



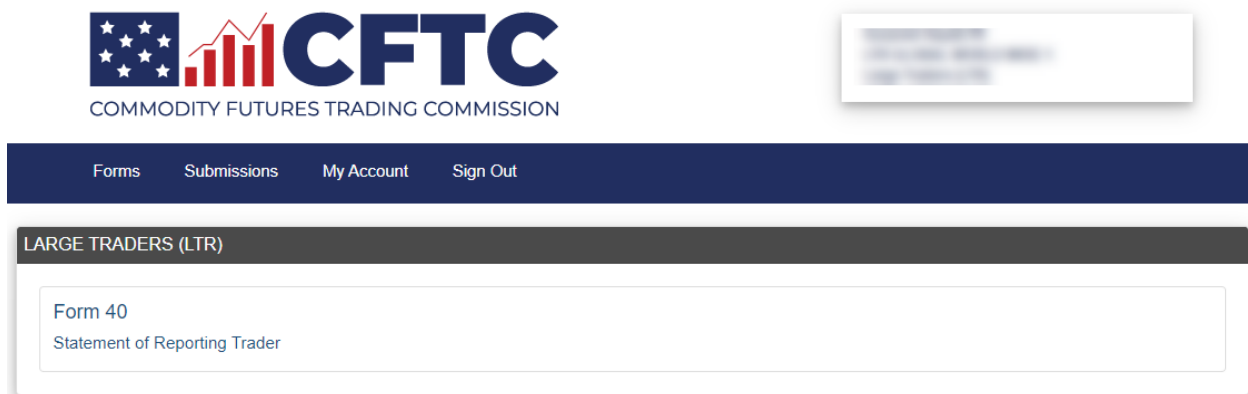
## U.S. COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Centre  
1155 21st Street, NW, Washington, DC 20581

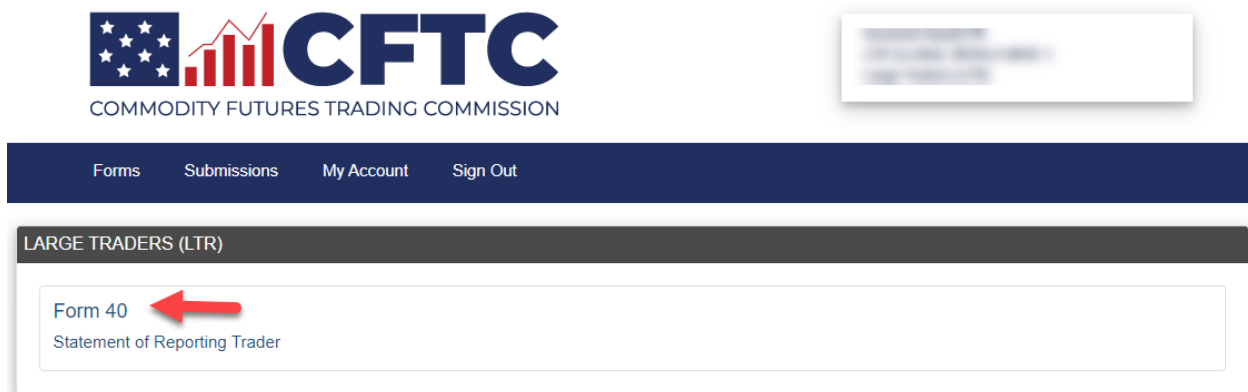
### How do I continue a previously saved draft version of Form 40?

This document provides an overview of the steps needed to continue a previously saved draft version of Form 40.

1. After successfully signing in to the CFTC Portal, the user will be redirected to the Forms page.



2. Select "Form 40" on the CFTC Portal Forms page.



3. Select [Continue] a previously saved draft.

**INSTRUCTIONS**

**Who Must File a Form 40** – 17 CFR § 18.04(a) requires every person who owns or controls a reportable position to file a Form 40 – Statement of Reporting Trader with the Commission. 17 CFR § 18.04(b) requires every volume threshold account controller, person who owns a volume threshold account, reportable sub-account controller, and person who owns a reportable sub-account to file a Form 40 – Statement of Reporting Trader with the Commission. 17 CFR § 20.5 requires every person subject to books or records under 17 CFR § 20.6 to file a 40S filing with the Commission.

**When to file** – A reporting trader must file a Form 40 on call by the Commission or its designee.

**Where to file** – The Form 40 should be submitted (a) via the CFTC’s web-based Form 40 submission process at portal.cftc.gov. (b) via a secure FTP data feed to the Commission, or (c) as otherwise instructed by the Commission or its designee. If electronic submission attempts fail, the reporting trader shall contact the Commission at [TechSupport@cftc.gov](mailto:TechSupport@cftc.gov) for further technical support.


**When to update** – A reporting trader required to complete a Form 40 will be under a continuing obligation, per direction in the special call, to update and maintain the accuracy of the information it provides. Reporting traders can update this information by either visiting the CFTC’s web-based Form 40 portal to review, verify, and/or update their information or by submitting updated information via FTP.

**Signature** – Each Form 40 submitted to the Commission must be signed or otherwise authenticated by either (1) the reporting trader submitting the form or (2) an individual that is duly authorized by the reporting trader to provide the information and representations contained in the form.

**What to File** – All reporting traders that are filing a Form 40 pursuant to either 17 CFR § 18.04(a) (i.e. reportable position reporting traders) or 17 CFR § 20.5 (i.e. swaps books and records reporting traders) must complete all questions. All reporting traders that are filing a Form 40 pursuant to 17 CFR § 18.04(b) (i.e. volume threshold account controllers, persons who own a volume threshold account, reportable sub-account controllers, and persons who own a reportable sub-account reporting trader) must complete all questions unless they are natural persons. Reporting traders that are filing a Form 40 pursuant to 17 CFR § 18.04(b) who are natural persons shall mark not applicable for questions 7 and 8.

The OMB control number for the collection of information pursuant to the OCR Final Rule is 3038-0103. Please be advised that pursuant to 5 CFR § 1320.5(b) (2)(i), you are not required to respond to the collection of information pursuant to the OCR Final Rule unless it displays a currently valid OMB control number.

Start a new Form 40.	Start
Upload a previously filed Form 40 XML.	Upload
Continue a previously saved draft.	Continue



4. Select the draft, enter the corresponding Retrieval Code and select [Continue]. A Retrieval Code is necessary to gain access to the saved draft. The Retrieval Code was sent via email. If you did not receive the message, please check your Junk, Spam or Clutter folders. If you do not see the message in these folders, please contact [TechSupport@cftc.gov](mailto:TechSupport@cftc.gov) .

**PREVIOUSLY SAVED DRAFTS**

How to continue a previously saved draft:

1. Select a draft.
2. Enter the corresponding Retrieval Code.
3. Select the [Continue] button to open the draft.

	Document ID	Saved By	Saved Date	Expiration Date	Description
<input type="radio"/>	[REDACTED]	[REDACTED]	9/19/2018 12:02:08 PM	10/24/2018 12:02:08 PM	Form 40
<input type="radio"/>	[REDACTED]	[REDACTED]	9/19/2018 1:24:32 PM	10/24/2018 1:24:32 PM	Form 40
<input type="radio"/>	[REDACTED]	[REDACTED]	9/19/2018 1:51:42 PM	10/24/2018 1:51:42 PM	Form 40
<input type="radio"/>	[REDACTED]	[REDACTED]	9/19/2018 1:52:16 PM	10/24/2018 1:52:16 PM	Form 40
<input type="radio"/>	[REDACTED]	[REDACTED]	9/19/2018 1:52:41 PM	10/24/2018 1:52:41 PM	Form 40
<input checked="" type="radio"/>	[REDACTED]	[REDACTED]	9/19/2018 1:53:02 PM	10/24/2018 1:53:02 PM	Form 40

Retrieval Code:

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5. The previously Saved Form 40 is populated.

FORM 40

DRAFT CODES

Document ID: [REDACTED]

Retrieval Code: [REDACTED]

*Save the Document ID and Retrieval Code to access your draft until final submission.*

STATEMENT OF REPORTING TRADER

**NOTICE:** Failure to file a report required by the Commodity Exchange Act ("CEA" or the "Act") and the regulations thereunder, or the filing of a report with the Commodity Futures Trading Commission ("CFTC" or "Commission") that includes a false, misleading or fraudulent statement or omits material facts that are required to be reported therein or are necessary to make the report not misleading, may (a) constitute a violation of § 6(c)(2) of the Act (7 USC 9, 15), § 9(a)(3) of the Act (7 USC 13(a)(3)), and/or § 1001 of Title 18, Crimes and Criminal Procedure (18 USC 1001) and (b) result in punishment by fine or imprisonment, or both.

**PRIVACY ACT NOTICE**

The Commission's authority for soliciting information from traders with large futures, option, swap, or other derivatives market positions is granted in sections 4a, 4i, 4t and 8 of the CEA (see 7 U.S.C. §§ 6i and 12). The Commission's authority for soliciting information from volume threshold account controllers, persons who own volume threshold accounts, reportable sub-account controllers, and persons who own reportable sub-accounts is granted in sections 4i and 8 of the CEA and related regulations (see, e.g., 17 CFR § 18.04(b)). Such entities and individuals are required to provide the information requested, and failure to comply may result in the imposition of criminal or administrative sanctions (see, e.g., 7 U.S.C. §§ 9 and 13a-1, and/or 18 U.S.C. 1001).

The information requested is most commonly used in the Commission's market and trade practice surveillance activities to (a) provide information concerning the size and composition of the commodity derivatives markets, (b) permit the Commission to monitor and enforce speculative position limits and (c) enhance the Commission's trade surveillance data. Information contained in these records may be used by the Commission in the conduct of investigations or litigation and, in limited circumstances, may be made public in accordance with provisions of the CEA and other applicable laws. It may also be disclosed to other government agencies and to contract markets to meet responsibilities assigned to them by law. In accordance with the Privacy Act and the Commission's rules thereunder (see 17 CFR § 146), the complete listing of uses of the information contained in these records is found in the System of Records Notice [CFTC-15 Enterprise Surveillance, Oversight & Risk Monitoring System](#).

Information contained in these records may be used by the Commission in the conduct of investigations or litigation and, in limited circumstances, may be made public in accordance with provisions of the CEA and other applicable laws. It may also be disclosed to other government agencies and to reporting markets to meet responsibilities assigned to them by law.