

MIAX Emerald Options Exchange Regulatory Circular 2022-70

DATE: December 15, 2022

TO: MIAX Emerald Options Members

FROM: MIAX Regulatory Department

RE: Business Continuity and Disaster Recovery Plans Testing
Member Designation Standards

In coordination with other market centers and in support of Regulation Systems Compliance and Integrity (“Regulation SCI”) and MIAX Emerald Rule 321, Business Continuity and Disaster Recovery Plans Testing Requirements for Designated Members, which Rule is incorporated by reference to Rule 321 of MIAX Options, certain MIAX Emerald Options Members (“Members”) will have mandatory participation requirements in the annual SIFMA Business Continuity Planning Disaster Recovery (“BC/DR”) test.

Within fifteen (15) calendar days following the end of the measurement quarter MIAX Emerald Options will provide notice to qualifying Members that will have a mandatory BC/DR testing participation requirement. Members that qualify for mandatory participation will be expected to participate in the BC/DR test. Required participants will be expected to submit a meaningful amount of quotes and/or orders to the MIAX Emerald Options CH4 Disaster Recovery (“MIAX Emerald Options DR”) site during the test and the expected level of order activity will be coordinated between the MIAX Emerald Options Exchange and the Member. Designated Members are required to maintain connection to the MIAX Emerald Options DR systems for a twelve (12) month period after receiving notification for mandatory testing. While Non-qualifying Members are also encouraged to participate, they are not obligated to do so and will have no registration or volume requirements if they participate.

MIAX Emerald Options will notify Designated Members of the date of MIAX Emerald Options next scheduled BC/DR plans testing and BC/DR Plans Testing Requirements in advance of such testing date.

Designation Standards

Electronic Exchange Members (EEMs):

- MIAX Emerald Options EEMs providing the largest order flow executed volume on the MIAX Emerald Options Exchange which, when combined with order flow volume of all other MIAX Emerald Options EEMs providing the largest order flow volume, equals or exceeds 70% of total order flow executed volume on the MIAX Emerald Options Exchange.

Market Makers (MMs):

- MIAX Emerald Options MMs providing the largest MM executed volume on the MIAX Emerald Options Exchange which, when combined with MM volume of all other MIAX Emerald Options MMs providing the

largest MM executed volume, equals or exceeds 70% of total MM executed volume on the MIAX Emerald Options Exchange.

Measurement Quarter:

- Volume shall be measured over the measurement quarter defined as January 1st through March 31st each year.

Notice to Designated BCP Members

MIAX Emerald Options will individually notify Designated Members of their designation as such (including the MIAX Emerald Options Exchange volume percentage(s) such designation is based upon) promptly following completion of the applicable measurement quarter. Members designated for the first time will become subject to the requirements of MIAX Emerald Rule 321 in the next calendar quarter following their receipt of notice of designation from MIAX Emerald Options. For example, Members meeting the Designation Standards in the January 1, 2023 through March 31, 2023 measurement quarter will be notified by MIAX Emerald Options that they are Designated Members in early April 2023. The Member will be required to connect to the MIAX Emerald Options DR systems in the calendar quarter commencing July 1, 2023 and participate in BC/DR plans testing occurring in or after that calendar quarter.

Any changes to the Designation Standards will be published by MIAX Emerald Options in a Regulatory Circular in advance of the start of any measurement quarter and will not be applied retroactively to any measurement quarter then completed or in progress.

For questions regarding BC/DR testing, contact Trading Operations Department at TradingOperations@MIAXOptions.com or (609) 897-7302.

Direct Regulatory inquiries to Regulatory@MIAXOptions.com or (609) 897-7309.