

CFTC Adopts Historical Swap Recordkeeping and Reporting Requirements

June 5, 2012 | Client Update

On May 18, 2012, the CFTC adopted Part 46 rules for recordkeeping and reporting of “historical swaps.” Historical swaps include “pre-enactment swaps”—swaps entered into before the enactment of Dodd-Frank on July 21, 2010 but not terminated or expired as of that date—and “transitional swaps”—swaps entered into between July 21, 2010 and the upcoming effective date of the CFTC’s swap reporting rules. Like the CFTC’s Part 45 swap reporting rules, which will govern recordkeeping and reporting for swaps entered into on or after its compliance date, the historical swap rules require swap counterparties to retain information about swap activity and for the “reporting counterparty” to report swap information to a swap data repository (“SDR”).

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

Annette L. Nazareth

+1 202 962 7075

annette.nazareth@davispolk.com

Gabriel D. Rosenberg

+1 212 450 4537

gabriel.rosenberg@davispolk.com

This communication, which we believe may be of interest to our clients and friends of the firm, is for general information only. It is not a full analysis of the matters presented and should not be relied upon as legal advice. This may be considered attorney advertising in some jurisdictions. Please refer to the firm's privacy notice for further details.

Related materials

[Read the full update](#)