X-pand into the Future

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Empfänger: Alle Handelsteilnehmer der Eurex Deutschland und Eurex Zürich, alle Clearing-Mitglieder der Eurex Clearing AG sowie Vendoren
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Order Routing-Zugang zu Eurex Deutschland für „Quebec Entities“ über nicht-kanadische Eurex Deutschland-Teilnehmer

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Zielgruppe:	**Anhänge:**
Ü Alle Abteilungen	(nur in Englisch) 1. Circular for Clients in Québec Who Trade on Eurex Deutschland 2. Risk Information Document 3. Derivative Act (Québec)

Am 23. Februar 2010 hat die Autorité des Marchés Financiers (AMF), Quebec, Kanada, einen Beschluss verabschiedet (Decision No. 2010-PDG-0036), der die Eurex Deutschland berechtigt, rechtlichen Entitäten, die von einem Standort in Quebec aus operieren („Quebec Entity“), bei Erfüllung bestimmter Bedingungen den Handel an Eurex Deutschland zu gestatten („Remote Member“).

Entsprechend dem Beschluss der AMF dürfen nicht-kanadische Eurex Deutschland-Teilnehmer einer „Quebec Entity“ Zugang zu Eurex über Order-Routing **nur dann** verschaffen, wenn die „Quebec Entity“ eine „**Accredited Counterparty**“ nach dem Derivative Act (Québec) (Anhang 3) ist. Der Eurex Deutschland-Teilnehmer muss der „Quebec Entity“ ein Schreiben wie in Anhang 1 „Circular for Clients in Québec Who Trade on Eurex Deutschland“ dargestellt sowie das vorgegebene „Risk Information Document“ (Anhang 2) zur Verfügung stellen.

Circular for Clients in Québec Who Trade on Eurex Deutschland

Name of Eurex Member

is permitted to provide access to accredited counterparties in Québec for trading on Eurex Deutschland. In order for you to be provided with access, you will need to complete, sign and return the attached certification.

In doing so, you will represent that you are an accredited counterparty in the category listed in the certification. Should you cease to fall within the category indicated in your certification, you are required to notify us before you place your next order on Eurex Deutschland.

We are also providing you with a Risk Information Document concerning certain risks and other significant aspects of trading in futures contracts, options or other derivatives.

There may be difficulty in enforcing any legal rights against us or any or our directors, officers or employees because we reside outside of Canada and all or substantially all or our assets are situated outside of Canada. We are not registered under the Derivatives Act (Québec) and, accordingly, the protection available to clients of a dealer under that statute will not be available to you.

RISK INFORMATION DOCUMENT

Risk Information Document for Derivatives

This brief document does not disclose all of the risks and other significant aspects of trading in futures contracts, options or other derivatives. In light of the risks, you should undertake such transactions only if you understand the nature of the contracts (and contractual relationships) into which you are entering and the extent of your exposure to risk. Trading in derivatives is not suitable for many members of the public. You should carefully consider whether trading is appropriate for you in light of your experience, objectives, financial resources and other relevant circumstances.

Futures Contracts

Effect of "Leverage" or "Gearing"

Transactions in futures contracts carry a high degree of risk. The amount of initial margin is small relative to the value of the futures contract so that transactions are "leveraged" or "geared". A relatively small market movement will have a proportionately larger impact on the funds you have deposited or will have to deposit: this may work against you as well as for you. You may sustain a total loss of initial margin funds and any additional funds deposited with the firm to maintain your position. If the market moves against your position or margin levels are increased, you may be called upon to pay substantial additional funds on short notice to maintain your position. If you fail to comply with a request for additional funds within the time prescribed, your position may be liquidated at a loss and you will be liable for any resulting deficit.

1) Risk-Reducing Orders or Strategies

The placing of certain orders (e.g. "stop-loss" order, where permitted under local law, or "stop-limit" orders) which are intended to limit losses to certain amounts may not be effective because market conditions may make it impossible to execute such orders. Strategies using combinations of positions, such as "spread" and "straddle" positions may be as risky as taking simple "long" or "short" positions.

Options

2) Variable Degree of Risk

Transactions in options carry a high degree of risk. Purchasers and sellers of options should familiarize themselves with the type of option (i.e. put or call) which they contemplate trading and the associated risks. You should calculate the extent to which the value of the options must increase for your position to become profitable, taking into account the premium and all transaction costs.

The purchaser of options may offset or exercise the options or allow the options to expire. The exercise of an option results either in a cash settlement or in the purchaser acquiring or delivering the underlying interest. If the option is on a futures contract, the purchaser will acquire a futures position with associated liabilities for margin (see the section on Futures Contracts above). If the purchased options expire worthless, you will suffer a total loss of your investment which will consist of the option premium plus transaction costs. If you are contemplating purchasing deep-out-of-the-money options, you should be aware that the chance of such options becoming profitable ordinarily is remote.

Selling (“writing” or “granting”) an option generally entails considerably greater risk than purchasing options. Although the premium received by the seller is fixed, the seller may sustain a loss well in excess of that amount. The seller will be liable for additional margin to maintain the position if the market moves unfavourably. The seller will also be exposed to the risk of the purchaser exercising the option and the seller will be obligated to either settle the option in cash or to acquire or deliver the underlying interest. If the option is on a futures contract, the seller will acquire a position in a future with associated liabilities for margin (see the section on Futures Contracts above).

If the option is “covered” by the seller holding a corresponding position in the underlying interest or a futures contract or another option, the risk may be reduced. If the option is not covered, the risk of loss can be unlimited.

Certain exchanges in some jurisdictions permit deferred payment of the option premium, exposing the purchaser to liability for margin payments not exceeding the amount of the premium. The purchaser is still subject to the risk of losing the premium and transaction costs. When the option is exercised or expires, the purchaser is responsible for any unpaid premium outstanding at that time.

Additional Risks Common to Derivatives

3) Terms and Conditions of Contracts

You should ask the firm with which you deal about the terms and conditions of the specific futures contracts options or other derivatives which you are trading and associated obligations (e.g. the circumstances under which you may become obligated to make or take delivery of the underlying interest and, in respect of options, expiration dates and restrictions on the time for exercise).

Under certain circumstances the specifications of outstanding contracts (including the exercise price of an option) may be modified by the exchange or clearing house to reflect changes in the underlying interest.

4) Suspension or Restriction of Trading and Pricing Relationships

Market conditions (e.g. liquidity) and/or the operation of the rules of certain markets (e.g. the suspension of trading in any contract or contract month because of price limits or “circuit breakers”) may increase the risk of loss by making it difficult or impossible to effect transactions or liquidate/offset positions. If you have sold options, this may increase the risk of loss.

Further, normal pricing relationships between the underlying interest and the derivative may not exist. This can occur when, for example, the futures contract underlying the option is subject to price limits while the option is not.

The absence of an underlying reference price may make it difficult to judge “fair” value.

5) Deposited Cash and Property

You should familiarize yourself with the protections accorded money or other property you deposit for domestic and foreign transactions, particularly in the event of a firm insolvency or bankruptcy. The extent to which you may recover your money or property may be governed by specific legislation or local rules. In some jurisdictions, property which had been specifically identifiable as your own will be prorated in the same manner as cash for purposes of distribution in the event of a shortfall.

6) Commission and Other Charges

Before you begin to trade, you should obtain a clear explanation of all commissions, fees and other charges for which you will be liable. These charges will affect your net profit (if any) or increase your loss.

7) Transactions in Other Jurisdictions

Transactions on markets in other jurisdictions, including markets formally linked to a domestic market, may expose you to additional risk. Such markets may be subject to regulation which may offer different or diminished investor protection. Before you trade you should inquire about any rules relevant to your particular transactions. Your local regulatory authority will be unable to compel the enforcement of the rules of regulatory authorities or markets in other jurisdictions where your transactions have been effected. You should ask the firm with which you deal for details about the types of redress available in both your home jurisdiction and other relevant jurisdictions before you start to trade.

8) Currency Risks

The profit or loss in transactions in foreign currency-denominated derivatives (whether they are traded in your own or another jurisdiction) will be affected by fluctuations in currency rates where there is a need to convert from the currency denomination of the derivative to another currency.

9) Trading Facilities

Most open-outcry and electronic trading facilities are supported by computer-based component systems for the order-routing, execution, matching, registration or clearing of trades. As with all facilities and systems, they are vulnerable to temporary disruption or failure. Your ability to recover certain losses may be subject to limits on liability imposed by the system provider, the market, the clearing house and/or member firms. Such limits may vary; you should ask the firm with which you deal for details in this respect.

10) Electronic Trading

Trading on an electronic trading system may differ not only from trading in an open-outcry market but also from trading on other electronic trading systems. If you undertake transactions on an electronic trading system, you will be exposed to risks associated with the system, including the failure of hardware and software. The result of any system failure may be that your order is either not executed according to your instructions or is not executed at all. Your ability to recover certain losses which are particularly attributable to trading on a market using an electronic trading system may be limited to less than the amount of your total loss.

11) Off-Exchange Transactions

In some jurisdictions, and only then in restricted circumstances, firms are permitted to effect off-exchange transactions. The firm with which you deal may be acting as your counterparty to the transaction. It may be difficult or impossible to liquidate an existing position, to assess the value, to determine a fair price or to assess the exposure to risk. For these reasons, these transactions may involve increased risks.

Off-exchange transactions may be less regulated or subject to a separate regulatory regime. Before you undertake such transactions, you should familiarize yourself with applicable rules.

Category of Accredited Counterparty
(according to the Derivative Act (Québec)**)**

1) A government, government department or public body or a wholly owned enterprise or entity of a government

2) A municipality, public board or commission or other similar municipal administration, a metropolitan community, a school board, the *Comité de gestion de la taxe scolaire de l'Île de Montréal* or an intermunicipal management board in Québec

3) A financial institution, including the Business Development Bank of Canada established under the *Business Development Bank of Canada Act* (Canada), or a subsidiary of such a financial institution to the extent that the financial institution holds all the subsidiary's voting shares, other than the voting shares held by directors of the subsidiary or its employees

4) A dealer or adviser registered under the *Derivatives Act* (Québec) or the *Securities Act* (Québec) or a person authorized to act as such or to exercise similar functions under equivalent legislation applicable outside Québec

5) A registered representative of a person described in no. 4 or a representative who has ceased to be so registered within the last three years

6) A pension fund regulated by the Office of the Superintendent of Financial Institutions established by the *Office of the Superintendent of Financial Institutions Act* (Canada), the *Régie des rentes du Québec* or a pension commission or similar regulatory authority in Canada whose investment policy provides for or authorizes the use of derivatives, or an entity that is analogous in form and function established under legislation applicable outside Québec

7) A person who establishes in a conclusive and verifiable manner:

   (a) that the person has the requisite knowledge and experience to evaluate the information provided to the person about derivatives, the appropriateness to the person's needs of proposed derivatives strategies, and the characteristics of the derivatives to be traded on the person's behalf;

   (b) that the person:

      i. if not an individual, has cash, securities, insurance contracts or deposits having an aggregate realizable value, before taxes, but after deduction of the corresponding liabilities, equal to or in excess of C$10,000,000 or an equivalent amount in another currency; or

      ii. if an individual, has cash, securities, insurance contracts or deposits having an aggregate realizable value, before taxes, but after deduction of the corresponding liabilities, personally or through other persons under his control, equal to or in excess of C$5,000,000 or an equivalent amount in another currency; or

   (c) that the person has at the person's disposal net assets in the amount specified by regulation and sufficient to fulfill the person's delivery or payment obligations under the terms of derivatives to which the person is party, in light of the positions held in the person's account and the orders the person is seeking to have executed

8) An investment fund whose investment policy includes or authorizes the use of derivatives, that distributes or has distributed its securities under a prospectus for which the Autorité des marchés financiers or another authority empowered to issue receipts under the securities legislation of another province or a territory of Canada has issued a receipt, or that distributes or has distributed its securities exclusively:

   (a) a person who is or was an accredited investor within the meaning of the *Securities Act* (Québec) at the time of the distribution;

   (b) a person who acquires or has acquired securities of the fund in order to make a minimum amount investment or an additional investment under the conditions prescribed by the *Securities Act* (Québec); or

   (c) a person described in subparagraph (a) or (b) who acquires or has acquired securities of the fund in order to reinvest in the fund, in the circumstances set out in the *Securities Act* (Québec)

9) An investment fund that is advised by an adviser described in no. 4.

(10) A person all of whose interest holders, except the holders of voting securities required by law to be held by directors, are accredited counterparties within the meaning of the Derivatives Act (Québec)

(11) A hedger, that is, a person who, because of the person's activities:

   (a) is exposed to one or more risks attendant upon those activities, including supply, credit, exchange and environmental risks and the risk related to fluctuations in the price of an underlying interest; and

   (b) seeks to hedge that risk by engaging in a derivatives transaction, or a series of derivatives transactions, where the underlying interest is the underlying interest directly associated with that risk or a related underlying interest

12) A person specified by regulation or designated by the Autorité des marchés financiers as an accredited counterparty under section 87 of the *Derivatives Act* (Québec)

We do not fall within one of the above categories, but an exemption from the registration requirement is otherwise available with respect to our trading on Eurex Deutschland. Please describe the exemption and, if applicable, provide a copy of the order granting the exemption: