

# **COUNTERPART TO MEMORANDUM OF UNDERSTANDING**

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**United States Commodity Futures Trading Commission**

**and**



**Nova Scotia Securities Commission**

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

April 20, 2016

## Appendix E

### 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 Nova Scotia Securities Commission ("NSSC") are executing this counterpart to the MOU ("Counterpart") pursuant to Paragraph 41 of the MOU in order for the NSSC to become a party to the MOU.
3. The NSSC 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 NSSC as though the NSSC were specifically referenced in the MOU, except with respect to the NSSC:
  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 NSSC, Paragraph 33 applies to such use.
5. With respect to the NSSC, where specific Canadian provinces are named in the MOU, the word "Nova Scotia" is hereby included in the MOU.
6. With respect to the NSSC, the definition of the term "Governmental Entity" means the Federal Ministry of Finance and the Nova Scotia Ministry of Finance and Treasury Board, if the Requesting Authority is the NSSC.

7. Cooperation in accordance with this Counterpart will become effective on the date this Counterpart is signed by the CFTC and NSSC.
8. Pursuant to Paragraph 41 of the MOU, the NSSC 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 NSSC designates the following contact person and will exchange confidential emergency contact telephone information with the other MOU signatories:

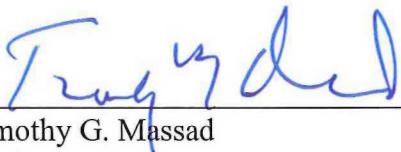
**NOVA SCOTIA SECURITIES COMMISSION**

Suite 400, Duke Tower  
5251 Duke Street  
Halifax, Nova Scotia  
B3J 2P8 Canada

Attention: Director of Policy and Market Regulation

Telephone: 902-424-0179  
Fax: 902-424-4625  
Email: jane.anderson@novascotia.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



Paul E. Radford, Q.C.  
Chair  
For the Nova Scotia Securities Commission  
Date: April 14 / 16