

CSA Staff Notice 94-302
*Delivery of Forms Required under National Instrument 94-102
Derivatives: Customer Clearing and Protection of Customer
Collateral and Positions*

August 3, 2017

Introduction

This Canadian Securities Administrators Staff Notice provides guidance regarding the forms required to be delivered by clearing intermediaries and regulated clearing agencies under National Instrument 94-102 *Derivatives: Customer Clearing and Protection of Customer Collateral and Positions* (NI 94-102).

Background

NI 94-102 entered into force on July 3, 2017. Section 25 and section 43 of NI 94-102 require a clearing intermediary and a regulated clearing agency, respectively, to deliver the applicable form regarding customer collateral to the regulator or securities regulatory authority of each jurisdiction of Canada in which they have a local customer.

Substance and Purpose

NI 94-102 requires that only the information pertaining to the customers in the local jurisdiction be reported to the regulator or securities regulatory authority. The purpose of this Staff Notice is to provide further guidance with respect to the delivery of the required forms.

Format and Delivery Instructions

In Ontario, the forms are required to be filed electronically through the Ontario Securities Commission's Electronic Filing Portal. Please see http://www.osc.gov.on.ca/en/derivatives_participants_forms.htm for more information.

In all other jurisdictions, filers can use the Excel format (including in French version in Québec and New-Brunswick) as set out in the relevant hyperlink in the list below¹ to comply with sections 25 or 43, as applicable, of NI 94-102:

- [Form 94-102F1](#) *Customer Collateral Report: Direct Intermediary*

¹ These fillable spreadsheet forms are available at:
<https://lautorite.qc.ca/en/professionals/securities-and-derivatives/regulation-of-derivatives-markets-in-quebec/>

- [Form 94-102F2](#) *Customer Collateral Report: Indirect Intermediary*
- [Form 94-102F3](#) *Customer Collateral Report: Regulated Clearing Agency*

The forms may also be delivered in a readable pdf format².

If required in the applicable local jurisdiction, please send the required form to the following applicable address:

In Alberta, OTCDerivativesReporting@asc.ca

In British Columbia, derivativesinbox@bcsc.bc.ca

In Manitoba, oversight@gov.mb.ca

In New Brunswick, registration-inscription@fcnb.ca

In Nova Scotia, NSSC_Corp_Finance@novascotia.ca

In Québec, encadrementderives@lautorite.qc.ca

In Saskatchewan, registrationfcaa@gov.sk.ca

Questions

If you have questions about this Staff Notice or the forms, please contact any of the following:

Lise Estelle Brault
Co-Chair, CSA Derivatives Committee
Senior Director, Derivatives Oversight
Autorité des marchés financiers
514-395-0337, ext. 4481
lise-estelle.brault@lautorite.qc.ca

Kevin Fine
Co-Chairman, CSA Derivatives Committee
Director, Derivatives Branch
Ontario Securities Commission
416 593-8109
kfine@osc.gov.on.ca

Paula White
Deputy Director, Compliance and Oversight
Manitoba Securities Commission
204-945-5195
paula.white@gov.mb.ca

Martin McGregor
Legal Counsel, Corporate Finance
Alberta Securities Commission
403-355-2804
martin.mcgregor@asc.ca

Eric Thong
Derivatives Market Specialist
British Columbia Securities Commission
604-899-6772

Abel Lazarus
Senior Securities Analyst
Nova Scotia Securities Commission
902-424-6859

² These forms are available on the website of the local securities regulatory authority.

ethong@bcsc.bc.ca

abel.lazarus@novascotia.ca

Wendy Morgan
Senior Legal Counsel
Financial and Consumer Services Commission
(New Brunswick)
506-643-7202
wendy.morgan@fcnb.ca

Liz Kutarna
Deputy Director, Capital Markets, Securities
Division
Financial and Consumer Affairs Authority of
Saskatchewan
306-787-5871
liz.kutarna@gov.sk.ca