

# **COUNTERPART TO MEMORANDUM OF UNDERSTANDING**

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**United States Commodity Futures Trading Commission**

**and**



**Financial and Consumer Affairs Authority of Saskatchewan**

**COOPERATION AND THE EXCHANGE OF INFORMATION  
RELATED TO THE SUPERVISION OF CROSS-BORDER COVERED ENTITIES**

April 20, 2016

## Appendix D

### COUNTERPART

1. The *Memorandum of Understanding Concerning Cooperation and the Exchange of Information Related to the Supervision of Cross-Border Covered Entities* ("MOU") between the Commodity Futures Trading Commission ("CFTC") and the Alberta Securities Commission, the British Columbia Securities Commission, the Ontario Securities Commission, and the Québec Autorité des marchés financiers provides in Article Eight, Paragraph 41:

Any Canadian Authority may become a party to this MOU by executing a counterpart hereof together with the CFTC and providing notice of such execution to the other Canadian Authorities that are signatories to this MOU.

2. The CFTC and the Financial and Consumer Affairs Authority of Saskatchewan ("FCAA") are executing this counterpart to the MOU ("Counterpart") pursuant to Paragraph 41 of the MOU in order for the FCAA to become a party to the MOU.
3. The FCAA hereby falls within the definition of the term "Authority" in Article One, Paragraph 1(b), of the MOU, and is a Canadian Authority and one of the Canadian Authorities within the scope of the MOU.
4. All terms and provisions of the MOU hereby apply to the FCAA as though the FCAA were specifically referenced in the MOU, except with respect to the FCAA:
  32. The Authorities recognize that, while this MOU is not intended to gather information for enforcement purposes, subsequently the Authorities may want to use the non-public information provided pursuant to this MOU for enforcement purposes. In cases where a Requesting Authority seeks to use non-public information obtained pursuant to this MOU for enforcement purposes, including in conducting investigations or taking enforcement action, treatment of the non-public information will be in accordance with the use and confidentiality provisions of the IOSCO MMOU. However, with respect to information shared between the CFTC and FCAA, Paragraph 33 applies to such use.
5. With respect to the FCAA, where specific Canadian provinces are named in the MOU, the word "Saskatchewan" is hereby included in the MOU.
6. With respect to the FCAA, the definition of the term "Governmental Entity" means the Federal Ministry of Finance and the Saskatchewan Ministry of Finance, if the Requesting Authority is FCAA.

7. Cooperation in accordance with this Counterpart will become effective on the date this Counterpart is signed by the CFTC and FCAA.
8. Pursuant to Paragraph 41 of the MOU, the FCAA will provide notice of the execution of this Counterpart to the other Canadian Authorities that are signatories to the MOU.
9. To facilitate cooperation under the MOU, the FCAA designates the following contact person and will exchange confidential emergency contact telephone information with the other MOU signatories:

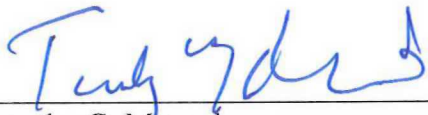
**FINANCIAL AND CONSUMER AFFAIRS AUTHORITY OF SASKATCHEWAN**

Suite 601  
1919 Saskatchewan Drive  
Regina, SK S4P 4H2  
Canada

Attention: Deputy Director, Capital Markets

Telephone: 306-787-5871  
Fax: 306-787-5899  
Email: liz.kutarna@gov.sk.ca

This Counterpart is executed in duplicate, this 20<sup>th</sup> day of April 2016.



Timothy G. Massad  
Chairman  
For the U.S. Commodity Futures Trading  
Commission

Date: April 20, 2016



Roger Sobotkiewicz  
Chairperson  
For Financial and Consumer Affairs  
Authority of Saskatchewan

Date: Apr. 14, 2016