client Segregated Account (ICS)

## **2. Membership**

2.1 Constituent is an entity that is not a direct Member of CCIL. CCIL shall have no contractual relationship with any of CM's constituents.

2.2 A direct member in another segment of CCIL may be allowed to avail CCP clearing through a Clearing Member in this segment.

2.3 A constituent can avail the services of multiple clearing members within the Rupee Derivatives Guaranteed Settlement segment. Settlement for these trades shall be the responsibility of the CM(s) selected by it.

2.4 The eligibility criteria for constituents to be enrolled in the Rupee Derivatives Guaranteed Settlement Segment and the Dealing platform (ASTROID) are as follows:

- Should be an entity permitted to undertake Rupee Interest Rate Swaps and Forward Rate Agreements as a Market Maker /User.
- Should be availing the services of a CM, who is a direct member of the Rupee Derivatives Guaranteed Settlement Segment.

2.5 Trades by Constituents could be undertaken bilaterally or could be dealt on ASTROID. Constituents will be given access to ASTROID subject to the consent from the CM. It is proposed to offer ASTROID over internet to constituents who do not have access to INFINET. Constituents would be permitted to place their own orders.

## **3. Trade Reporting and Status**

3.1 Trades concluded by the Constituent bilaterally, either with the CM or with any other market maker will be cleared but the reporting of the trades to CCIL shall be done by the CM.

3.2 For trades dealt on ASTROID, no separate reporting shall be required. Such trades shall continue to flow to the settlement system with CCIL as the counterparty to the trade. As

ASTROID is an anonymous system, the matching may take place between two constituents and between the clearing member and the constituent for the trade dealt on ASTROID.

3.3 Trades done by constituents will be accepted by debiting the margin requirements from their respective collateral account.

3.4 Bilaterally concluded trades will continue to remain with Status as “*pending acceptance for CCP clearing*” if the margin made available in the account is not sufficient to support the trades.

3.5 The constituent will be provided information of the status of their trades.

#### **4. Access to ASTROID to the constituents through CM**

4.1 Constituents will be provided with a web version of ASTROID which can be accessed over internet to facilitate their trading in MIBOR OIS market via CM route.

4.2 Constituents will have to earmark margins at the beginning of the day for trades done on the trading platforms. The unutilized portion of such margins will be returned back to the common margin pool at the end of each day.

4.3 If margin requirement of a constituent breaches the margin made available at a pre-determined threshold (currently at 95%), the outstanding orders of the constituent on the trading platform will be cancelled. Constituent will be allowed to trade on the platform in a risk-reduction mode till the margin requirement as a percentage of the margin made available comes below a pre-determined threshold (currently at 90%). The orders placed in the risk-reduction model will be allowed to form a trade only if the resulting trade decreases the margin requirement on the portfolio for the constituent.

4.4 The Single Order Limit (SOL) allowed for constituents will have to be set by their respective Clearing members. However, the SOL set for any of its constituents cannot be greater than the SOL set for the Clearing member by CCIL. **Clearing Member Admin Module for non-Institutional Constituents**

4.5 An additional Admin role for CMs shall be provided to enable them to set up all core trading parameters and various limits for their constituents, similar to existing setup provided to HOT of member bank currently in production. This will enable them to set parameters like SOL, HOT Rate Band, Max Spread for Market Order, and Min Spread for Combined Bid & Offer Order along with three soft HOT alert level parameters i.e. L1, L2, L3.

4.6 In addition to the above, underlying Limit Management functionality of Constituents shall also be made available to the CM to allow them to set up limits for individual constituents for both Hedging (Notional- both Pay/ Receive fix and tenor) as well as Trading.

4.7 Before placing the orders by the constituents, all such limits shall be validated.

### **Dealer / HOT Terminal of Constituent**

4.8 The existing functionality available in current production for a Dealer and HOT of a member would be made available to the Constituent of Clearing member.

4.9 The default parameters set up for Constituent would be done by its Clearing Member and the value of the parameter on any given instance shall not breach the Clearing Member value as well as the CCIL set values.

## **5. Settlement**

5.1 The Clearing Member shall be responsible for settlement of the trades done by the Clearing Member and all constituents clearing through the CM.

5.2 The position of the constituents shall be netted with the position of the clearing members and one consolidated position shall be provided to the clearing member. Various settlements related reports shall be provided directly to the Clearing Member.

5.3 In case of settlement shortage, CCIL shall block the MTM margin under the head of "Margin Held back for Default" first from the Clearing Member's account and then from the constituents having a payable position. The settlement process will continue in the usual manner between CCIL and its direct members.

5.4 All obligations arising between the Clearing Member and its constituents will be settled between them bilaterally.

## **6. Margins**

6.1 The outstanding trades' portfolio of the Clearing Member and the portfolios of each of its constituents shall be considered separately for the purpose of margining. The exposure check will be performed on an online basis for the constituent as well. Each constituent's portfolio shall be treated independently. No offset shall be provided between clients or between a client and the CM in either the LSOC or the ICS model across constituents. Moreover, a constituent availing clearing service through multiple clearing members will not be allowed any margin offsets for offsetting positions across the clearing members.

6.2 All types of margins applicable in the segment would apply to the constituents. These margins will continue to be blocked as part of CCIL's Rupee Derivatives segment. In case the margins of the CM are eligible to be stepped up, then such step up shall apply to all its clients as well. While computing the Initial Margin for constituents, the Margin Period of Risk (MPOR) shall be set equal to the MPOR for the Clearing Members' portfolio.

6.3 Reported trades of a constituent shall not be accepted for CCP clearing if such acceptance were to result in a margin shortfall for the constituent. (i.e. such trades shall be kept pending acceptance even if the Clearing Member has surplus margin in its own account)

6.4 However, if an ASTROID trade results in margin requirement to be higher than the margin made available by the CM on account of the constituent, a margin shortfall would be created in the constituent's account and additional margin would be blocked in Clearing Member's own account to the extent of the margin shortfall of the client.

6.5 Any margin shortfall of the constituent on account of increase in margin requirements on already accepted trades shall be met by the Clearing Member and margins to the extent of the shortfall will be blocked from the margin made available by the Clearing Member on its own account.

6.6 Concentration margin will be imposed at an entity level (on the Clearing Member or/and its constituents) if the Initial Margin and Position of the entity breaches the thresholds specified for applicability of concentration margin. .

6.7 Margins for both the constituent and the Clearing Member will be released by CCIL on the day of settlement.

## **7. Default Fund**

Stress testing shall be carried out on the portfolio of the Clearing Member and on the portfolios of its clients independently. The stress gains of clients will not be netted with stress loss of other constituents of the clearing member or the stress loss of the clearing member. However, stress gain from the clearing member's proprietary position could be set off with the stress loss of its clients. The default fund shall be contributed by the clearing member. The default fund requirement for a Clearing Member will be based on the position, initial margin and stress loss<sup>2</sup> of the clearing member and its constituents.

## **8. MTM Margin / Gain**

8.1 The existing practice of marking-to-market the positions daily will be extended to the constituents positions as well. In case of the constituent portfolio having a MTM loss, MTM margin will be debited from the margin made available by the CM on account of its constituent. Shortfall, if any, on account of such debit shall be charged to the margin made available by CM on its own account. . In case of the constituent portfolio having a MTM gain, a notional credit (subject to a haircut) will be given to the individual constituent's margin account.

8.2 The MTM margin / gain of each constituent and Clearing Member shall be released at a pre-determined time on the day of settlement as notified by CCIL. If release of such notional credit for any constituent or the Clearing Member results in a margin shortfall, such shortfall

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<sup>2</sup> Starting 1<sup>st</sup> September 2019, Members' Default Fund requirements is based on the following three components, viz. (i) Average outstanding gross trade volume in the previous six months with a weightage of 50% (ii) Average Initial Margin requirement in the previous six months with a weightage of 25% (iii) Highest Stress Loss on account of the member in the previous six months with a weightage of 25%.

shall be met by the Clearing Member from the margin made available by the Clearing Member on its own account.

## **9. Cash Margin Composition, Interest Payments and Corporate Action**

9.1 Composition monitoring of the cash utilization in the Rupee Derivatives Guaranteed Settlement Segment shall continue at 5% of the total margin requirement.

9.2 Interest payments on the eligible cash balances shall be paid to the clearing member, irrespective of whether such payment is towards the proprietary position of the clearing member or the constituent. Corporate Action i.e. Coupon Payments in respect of Securities deposited with CCIL shall be to the clearing member.

## **10. Penalty on account of margin shortfall**

10.1 In case of margin shortfall (where the Margin provided by the Clearing member for his own account and for his clients falls short of total Margin required) a penalty will be charged to the Clearing Member as per the extant process.

## **11. Default Handling**

11.1 The existing default handling process for the segment shall remain unchanged. In the event of a default of the clearing member, the portfolio of outstanding proprietary trades of the Clearing Member shall be closed out with its bilateral counterparties at the latest MTM rates.

11.2 In the future, when CCIL implements the auction based default handling process in this segment, the portfolio of outstanding proprietary trades of the defaulting Clearing Member shall be auctioned. Constituent's portfolio could be ported to another Clearing Member. Constituents of defaulted CM may be taken as direct members (where possible) till their positions are ported to another (non defaulter) CM. In case, the client trades are not ported successfully, CCIL will auction the client portfolio as well.

11.3 In the event of a client default, the client's positions will be transferred to its CM account by the CCP and shall form part of the CM's portfolio of outstanding trades. The responsibility of informing the Clearing Corporation about the default of a client will lie with its Clearing Member.

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In case any clarification is required on the paper, please get in touch with Mr. Anupam Mitra (Derivatives Department) on 022-6154 6471 (for Trade processing, Settlements etc.) or Mr. Nandan Pradhan (Risk Management Department) on 022-61546422 (for Risk Management related queries)

Feedback may be emailed to [irs@ccilindia.co.in](mailto:irs@ccilindia.co.in) / [rmd@ccilindia.co.in](mailto:rmd@ccilindia.co.in) for attention of Senior Vice President (Derivatives) / Chief Risk Officer with the subject reading as “*Introduction of Clearing Member structure in the Rupee Derivatives Segment*” on or before 5<sup>th</sup> October 2019.

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