18 de abril de 2024

Participantes do Listado B3

Ref.: Modelo de declaração em razão da adesão ao **Class No-Action Relief para o Mercado de Opções Listadas sobre Ações, ETFs e Índices**

Em 01/07/2013, a Divisão de Negociação e Mercados da United States Securities and Exchange Commission (SEC) emitiu uma Class No-Action Relief (disponível em <https://www.sec.gov/divisions/marketreg/mr-noaction/2013/liffe-am-070113.pdf>) aos mercados de opções estrangeiros e seus participantes, para que estes possam familiarizar determinadas pessoas nos Estados Unidos (Corretoras e Instituições Elegíveis), com o mercado de opções estrangeiro, bem como determinadas opções disponíveis nesses mercados, sem se tornar sujeito a determinadas regras nos Estados Unidos.

Conforme divulgado pelo Ofício Circular 062-2024-PRE, a B3 aderiu a referida Class No-Action Relief.

Por esse motivo, os participantes do Listado B3 que desejam utilizar as possibilidades cobertas pela Class No-Action Relief devem obter e manter declaração assinada pelo representante legal da Corretora ou Instituição Elegível (conforme indicado no Ofício Circular 062-2024-PRE).

Como forma de apoiar os participantes do Listado B3 interessados em utilizar as possibilidades cobertas pela Class No-Action Relief, a B3 apresenta os principais termos das declarações, que podem ser utilizados como apoio para coletar as declarações das Corretoras ou Instituições Elegíveis. Além dos termos apresentados, a minuta deve conter a qualificação do declarante e a sua assinatura.

Esclarecimentos adicionais poderão ser obtidos com a Diretoria de Relacionamento com Clientes e Desenvolvimento de Negócios Internacionais, pelo e-mail northamerica@b3.com.br ou com a Diretoria de Produtos Listados, pelo e-mail derivativosequities@b3.com.br.

PRINCIPAIS TERMOS DA DECLARAÇÃO A SER PRESTADA POR CORRETORAS OU INSTITUIÇÕES ELEGÍVEIS PARA FINS DA CLASS NO-ACTION RELIEF

The Eligible Broker-Dealer/Eligible Institution hereby represents and warrants to [NAME OF B3 PARTICIPANT] as follows:

1. Its name and address set out above are correct.

2. It is an Eligible Broker-Dealer/Eligible Institution, and as such it:

(i) owns and invests on a discretionary basis a specified amount of eligible securities sufficient for it to be a qualified institutional buyer under Rule 144A under the Securities Act (and if a bank, savings and loan association, or other thrift institution, has a net worth meeting the requirements of Rule 144A under the Securities Act); and

(ii) has had prior actual experience in the U.S. standardized options markets and as a result thereof has received the options disclosure document entitled “Characteristics and Risks of Standardized Options” (“the “Options Disclosure Document” or “ODD”) that is prepared by the Options Clearing Corporation and the U.S. options exchanges;

3. Its transactions in Eligible Options will be for its own account or for the account of another Eligible Broker-Dealer/Eligible Institution or for the managed account of a non-U.S. person within the meaning of Rule 902(k)(2)(i) of Regulation S under the Securities Act;

4. It will not transfer any interest or participation in an Eligible Option it has purchased or written to any other U.S. person, or to any person in the United States, that is not an Eligible Broker-Dealer/Eligible Institution;

5. It will cause any disposition of an Eligible Option it has purchased or written to be effected only on B3 and settled on B3, and it understands that any required payments for premium, settlement, exercise, or closing of any Eligible Option with respect to which it has a contract with [NAME OF B3 PARTICIPANT] must be made in the designated currency;

6. It understands that if it has a contract as a writer of an Eligible Option with [NAME OF B3 PARTICIPANT], margin must be provided to [NAME OF B3 PARTICIPANT] in such form and amount as determined by that [NAME OF B3 PARTICIPANT] and must maintain, measure, and deposit margin on such Eligible Option with B3 Clearinghouse in such form and amount as determined by B3 Clearinghouse;

7. If it is an Eligible Broker-Dealer/Eligible Institution acting on behalf of another Eligible Broker-Dealer/Eligible Institution that is not a managed account, it has obtained from the other Eligible Broker-Dealer/Eligible Institution a written representation to the same effect as the foregoing and will provide it to [NAME OF B3 PARTICIPANT] upon demand;

8. It authorizes B3 to provide information on the transactions carried out on B3 that may be requested by the SEC; and

9. It will notify [NAME OF B3 PARTICIPANT] of any change in the foregoing representations prior to placing any future order and the foregoing representations will be deemed to be made with respect to each order it gives to [NAME OF B3 PARTICIPANT].