

**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.**

The arrangements between the Commission, ICE Futures Europe, ICE Clear Europe Limited (the clearing organization) and the UK Financial Conduct Authority that govern the sharing of information regarding the transactions that will be executed pursuant to ICE Futures Europe’s registration with the Commission and the clearing and settlement of those transactions are set out below:

- ICE Futures Europe’s Rules provide for the sharing of information with regulatory agencies or authorities (which would include the Commission and/or the FCA), other exchanges and clearing houses. In particular, Rule A.4.3 (see Annex A-6) states that: *The Exchange may disclose such information to such persons, agencies or authorities having responsibility for or in connection with the regulation of investment or any other financial business (and this shall include without limitation the Secretary of State or his designated agency and investment exchanges, clearing houses, and self regulating organisations recognised under the Financial Services and Markets Act 2000 or with the enforcement of law as the Exchange thinks fit (but without prejudice to any other right to disclosure given to it in the Regulations) or as required by law.*
- The Clearing Services Agreement (see Annex E-3) provides for the sharing of information between ICE Futures Europe 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 FCA), other exchanges and clearing houses. In particular, Rule 106 (see Annex A-6) states, inter alia, that:

*All information received or held by the Clearing House concerning past or current positions carried by the Clearing House or any other Clearing Organisation for a Clearing Member, or concerning Margin payments between the Clearing House or any other Clearing Organisation and a Clearing Member or concerning deliveries made by or to a Clearing Member and any financial statements filed with the Clearing House by any Clearing Member shall be held in confidence by the Clearing House and shall not be made known to any other Person except where disclosed, 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; 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; to any Exchange or Clearing Organisation...*

- The FCA (formerly the FSA) is a signatory to the following Memoranda of Understanding (“MOUs”) with the Commission:
  - MOU between the FSA and the CFTC for supervision of cross border clearing houses dated 14 September 2009 (see Annex H-1(1));
  - MOU between the FSA and the CFTC dated 17 November 2006 (see Annex H-1(2)); and
  - MOU between the FSA and the CFTC dated 17 May 2000 (see Annex H-1(3)).

Which together provide for the sharing of information regarding the transactions that will be executed pursuant to ICE Futures Europe’s registration as an FBoT, by the FCA 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 Futures Europe is a signatory to the Declaration on Cooperation and Supervision of International Futures Markets and Clearing Organization executed contemporaneously at Boca Raton, Florida on 15 March 1996 (the “Boca Declaration”) see 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 Futures Europe is the UK Financial Conduct Authority (“FCA”), 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 [http://www.iosco.org/library/index.cfm?section=mou\\_siglist](http://www.iosco.org/library/index.cfm?section=mou_siglist)).

ICE Futures Europe’s clearing organization is ICE Clear Europe Limited which is both a CFTC supervised DCO and an FCA supervised Recognised Clearing House. Both the CFTC and FCA 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 FCA (formerly the FSA) is a signatory to the Boca Declaration (as amended March 1998) and is included on its list of signatories (see [http://www.iosco.org/library/index.cfm?section=mou\\_siglist](http://www.iosco.org/library/index.cfm?section=mou_siglist) and a list of FCA international MOUs can be found at <http://www.fsa.gov.uk/library/corporate/memorandums/international>).

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