

Draft Regulation

Derivatives Act
(chapter I-14.01)

Tariffs for costs and fees payable in respect of derivatives — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Tariffs for costs and fees payable in respect of derivatives, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Tariffs for costs and fees payable in respect of derivatives (chapter I-14.01, r. 2) in order to determine the cost per inspector payable by a market participant, lower the fees payable by dealers, advisers and representatives, amend the fees payable in the case of an exemption under section 86 of the Derivatives Act, impose fees to the regulated entities and reporting counterparties concerned, provide for the indexation, on 1 January of each year, of the costs and fees payable according to the rate of increase in the Consumer Price Index for Canada and prescribe that the result of that indexation is published in the *Gazette officielle du Québec*.

The draft Regulation will impact the enterprises subject to the Tariffs for costs and fees payable in respect of derivatives in view of the changes to the fees payable to the Autorité des marchés financiers.

Further information on the draft Regulation may be obtained by contacting Jean-Hubert Smith-Lacroix, coordinator, développement législatif et réglementaire, Direction principale du droit corporatif et des politiques relatives au secteur financier, Ministère des Finances, 390, boulevard Charest Est, Québec (Québec) G1K 3H4; telephone: 418 646-7466; email: Jean-Hubert.Smith-Lacroix@finances.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jean-Hubert Smith-Lacroix at the above contact information.

ERIC GIRARD
Minister of Finance

Regulation to amend the Tariffs for costs and fees payable in respect of derivatives

Derivatives Act
(chapter I-14.01, s. 174, pars. (4) and (5)).

1. The Tariffs for costs and fees payable in respect of derivatives (chapter I-14.01, r. 2) is amended by adding the following before section 1:

“**0.1** Costs of \$120 per hour per inspector are payable by a market participant within 30 days from the date of the statement of fees of the Authority for the preparation of an inspection, the inspection itself and the follow-up on the recommendations.”

2. Section 4 of the Regulation is amended by replacing “\$7,047” by “\$100,000”.

3. Section 5 of the Regulation is amended:

(1) by replacing paragraphs 1 to 3 by the following:

“(1) at the time of an application for registration as an adviser, \$2,071;

(2) at the time of an application for registration as a representative of an adviser, \$516;

(3) on 31 December of each year:

(a) in the case of a dealer, \$518;

(b) for each of its representatives registered on that date other than those who ceased their activity, \$61;

(c) for each of its establishments, \$26, an establishment being a location where the registered dealer carries on its activities;

(2) by replacing “\$704” in paragraph 7 by “\$1,500”.

4. Section 6 of the Regulation is revoked.

5. Section 9 of the Regulation is replaced by the following:

“**9.** The following fees are payable at the time of an application for an exemption under section 86 of the Act:

(1) at the time of an application for an exemption from the requirement under section 12 of the Act, \$50,000, except at the time of an application for an exemption from the requirement to be recognized as an exchange by a derivatives trading facility, \$15,000;

(2) at the time of an application for an exemption from all the requirements set out in one or more regulations made under the Act, \$10,000;

(3) at the time of any other application for an exemption from one or more requirements under the Act or a regulation, \$2,000.”

6. The Regulation is amended by inserting the following after section 11:

“**12.** The following fees are payable by a regulated entity no later than 31 March of each year:

(1) \$375,00 in the case of a regulated entity recognized as an exchange, and \$7,500 where it is exempt from such recognition.

(2) \$150,000 in the case of a regulated entity recognized as a clearing house, \$50,000 in the case where it is recognized as a clearing house, but the Authority is reliant on the home regulator of the entity to primarily provide supervision of the entity’s activities, and \$5,000 in the case where it is exempt from recognition as a clearing house;

(3) \$25,000 in the case of a regulated entity recognized as a trade repository;

(4) \$10,000 in the case of a regulated entity recognized as a published market.

“**13.** A fee corresponding to the average quarterly notional amount outstanding for the applicable derivatives fee year payable by a fee payer is:

(1) \$0 where the average quarterly notional amount is less than \$3,000,000,000;

(2) \$1,500 where the average quarterly notional amount is \$3,000,000,000 and more and less than \$7,500,000,000;

(3) \$3,750 where the average quarterly notional amount is \$7,500,000,000 and more and less than \$15,000,000,000;

(4) \$7,500 where the average quarterly notional amount is \$15,000,000,000 and more and less than \$50,000,000,000;

(5) \$25,000 where the average quarterly notional amount is \$50,000,000,000 and more and less than \$100,000,000,000;

(6) \$50,000 where the average quarterly notional amount is \$100,000,000,000 and more and less than \$300,000,000,000;

(7) \$100,000 where the average quarterly notional amount is \$300,000,000,000 and more and less than \$500,000,000,000;

(8) \$225,000 where the average quarterly notional amount is \$500,000,000,000 and more and less than \$1,000,000,000,000;

(9) \$375,000 where the average quarterly notional amount is \$1,000,000,000,000 and more and less than \$4,000,000,000,000;

(10) 675,000 where the average quarterly notional amount is \$4,000,000,000,000 and more and less than \$10,000,000,000,000;

(11) \$950,000 where the average quarterly notional amount is \$10,000,000,000,000 and more.

For the purposes of this section and section 14, a person is a fee payer in respect of a derivatives fee year when the following two conditions are met:

(1) for any derivative in respect of which a transaction occurred during the derivatives fee year, the person was a reporting counterparty as defined in Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting (chapter I-14.01, r. 1.1);

(2) the person was neither a recognized clearing house nor exempted by the Authority from the requirement to be recognized as a clearing house.

For the purposes of this section and section 14, the term “transaction” has the meaning given to it in section 1 of Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting.

For the purposes of this section and section 14, the term “derivatives fee year” means a one-year period commencing on 1 January and ending on 31 December of the current year.

“**14.** For the purposes of section 13, a fee payer’s average quarterly notional amount outstanding for the derivatives fee year is determined with regard to each derivative required to be reported under Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting for which the fee payer is a counterparty and is calculated as follows:

(1) for each quarter of the derivatives fee year, by determining the notional amount of the fee payer's outstanding positions as at the end of the last day of the quarter for derivatives reported under Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting, referenced in the currency of the outstanding position as reported under that regulation;

(2) by determining the notional amount referred to in subparagraph 1 for each currency, for all quarter-ends of the derivatives fee year;

(3) for each amount determined under subparagraph 2 in respect of each currency, other than the Canadian dollar, by calculating the Canadian dollar equivalent using the daily exchange rate for the last business day of the derivatives fee year as posted on the Bank of Canada website;

(4) by adding the amount determined under subparagraph 2 in respect of the Canadian dollar and the total Canadian dollar equivalent determined under subparagraph (3);

(5) by dividing the total determined under subparagraph 4 by four to obtain the fee payer's average quarterly notional amount outstanding for the derivatives fee year.

The payment required from a fee payer under section 13 in respect of a derivatives fee year must be made by the fee payer not more than 90 days after the end of the derivatives fee year.

Despite subparagraph 3 of the first paragraph, if the notional amount of an outstanding position is denominated in a currency for which the Bank of Canada does not post a daily exchange rate, the fee payer may calculate the Canadian dollar equivalent required under subparagraph (3) using the exchange rate posted by another central bank.

“15. The fees and costs payable are adjusted on 1 January of each year in accordance with the rate of increase of the overall consumer price index for Canada for the period ending on 30 September of the preceding year, as determined by Statistics Canada. They are rounded down to the nearest dollar if they include a dollar fraction lower than \$0.50 and rounded up to the nearest dollar if they include a dollar fraction that is equal to or greater than \$0.50.

The result of the annual adjustment is published, without delay, in Part 1 of the *Gazette officielle du Québec* and the Bulletin of the Authority by the Authority.”.

7. This Regulation comes into force on 22 June 2026.

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