FRIED FRANK

To Our Clients and Friends

Memorandum

March 25, 2020

NFA Extends Deadlines for CPO and CTA Reports in Response to COVID-19

On March 20, 2020, the Commodity Futures Trading Commission ("CFTC") staff issued a no-action letter to commodity pool operators (each, a "CPO") in response to the COVID-19 pandemic.[1] On March 23, 2020, the National Futures Association ("NFA") issued parallel relief for member CPOs and commodity trading advisors (each, a "CTA").[2]

NFA Compliance Rule 2-46

NFA Compliance Rule 2-46 requires member CPOs to file NFA Form PQR for the quarter ended December 31, 2019 by March 30, 2020 and for the quarter ended March 31, 2020 by May 30, 2020. Under this relief, NFA is extending the due date for the December 31, 2019 PQR until May 15, 2020 and the due date for the March 31, 2020 PQR until July 15, 2020.

NFA Compliance Rule 2-46 also requires member CTAs to file NFA Form PR on a quarterly basis with NFA within 45 days after each quarter end. In accordance with this requirement, member CTAs are required to file NFA Form PR for the quarter ended March 31, 2020 by May 15, 2020. Under this relief, NFA is extending the due date for the March 31, 2020 NFA Form PR until June 30, 2020.

NFA Compliance Rule 2-13

NFA Compliance Rule 2-13 incorporates the CFTC's requirements for member CPOs to file pool annual reports with NFA and provide a copy to participants in accordance with the timing requirements set forth in CFTC Rules 4.7(b)(3) and 4.22(c). Similarly, NFA Compliance Rule 2-13 incorporates the CFTC's requirements for member CPOs to distribute periodic account statements to pool participants on a monthly or quarterly basis in accordance with CFTC Rules 4.7(b)(2) and 4.22(b). Under this relief, member CPOs that are in compliance with the terms of the CFTC's relief providing revised deadlines for filing and distributing pool annual reports and distributing periodic account statements will be deemed to be in compliance with NFA's requirements.

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Authors:

William J. Breslin

David S. Mitchell

1 See CFTC Letter No. 20-11 (Mar. 20, 2020).

2 See NFA Notice I-20-15 (Coronavirus (COVID-19) Update—Regulatory Relief for CPOs and CTAs).

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Contacts:

London		
Gregg Beechey	+44.20.7972.9172	gregg.beechey@friedfrank.com
David Christmas	+44.20.7972.9222	david.christmas@friedfrank.com
Kate Downey	+44.20.7972.6221	kate.downey@friedfrank.com
Mark Mifsud	+44.20.7972.9155	mark.mifsud@friedfrank.com
Sam Wilson	+44.20.7972.9223	sam.wilson@friedfrank.com
New York		
Jonathan S. Adler	+1.212.859.8662	jonathan.adler@friedfrank.com
Lawrence N. Barshay	+1.212.859.8551	lawrence.barshay@friedfrank.com
Jeremy R. Berry	+1.212.859.8796	jeremy.berry@friedfrank.com
Gerald H. Brown, Jr.	+1.212.859.8825	gerald.brown@friedfrank.com
Jessica Forbes	+1.212.859.8558	jessica.forbes@friedfrank.com
Jonathan H. Hofer	+1.212.859.8583	jonathan.hofer@friedfrank.com
Bryan Hunkele	+1.212.859.8251	bryan.hunkele@friedfrank.com
Darren A. Littlejohn	+1.212.859.8933	darren.littlejohn@friedfrank.com
Robert M. McLaughlin	+1.212.859.8963	robert.mclaughlin@friedfrank.com
Todd J. McMullan	+1.212.859.8190	todd.mcmullan@friedfrank.com
David S. Mitchell	+1.212.859.8292	david.mitchell@friedfrank.com
Kenneth I. Rosh	+1.212.859.8535	kenneth.rosh@friedfrank.com
Lisa M. Schneider	+1.212.859.8784	lisa.schneider@friedfrank.com
Stacey Song	+1.212.859.8898	stacey.song@friedfrank.com
Washington, D.C.		
Richard I. Ansbacher	+1.202.639.7065	richard.ansbacher@friedfrank.com
William J. Breslin	+1.202.639.7051	william.breslin@friedfrank.com
Matthew W. Howard	+1.202.639.7494	matthew.howard@friedfrank.com
Walid Khuri	+1.202.639.7013	walid.khuri@friedfrank.com
Bradford R. Lucas	+1.202.639.7483	brad.lucas@friedfrank.com
Andrew P. Varney	+1.202.639.7032	andrew.varney@friedfrank.com
Rebecca N. Zelenka	+1.202.639.7260	rebecca.zelenka@friedfrank.com