

M.O., 2016-08**Order number I-14.01-2016-08 of the Minister of Finance dated 18 May 2016**

Derivatives Act
(chapter I-14.01)

CONCERNING the Regulation to amend the Derivatives Regulation

WHEREAS subparagraphs 1, 2, 9, 11, 12, 16, 22 and 29 of section 175 of paragraph 1 of the Derivatives Act (chapter I-14.01) stipulates that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the fourth and fifth paragraphs of section 175 of the said Act stipulate that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the second and sixth paragraphs of the said section stipulate that every regulation made under section 175 must be submitted to the Minister of Finance for approval with or without amendment and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS the Derivatives Regulation has been approved by ministerial order no. 2009-01 dated January 15, 2009 (2009, *G.O.* 2, 33A);

WHEREAS there is cause to amend this regulation;

WHEREAS the draft Regulation to amend the Derivatives Regulation was published in the *Bulletin de l'Autorité des marchés financiers*, volume 13, no. 2 of January 14, 2016;

WHEREAS the Authority made, on April 27, 2016, by the decision no. 2016-PDG-0062, Regulation to amend the Derivatives Regulation;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment Regulation to amend the Derivatives Regulation appended hereto.

May 18, 2016

CARLOS LEITÃO,
Minister of Finance

Regulation to amend the derivatives regulation

Derivatives Act
(chapter I-14.01, s. 175, par. 1, subpars. (1), (2), (9), (11), (12), (16), (22) and (29))

1. Section 11.6 of the Derivatives Regulation (chapter I-14.01, r. 1) is amended by replacing paragraphs (1) and (2) with the following:

“(1) have at least 2 years of relevant experience with respect to the derivatives for which he wishes to act;

“(2) have met at least one of the following education and training requirements with respect to the derivatives for which he wishes to act:

(a) have passed all required exams of the Investment Industry Regulatory Organization of Canada for a dealing representative; or

(b) have earned a CFA Charter as defined in section 3.1 of Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations; or

(c) have earned a Chartered Alternative Investment Analyst charter through the Chartered Financial Analyst program prepared and administered by the Chartered Alternative Investment Analyst Association and so named on June 5, 2016, and every program that preceded that program, or succeeded that program, that does not have a significantly reduced scope and content when compared to the scope and content of the first-mentioned program.”

2. The Regulation is amended by inserting the following after section 11.6:

“**11.6.1.** The advising representative or the associate advising representative can only act with respect to the derivatives for which he has the relevant experience, education and training referred to in section 11.6.”

3. Section 11.13 of the Regulation is amended by replacing paragraphs (1) and (2) with the following:

“(1) have at least 3 years of relevant experience with respect to the derivatives for which he wishes to act;

“(2) have met at least one of the following education and training requirements with respect to the derivatives for which he wishes to act:

(a) have passed all required exams of the Investment Industry Regulatory Organization of Canada for a dealing representative; or

(b) have earned a CFA Charter as defined in section 3.1 of Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations; or

(c) have earned a Chartered Alternative Investment Analyst charter through the Chartered Financial Analyst program prepared and administered by the Chartered Alternative Investment Analyst Association and so named on June 5, 2016, and every program that preceded that program, or succeeded that program, that does not have a significantly reduced scope and content when compared to the scope and content of the first-mentioned program.”.

4. The Regulation is amended by inserting the following after section 11.13:

“**11.13.1.** A chief compliance officer of a derivatives portfolio manager can only act with respect to the derivatives for which he has the relevant experience, education and training referred to in section 11.13.”.

5. Section 11.14 of the Regulation is amended:

(1) by replacing the words “Title III” with the words “Titles III and IV”;

(2) by inserting the words “or to a person authorized to create or market a derivative or authorized to carry on similar activities” after the words “exercise similar functions”.

6. Section 11.36 of the Regulation is amended by adding the following after paragraph (3):

“(4) all other information related to question 35 of the form set out in Schedule B.”.

7. Section 13.2 of the Regulation is amended by replacing “and 28” with “, 28 and 35(d)”.

8. Schedule B of the Regulation is amended:

(1) by inserting the following after question 6:

“**6.1.** Legal entity identifier, if eligible to receive one, assigned to the person applying for qualification in accordance with the standards set by the Global Legal Entity Identifier System as defined in section 1 of Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting (chapter I-14.01, r. 1.1).”;

(2) by replacing the words “, pour les trois dernières années” in the French text of question 32 with the words “des 3 derniers exercices”;

(3) by adding the following after question 34:

“BUSINESS ACTIVITIES

35. Provide the following information regarding the activities in the previous fiscal year of the person applying for qualification:

(a) the number of Québec clients;

(b) the number of client account closures;

(c) the number of contracts entered into in Québec and the notional value for all such contracts;

(d) the percentage of client accounts that were profitable for the counterparties;

(e) the applicable interest rate per currency at fiscal year-end differentiating lending and deposit rates;

(f) the number of closed positions from margin calls to clients;

(g) the number of price corrections (slippage) with client impact assessment performed.”.

9. This Regulation comes into force on June 5, 2016.

102606

Notice of adoption

Code of Civil Procedure
(chapter C-25.01)

Superior Court

— Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal

Notice is hereby given that, in accordance with articles 63 to 65 of the Code of Civil Procedure (chapter C-25.01), the Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal, appearing below, was adopted on 20 May 2016 and will come into force on 16 June 2016.

THE HONOURABLE JACQUES R. FOURNIER,
Chief Justice of the Superior Court