

Information-Sharing Agreements

H. Documentation describing the following: Information sharing agreements among the CFTC, FBOT, the clearing organization and relevant regulatory authorities.

Pursuant to Section 7 paragraph 4 of the Exchange Act, Eurex is able to exchange market surveillance information directly with foreign exchanges through its Trading Surveillance Office but is precluded to exchange such information with foreign regulators as according to Section 7 of the Securities Trading Act the exclusive competence to share information with foreign regulators rests with BaFin. Only BaFin, the federal regulator, is allowed by German privacy laws to exchange information upon request by competent foreign regulators acting within the scope of their authority.

BaFin

BaFin is the federal German regulator that is a member of the International Organization of Securities Commissions ("IOSCO").

Currently, BaFin has 34 separate information-sharing agreements with foreign regulators. These agreements, or Memoranda of Understanding ("MOU"), create the legal framework for efficient home-country supervision of financial activities that operate on a cross-border basis. The objectives of BaFin's market supervision are to ensure the transparency and integrity of the financial markets and the protection of investors. Specifically, these agreements are necessary to facilitate international cooperation between financial regulators. These MoU agreements may be bilateral or multilateral. A list of the foreign regulators with whom BaFin has entered into MOUs is enclosed as Exhibit H (1).

Intermarket Surveillance Group (ISG)

The Intermarket Surveillance Group ("ISG") is comprised of an international group of exchanges and market regulators that perform front-line market surveillance in their respective jurisdictions.

The purpose of ISG is to effectively detect and prevent unfair transactions across markets through, among other things, the sharing of market information among its members. The members of the organization are connected by multilateral cooperation as described in a written Agreement. Among the requirements of the agreement is that every member freely shares regulatory information and documents with other ISG members for the purpose of

assisting them in investigations and/or pursuing disciplinary actions. Currently, ISG includes the major self-regulators and other exchanges across the world.

Eurex participates in the ISG through the Trade Surveillance Offices (“TSO”), of Eurex Frankfurt AG, the exchange operator for the Deutsche Borse Group (“DBG”) as well as the International Securities Exchange (“ISE”), another member of the Deutsche Borse Group of exchanges. As described more fully in Exhibit H, the TSO reports to the Eurex Management Board as well as to the Exchange Supervisory Authority (“ESA”) of the State of Hesse. Therefore, privacy laws do not preclude the sharing of information with competent foreign regulators acting within the scope of their regulatory jurisdiction. The full list of the over 50 members of the ISG is enclosed as Exhibit H(includes Eurex Frankfurt, the Deutsche Borse Group (“DTB”) exchange operator, as well as the International Securities Exchange (ISE) another member of the DTB.

A list of the participants in the ISG is attached as Exhibit H(2).

International Organization of Securities Commissions (IOSCO)

BaFin is a signatory to the Memorandum of Understanding (“MOU”) created and maintained by the International Organization of Securities Commissions (“IOSCO”). Those IOSCO member agencies that have chosen to become signatories to the MOU have resolved, through its permanent structures:

- to cooperate in developing, implementing and promoting adherence to internationally recognised and consistent standards of regulation, oversight and enforcement in order to protect investors, maintain fair, efficient and transparent markets, and seek to address systemic risks;
- to enhance investor protection and promote investor confidence in the integrity of securities markets, through strengthened information exchange and cooperation in enforcement against misconduct and in supervision of markets and market intermediaries; and
- to exchange information at both global and regional levels on their respective experiences in order to assist the development of markets, strengthen market infrastructure and implement appropriate regulation¹.

With respect to the IOSCO MOU, there are a total of 80 signatories. The formal name of the MOU is the “IOSCO Multilateral Memorandum of Understanding (MoU) Concerning Consultation and Cooperation and the Exchange of Information.”

Enclosures:

- Exhibit H(1): IOSCO Multilateral Memorandum of Understanding between the U.S. Commodity and Futures Trading Commission and BaFin (as amended May 2002)

¹ <http://www.iosco.org/about/>

- Exhibit H(2): IOSCO Multilateral MOU Signatories.
- Exhibit H(3): ISG Members