

**ANNUAL NOTIFICATION FORM FOR EXEMPTION UNDER ARTICLE 4 (1) (J)**

**OF THE INVESTMENT SERVICES AND ACTIVITIES AND REGULATED MARKETS LAW (L. 87(Ι)/2017)**

**(ANCILLARY ACTIVITY EXEMPTION)**

**Name of entity : «…..……………………………..»**

**Purpose of this form**

You must complete this form if you intend to make use of the exemption set out in Article 4 (1) (j) of the Investment Services and Activities and Regulated Markets Law, L. 87(Ι)/2017, (the “Law”).

GENERAL INSTRUCTIONS:

1. This Form must be completed taking into account the Law and the Commission Delegated Regulation (EU) 2017/592 of 1 December 2016 with regard to regulatory technical standards for the criteria to establish when an activity is considered to be ancillary to the main business.
2. This Form must be completed in electronic form (typed). An electronic version of it can be downloaded from the website of the Cyprus Securities and Exchange Commission (the “Commission”) at the address [www.cysec.gov.cy](http://www.cysec.gov.cy).
3. This Form must be submitted by email in word format at [mifid.notifications@cysec.gov.cy](mailto:mifid.notifications@cysec.gov.cy), with email subject “Ancillary Activity Exemption Notification”.
4. The questions should remain unaltered and the answers must be provided below each question or in the designated section.
5. Where applicants are required to “confirm”, a tick (**✓**) or an (x) placed in the relevant box will be taken as confirmation.
6. If insufficient space has been provided for a reply, please provide that information on a separate sheet/document and refer to it in the space provided for the answer. Please ensure that any separate sheets/documents are clearly marked with the name of the applicant organisation and reference the appropriate question.
7. The Commission may request further information or clarifications.

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**(ANCILLARY ACTIVITY EXEMPTION)**

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| Legal Entity Identified (LEI) number (if applicable): | | | | |  |  | |
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| Company Registration number: | | | | |  |  | |
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| **Contact details of the designated contact person for this notification:** | | | | | | | |
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| Name: | | | | | |  | |
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| Employer/Job title: | | | | | |  | |
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| **TO:** | | | | | | | |
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| Member State: | | | | | | CYPRUS | |
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| Competent Authority: | | | | | | CYPRUS SECURITIES AND EXCHANGE COMMISSION (CySEC) | |
|  | | | | | |  | |
| Address: | | | | | | ERA HOUSE,  2 DIAGOROU STREET,  NICOSIA, 1097  CYPRUS | |
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**Please read the below and complete where applicable:**

1. This notification is to inform the Commission that [*insert name of entity*] (the “Entity”) intends to make use of the exemption under Article 4 (1) (j) of the Law.
2. To qualify for this exemption the Entity must meet the criteria set out in Article 4 (1) (j) of the Law which sets out that:

“Persons:

1. dealing on own account, including market makers, in commodity derivatives or in emission allowances or in emission allowances derivatives, excluding persons who deal on own account when executing client orders; or
2. providing investment services, other than dealing on own account, in commodity derivatives or emission allowances or in emission allowances derivatives, to the customers or suppliers of their main business;

provided that:

(iΑ) for each of those cases individually and on an aggregate basis this is an ancillary activity to their main business, when considered on a group basis, and the main business is not the provision of investment services within the meaning of this Law or banking activities under Business of Credit Institutions Laws of 1997 to (Νο.6) 2015, as amended, nor is it the acting as a market-maker in relation to commodity derivatives; and

(iΒ) those persons do not apply a high-frequency algorithmic trading technique; and

(iC) those persons notify annually the Commission that they make use of this exemption and, upon request, report to the Commission the basis on which they consider that their activity under subparagraphs (i) and (ii) is ancillary to their main business.”

1. The Entity has taken into account the *Commission Delegated Regulation (EU) 2017/592 of 1 December 2016 with regard to regulatory technical standards for the criteria to establish when an activity is considered to be ancillary to the main business prior to submitting this notification*.
2. This notification relates to the year ending [*insert the financial year end to which this notification relates].*
3. (a) Please state (tick as appropriate) for which of the following activities the Entity is making use of the exemption underArticle 4(1)(j) of the Law:

|  |  |
| --- | --- |
| 1. dealing on own account, including market makers, in commodity derivatives or emission allowances or derivatives thereof, excluding persons who deal on own account when executing client orders; or |  |
| 1. providing investment services, other than dealing on own account, in commodity derivatives or emission allowances or derivatives thereof to the customers or suppliers of their main business. |  |

(b) Please set out below, or an in a separate document that must be attached as per the general instructions (point 6) above, the basis on which the Entity considers that its activity under subparagraphs (i) and (ii) of article 4(1) (j) is ancillary to its main business.

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1. By submitting this Form you are confirming that you have understood and meet all qualifying criteria for the ancillary activity exemption as set out in Article 4 (1) (j) of the Law.

**DECLARATION:**

**I hereby responsibly declare and confirm, having full knowledge of the consequences of the Law, that:**

1. **I have exercised all due diligence in ensuring that all the information stated in this notification is correct, complete and accurate.**
2. **I am authorized to make this notification on behalf of the Entity.**
3. **I understand that the Commission may require the Entity to provide further information or documents at any time after the submission of this notification.**
4. **I understand that the Commission must be notified immediately of any significant change to the information provided which renders this notification invalid.**
5. **I confirm that the Entity meets all qualifying criteria for the ancillary activity exemption as set out in Article 4 (1) (j) of the Law.**

**I acknowledge and accept that the Commission may reveal information in the discharge of its duties, as these are defined in the Law.**

**By this statement and in full comprehension of its contents, I give my express consent for the processing of my personal data, sensitive and not, in accordance with the Processing of Personal Data (Protection of Individuals) Law of 2001, as amended from time to time by national and/or European legislation.**

**In accordance with sections 71, 93 and 94 of the Law, I understand that the provision of false, or misleading information or data or documents or forms, or the withholding of material information from the current notification, is subject to an administrative fine and may constitute a criminal offence.**

**Full name:** …………………...……………...........................................................................................

**Position held**

**in the Entity:** …………..………………………………………………………………………………………………...........

**Signature** …………..………………………………………………………………………………………………...........

**Date** …………..………………………………………………………………………………………………...........