RULE FOURTEEN DERIVATIVE INSTRUMENTS – MISCELLANEOUS RULES

Section 14001 – 14050 Miscellaneous

14001 General (24.04.84, abr. 13.09.05)

- **14002 Definition of Member** (abr. 13.09.05)
- **14003** Futures Contracts Committee (abr. 13.09.05)
- **14004** Delivery through Clearing Corporation (13.09.05)

All deliveries and cash settlements must be made through and assigned by the clearing corporation. At expiry, all open positions must be satisfied by delivery or cash settlement, as may be the case. Delivery or cash settlement in respect thereof must be made in the manner prescribed by the Bourse and the clearing corporation.

14005 Emergency Situations (01.06.84, 13.09.05, 04.03.08)

- a) The Bourse has the power and the authority to act in the event that it determines the existence of an emergency situation which threatens the integrity, liquidity or orderly liquidation of any class of derivative instruments listed on the Bourse. The Bourse may exercise these emergency powers in the event that it has valid reasons to believe that any of the circumstances similar to the following exist:
 - 1) a manipulation, attempted manipulation, corner or squeeze is occurring or threatens to occur;
 - 2) the liquidity of a derivative instruments listed on the Bourse or its orderly liquidation is threatened by the concentration of positions in the hands of entities or individuals who are unable or unwilling to settle or to make or take delivery in the ordinary course;
 - 3) an action of the Government of Canada, of a Canadian provincial government or any foreign government or of any other derivative instruments market is likely to have a direct and adverse impact on the integrity, liquidity and orderly liquidation of any derivative instrument listed on the Bourse; or
 - 4) an unusual, unforeseeable, and adverse circumstance has occurred.
- b) In the event that the Bourse determines that an emergency situation exists, it may take any of the following actions or any other action that may be appropriate to remedy the situation:
 - 1) terminate trading;

- 2) limit trading to liquidation of derivative instruments only;
- 3) order liquidation of all or a portion of an approved participant's accounts;
- 4) order liquidation of positions as to which the holder is unable or unwilling to settle or to make or take delivery;
- 5) confine trading to a specific price range or otherwise modify the daily price limit when such a limit exists;
- 6) modify the trading days or hours;
- 7) alter conditions of delivery or of settlement;
- 8) fix the settlement price at which derivative instruments are to be liquidated according to the Rules of the clearing corporation;
- 9) require additional margins to be deposited with the clearing corporation.
- c) When the clearing corporation informs the Bourse of any emergency situation, whether in progress or apprehended, of which it has become aware, the Bourse shall act within 24 hours to consider appropriate measures, if any. The clearing corporation shall have the right to participate in any deliberation made pursuant to the present article.
- d) As soon as practicable following the imposition of emergency action, the Board of Directors must be promptly notified. Any action taken pursuant to this article may not extend beyond the duration of the emergency. In no event shall actions taken pursuant to this rule remain in effect for more than 90 days following their imposition.

Section 14051 – 14100 Requirements for Dealing with Clients

14051 Dealing with a Client in Derivative Instruments (24.04.84, 13.09.05, 04.03.08)

No approved participant must have any dealing with any client or prospective client in obtaining, taking or soliciting orders for or advising on trades in derivative instruments unless one or more persons employed by the approved participant are approved by the relevant self-regulatory organization as responsible persons for the supervision of trading in derivative instruments.

Every approved participant shall be responsible for ensuring that every account dealing in derivative instruments is operated and supervised in accordance with any applicable regulatory requirement and with best business practices.

- **14052** Approval of Futures Contracts Principal (19.10.82, 24.04.84, 13.09.05, abr. 04.03.08)
- **14053** Qualifications of Futures Contracts Principal (24.04.84, 21.08.02, 13.09.05, abr. 04.03.08)
- **14054 Duties of Futures Contracts Principal** (24.04.84, 21.08.02, 13.09.05, abr. 04.03.08)
- **14055** Approved Futures Contracts and Options on Futures Contracts Representative (13.09.05, abr. 04.03.08)
- 14056 Application for Approval as Futures Contracts and Options on Futures Contracts Representative (24.04.84, 21.08.02, 13.09.05, abr. 04.03.08)
- **14057** Qualifications of Futures Contracts and Options on Futures Contracts Representatives (10.03.81, 24.04.84, 21.08.02, 13.09.05, abr. 04.03.08)
- 14058 Minimum Number of Registered Futures Contracts and Options on Futures Contracts Representatives (13.09.05, abr. 04.03.08)

Section 14101 – 14150 Reports for Derivative Instruments

- **14101 Record of Orders** (24.04.84, 18.04.85, 13.09.05, abr. 04.03.08)
- **14102** Reports Pertaining to the Accumulation of Positions for Derivative Instruments (24.04.84, 01.06.84, 13.09.05, 04.03.08, 01.04.13, 09.06.14, 01.10.15, 23.11.16, 15.06.18, 14.09.18)
- Each Approved Participant 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 derivative instruments listed on the Bourse when these gross positions exceed the reporting thresholds prescribed by the Bourse for each of these derivative instruments or a report confirming that there are no positions to be reported when none of the reporting thresholds prescribed by the Bourse have been exceeded for each of these derivative instruments.
- 2) Any report transmitted to the Bourse pursuant to this article must be transmitted within the reporting hours prescribed by the Bourse and not later than 9:00 a.m. (ET) on the business day following the one for which positions must be reported.
- 3) For each account subject to a positions report to the Bourse, each Approved Participant must provide to the Bourse all the information necessary to the Bourse to allow it to adequately identify and classify this account. The information that must be provided to the Bourse is the following:
 - a) the name and complete coordinates of the account beneficial owner;

- b) the full account number as it appears in the Approved Participant records;
- c) the account type (client, firm, market-maker, professional or omnibus);
- d) the beneficial account owner classification according to the typology established by the Bourse; and
- e) the identification of the nature of transactions made by the account (speculation or hedging). If it is impossible to clearly determine if the account is used for speculative or hedging purposes, it must then, by default, be identified as being a speculative account.
- 4) In addition to providing the above-mentioned information to the Bourse, each Approved Participant must provide, for each account being reported, a unique identifier complying with the following requirements;
 - a) for any account opened in the name of a natural person or of a corporation or other type of commercial entity wholly-owned by this natural person:
 - a unique identifier allowing to link together all the accounts having the same beneficial owner. The unique identifier used in such a case must be created by the Approved Participant in a format that it deems to be appropriate. This unique identifier, once created and used, must not be modified or replaced by a new identifier without having provided prior notice to the Bourse.
 - b) for any account owned by many natural persons such as a joint account, an investment club account, partnership or holding company:
 - i) if one of the natural persons owning this account has an ownership interest of more than 50% in the account, the unique identifier used must be the identifier of this person and must be set as specified in subparagraph 3) a) i) above;
 - ii) if none of the persons owning the account has an ownership interest of more than 50 %, the unique identifier must be the account name.
 - c) for any account opened in the name of a corporation other than a corporation wholly-owned by a natural person:
 - i) if one of the natural persons owning shares of this corporation holds an ownership interest of more than 50 % in the account, the unique identifier used must be the identifier of this person and must be set as specified in subparagraph 3) a) i) above;
 - ii) if more than 50 % of the corporation shares are owned by another corporation, the unique identifier must be the Legal Entity Identifier of this other corporation as attributed by the organization responsible for the attribution of such an identifier;
 - iii) in all other cases, the unique identifier must be the Legal Entity Identifier of the corporation in whose name the account has been opened;
 - iv) if, for corporations mentioned in subparagraphs c) ii) and c) iii), no Legal Entity identifier is available, the identifier to be used shall be the incorporation number of the corporation as

attributed by the government authority having issued the incorporation certificate of such corporation.

In the case where neither the Legal Entity Identifier nor the incorporation number of a corporation are available or can be obtained or communicated by the Approved Participant in reason of legal or regulatory restrictions, the Approved Participant shall use a unique identifier that permits to link together all the accounts having the same corporation as beneficial owner. The unique identifier used in such a case can be either the name of the corporation owning the account or be created by the Approved Participant in a format that it deems appropriate.

Any unique identifier, be it or not created by the Approved Participant, must not be changed or replaced by a new identifier without prior notice having been given to the Bourse.

For the purposes of this paragraph c), the term "Legal Entity identifier" means the unique identification number attributed to a legal entity by any organization accredited to this effect pursuant to the ISO 17442 standard of the International Standardization Organization, as approved by the Financial Stability Board and the G-20 and aiming at implementing a universal and mandatory identification system for legal entities trading any type of derivative instrument.

5) In order to determine if the reporting thresholds are attained, Approved Participants must aggregate positions held or controlled by the same account beneficial owner.

For the purposes of this article, the term "control" means a beneficial ownership interest greater than 50 %.

- 6) The reporting thresholds established by the Bourse are as follows:
 - a) For each options class, other than options on futures contracts, and each share futures contracts on a given underlying interest:
 - i) 250 contracts, in the case of trust units options and share futures contracts (for all contract months combined of each share future contract) having the same underlying interest, by aggregating positions on trust units options and share futures contracts, one option contract being equal to one share futures contract. While options and share futures contracts must be considered in the aggregate for purposes of the reporting threshold (on a gross basis), positions in options and share futures contracts shall be reported each separately;
 - ii) 250 contracts, in the case of stock options and share futures contracts (for all contract months combined of each share future contract) having the same underlying interest, by aggregating positions on stock options and share futures contracts, one option contract being equal to one share futures contract. While options and share futures contracts must be considered in the aggregate for purposes of the reporting threshold (on a gross basis), positions in options and share futures contracts shall be reported each separately;
 - iii) 500 contracts, in the case of options on Exchange Traded Fund options and share futures contracts (for all contract months combined of each share future contract) having the same underlying interest, by aggregating positions on Exchange Traded Fund options and share futures contracts, one option contract being equal to one share futures contract. While options and share futures contracts must be considered in the aggregate for purposes of

the reporting threshold (on a gross basis), positions in options and share futures contracts shall be reported each separately;

- iv) 500 contracts, in the case of currency options;
- v) 15,000 contracts, in the case of index options;
- vi) 1,000 contracts, in the case of sector index options.
- b) For futures contracts and the related options on futures contracts:
 - i) 300 contracts, in the case of futures contracts and options on futures contracts on Three-Month Canadian Bankers' Acceptance Futures (BAX and OBX), by aggregating positions on options on futures contracts and positions in the underlying futures contract. In this case, one options contract (OBX) is equal to one futures contract (BAX);
 - ii) 250 contracts, in the case of 30-Year Government of Canada Bond Futures (LGB);
 - 250 contracts, in the case of futures and options on futures contracts on Ten-Year Government of Canada Bond Futures (CGB and OGB), by aggregating positions on options on futures contracts and positions in the underlying futures contract. For the purposes of aggregating positions, one options contract (OGB) is equal to one futures contract (CGB);
 - iv) 250 contracts, in the case of Five-Year Government of Canada Bond Futures (CGF);
 - v) 250 contracts, in the case of Two-Year Government of Canada Bond Futures (CGZ);
 - vi) 1,000 contracts, in the case of S&P/TSX 60 Index Standard Futures (SXF) and S&P/TSX 60 Index Mini Futures (SXM), by aggregating positions on both futures contracts. For the purposes of aggregating positions, one standard contract (SXF) is equal to one mini contract (SXM);
 - vii) 1,000 contracts, in the case of S&P/TSX Composite Index Mini Futures (SCF);
 - viii) 300 contracts, in the case of 30-Day Overnight Repo Rate Futures (ONX) and Overnight Index Swap Futures (OIS);
 - ix) 500 contracts, in the case of S&P/TSX Sector Index Futures (SXA, SXB, SXH, SXY, SXK, SXU);
 - x) 1,000 contracts, in the case of futures contracts on the FTSE Emerging Markets Index;

The Bourse may, at its discretion, impose the application of any other reporting threshold that is more severe and lower than those provided in this Rule.

- 7) in addition to the reports required under the provisions of the present article, each Approved Participant must report immediately to the Vice-President of the Regulatory Division of the Bourse any situation in which the Approved Participant has reason to believe that itself or a client, acting alone or in concert with others, has exceeded or is attempting to exceed the position limits established by the Bourse;
- 8) An Approved Participant of the Bourse which does not trade or does not hold or manage any trading accounts for its clients or itself for the purposes of transactions in any of the derivative instruments

listed on the Bourse may be exempted from complying with the requirements as provided for in paragraph 1) of the present article, under the following conditions:

- i) the Approved Participant must submit an exemption request in writing to the Regulatory Division, confirming that it has not traded any of the derivative instruments listed on the Bourse in the last calendar year and that it does not plan to trade any of them in a foreseeable future;
- ii) all exemptions granted will be valid as long as all conditions relative to such exemptions are complied with;
- iii) any exemption can be cancelled by the Regulatory Division at any time and, in any case, ends when an Approved Participant executes a transaction on any of the derivative instruments listed on the Bourse;
- 9) An Approved Participant may, with prior approval of the Bourse, delegate to a third party the transmission of position reports required under the provisions of paragraph 1) of the present Rule. In order for such an exemption to be granted, the following conditions must be met:
 - i) the Approved Participant which wishes to delegate the task of producing and submitting position reports to a third party rather than doing so by itself must divulge to this third party all information necessary for the production of such reports, as is required by the Bourse;
 - ii) any delegation established in accordance with the present paragraph must first be approved in writing by the Regulatory Division. An Approved Participant wishing to delegate the submission of positions reports required by the Bourse to a third party must therefore submit a request for approval in writing to the Regulatory Division;
 - iii) all approvals of delegation granted by the Regulatory Division will be valid as long as all conditions relative to such approvals are complied with;
 - iv) any approval of delegation can be cancelled by the Regulatory Division at any time and, in any case, ends when the third party delegate ceases to produce reports or is no longer able to submit position reports on behalf of the Approved Participant having delegated such task, pursuant to the requirements of the Bourse;
 - v) an Approved Participant having chosen to delegate the submission position reports to a third party nevertheless remains responsible for the obligations provided in the present article and must ensure that all the information transmitted to the Bourse by the delegate is complete and accurate.
- **14103** Record of Transactions for Futures Contracts and Options on Futures Contracts (24.04.84, 13.09.05, abr. 04.03.08)
- **14104** Record of Information Statements (24.04.84, 13.09.05, abr. 04.03.08)
- **14105 Bourse's Authority with Respect to Reports** (24.04.84, 13.09.05)

Each approved participant must file with the Bourse such reports as may be prescribed from time to time by the Bourse.

Section 14151 – 14200 Conduct of Derivative Instruments Accounts

- **14151 Opening of Futures Contracts and Options on Futures Contracts Accounts** (12.08.80, 31.05.83, 24.04.84, 13.09.05, abr. 04.03.08)
- **14152** Futures Contracts and Options on Futures Contracts Trading Agreement (10.03.81, 31.05.83, 24.04.84, 13.09.05, abr. 04.03.08)
- **14153** Diligence as to Accounts (31.05.83, 24.04.84, 13.09.05, abr. 04.03.08)
- 14154 Futures Contracts and Options on Futures Contracts Accounts Opened by a Person Other than the Client (13.09.05, abr. 04.03.08)
- **14155** Trade Confirmations and Monthly Statements (10.03.83, 24.04.84, 28.05.99, 26.03.03, 13.09.05, abr. 04.03.08)
- **14156** Electronic Delivery (26.03.03, 13.09.05, abr. 04.03.08)
- **14157 Position Limits for Derivative Instruments** (24.04.84, 30.12.93, 13.09.05, 04.03.08)

No approved participant shall make, for any account in which it has an interest or for the account of any client, a transaction in a specific derivative instrument listed on the Bourse if the approved participant has reason to believe that as a result of such transaction the approved participant or its client would, acting alone or in concert with others, directly or indirectly, hold or control a position in excess of the position limit established by the Bourse.

For the purposes of position limit regulations, the positions of all accounts directly or indirectly owned or controlled by a person or persons, and the positions of all accounts of a person or persons acting pursuant to an expressed or implied agreement or understanding, and the positions of all accounts in which a person or persons have a proprietary or beneficial interest, must be aggregated.

A person with authority over one or more managed accounts must not execute or order the execution of transactions for such account or accounts where such transactions, by themselves or in addition to his personal transactions, exceed the limits prescribed under the Rules of the Bourse regarding total positions in any derivative instrument.

Exemptions

In accordance with the provisions of Policy C-1, an approved participant may file, in the form prescribed, an application to the Bourse, to obtain on behalf of a bona fide hedger an exemption from the position limits prescribed by the Bourse.

A bona fide hedger may also under certain circumstances file directly with the Bourse, in the form prescribed, an application to obtain an exemption from the position limits prescribed by the Bourse.

14158 Open Positions for Derivative Instruments

(31.05.83, 24.04.84, 13.09.05, 04.03.08)

All derivative instruments positions for a client or non-client account must remain open until liquidated by a closing transaction, by delivery, by cash settlement or failure to perform as provided in the rules of the exchange where such derivative instruments are traded and the clearing corporation.

14159 Transfer of Accounts

(24.04.84, 13.09.05, abr. 04.03.08)

- 14160 Discretionary and Managed Accounts for Futures Contracts and Options on Futures Contracts (24.04.84, 13.09.05, abr. 04.03.08)
- 14161 Special Notice to Clients Pertaining to Discretionary and Managed Accounts for Futures Contracts and Options on Futures Contracts (24.04.84, 13.09.05, abr. 04.03.08)
- 14162 Presumption of Authority in Futures Contracts and Options on Futures Contracts Accounts (24.04.84, 13.09.05, abr. 04.03.08)
- 14163 Exceptions to the Requirements Pertaining to Managed and Discretionary Futures Contracts and Options on Futures Contracts Accounts (24.04.84, 13.09.05. abr. 04.03.08)
- **14164** Futures Contracts and Options on Futures Contracts Managed Accounts (24.04.84, 13.09.05, abr. 04.03.08)
- **14165 Obligation to comply** (24.04.84, 13.09.05, abr. 04.03.08)
- **14166 Written Authorization** (24.04.84, 13.09.05, abr. 04.03.08)
- **14167 Designation of a Person with Supervisory Authority** (24.04.84, 13.09.05, abr. 04.03.08)
- **14168** Designation as a Portfolio Manager or as Associate Portfolio Manager (24.04.84, 21.08.02, 13.09.05, abr. 04.03.08)
- **14169 Portfolio Management Committee** (24.04.84, 13.09.05, abr. 04.03.08)
- **14170** Quarterly Review of Managed Accounts (24.04.84, 13.09.05, abr. 04.03.08)
- **14171** Investment Policies (24.04.84, 13.09.05, abr. 04.03.08)

- **14172** Fees Agreement (24.04.84, 13.09.05, abr. 04.03.08)
- **14173** Separate and Distinct Supervision for each Managed Account (24.04.84, 13.09.05, abr. 04.03.08)
- **14174** Code of Ethics (24.04.84, 13.09.05, abr. 04.03.08)
- **14174 Omnibus Accounts** (24.04.84, abr. 13.09.05)

Section 14201 – 14225 Margins for Derivative Instruments

14201 Margin Requirements on Derivative Instruments (24.04.84, 13.09.05, 04.03.08)

The margin requirements applicable to all positions in derivative instruments listed on the Bourse and held by an approved participant or on behalf of its clients are determined, from time to time by the Bourse, in collaboration with the clearing corporation.

Margin requirements established by the Bourse may be made applicable to one or more rather than all approved participants or clients if deemed necessary by the Bourse.

- 1) Every client and non-client position must be marked to the market daily.
- 2) Every approved participant must collect from its clients and non-clients for whom trades in derivative instruments are effected, a margin (which margin must be maintained) of not less than the minimum prescribed under the rules or regulations of the derivatives exchange on which the derivative instrument is traded (or its clearing corporation).
- 3) Every approved participant must collect from each of its clients and non-clients for whom trades are effected through an omnibus account the amount of margin that would be required from such clients and non-clients if their trades were effected through fully-disclosed accounts.
- 4) The Bourse may, in its discretion, require one or more or all approved participants to collect from one or more or all clients or non-clients for whom trades in derivative instruments are effected an amount of margin greater than the minimum prescribed under the rules or regulations of the derivatives exchange on which the derivative instrument is traded (or its clearing corporation). The Bourse may set such requirements with respect to any or all derivative instruments positions of a client or non-client.

Note: Many derivatives exchanges (especially in the United States) prescribe margin requirements based on initial and maintenance rates. In such cases, when a derivative instrument position is entered into, the approved participant must collect from the client an amount of margin not less than the prescribed initial margin rate. Subsequently, adverse price movements in the value of the derivative instruments may reduce the client's margin on deposit to an amount below the maintenance margin level. When this happens the approved participant must then collect from the client a further amount sufficient to restore the margin on deposit to the initial rate.

14202 **Orders in Undermargined Client Accounts** (24.04.84, 13.09.05)

Approved participants must not accept orders for new trades from a client unless the minimum amount of margin for the new trades is on deposit or is forthcoming within a reasonable time and unless the margin on that client's pre-existing open positions complies with the margin requirements established by the Bourse or is forthcoming within a reasonable time. Client credits in excess of margin requirements on all open positions may be allocated to the margin on a new commitment.

14203 **Margin Calls**

(24.04.84, 18.04.85, 13.09.05)

An approved participant may call for additional margins at his discretion, but whenever a client's margin is below the minimum amount required, the approved participant must call for such additional margin necessary to bring the account up to the required level, and the amount of such additional margin must, each time a margin call is made, be calculated to be no less than the amount of the liability of the approved participant to the clearing corporation, for margin in respect of the same open position, as if no other positions were at that time registered with the clearing corporation.

If within a reasonable delay the client fails to comply with such demand, the approved participant may close out all of the client's positions or sufficient positions to restore the client's account to the required margin status.

If the approved participant is unable to contact the client, a written demand sent to or left at the client's place of business or at the address provided by him to the approved participant shall be deemed sufficient.

Approved participants must keep a written record of all margin calls, whether they made in writing, by telephone or by other means of communication.

Closing out of Client's Positions 14204 (24.04.84, 13.09.05)

In the event of the failure of an approved participant to maintain client margins as required under this Rule, the Bourse may order such approved participant to immediately close out all or such part of the positions on his books in order to correct the margin deficiency.

14205 **Margins on Trading** (10.03.81, 24.04.84, 13.09.05, 04.03.08, 05.10.18)

An approved participant may use his discretion in permitting a client having an established account to make day trades in derivative instruments without margining each transaction, provided that any such transactions which are not closed out on the same Trading Day shall be subject to the full amount of margin required.

14206 Intercommodity or Intermarket Spread Margins

 $(24.04.84,\,13.09.05)$

Intercommodity or intermarket spread margins must be those determined from time to time by the Bourse.

Section 14226 - 14250 Bona Fide Hedger Accounts

14226 Definition of a Bona Fide Hedge

(24.04.84, 13.09.05, 04.03.08)

Bona fide hedging transactions and positions are transactions or positions in derivative instruments or transactions to be made or positions to be taken at a later time in the cash market, which are economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise and which arise from:

- a) the potential change in the value of assets which a person owns, or merchandises or anticipates owning, or merchandising;
- b) the potential change in the value of liabilities which a person owes or anticipates incurring;
- c) the potential change in the value of services which a person provides, purchases or anticipates providing or purchasing.

Notwithstanding the foregoing, no transactions or positions shall be considered as bona fide hedges for the purposes of this Rule unless their purpose is to offset price risks incidental to commercial cash operations and unless the relevant provisions of this Rule have been satisfied.

14227 Bona Fide Hedger Accounts

(24.04.84, 30.12.9313.09.05 04.03.08)

An approved participant must not consider an account as a bona fide hedger account unless the following conditions have been satisfied:

- a) the prospective hedger has stated that:
 - 1) the intended positions will be bona fide hedges;
 - 2) the hedges are necessary or advisable as an integral part of his business (fully explaining the nature and extent of his business);
- b) the hedge positions are kept in a separate hedge account in the records of the approved participant;
- c) the hedger complies with whatever limitations or requirements the Bourse imposes in connection with such hedges;
- d) the hedger complies with all applicable Rules and Policies of the Bourse;

e) hedges are made in an orderly manner in accordance with sound commercial practices, and are not initiated or liquidated in a manner that would cause unreasonable price fluctuations or unwarranted price changes.

14209 Deductions from Net Allowable Assets – Futures Contracts and Options on Futures Contracts

(13.09.05, abr. 04.03.08)

Section 14251 – 14300 Requirements for Dealing with U.S. Clients in Mercantile Futures Contracts

- **14251 Definitions** (18.04.85, abr. 13.09.05)
- **14252 Obligations of Members Dealing with U.S. Clients** (18.04.85, abr. 13.09.05)