

Draft Regulation

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2, ss. 194, 200)

Draft Regulation to amend the Regulation respecting the issuance and renewal of representatives' certificates

Notice is hereby given by the *Autorité des marchés financiers* (the "Authority") that, in accordance with section 217 of *An Act respecting the distribution of financial products and services* (R.S.Q., c. D-9.2), the following draft Regulation, the text of which is published hereunder, may be made by the Authority and subsequently submitted to the Minister for Finance for approval, with or without amendment, after 30 days have elapsed since this publication in the Bulletin of the Authority:

- *Regulation to amend the Regulation respecting the issuance and renewal of representatives' certificates.*

Purpose of draft Regulation

This draft Regulation is made under section 200 of *An Act respecting the distribution of financial products and services*, R.S.Q., c. D-9.2 (the "Distribution Act"), and is intended to amend section 53 of the Regulation respecting the issuance and renewal of representatives' certificates (the "Regulation"), which has been in force since March 1, 2010. This section concerns the exemptions provided to a candidate from another Canadian province or territory who is seeking a representative's certificate in Québec.

As it currently reads, section 53 of the Regulation is not in compliance with the rules of labour mobility set out in the Agreement on Internal Trade (AIT), where they apply to the financial sector. This section must be amended so that it complies with the provisions of the AIT pertaining to the financial sector.

The AIT is an intergovernmental trade agreement signed by Canadian First Ministers. Its purpose is to reduce barriers to the free movement of persons, goods, services, and investment within Canada. The AIT came into force on July 1, 1995.

The AIT Twelfth Protocol of Amendment pertains to the application of Chapter Seven, *Labour Mobility*, of the AIT to the financial services sector. It will come into force when all provinces and territories have signed it.

The Protocol stipulates that a worker authorized in one province or territory will, upon application, be authorized for that same occupation by any other province or territory, unless an additional requirement is imposed.

These requirements correspond to certain Québec requirements, including the requirement to pass examinations measuring the candidate's knowledge of Québec legislation and taxation and the requirement to complete a probationary period. These requirements are the subject of this Notice.

Comments

Comments regarding the above draft Regulation may be made in writing before **March 19, 2012** to:

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Comments will be made public unless otherwise noted.

Further information

Further information is available from:

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February 17, 2012.

REGULATION TO AMEND THE REGULATION RESPECTING THE ISSUANCE AND RENEWAL OF REPRESENTATIVES' CERTIFICATES

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2, s. 200, pars. (1), (2), (3) and (5))

1. Section 53 of the Regulation respecting the issuance and renewal of representatives' certificates (R.R.Q., c. D-9.2, r. 7) is replaced by the following:

“53. A candidate from another Canadian province or a Canadian territory seeking to act as a representative is exempt from the minimum qualifications set out in Division II of Chapter II and the examinations prescribed in subparagraphs 2 of the first and second paragraphs of section 19 if he satisfies the following conditions:

(1) he has furnished the Authority with a document issued by a competent authority of a Canadian province or territory while he lived outside Québec that is equivalent to a representative's certificate whereby he was authorized to act in a corresponding sector or sector class in accordance with the system of reference established by the Authority and available on its website;

(2) he has passed the examinations referred to in subparagraphs 1 of the first and second paragraphs of section 19;

(3) he has completed the probationary period in accordance with sections 30 to 40 and 44 to 50;

(4) he has duly completed and submitted to the Authority an application for a certificate.

The authorization referred to in subparagraph 1 must have been in effect in the year prior to the candidate's application to act as a representative.

A candidate who surrenders or does not renew the authorization referred to in subparagraph 1 of the first paragraph must have satisfied the conditions set out in subparagraphs 2, 3 and 4 of such paragraph within three years following the surrender or non-renewal of such authorization.”

2. This Regulation comes into force on the day of its publication in the *Gazette officielle du Québec*.