

EURONEXT NOTICE 2-01

Registration of Authorised Representatives and Responsible Persons

DRAFT PENDING REGULATORY APPROVAL

Department: Group Regulation
Publication date : XX 2022
Effective Date: 27 March 2022

Euronext Notice 2-01 –draft 230223. This draft reflects the notice that is planned to apply upon the Phase 1 of BITA migration to Optiq. It may evolve before the migration time and remains subject to regulatory approval

Table des matières

EURONEXT NOTICE 2-01	1
A - RESPONSIBLE PERSON	4
I - General Principles	4
Article 1	4
Article 2	4
Article 3	4
II – Registration	5
Article 5	5
Article 6	5
Article 7 [Reserved].....	5
B - AUTHORISED REPRESENTATIVE.....	5
I– General Principles	5
Article 8	5
Article 9	5
Article 10	6
II – Registration	6
Article 11	6
Article 12	6
C - KEY CONTACTS: RESIGNATION OR TERMINATION	7
Article 13	7
Article 14	7
Article 15	7
Article 16	8
D - AUDITS.....	8
Article 17	8
Article 18	8
E – DATA PROTECTION.....	8
Article 19	8

DRAFT

This Notice cancels and replaces Euronext Notice 2-01 issued in September 2019.

This Notice 2-01, issued jointly by the Euronext Market Undertakings (EMU), specifies certain provisions in respect of:

- the procedure for registration of **Authorised Representatives (AR)** for Euronext Securities and/or Derivatives Markets pursuant to Rule 2401 (ix) of the Euronext Rule Book, Book 1; and
- the procedure for registration of **Responsible Persons (RP)** for Euronext Securities and/or Derivatives Markets pursuant to Book I of the Euronext Rule Book, Rule 2202.

Terms beginning with a capital letter used in this Notice have the same meaning as defined in Book I, Chapter 1 of the Euronext Rule Book.

DRAFT PENDING REGULATORY APPROVAL

Euronext Notice 2-01 –draft 230223. This draft reflects the notice that is planned to apply upon the Phase 1 of BITA migration to Optiq. It may evolve before the migration time and remains subject to regulatory approval

PRIVATE

A - RESPONSIBLE PERSON

I - General Principles

Article 1

Only individuals may be appointed as Responsible Persons (RP). Therefore, group e-mail addresses are not accepted for RP registrations.

Article 2

The Relevant Euronext Market Undertaking will direct all queries in relation to business submitted under his/her responsibility to the Responsible Person.

In this respect, a Responsible Person shall fulfill the fundamental requirements described in Rule 2202 of the Euronext Rule Book 1 and have the following duties:

- ➔ Have the authority to adjust or withdraw any orders submitted under his/her responsibility on the Euronext Securities and the Euronext Derivatives Markets;
- ➔ Assure him/her-self of the competence and suitability of any person conducting business under his/her responsibility on the Euronext Securities and the Euronext Derivatives Markets, if applicable;
- ➔ Ensure, as far as possible, that all business conducted by the member, under his/her responsibility on the Euronext Securities and the Euronext Derivatives Markets, is conducted in accordance with the Rules and Trading Manual/Trading Procedures;
- ➔ Be able to ascertain and be willing to disclose to the Relevant Euronext Market Undertaking the immediate source of all orders;
- ➔ Ensure that at least one of the Member's Responsible Persons is contactable during Euronext market hours; and
- ➔ Be in charge of the relations with the Market Surveillance and Market Services offices.

For the avoidance of doubt, these duties shall apply to all business conducted on a Euronext Markets, whether executed on the Central Order Book or Off-Order Book.

Article 3

The Responsible Person's application file for Euronext Securities and/or Derivatives Markets must be sent and be maintained updated by an Authorised Representative via the dedicated portal or via e-mail as indicated from time to time by the Relevant Euronext Market Undertaking.

In case of technical unavailability of the portal, the information and documentation will be sent in paper format.

II – Registration

Article 4

Members must appoint at least one Responsible Person which must be available during Trading hours and identify and communicate at least a deputy in case of absence of the Responsible Person. Members may appoint only one Responsible Person if that can be considered sufficient for the scale and nature of business being conducted, and therefore include his/her mobile phone number to be contactable, on condition that such single Responsible Person is not registered also as an Authorised Representative.

The Responsible Person can be a compliance officer or any other individual involved in trading adequately trained and fully conversant with the Rules and Trading Procedures.

Members must notify the Relevant Euronext Market Undertaking of any changes to the details of the Responsible Person(s) in a timely manner.

Article 5

All Members must appoint a Responsible Person for each individual Firm ID.

Article 6

Each Responsible Person's registration details are accessible for the relevant Member through a dedicated portal.

Article 7 [Reserved]

B - AUTHORISED REPRESENTATIVE

I – General Principles

Article 8

Only individuals may be appointed as Authorised Representatives (AR). Therefore, group e-mail addresses are not accepted for AR registrations.

The appointment of this key contact is carried out under the full responsibility of the relevant Member.

The Member is fully responsible for the acts and omissions of its Authorised Representatives.

Article 9

An Authorised Representative shall have the following duties:

- ➔ Be responsible for maintaining all membership related information on the member portal up to date even if this duty is delegated to other Member's users;

- ➔ Be authorised to sign all contracts on behalf of the Member in relation to its Euronext Membership, accordingly being appointed as the Member representative/s for all the services requested by the member in order to exercise all the legal powers, both active and passive, including the power of withdrawal related to the establishment and management of the contractual relationship(s) concerning the supply of the Service(s) requested;
- ➔ Disseminate, within the Member and, if necessary, at its clients operating via its Firm IDs all relevant decisions and communications published by a Euronext Market Undertaking;
- ➔ Advise the Member on the application of the Euronext Rules;
- ➔ Register the Responsible Persons and contact the Euronext Market Undertaking as soon as a change has to be made to the details held on file;
- ➔ Be responsible to inform Euronext about all changes that may occur with respect to the Member as listed under Rule 2.4 “Members’ Continuing Obligations”;
- ➔ Be responsible to delegate, if needed, to other persons – in the limits provided by the Euronext Market Undertaking – his/their managing powers, except for the power of withdrawal from and activation of new Services.

Article 10

The Authorised Representative’s application file for Euronext Securities and Derivatives markets must be sent via the dedicated portal or via e-mail as indicated from time to time by the Relevant Euronext Market Undertaking and must be signed by a person that is authorised to represent the company by virtue of law, articles of association, rules or otherwise.

II – Registration

Article 11

Members must normally appoint at least two Authorised Representative(s) and these individuals must be different from the Responsible Persons. However, with the prior approval of Euronext, Members may appoint the same person as AR and RP if that can be considered sufficient for the scale of the company.

The Authorized representative may appoint one or more users who can manage the membership information through the dedicated portal, including but not limited to manage contacts, request logical accesses, manage the Euronext reporting services, depending on the authorized profile.

Article 12

Each Authorised Representative’s details are accessible for the relevant Member through a dedicated portal.

Members must notify the Relevant Euronext Market Undertaking via the dedicated portal or via e-mail as indicated from time to time by the Relevant Euronext Market Undertaking of any changes to the details of the Authorised Representative(s) in a timely manner. The notification must be signed by at least one of the Authorised Representatives or a person that is authorised to represent the company by virtue of law, articles of association, rules or otherwise.

C - KEY CONTACTS: RESIGNATION OR TERMINATION

Article 13

If the Responsible Person or the Authorised Representative no longer exercises his/her duties in a temporary, uncertain or definitive capacity, the Member who requested the registration must immediately notify the Relevant Euronext Market Undertaking.

The Responsible Person who is on leave or is absent, due to illness or accident, for less than one year may retain the registration throughout the period of absence.

If there is only one Responsible Person or Authorised Representative, another key contact has to be identified.

In case of termination, the Member must make sure it remains in compliance with the requirements mentioned in Articles 4 and 11 of this Notice.

Article 14

The Member notifies to the Relevant Euronext Market Undertaking, when an individual ceased to perform the duties on its behalf or under its authority. Such notification revokes the validity of the registration.

For the RP this is notified via the dedicated portal or via e-mail as indicated from time to time by the Relevant Euronext Market Undertaking.

For the AR this is notified via the dedicated portal or via e-mail as indicated from time to time by the Relevant Euronext Market Undertaking. The notification must be signed by at least one of the Authorised Representatives or a person that is authorised to represent the company by virtue of law, articles of association, rules or otherwise. Access codes to the dedicated portal are immediately cancelled.

Article 15

The Relevant Euronext Market Undertaking can revoke the registration of a Responsible Person (RP) or an Authorised Representative (AR) in the following circumstances:

- written request of the Member;
- upon request of the relevant competent authority(ies) under the National Regulations;
- when they no longer comply with the conditions required for their prescribed duties;
- when they are no longer considered “fit and proper”; or
- when the individual is Responsible Person (RP) or Authorised Representative (AR) for another Member, unless this is expressly agreed otherwise with the Relevant Euronext Market Undertaking.

In those cases, the Member must make sure it remains in compliance with the requirements specified in articles 4 and 11 of this Notice.

Article 16

As a consequence of the resignation/termination of the Euronext Membership, the corresponding registrations granted to individual persons registered to the Member will be automatically revoked by the Relevant Euronext Markets Undertaking.

D - AUDITS

Article 17

In the framework of on-site audits, the Relevant Euronext Market Undertaking or its duly appointed agents may verify, inter alia, that the persons performing the duties described in Articles 2 and 9 of this Notice are duly recorded.

Article 18

A Member cannot disavow the actions of its agents or employees on the grounds that such a person was not registered to perform them.

E – DATA PROTECTION

Article 19

The Euronext Group is strongly committed to protecting the personal data and upholding the right to privacy as provided by Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of Personal Data and on the free movement of such data (“GDPR”) and any national implementing laws and regulations of the GDPR. The Privacy Statement available at: <https://www.euronext.com/en/privacy-policy> outlines how and why we collect and process personal data and provides an overview of the rights in relation to personal data.