




Australian Market Licence (Bloomberg Trading Facility B.V.) 2019

Corporations Act 2001

I, Oliver Harvey, Chief Supervisory Officer, Australian Securities and Investments Commission grant this Australian market Licence under subsection 795B(2) of the *Corporations Act 2001* (the Act) and impose conditions on this Licence under subsection 796A(1) of the Act.

Dated 9 April 2019

Signed 

as a delegate of the Minister under section 1101J of the Act

1. Name of Licence

This Licence is the *Australian Market Licence (Bloomberg Trading Facility B.V.) 2019*.

2. Commencement

This Licence commences on the day after execution.

3. Definitions

In this Licence unless the contrary intention appears, terms defined in the Act have the same meaning in this Licence and:

Act means the *Corporations Act 2001*.

ASIC means the Australian Securities and Investments Commission.

Australian client means, in relation to a participant in the Market, a person in this jurisdiction on whose behalf the participant deals on the Market.

Australian participant means, in relation to dealing on the Market, a participant carrying on business in this jurisdiction.

debenture of a body means any of the following:

- (a) a debenture of the body within the meaning of the Act; or
- (b) a financial product that is an undertaking to repay money deposited with or lent to the body by a person if:
 - (i) the person deposits or lends the money in the ordinary course of a business carried on by the person; and
 - (ii) the body receives the money in the ordinary course of carrying on a business that neither comprises nor forms part of a business of borrowing money and providing finance; or
- (c) a financial product that is an undertaking by an Australian ADI to repay money deposited with it, or lent to it, in the ordinary course of its banking business.

exchange traded commodity product means a financial product of the following kinds:

- (a) securities;

to the extent that they constitute an exchange traded commodity and are not quoted on a prescribed financial market in Australia.

exchange traded fund product means a financial product of the following kinds:

- (a) securities; or
- (b) financial products mentioned in paragraph 764A(1)(b) of the Act; or
- (c) financial products mentioned in paragraph 764A(1)(ba) of the Act that relate to a managed investment scheme that is not required to be registered under Chapter 5C of the Act;

to the extent that they constitute an interest in an exchange traded fund and are not quoted on a prescribed financial market in Australia.

exchange traded note product means a financial product of the following kinds:

- (a) securities;

to the extent that they constitute an exchange traded note and are not quoted on a prescribed financial market in Australia.

Foreign participant means a participant who is not an Australian participant.

Licensee means Bloomberg Trading Facility B.V. ARBN 632 569 389.

Market means the financial market the Licensee is authorised to operate under this Licence.

prescribed financial market has the meaning given by s9 of the Act.

Reporting period means each period of 3 months, or part thereof, during which the Market is operated in Australia, beginning at the start of each calendar year and ending on 31 March, 30 June, 30 September, or 31 December.

security has the meaning given by s761A of the Act.

4. Grant of Licence

- (1) The Licensee is granted a licence to operate a financial market through which participants may make or accept offers to acquire or dispose of any of the following financial products:

- (a) a debenture of a body;
- (b) a debenture or bond issued or proposed to be issued by a government;
- (c) a derivative that is an interest rate derivative, credit derivative, equity derivative, commodity derivative or a foreign exchange derivative;
- (d) foreign exchange contracts;
- (e) exchange traded commodity products;
- (f) exchange traded fund products;
- (g) exchange traded note products.

5. Trading on Market – participant

- (1) It is a condition of this Licence that the Licensee ensures that a person carrying on business in this jurisdiction does not directly participate in the Market unless the person:
 - (a) is a professional investor dealing in a financial product on its own behalf; or
 - (b) is a professional investor dealing in a financial product on behalf of a person who is a professional investor.

6. Clearing and settlement arrangements

- (1) It is a condition of this Licence that the Licensee must:
 - (a) clearly inform participants of the Market of their respective responsibilities in relation to the clearing and/or settlement of trades entered into on the Market; and
 - (b) have in place adequate arrangements to facilitate the efficient clearing and/or settlement of trades entered into on the Market, which must be arrangements of one or more of the following types:
 - (i) arrangements for the clearing and settlement of the trades with a clearing and settlement facility; or
 - (ii) arrangements to:

- a. notify each party to a trade entered into on the Market of the identity of the other party to the trade; or
- b. otherwise be satisfied that each party to a trade entered into on the Market knows the identity of the other party to the trade,

so that the parties to the trade can settle the trade in accordance with arrangements agreed between them.

7. Periodic trade reporting

- (1) It is a condition of this Licence that the Licensee must give to ASIC, in a machine-readable format, at least the following information within 30 days after the end of each Reporting period, for each Product of a kind specified in the following table:

Kind of Product	Products
Commodity derivatives	Agricultural derivatives, Energy derivatives, Metals derivatives, Index derivatives, Environmental derivatives, Freight derivatives, Multi Commodity derivatives
Credit derivatives	Index derivatives, Index Tranche derivatives, Single Name derivatives, Swaptions, Total Return Swap, Total Return Swap Index, Exotic derivatives
Equity derivatives	Swap, Portfolio Swap, Contract for Difference, Option, Forward, Other derivatives
Foreign Exchange financial products	Spot, Forward, Vanilla Option, NDF, NDO, Continuous FX, Simple Exotic, Exotic, Complex Exotic
Interest Rate and Inflation derivatives	FRA, Interest Rate Swap, Cross Currency, Inflation Swap, Forward Debt, CapFloor, Swaption, Debt Option, Inflation CapFloor, Exotic
Equity financial products other than Equity derivatives	Products that are each of (a), (b), (c), (d), (e) and (f) in the definition of Equity Securities in rule 1.4.3. of <i>ASIC Market Integrity Rules (Securities Markets) 2017</i>
Interest Rate financial products other than Interest Rate derivatives	Australian Commonwealth Government debt instruments, Australian State or Local Government debt instruments, Supranational and Foreign Government debt instruments, Corporate debt instruments

- (a) the total number of trades and their total value, in AUD-equivalent terms, of trades during the Reporting period by all participants; and
- (b) the total number of trades and their total value, in AUD-equivalent terms, of trades during the Reporting period by each Australian participant, identifying each Australian participant by their registered name and, if applicable, their branch name and, if available, their Legal Entity Identifier; and
- (c) the total number of trades and their total value, in AUD-equivalent terms, of trades during the Reporting period by each Foreign participant but only in relation to the trades that the Licensee believes to be trades on behalf of one or more Australian clients, identifying each Foreign participant by their registered name and, if applicable, their branch name and, if available, their Legal Entity Identifier; and
- (d) the total number of trades and their total value, in AUD-equivalent terms, of the trades that are included in the information in (b) and (c) above and which are trades between any two participants listed in (b) and (c) above.

8. Market ceases to operate

- (1) It is a condition of this Licence where the Licensee intends to cease operating the Market in this jurisdiction, the Licensee must:
 - (a) establish, document and implement adequate arrangements for ensuring, as applicable, the orderly cessation of the Market;
 - (b) notify ASIC:
 - (i) that the Licensee intends to cease operating the Market in this jurisdiction, as soon as reasonably practicable;
 - (ii) of the arrangements referred to in paragraph (a), at least 4 weeks before ceasing to operate the Market in this jurisdiction; and
 - (iii) of any changes to the arrangements referred to in paragraph (a) following the notification in subparagraph (ii), as soon as reasonably practicable after making those changes.