

## LIFFE NOTICE NO. 3849

Issue Date: 29 July 2014

Effective Date: 1 September 2014

**COCOA FUTURES CONTRACT (EXCHANGE CONTRACT NO. 401)**

**ROBUSTA COFFEE FUTURES CONTRACT (EXCHANGE CONTRACT NO. 409)**

**CHANGES TO THE PUBLICATION FORMAT OF MAXIMUM RENT AND LOADING OUT RATES FOR NOMINATED WAREHOUSEKEEPERS**

### Executive Summary

This Notice informs Members of changes to the publication format of maximum Rent and Loading Out rates for Nominated Warehousekeepers with respect to the Cocoa and Robusta Coffee Futures Contracts.

#### 1. Introduction

1.1 This Notice informs Members that, with effect from 1 September 2014, the Exchange will publish on its website maximum Rent and Loading Out rates per Port, rather than per individual Warehousekeeper.

#### 2. Maximum Rent and Loading Out Rate Publication

2.1 London Notice No. [3790](#), issued on 27 January 2014, informed Members of the introduction of the requirement for Warehousekeepers to submit to the Exchange maximum Rent and Loading Out rates annually at the time of the renewal of the nomination rather than on a semi-annual basis. These rates are currently published to the market via the Exchange's website per individual Warehousekeeper.

2.2 Following market consultation, initiated by Liffe Info Flash No. [LO14/51](#), issued on 13 June 2014, the Exchange has determined to introduce the publication of maximum Rent and Loading Out rates per Port, rather than per individual Warehousekeeper.

2.3 The introduction of the new publication format requires changes to the Grading and Warehousekeeping Procedures in respect of Cocoa and Robusta Coffee Futures Contracts. These changes are set out in Attachment 1 to this Notice and will be effective from 1 September 2014.

2.4 The maximum Rent and Loading Out rates can be found at <https://globalderivatives.nyx.com/en/commodities/nyse-liffe/delivery-procedures>.

For further information in relation to this Notice, Members should contact:

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**Grading and Warehousekeeping Procedures in respect of  
Cocoa and Robusta Coffee Futures Contracts**

(Additions shown underlined/deletions shown ~~struckthrough~~)

**D 1.26 Warehouse Charges**

D 1.26.1 At the time of application to be approved as a Nominated Warehousekeeper in accordance with Procedure D 1.8, and at each subsequent annual renewal of nomination in accordance with Procedure D 1.10, a Warehousekeeper shall submit to the Exchange details of the charges which it may make in respect of both:

- (a) Robusta Coffee (in bags or FIBCs) and Cocoa (in bags and/or in bulk) which is stored in its Warehouses and listed on NYSE Liffe Guardian; and
- (b) Robusta Coffee (in bags or FIBCs) and Cocoa (in bags and/or in bulk) which is stored in its Warehouses under a commercial agreement.

Details of the charges notified to the Exchange under Procedure D 1.26.1 shall include, but are not limited to, Loading In Charge, Rent, Weighing, Sampling, rebagging and Loading Out Charge and shall be for the period up to the next annual renewal of nomination. Charges submitted in accordance with Procedure D 1.26 (b) should be accompanied by commercial term sheets as a means to substantiate those charges.

D 1.26.2 The details of the charges notified to the Exchange pursuant to Procedure D 1.26.1(a) above shall be reasonable and comparable with the commercial charges levied for similar services and shall be justified by the applicant as such.

D 1.26.3 The charges submitted pursuant to Procedure D 1.26.1(a) in respect of Rent and the Loading Out Charge shall state the maximum amount (inclusive of any applicable taxes) which the Warehousekeeper may charge.

D 1.26.4 Except pursuant to Procedure D 1.26.10, Rent and Loading Out Charges submitted in accordance with Procedure D 1.26.1(a) may only be increased once a year at the annual renewal of nomination. The Exchange must receive written notice of any proposed increase in the charges at least ninety days prior to the Warehousekeepers annual renewal of nomination.

D 1.26.5 On receipt of a notification under Procedure D 1.26.4 the Exchange will invite the Warehousekeeper to justify any proposed increase as reasonable and comparable with commercial charges levied for similar services. If the proposed increase in charges can be so reasonably justified to the Exchange then the increase shall become effective on the date of the Warehousekeeper's annual renewal of nomination. If the proposed increase in charges cannot be justified to the Exchange

then the increase shall not become effective with respect to Robusta Coffee and Cocoa stored by the Warehousekeeper and listed on NYSE Liffe Guardian.

D 1.26.6 A Warehousekeeper may not impose any charges in relation to the delivery of Goods out of a Warehouse on to a truck or a lorry other than a Loading Out Charge. However, nothing in this Procedure D 1.26 shall prevent a Warehousekeeper from agreeing with an Owner:

- (a) to levy any charges which are lower than the maximum amount ~~notified to~~ published by the Exchange pursuant to Procedure D 1.26.81 ~~(a)~~;
- (b) to charge a different amount from the Loading Out Charge for the delivery of Goods from within a Warehouse on to a different means of transport; or
- (c) for the provision of additional services, and additional charges for such services, in addition to those services covered by the Rent and Loading Out Charge,

where so requested by, or agreed with, an Owner.

D 1.26.7 A Warehousekeeper shall, upon a request from the Exchange, provide details to the Exchange of any charges made, or agreed to be made, between the Warehousekeeper and an Owner in respect of the Robusta Coffee comprising a Lot or the Cocoa comprising a Delivery Unit.

D 1.26.8 The Exchange will publish, in respect of the nomination Period, details of the maximum Rent and Loading Out Charges accepted by ~~notified to~~ the Exchange pursuant to Procedure D 1.26.1 (a) in a format as determined by the Exchange from time to time in the Published List of Rent and loading Out Charges on the ~~NYSE Euronext~~ website ([www.nyx.com/liffe](http://www.nyx.com/liffe)).

D 1.26.9 A Warehousekeeper may not charge Rent or Loading Out Charges which exceed the maximum amount ~~notified to and~~ published by the Exchange in respect of a nomination Period.

D 1.26.10 Notwithstanding Procedure D 1.26.4, a Warehousekeeper may, in exceptional circumstances, submit a written request to the Exchange seeking approval to increase the maximum amount of Rent and/or Loading Out Charges levied by it in respect of a the nomination period. The Exchange may permit or reject such an increase at its absolute discretion and the decision shall be final.