

Regulations and other Acts

M.O., 2023-16

Order number I-14.01-2023-16 of the Minister of Finance dated 29 August 2023

Derivatives Act
(chapter I-14.01)

CONCERNING concordant regulations to Regulation to amend Regulation 14-101 respecting Definitions – Derivatives

WHEREAS subparagraphs 2, 3, 9, 11, 12 and 29 of the first paragraph of section 175 of the Derivatives Act (chapter I-14.01) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those subparagraphs;

WHEREAS the fourth and fifth paragraphs of that section provide that a draft regulation under that section must be published in the *Bulletin de l'Autorité des marchés financiers* 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 that section provide that a regulation under the first paragraph of that section must be submitted to the Minister of Finance, who may approve it with or without amendment, and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS the following regulations have been approved by an order of the Minister of Finance:

— Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting approved by ministerial order no. 2013-21 dated 6 December 2013 (2013, G.O. 2, 3631);

— Regulation 94-102 respecting Derivatives: Customer Clearing and Protection of Customer Collateral and Positions approved by ministerial order no. 2017-06 dated 15 June 2017 (2017, G.O. 2, 1669);

WHEREAS there is cause to amend those Regulations;

WHEREAS the draft regulation to amend Regulation 94-102 respecting Derivatives: Customer Clearing and Protection of Customer Collateral and Positions was published for consultation in the *Bulletin de l'Autorité des marchés financiers*, vol. 18, no. 16 of 22 June 2021;

WHEREAS the draft regulation to amend Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting was published for consultation in the *Bulletin de l'Autorité des marchés financiers*, vol. 20, no. 23 of 15 June 2023;

WHEREAS the *Autorité des marchés financiers* made, on 9 August 2023, by the decision no. 2023-PDG-0039, the following regulations:

— Regulation to amend Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting;

— Regulation to amend Regulation 94-102 respecting Derivatives: Customer Clearing and Protection of Customer Collateral and Positions;

WHEREAS there is cause to approve those Regulations without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the following regulations appended hereto:

— Regulation to amend Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting;

— Regulation to amend Regulation 94-102 respecting Derivatives: Customer Clearing and Protection of Customer Collateral and Positions.

29 August 2023

ERIC GIRARD
Minister of Finance

REGULATION TO AMEND REGULATION 91-507 RESPECTING TRADE REPOSITORIES AND DERIVATIVES DATA REPORTING

Derivatives Act

(chapter I-14.01, s. 175, 1st par., subpar. (2), (3), (11), (12) and (29))

1. Section 1 of Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting (chapter I-14.01, r. 1.1) is amended by inserting, in paragraph (1) and after the definition of “reporting counterparty”, the following:

““Schedule III bank” means an authorized foreign bank named in Schedule III of the Bank Act (S.C., 1991, c. 46);”.

2. Section 25 of the Regulation is amended by replacing “, the Canadian financial institution” in subparagraph (b) of paragraph (2) by “or a Schedule III bank, the Canadian financial institution or the Schedule III bank”.

3. Section 33 of the Regulation is amended, in paragraph (1):

(1) by replacing “, or” at the end of subparagraph (a) by “or a Schedule III bank, or”;

(2) by adding “, nor a Schedule III bank” at the end of subparagraph (b).

4. Section 40 of the Regulation is amended by replacing “and” at the end of paragraph (b) by “nor a Schedule III bank, and”.

5. This Regulation comes into force on 13 September 2023.

**REGULATION TO AMEND REGULATION 94-102 RESPECTING DERIVATIVES:
CUSTOMER CLEARING AND PROTECTION OF CUSTOMER COLLATERAL
AND POSITIONS**

Derivatives Act

(chapter I-14.01, s. 175, 1st par., subpar. (2), (9), (11) and (12))

1. Section 1 of Regulation 94-102 respecting Derivatives: Customer Clearing and Protection of Customer Collateral and Positions (chapter I-14.01, r. 0.001) is amended by striking out, in paragraph (1), the definition of “Canadian financial institution”.
2. This Regulation comes into force on 13 September 2023.

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M.O., 2023-15

**Order number V-1.1-2023-15 of the Minister of Finance
dated 29 August 2023**

Securities Act
(chapter V-1.1)

CONCERNING concordant regulations to Regulation to amend Regulation 14-101 respecting Definitions – Securities

WHEREAS paragraphs 1, 11 and 34 of section 331.1 of the Securities Act (chapter V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide 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 first and fifth paragraphs of the said section provide that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS the following regulations have been made by the *Autorité des marchés financiers*, approved by the Minister of Finance or enacted by the Government:

— Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations approved by ministerial order no. 2009-04 dated 9 September 2009 (2009, G.O. 2, 3309A);

— Regulation 33-109 respecting Registration Information approved by the ministerial order no. 2009-05 dated 9 September 2009 (2009, G.O. 2, 3362A);

— Regulation 45-106 respecting Prospectus Exemptions approved by ministerial order no. 2009-05 dated 9 September 2009 (2009, G.O. 2, 3362A);

— Regulation 62-103 respecting the Early Warning System and Related Take-Over Bid and Insider Reporting Issues made by the decision no. 2001-C-0334 dated 10 July 2001 (*Bulletin hebdomadaire*, vol. 32, no. 28 dated 13 July 2001);

— Regulation 81-102 respecting Investment Funds made by the decision no. 2001-C-0209 dated 22 May 2001 (*Bulletin hebdomadaire*, vol. 32, no. 22 dated 1 June 2001);

— Securities Regulation enacted by order in Council no. 660-83 dated 30 March 1983 (1983, G.O. 2, 1269);

WHEREAS there is cause to amend those Regulations;

WHEREAS the following draft regulations were published for consultation in the *Bulletin de l’Autorité des marchés financiers*, vol. 18, no. 16 dated 22 April 2021:

— draft regulation to amend Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations;