

FAQ

Regulatory Division of Bourse de Montréal Inc.

Subject: Reports of Accumulated Positions

Rule Article: 6.500

Last Update: December 14, 2022

Effective December 30, 2022 after market close, answers to the frequently asked questions (the “FAQ”) supersede [Circular 212-21](#). In the event of discrepancies between the Rules of Bourse de Montréal Inc. (the “Rules”) and the FAQ, the Rules shall prevail. The FAQ is intended to illustrate the applicability of selected regulatory requirements and is not exhaustive of all regulatory requirements.

Regulatory questions regarding the FAQ may be directed to the Regulatory Division (the “Division”) of Bourse de Montréal Inc. (the “Bourse”) at:

- info.mxr@tmx.com
- 514-787-6530
- Toll-free from Canada and US at 1-800-361-5353 extension 46530
- Toll-free from the UK and France at 00 800 36 15 35 35 extension 46530

Technical questions may be directed to the Derivatives – Technical Operations at:

- derivatives.operations@tmx.com
- 514-871-7872
- Toll-free at 1-877-588-8489

Q1: What are reports of accumulated positions?

A1: Reports of accumulated positions, also known as Large Open Position Reporting (“LOPR”), refer to the daily reporting of gross positions held. Pursuant to paragraph [6.500\(a\)](#), each Canadian and Foreign Approved Participant (collectively, the “Participants”) must file daily with the Bourse, in the prescribed manner, a report detailing all gross positions held for its own account or for an

account or group of accounts which are all owned by the same beneficial owner in Listed Products when these gross positions exceed the reporting thresholds prescribed by the Bourse for each of these Listed Products.

To ensure accuracy, confidentiality, and systematic transmission of the required information to the Division, Participants are required to use the graphical user interface (“GUI”) client application or use the application program interface (“API”).

Q2: Must all gross positions in Listed Products be reported?

A2: No. Only gross positions exceeding the prescribed thresholds as of the close of trading (4:30 p.m. ET) must be reported by 9 a.m. ET the following business day. Note that the report date must correspond to the business day for which the positions have been compiled. For example, gross positions exceeding the reporting thresholds as of the close of trading on January 11, 2022 must be reported by 9 a.m. ET on January 12, 2022 and the report must be dated January 11, 2022. Reporting thresholds are established pursuant to paragraph [6.500\(i\)](#) and are retrievable from the [position limit file](#).

In the event no reporting threshold has been exceeded for any Listed Product, a report confirming that there are no positions to be reported must be filed, pursuant to paragraph 6.500(a).

For further information, please refer to the [LOPR Regulatory Requirements Guide](#).

Q3: Are net positions permitted to be reported?

A3: No. In all instances, gross positions must be reported. Note that netting is only applicable for the purpose of position limits in certain circumstances. For further information, please refer to the [FAQ – Position Limits](#).

Q4: Are omnibus accounts permitted to be reported?

A4: A Participant may not report an omnibus account held by another Participant. However, a Participant may report an omnibus account held by the Participant itself, an affiliate of the Participant, or a sponsored access¹ client. In such cases, a Participant may report gross positions at the aggregate omnibus account level rather than each individual beneficial owner within the omnibus account.

Participants should note that omnibus accounts may be subject to additional information requests from the Division.

Q5: Who is responsible for providing information or responding to requests for information concerning omnibus accounts?

A5: Pursuant to paragraph [4.1\(a\)](#), Participants must provide without delay all information related to their business, trades, positions, or conduct as well as to the identity, business, trades or positions of any of their customers and employees and customers of persons for whom they provide account maintenance services.

However, pursuant to paragraph [4.1\(b\)](#), such information may also be obtained from the customers of the Participants. Therefore, to preserve confidentiality, Participants may instruct the omnibus account holders to submit the requested information directly to the Division.

¹ Sponsored access pursuant to Article 3.5 of the Rules is referred to as “direct electronic access” pursuant to the Electronic Trading Rules. The terms are used interchangeably. Both relate to the access granted to a client when accessing the Bourse through the systems of a Participant.

Q6: I am a Participant attempting to submit reports but am experiencing technical difficulties. What should I do? (amended December 14, 2022)

A6: A Participant experiencing technical difficulties with the GUI client application or API should contact the [Derivatives – Technical Operations](#). In the event a Participant is unable to resolve technical difficulties prior to the prescribed deadline, the Participant must submit its reports on the [LOPR Notification Portal](#). Note that the LOPR Notification Portal is not in any way a replacement of the prescribed manner in which LOPR must be submitted to the Bourse on a daily basis and should only be used when experiencing technical difficulties. If a Participant recurrently submits its reports on the [LOPR Notification Portal](#), the Division may request more information that could lead to the opening of an investigation.

Q7: I am a Participant and have submitted incomplete or erroneous reports. What should I do? (amended December 14, 2022)

A7: Participants are required to submit complete and accurate reports via the GUI client application or API. In the event a Participant submits incomplete or inaccurate reports, the Participant must submit corrections² via the GUI client application or API. Note that if a Participant submits incomplete or erroneous reports or fails to notify the Division of incomplete or erroneous reports, the Division may take measures, including disciplinary measures, when it deems justified to do so under the circumstances.

Q8: I am a Participant and have failed to submit the required reports by the prescribed deadline. What should I do? (amended December 14, 2022)

A8: Participants are required to submit reports in the prescribed manner on a daily basis. In the event a Participant fails to submit its daily report via the GUI client application or API by the prescribed deadline, the Participant must submit its report via the GUI client application or API as soon as practicable. Note that late submissions are subject to [late filing fees](#).

Q9: Should inactive accounts be deleted from the LOPR account records? How are they deleted?

A9: The Rules do not require a Participant to submit a report confirming that there are no positions to be reported for inactive accounts. While there is no regulatory requirement to delete inactive accounts in the LOPR accounts records, the Division recommends deleting inactive accounts as a best practice. Participants should contact the [Derivatives – Technical Operations](#) to obtain the *Position Report Manager User Guide for Approved Participants* which explains how to delete inactive accounts.

Q10: May positions submitted via the GUI client application or API be deleted? (added December 14, 2022)

A10: Participants should only delete positions that were inadvertently reported. Otherwise, Participants should not delete positions (current and past report dates) from the GUI client application or API.

Q11: How can a Participant who has delegated reporting to a third party ensure that all information transmitted to the Bourse is complete and accurate? (amended December 14, 2022)

² For the purpose of this FAQ, corrections are limited to erroneous or incomplete LOPR account records or position records provided for a given reporting day. This excludes any information regarding position transfers occurring after the reporting deadline (trade breaks, allocation errors, reconciliation, out trades).

A11: A supervisor user is available for the GUI client application and API and allows a Participant to monitor the account and position information submitted on its behalf. The Participant may sign in to the [TMX Axis portal](#) or contact the [Derivatives – Technical Operations](#) to create a supervisor user. Note that pursuant to subparagraph [6.500\(l\)\(v\)](#), a delegating Participant remains responsible for the obligations in Article [6.500](#) and must ensure that all the information transmitted to the Bourse by the delegatee is complete and accurate.