**FORM E56/2013/04**

**ADDITIONAL INFORMATION IN CASE WHERE UCITS MANAGEMENT IS SOUGHT ACCORDING TO SECTION 6(3)(B) OF THE LAW**

|  |
| --- |
| **Name of Applicant: …………………………………………………………………………………………………..** |

**Purpose of this Form**

The present Form has to be completed if you have submitted application to be authorized as an AIFM or you have already been authorized as an AIFM, according to the Alternative Investment Fund Managers Law of 2013 and you wish, simultaneously to be authorized as a Management Company according to the Open-Ended Undertakings for Collective Investments Law of 2012. The present form does not include the provision of information and documents that have already been submitted with the application of AIFM authorization.

For official use only

The applicant has paid the fees for the assessment of the application to be granted authorization as a UCITS Management Company, as these fees are defined in the Directive DI56/2013/02. The said fees have been checked and are correct.

 ……………………………… Signature

 …………………..……….. Name/Position

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**INTRODUCTION**

1. This application form must be completed in electronic form. An electronic version of the application form can be downloaded from the website of the Cyprus Securities and Exchange Commission (the ‘Commission’) at URL address: [www.cysec.gov.cy](http://www.cysec.gov.cy) .

2. The questions must remain unaltered and the answers must be provided below each question.

3. In case where a question in the present annex has already been answered in form - APPLICATION FOR GRANTING/EXTENDING AUTHORIZATION OF AN ALTERNATIVE INVESTMENT FUND MANAGER ('AIFM') (Annex I), it does not need to be answered again, provided it is properly marked.

4. All questions applicable to the applicant should be duly completed, or, if they do not apply state ‘N/A’.

5. In the case where, the attachment of details or documents is required, add a reference to the relevant paragraph and attach them as numbered Annex **following the numbering order set out by the Commission.** The numbering of the Annexes must remain unaltered even when there are no details/documents to be submitted (e.g. if there are no details/documents to be attached to Annex 23, then this shall be numbered and remain blank). The aforementioned documents must be attached in original or certified copies in an official language of the Republic or in the English language.

6. If the applicant is a company under incorporation, some of the required data may not be known yet and some of the required certificates may not be available at the time of submission of the application. In such a case, missing data and corresponding forms and certificates shall be submitted to the Commission immediately after the completion of the incorporation procedure of the applying company.

7. Where there are no competent authorities for the issue of certificates, attach equivalent documents from an independent and reliable source.

8. This application, when submitted to the Commission must be accompanied by the required fee, as defined in the Commission Directive DI56/2013/02.

9. If there is need for using additional pages to fill-in details and information, the pages contained in Annex II.A must be used.

10. On completing the application, it should not be assumed that information, which is publicly available, or which has been previously disclosed to the Commission or to another supervisory authority is known to the Commission.

We, the signatories of the Memorandum and Articles of Association of the company under incorporation / (or in case of an existing company) the members of the Board of Directors of the limited liability company with share capital, bearing the name ………………………………………………………………..…………………………….………………….. (the “applicant”), submit, according to Section 109(1) and Section 111 of the Open-Ended Undertakings for Collective Investments Law of 2012 (the ‘Law’), application for granting authorization of a Management Company. The application is accompanied by all required details and documents.

**1. Services for which the granting of authorization is sought**

1.1 Management of UCITS according to Section 109(3) of the Law as follows:

|  |  |  |
| --- | --- | --- |
| **1.1.1** | **Financial instruments (Section 40 of the Law)** | **UCITS Investment** *(tick √*  *the appropriate box)* |
| 1. | Bonds traded on a regulated market in the Republic |  |
| 2. | Bonds traded on a Member State regulated market |  |
| 3. | Bonds traded on a third country regulated market |  |
| 4. | Interest bearing government Treasury Bills |  |
| 5. | Cash, deposits and certificates of deposits |  |
| 6. | Shares traded on a regulated market in the Republic |  |
| 7. | Shares traded on a Member State regulated market |  |
| 8. | Shares traded on a third country regulated market |  |
| 9. | Recently issued transferable securities |  |
| 10. | Units or shares of other UCITS or Undertakings for Collective Investment (UCI) |  |
| 11. | Derivatives |  |
| 12. | Money Market Instruments other than those traded on a regulated market |  |
| 13. | Other financial instruments according to Section 40 of the Law. List such instruments: |  |

**1.1.2.** In case the applicant intends to perform transactions in derivatives *(tick √*  *the appropriate box)*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Will such transactions be performed within the context of the investment policy of the UCITS? | YES | [ ]  |  | NO | [ ]  |
| Will such transactions be performed for efficient portfolio management purposes? | YES | [ ]  |  | NO | [ ]  |
| Will such transactions be performed in common derivatives? | YES | [ ]  |  | NO | [ ]  |
| Will such transactions be performed in embedded derivatives? | YES | [ ]  |  | NO | [ ]  |
| Will such transactions be performed in listed derivatives? | YES | [ ]  |  | NO | [ ]  |
| Will such transactions be performed in over the counter (OTC) derivatives? | YES | [ ]  |  | NO | [ ]  |

**2. Organisational structure of the applicant**

**2.1** Provide information on the persons which will be assigned with the management of UCITS:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| S# | Full name | Certificate/ Personnel under training | Position within the applicant | Date of appointment |
| 1. |  |  |  |  |
| 2. |  |  |  |  |
| 3. |  |  |  |  |

**2.1.2.** Fill-in the details of the members of the Investment Committee of UCITS Portfolios that the Company manages (if applicable). The UCITS portfolios’ Investment Committee shall be independent of other investment committee of the Company.

**UCITS Portfolios Investment Committee**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| S# | Full name | Certificate (only if the Investment Committee has discretionary power) | Position within the applicant | Date of appointment |
| 1. |  |  |  |  |
| 2. |  |  |  |  |
| 3. |  |  |  |  |
| 4. |  |  |  |  |
| 5. |  |  |  |  |

**2.2. Outsourcing of functions to a third party**

**2.2.1.** State whether the applicant intends to outsource functions to third parties in accordance with Section 115 of the Law and the Directive DI78-2012-05:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| YES | [ ]  |  | NO | [ ]  |

**2.2.2.** In case of affirmative response please state the following details of the third party:

2.2.2.1. In case the third party is established in the Republic or in another member state:

|  |  |  |
| --- | --- | --- |
| Name | : |  |
| Registration number/authorization number | : |  |
| Home member state | : |  |
| Competent Supervisory Authority | : |  |
| Telephone number  | : |  |
| Fax number | : |  |
| Email address | : |  |
| Activities/functions to be outsourced  | : |  |

2.2.2.2. In case the third party is established in a third country:

|  |  |  |
| --- | --- | --- |
| Name | : |  |
| Registration number/authorization number | : |  |
| Type of business/activities | : |  |
| Group membership | : |  |
| Country of origin | : |  |
| Competent Supervisory Authority | : |  |
| Contact person | : |  |
| Telephone number  | : |  |
| Email address | : |  |
| Activities/functions to be outsourced  | : |  |

**2.2.3.** Confirm that the third party which is established in a third country, is subject to prudential supervision and to equivalent protection safeguards as those provided for in the Law and submit an attestation or a document of respective persuasive force from the competent supervisory authority.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| YES | [ ]  |  | NO | [ ]  |

**2.2.4.** If the outsourcing relates to investment management of UCITS portfolio and the third party is an asset management company, excluding collective portfolio management, the Form F78-2012-04 has to be attached.

**3. Ensuring compliance of the applicant with Directive DI78-2012-03 “**On the Conditions for Authorization and Continuous Obligations of the Management Company, on the Agreement between the Custodian and the Collective Investments in Transferable Securities Management Company Directive of 2012”

3.1. Attach the internal regulations of the applicant relating to the provision of the services as listed in Paragraph 1 of the present application (**Annex 1**).

3.2. Attach a description of the procedures and of policies of the applicant regarding the following functions: execution subscription – repurchase – redemption of shares of UCITS under management, execution of orders on behalf of UCITS under management, accounting monitoring and valuation of the portfolio of UCITS under management and outsourcing of functions to third parties, according to the Law (**Annex 2**).

**4. Confirmations - declarations and other details**

**4.1.** Attach confirmation from the representative for the promotion of the application for the granting of authorization of a Management Company, which shall state that: “I hereby state and confirm that as far as I know and believe, neither the applicant nor the persons that effectively direct its business are o were in any way involved, directly or indirectly, in any criminal activities or any activities, that may be used for the promotion, furtherance, assistance, instigation of economic crime or that may be deemed to be promoting, furthering, assisting or instigating it” (**Annex 3**).

**We responsibly declare, having full knowledge of the consequences of the Law, that:**

**a) We have applied all required diligence to ensure that all information contained in this application, as well as the details and Forms that accompany it are correct, complete and accurate.**

**b) We have taken all necessary measures so that the applicant can fulfill all conditions for being granted authorization as a Management Company, as such conditions are laid down in the applicable legislation and in the Directives issued by the Commission.**

**c) During the time period following the submission of the present application before the Commission and until the decision of the Commission is communicated, we will immediately notify the Commission, in writing, about any change that takes place in the information and/or details, documents and Forms submitted with the present application.**

**We confirm that we are ready and willing to comply with the requirements and/or obligations arising from the applicable legislation.**

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

***We acknowledge that the provision of false or misleading information or of documents or Forms, or the withholding of material information from the current application constitutes, apart from being a violation, subject to administrative fine of up to 350.000 EUR, which may increase up to 700.000 EUR in case of repeated or continued violation, a criminal offence being punishable with imprisonment of up to five (5) years.***

.............................................................. ......................................................

Full name and capacity Signature

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Full name and capacity Signature

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Full name and capacity Signature

Date ......................................................

**Additional pages for filling in details and information**