

EXHIBIT H – INFORMATION SHARING AGREEMENTS AMONG THE COMMISSION, THE FOREIGN BOARD OF TRADE, THE CLEARING ORGANIZATION, AND RELEVANT REGULATORY AUTHORITIES

(1) A description of the arrangements among the Commission, the foreign board of trade, the clearing organization, and the relevant foreign regulatory authorities that govern the sharing of information regarding the transactions that will be executed pursuant to the foreign board of trade’s registration with the Commission and the clearing and settlement of those transactions. This description should address or identify whether and how the foreign board of trade, clearing organization, and the regulatory authorities governing the activities of the foreign board of trade and clearing organization agree to provide directly to the Commission information and documentation requested by Commission staff that Commission staff determines is needed:

- (i) To evaluate the continued eligibility of the foreign board of trade for registration.**
- (ii) To enforce compliance with the specified conditions of the registration.**
- (iii) To enable the CFTC to carry out its duties under the Act and Commission regulations and to provide adequate protection to the public or registered entities.**
- (iv) To respond to potential market abuse associated with trading by direct access on the registered foreign board of trade.**
- (v) To enable Commission staff to effectively accomplish its surveillance responsibilities with respect to a registered entity where Commission staff, in its discretion, determines that a contract traded on a registered foreign board of trade may affect such ability.**

1. The arrangements between the Commission, ICE Endex, ICE Clear Europe Limited (the clearing organization) and the Netherlands Authority Financial Markets (“AFM”) that govern the sharing of information regarding the transactions that will be executed pursuant to ICE Endex’s registration with the Commission and the clearing and settlement of those transactions are set out below:

- ICE Endex’s Rules provide for the sharing of information with competent regulatory agencies or authorities (which would include the Commission and/or the AFM), other exchanges and clearing houses. In particular, Rule I-15.3(a) and I-15.5 (see Annex 6- (1) states that:

I-15.3 ICE Endex shall be entitled to keep records in an electronic or durable medium of all data or information available to it under these Rules or otherwise concerning Members. All such information received or held by ICE Endex provided to it by the Member at ICE Endex's request, or pursuant to the Rules or applicable laws shall be held in confidence by ICE Endex and shall not be made known to the public or any other person in such manner that it can be directly related to one of its Members except that each Member hereby consents to ICE Endex making the following disclosures, subject to such terms and conditions as ICE Endex may from time to time deem appropriate:

I-15.3(a) to any member of the ICE group, any other Exchange or clearing organisation and any of their committees, experts, auditors, advisers or lawyers, each such recipient being subject to a confidentiality obligation which ICE Endex, in its

discretion, considers satisfactory, including (without limitation) for audit, compliance, market surveillance or disciplinary purposes, for the purposes of an arbitration or other dispute in accordance with the Rules for Dispute Resolution or any proceedings in support of such an arbitration, or in relation to any possible or actual event of default under the rules of an Exchange or clearing house or the termination or suspension of such Member's membership of ICE Endex or any other Exchange or clearing membership;

And;

I-15.5 ICE Endex has the right to supply to the Competent Authorities with all data and information of the activities carried out by Members on the ICE Endex Platform and all other data and information the provision of which is necessary either under a formal request made to ICE Endex or to comply with its obligations towards those authorities or where disclosure is required under applicable laws.

- The Clearing Services Agreement (see Annex E-3) provides for the sharing of information between ICE Endex and its clearing organization, ICE Clear Europe Limited.
- ICE Clear Europe's Rules provide for the sharing of information with regulatory agencies or authorities (which would include the Commission and/or the FSA), other exchanges and clearing houses. In particular, Rule 106 (see Annex H-1(1)) states, inter alia, that:

The Clearing House shall be entitled to keep records in an electronic or durable medium of all data or information available to it under these Rules or otherwise concerning Clearing Members (including financial statements filed with the Clearing House), Customers, Sponsored Principals, Sponsors, Accounts, Margin, Transactions, Contracts, past or current Open Contract Positions, deliveries and settlement. All information received or held by the Clearing House concerning Transactions, Contracts or past or current Open Contract Positions carried by the Clearing House or positions with any other Clearing Organisation for a Clearing Member or Sponsored Principal or relating to any Customer, or concerning Margin payments between the Clearing House or any other Clearing Organisation and a Clearing Member or Sponsored Principal or concerning deliveries made by or to a Clearing Member or any of its Transferors or Transferees or any financial statements filed with the Clearing House by any Clearing Member or Sponsored Principal or any other information relating to a Clearing Member, Sponsored Principal, Sponsor or Customer to the Clearing House at the Clearing House's request, or pursuant to the Rules or Applicable Laws shall be held in confidence by the Clearing House and shall not be known to any other Person except that each Clearing Member, Sponsored Principal, Sponsor and Customer hereby consents to the Clearing House making the following disclosures, subject to such terms and conditions as the Clearing House may from time to time deem appropriate:

- to a Regulatory Authority or Governmental Authority where a request is formally made to the Clearing House by or on behalf of the same or pursuant to Applicable Laws;

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- pursuant to an order of a competent court or other Governmental Authority or otherwise to such other Persons, at such times and in such manner as may be required by Applicable Law;
2. Relevant Memoranda of Understanding (“MOUs”) with the Commission considering the exchange of information between supervisory authorities, dated
- o MOU between the government of the United States of America and the Government of the Kingdom of the Netherlands considering the exchange of information between supervisory authorities (see Annex H-1(2));
 - o The AFM is signatory to the Declaration on Cooperation and Supervision of International Futures Exchanges and Clearing Organizations, March 15, 1996 (“Boca Declaration”);
 - o MOU between the FSA and the CFTC for supervision of cross border clearing houses dated 14 September 2009 (see Annex H-1(3));

Which together provide for the sharing of information regarding the transactions that will be executed pursuant to ICE Endex registration as an FBOT, by the AFM with the Commission and the clearing and settlement of those transactions.

(2) A statement as to whether and how the foreign board of trade has executed the International Information Sharing Memorandum of Understanding and Agreement.

ICE Endex is signatory to the International Information Sharing Memorandum of Understanding and Agreement. The signed Memorandum of Understand can be found under Annex H-2.

(3) A statement as to whether the regulatory authorities governing the activities of the foreign board of trade and clearing organization are signatories to the International Organization of Securities Commissions Multilateral Memorandum of Understanding. If not, describe any substitute information-sharing arrangements that are in place.

The regulatory authority governing the activities of ICE Endex is the AFM, which is a full signatory to the International Organization of Securities Commissions Multilateral Memorandum of Understanding (as confirmed by the IOSCO signatories list available at <https://www.iosco.org/about/?subSection=mmou&subSection1=signatories> .

ICE Endex's clearing service provider is ICE Clear Europe Limited which is both a CFTC supervised DCO and a Recognised Clearing House supervised by the Bank of England.

The AFM and CFTC are full signatories of the IOSCO Multilateral Memorandum of Understanding.

(4) A statement as to whether the regulatory authorities governing the activities of the foreign board of trade and clearing organization are signatories to the Declaration on Cooperation and Supervision of International Futures Exchanges and Clearing Organizations. If not, a statement as to whether and how they have committed to share the types of information contemplated by the International Information Sharing Memorandum of Understanding and Agreement with the Commission, whether pursuant to an existing memorandum of understanding or some other arrangement.

The AFM is a signatory to the Boca Declaration (as amended March 1998) and is included on its list of signatories (see <https://www.iosco.org/about/?subSection=mmou&subSection1=signatories> and a list of AFM's international MOUs can be found at <https://www.afm.nl/nl-nl/over-afm/werkzaamheden/internationale-samenwerking/mou>

ICE Endex's clearing organization is ICE Clear Europe Limited which is both a CFTC supervised DCO and a Recognised Clearing House supervised by the Bank of England.