

**Supplementary Exhibit NY-SUPP 4 AMEND**

**Amend Method for CSA (NY Law)**

**or**

**Replicate-and-Amend Method for CSA (NY Law)**

**This Supplementary Exhibit to the ISDA 2016 Variation Margin Protocol is applicable if the Agreed Method is Amend Method or Replicate-and-Amend Method and the CSA Type is NY CSA.**



**International Swaps and Derivatives Association, Inc.**

**AMENDMENT**

**to**

**CREDIT SUPPORT ANNEX**

The parties have entered into a Covered CSA or Replica CSA, which forms part of, and is subject to, a Protocol Covered Agreement and is part of its Schedule (the “**Annex**”), and an agreement to amend the Annex (“**Amendment NY-AMEND**”), pursuant to the terms of the ISDA 2016 Variation Margin Protocol, as published on August 16, 2016, by the International Swaps and Derivatives Association, Inc. (the “**ISDA 2016 Variation Margin Protocol**”). The parties have now agreed to amend and supplement Amendment NY-AMEND and the Annex by the terms of this amendment (this “**Supplemental Amendment**”). Capitalized terms used but not otherwise defined herein shall have the meanings assigned to such terms in the ISDA 2016 Variation Margin Protocol.

Accordingly, in consideration of the mutual agreements contained in this Supplemental Amendment, the parties agree as follows:

**1. Effectiveness of this Supplemental Amendment.**

If the Supplemental Implementation Date precedes the FMIA Rules Compliance Date (VM), this Supplemental Amendment will become effective on the FMIA Compliance Date (VM), *provided* that if both parties have answered “Yes” to the Question “Early Implementation of Amend Method?” in their Matched Questionnaires, the amendments will become effective on the earlier of (i) the FMIA Rules Compliance Date (VM) and (ii) the fifth New York Business Day following the Implementation Date (or such other date as the parties may agree). If the FMIA Rules Compliance Date (VM) precedes the Supplemental Implementation Date, the amendments will become effective on the Supplemental Implementation Date.

**2. Amendment of Amendment NY-AMEND.** Amendment NY-AMEND shall be amended by replacing the text in quotes in the left-hand column in the table below with the text in quotes in the right-hand column.

“[Supplemental Provision NYA-2]”	“FMIA Rules Compliance Date (VM)”
“[Supplemental Provision NYA-4]”	“unless otherwise agreed by the parties, the date that is the latest date of September 1, 2017, or such later date as may be established by the Swiss Financial Market Supervisory Authority as the date on which compliance with variation margin provisions of the FMIA Rules is required for the trading relationship of Party A and Party B, if any”

**3. Amendment of the Annex.**

The Annex shall be amended by:

- (a) replacing the text in quotes in the left-hand column in the table below (if such text appears in the Annex) with the text in quotes in the right-hand column, or if indicated in the table, with the language appearing in Schedule 1 to this Supplemental Amendment:

“[Supplemental Provision NYA-6]”	“is within any of the categories listed in Table E to Paragraph 13, if the Active Regime Combination on the date for which the determination is made includes FMIA Rules”
“[Supplemental Provision NYA-9]”	“as provided in the ISDA 2016 Variation Margin Protocol”
“[Supplemental Provision NYA-10]”	“unless otherwise agreed by the parties, the date that is the latest date of September 1, 2017, or such later date as may be established by the Swiss Financial Market Supervisory Authority as the date on which compliance with variation margin provisions of the FMIA Rules is required for the trading relationship of Party A and Party B, if any”
“[Supplemental Provision NYA-12]”	“FMIA Rules”
“[Supplemental Provision NYA-14]”	“within the currency category listed in Table E to Paragraph 13, if the Active Regime Combination on the date for which the determination is made includes FMIA Rules”
“[Supplemental Provision NYA-16]”	“if the parties’ Active Regime Combination on the date for which the determination is made includes FMIA Rules, the applicable percentage specified in Table E”
“[Supplemental Provision NYA-18]”	“FMIA Rules Compliance Date (VM)”
“[Supplemental Provision NYA-20]”	“With respect to a date of demand, (i) for cash or other property (other than securities), the next Local Business Day; and (ii) for securities, the first Local Business Day after such date on which settlement of a trade in the relevant securities, if effected on such date, would have been settled in accordance with customary practice when settling through the clearance system agreed between the parties for delivery of such securities or, otherwise, on the market in which such securities are principally traded (or, in either case, if there is no such customary practice, on the first Local Business Day after such date on which it is reasonably practicable to deliver such securities).”
“[Supplemental Provision NYA-22]”	<b>Replace with the text included in Schedule 1</b>
“[Supplemental Provision NYA-25]”	“Any FMIA OTC Derivative”
“[Supplemental Provision NYA-26]”	“FMIA Rules Compliance Date (VM)”
“[Supplemental Provision NYA-27]”	“a “derivative” or “derivative transaction” as defined in Article 2(c) FMIA and Article 2(2) FMIO, other than one that is defined in Article 94(3) FMIA, Article 2(3) FMIO and Article 80 FMIO and other than one that constitutes a physically settled currency forward or physically settled currency swap as defined in Article 107 (2)(b) FMIA and Article 84 FMIO”

(b) inserting the following after the table inserted into Paragraph 13 of the Annex pursuant to Paragraph 2(k)(i)(2) of Amendment NY-AMEND:

“Subject to Paragraph 4(a), if the Active Regime Combination includes the FMIA Rules, in relation to a demand for the Transfer of Eligible Credit Support or Posted Credit Support, and in the case of Paragraph 5, in respect of the undisputed amount only, if such demand is received by the Notification Time, the relevant Transfer will be initiated on the

relevant date of demand and if such demand is received after the Notification Time, the relevant Transfer will be initiated promptly following such demand, and in any event not later than on the Local Business Day following the relevant date of demand.”.

**Schedule 1**

FMIA Rules Eligible Collateral

		<i>Party A</i>	<i>Party B</i>	<i>Regulatory Valuation Percentage</i>
(A)	Cash	Yes	Yes	100%
(B)	Gold	Yes	Yes	85%
(C)	High-quality debt securities issued by a central government with a credit quality determined by the CAO of class 1 to 2, or 1 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 99.5% 1-5: 98% Greater than 5: 96%
(D)	High-quality debt securities issued by a central government with a credit quality determined by the CAO of class 3 to 4, or 2 to 3 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 99% 1-5: 97% Greater than 5: 94%
(E)	High-quality debt securities issued by a central government with a credit quality determined by the CAO of class 5*	Yes	Yes	<u>Residual Maturities in years:</u> All: 85%
(F)	High-quality debt issued by a central bank with a credit quality determined by the CAO of class 1 to 2, or 1 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 99.5% 1-5: 98% Greater than 5: 96%
(G)	High-quality debt securities issued by a central bank with a credit quality determined by the CAO of class 3 to 4, or 2 to 3 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 99% 1-5: 97% Greater than 5: 94%
(H)	High-quality debt securities issued by a central bank with a credit quality determined by the CAO of class 5*	Yes	Yes	<u>Residual Maturities in years:</u> All: 85%
(I)	High-quality debt securities issued by a public-law entity with the right to levy taxes with a credit quality determined by the CAO of class 1 to 2, or 1 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 99.5% 1-5: 98% Greater than 5: 96%
(J)	High-quality debt securities issued by a public-law entity with the right to levy taxes with a credit quality determined by the CAO of class 3 to 4, or 2 to 3 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 99% 1-5: 97% Greater than 5: 94%
(K)	High-quality debt securities issued by a public-law entity with the right to levy taxes with a credit quality determined by the CAO of class 5*	Yes	Yes	<u>Residual Maturities in years:</u> All: 85%
(L)	High-quality debt securities issued by the Bank for International Settlements with a credit quality determined by the CAO of class 1 to 2, or 1 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 99.5% 1-5: 98% Greater than 5: 96%
(M)	High-quality debt securities issued by the Bank for International Settlements with a credit quality determined by the CAO of class 3 to 4, or 2 to 3 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 99% 1-5: 97% Greater than 5: 94%

(N)	High-quality debt securities issued by the Bank for International Settlements with a credit quality determined by the CAO of class 5*	Yes	Yes	<u>Residual Maturities in years:</u> All: 85%
(O)	High-quality debt securities issued by the International Monetary Fund with a credit quality determined by the CAO of class 1 to 2, or 1 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 99.5% 1-5: 98% Greater than 5: 96%
(P)	High-quality debt securities issued by the International Monetary Fund with a credit quality determined by the CAO of class 3 to 4, or 2 to 3 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 99% 1-5: 97% Greater than 5: 94%
(Q)	High-quality debt securities issued by the International Monetary Fund with a credit quality determined by the CAO of class 5*	Yes	Yes	<u>Residual Maturities in years:</u> All: 85%
(R)	High-quality debt securities issued by the European Stability Mechanism with a credit quality determined by the CAO of class 1 to 2, or 1 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 99.5% 1-5: 98% Greater than 5: 96%
(S)	High-quality debt securities issued by the European Stability Mechanism with a credit quality determined by the CAO of class 3 to 4, or 2 to 3 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 99% 1-5: 97% Greater than 5: 94%
(T)	High-quality debt securities issued by the European Stability Mechanism with a credit quality determined by the CAO of class 5*	Yes	Yes	<u>Residual Maturities in years:</u> All: 85%
(U)	High-quality debt securities issued by multilateral development banks with a credit quality determined by the CAO of class 1 to 2, or 1 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 99.5% 1-5: 98% Greater than 5: 96%
(V)	High-quality debt securities issued by multilateral development banks with a credit quality determined by the CAO of class 3 to 4, or 2 to 3 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 99% 1-5: 97% Greater than 5: 94%
(W)	High-quality debt securities issued by multilateral development banks with a credit quality determined by the CAO of class 5*	Yes	Yes	<u>Residual Maturities in years:</u> All: 85%
(X)	High-quality debt securities of companies with a credit quality determined by the CAO of class 1 to 2, or 1 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 99% 1-5: 96% Greater than 5: 92%
(Y)	High-quality debt securities of companies with a credit quality determined by the CAO of class 3 to 4, or 2 to 3 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 98% 1-5: 94% Greater than 5: 88%
(Z)	High-quality debt securities of companies with a credit quality determined by the CAO for class 5*	No	No	Not recognized
(AA)	High-quality mortgage bonds and other covered debt securities with a credit quality determined by the CAO of class 1 to 2, or 1 for short dated debt securities*	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 99% 1-5: 96% Greater than 5: 92%
(BB)	High-quality mortgage bonds and other covered debt securities with a credit quality determined by the CAO of class 3 to 4, or 2 to	Yes	Yes	<u>Residual Maturity in years:</u> Less than 1: 98% 1-5: 94%

	3 for short dated debt securities*			Greater than 5: 88%
(CC)	High-quality mortgage bonds and other covered debt securities with a credit quality determined by the CAO for class 5*	No	No	Not recognized
(DD)	Shares of a major index in accordance with Article 4 letter b of the Swiss Capital Adequacy Ordinance (CAO) (SR 952.03), including convertible bonds	Yes	Yes	85%
(EE)	Money Market Funds	Yes	Yes	**
(FF)	Shares of security funds <sup>1</sup>	Yes	Yes	**

\*class refers to ranking pursuant to Swiss Capital Adequacy Ordinance (CAO) (SR 952.03)

\*\* No haircut provided

**Definitions:** For purposes of Table E, the below terms have the following meanings:

**“Bank for International Settlements Debt”** means high-quality debt securities issued by the Bank for International Settlements.

**“Cash”** means cash in the form of money credited to an account in any currency, or similar claims for the repayment of money, such as money market deposit accounts, medium-terms notes or comparable instruments issued by a bank.

**“Central Bank Debt”** means high-quality debt securities issued by a central bank.

**“Central Government Debt”** means debt securities issued by a central government.

**“Convertible Bonds”** means convertible bonds, *provided* that they can be converted only into equities that are included in a main index.

**“European Stability Mechanism Debt”** means high-quality debt securities issued by the European Stability Mechanism.

**“Gold”** means gold in the form of allocated pure gold bullion of recognized good delivery.

**“High-Quality Debt Securities”** means a debt instrument that is highly liquid, has strong track record of preserving its value even in a period of stress and can be monetized within an appropriate period as per Art. 104 para. 2 FMIO.

**“International Monetary Fund debt”** means high-quality debt securities issued by the International Monetary Fund.

**“Multilateral Development Bank Debt”** means high-quality debt securities issued by multilateral development banks listed in Annex 1 of the Circ. 2008/19 Credit Risks –Banks.

**“Public-law entity debt”** means high-quality debt securities issued by a public-law entity that has the right to levy taxes.

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<sup>1</sup> Subject to the conditions that (i) the shares are evaluated on daily basis and (ii) the collective investment schemes invest exclusively in assets according to Art. 53 para. 1 let. a-g CISA or derivatives, which hedge the assets according to para. 1 let. a-g.