

No. 4826, 17/10/2014

R.A.D 467/2014

The Alternative Investment Fund Managers Law of 2014

Directive DI131-2014-01
**of the Securities and Exchange Commission regarding the procedure for the
authorisation of an AIF.**

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The Securities and Exchange Commission exercising the powers vested on it by virtue of section 12(9) of the Alternative Investment Funds Law of 2014, issues the following Directive:

PART I
INTRODUCTORY PROVISIONS

Sort title 1. The present Directive shall be referred to as ‘The process of authorisation of an AIF Directive’.

Interpretations 2. Within the context of the present Directive, the following definitions shall apply:

‘application’ means the application form and its accompanying documents and the supplementary documents included in the Annexes of the Directive and are posted on the Securities and Exchange Commission website;

‘applicant’ means:

i.
n the case of an application of an AIF, which appoints an external manager, the external manager that submits the application;

ii.
n the case of a self-managed AIF, the AIF itself;

131(I) of 2014 **‘Law’** means the Alternative Investment Fund Managers Law of 2014;

‘Directive’ means this Directive;

‘assets not subject to custody’ means the assets that belong to an AIF with limited number of persons or to the manager acting on its behalf, which cannot be included in the custody duties of the depositary, taking into consideration that the assets subject to custody include financial instruments that are capable of being registered in a financial instruments account maintained with the depositary or are able to be physically delivered to the depositary;

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The terms used in this Directive and are not being interpreted differently; have the meaning attributed to them in the Law.

Scope of application 3. This Directive specifies the procedure for granting authorisation to an AIF, excluding the AIFs with limited number of persons.

PART II APPLICATION FOR AUTHORISATION

Submission of application 4. (1) The application for granting authorisation to an AIF shall be signed by all the members of the management body of the applicant and shall be submitted, duly completed by the applicant, to the Securities and Exchange Commission.

(2) The members of the management body of the applicant may decide to authorise a specific natural person or persons to promote the application and to carry on the contact with the Securities and Exchange Commission throughout the period of the examination of the relevant application.

(3) The acceptance of the application for authorisation of an AIF assumes in each case the fulfilment of the following conditions:

(a) The payment of the relevant fees as these are defined in the Securities and Exchange Commission Directive regarding the Fees and Annual Subscriptions paid by the AIFs and their managers.

(b) Where the application for granting authorisation is about an AIF in the legal form of a common fund, the submission of a statement regarding the commitment to deposit the initial assets of the Common Fund in cash or securities, which shall state the information regarding the person that commits to deposit the initial assets.

(4) The Securities and Exchange Commission shall inform the applicant whether the application for authorisation of the AIF has been approved or not, within three (3) months from the date of the submission of a complete application file.

Content of the application 5. (1) The content of the application for authorisation of an AIF is defined in the form of the template document F131-2014-02, attached as Annex I to this Directive and is an integral part of it.

(2) Where the manager of the AIF is an Investment Firm, or a company established in a third country, the documents and information defined in the form of the supplementary template

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document F131-2014-02S1, attached as Annex II to this Directive and is an integral part of it, shall also be submitted.

(3) The application for authorisation of an AIF shall be accompanied by all documents and certificates specified in the template form F131-2014-02. Where in the application the attachment of certificates and documents is required, the original documents shall be attached, or where this is not possible, a true copy of them. The true copies shall be certified as such by a relevant person independent from the manager of the AIF under incorporation. In case the documents that accompany the application are not in an official language of the Republic or in English, they shall be accompanied by their true translations.

Additional information in the case of a self-managed AIF

6. (1) In case an AIF is self-managed, the relevant application shall also be accompanied by its program of activities, which shall include, *inter alia*, the organisational structure of the AIF.

(2) In the case of a self-managed AIF, the questionnaire, as specified in the template form F131-2014-03 shall also be submitted by the following persons:

(a) the members of the Board of Directors of the applicant;

(b) the managing directors of the applicant;

(c) the senior management of the applicant;

(d) the Risk Manager and, if applicable, the Internal Auditor and the Compliance Officer of the applicant; and

(e) in the case of a self-managed AIF, the persons with qualifying holdings.

Provision of clarifications, additional information or/and documents

7. (1) During the examination of an application for authorisation of an AIF and of the accompanying documents and certificates, the Securities and Exchange Commission may ask the applicant to provide clarifications or/and any additional information or documents which are deemed necessary for the complete assessment of the application and compliance with the provisions of the Law.

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(2) In case the applicant does not comply with the request of the Securities and Exchange Commission in accordance with subparagraph (1), or if it has responded but the clarifications provided or/and the information and documents submitted are considered to be insufficient, then, the Securities and Exchange Commission shall notify in writing the applicant or the person authorised in accordance with paragraph 4(2).

(3) The Securities and Exchange Commission shall grant a reasonable compliance period to the applicant, which may not be less than five (5) working days, for the submission of the clarifications, information or documents. If the applicant does not comply with the Securities and Exchange Commission's request, the application for authorisation of the AIF shall be rejected. If the application for authorisation of the AIF is rejected, the application fees are not refunded to the applicant.

Changes in the information , documents or/and certificates

8. Where a change in the information submitted with the application in accordance with paragraph 4 takes place, the applicant shall ensure that the change is immediately notified to the Securities and Exchange Commission in writing.

Withdrawal of an application

9. (1) The application submitted to the Securities and Exchange Commission in accordance with paragraph 4, may be withdrawn by the applicant at any time prior to the issue of the decision of the Securities and Exchange Commission regarding the authorisation or not of the AIF, by a written statement signed by all the members of the management body of the applicant.

(2) In such a case, the application fees submitted to the Securities and Exchange Commission for the authorisation of the AIF shall be refunded to the applicant, only in case the Securities and Exchange Commission has not performed any action for the assessment of the application.

PART III

APPLICATION FOR AUTHORISATION OF AN AIF WITHOUT A DEPOSITARY OR WITH THE APPOINTMENT OF A PERSON OF SECTION 23(5) OF THE LAW AS DEPOSITARY

Exemption from the obligation to appoint a

10. (1) In case the application for authorisation of an AIF, also includes an application to exempt from the obligation to appoint a depositary in accordance with section 23(4) of the Law, the

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depository additional information and documents specified in the supplementary template document F131-2014-02S2, attached as Annex III to this Directive and is an integral part of it, shall also be submitted.

(2) The external manager of the AIF, which is exempted from the obligation to appoint a depository in accordance with section 23(4) of the Law or the self-managed Investment Company itself, shall establish, apply, monitor and re-examine regularly, measures and procedures to ensure, on a continuous basis, that the total assets of the AIF are not subject to custody.

Additional information included in the documents of the AIF 11. (1) The rules or the instruments of incorporation of the AIF, in addition to the information that constitutes their minimum content, as specified in the Law, shall include a reference to the fact that the AIF with limited number of persons has not appointed a depository in accordance with section 23(4) of the Law, or that it has appointed an entity in accordance with section 23(5) of the Law.

(2) The prospectus, the reports and statements of the AIF, shall include on the cover or on the first page a reference that the AIF operates without a depository in accordance with section 23(4) of the Law, or that it has appointed an entity in accordance with section 23(5) of the Law. The relevant reference shall be prominently included in capital letters at the bottom of the above mentioned documents and in the case of a multi-page document, on the first page of the front cover. The font used for that statement should be the same with the font used for the main text.

PART IV
FINAL PROVISIONS

Entry into force 12. This Directive shall enter into force from the date of its publication in the Official Gazette of the Republic.

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ANNEX I

Form: F131-2014-02

APPLICATION FOR GRANTING AUTHORISATION TO AN AIF

Name «.....»	
Legal Form (mark with X)	
Common Fund	
Investment Company:	

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Fixed Capital Investment Company; or	
Variable Capital Investment Company	
Limited Liability Partnership	

The application for authorization concerns (mark X, where applicable)	
AIF that appoints an External Manager	
Self- managed AIF	

This form shall be signed by all the members of the management body of the applicant that seeks authorisation of an AIF in accordance with section 12 of the Alternative Investment Fund Managers Law of 2014 (herein after referred to as the 'Law') and the Directive regarding the authorisation to an AIF.

For official use only

The applicant has paid the fees for the assessment of the application for authorization of an AIF, as there are defined in the Directive of the Securities and Exchange Commission regarding the Fees Payable and Annual Contributions of the AIFs and their Managers. The said fees have been checked and are correct.

..... Signature

..... Name/Position

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INTRODUCTION

GENERAL COMMENTS

1. 'Applicant' means the manager that submits an application for authorisation of A Common Fund, of an Investment Company, of a Limited Liability Partnership and of a self-managed AIF in the legal form of an Investment Company.
2. This application form must be completed in electronic form and be signed by the Members of the management body of the applicant. 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.
3. The questions must remain unaltered and the answers must be provided below each question.
4. All questions applicable to the Applicant must be duly completed, or, if they do not apply state N/A.

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5. The required documents shall be attached as numbered Annex, **following the numbering order set out by the Commission** in Types I and II respectively of this application. The numbering of the Annexes must remain unaltered even where there are no documents applicable to your case.
6. Where there are no competent authorities for the issue of certificates, attach equivalent documents from an independent and reliable source.
7. This application, when submitted to the Commission must be accompanied by the required fee.
8. On completing the application, it should not be assumed that information which is publicly available, or which has previously been disclosed to the Commission or to another supervisory authority is known to the Commission.
9. **In the case of an application for authorisation of an AIF with multiple investment compartments**, the following documents and information shall be provided for each investment compartment: information regarding the persons responsible for the management or the monitoring of the activity of each investment compartment, the special internal organisational measures taken by the manager or the self-managed AIF, accordingly, information about the person or persons responsible to monitor the activity of each investment compartment, the special internal organisational measures taken by the Depository for each investment compartment, the information about the persons that will enter into a contract with the manager or the self-managed AIF with limited number of persons, accordingly, for the marketing of the units of each investment compartment, if applicable, the draft key information document for the investors in accordance with section 33(4) of the Law.

In addition to the above, the following information shall be submitted with respect to each investment compartment:

a) in the case of an application for authorisation of an AIF in the form of a Common Fund: a statement regarding the commitment to deposit the initial assets of the investment compartment amounted to 125.000 euro in cash or in securities in accordance with sections 14(2) and 48(3)(e) of the Law, which shall include the information of the person or persons that undertake the obligation to deposit the initial assets;

b) in the case of an application for authorisation of an investment company that appoints an external manager: a statement by the external manager confirming the existence of the necessary amounts of capital for each investment compartment;

c) in the case of an application for authorisation of a self-managed fixed or variable capital Investment Company: information about the persons that shall engage in the management of each investment compartment, or any delegation to third parties, the financial instruments for each investment compartment (Part F, paragraph 5, except the

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points 5.6 and 5.7), the information and documents of points 2, 3 and 4 of paragraph 7 of Part F regarding the business plan of the applicant with respect to each investment compartment, the accompanying documents 3 to 8, 17, 25, 28 and 31 of the Checklist referred in Type I, part C;

d) in the case of an application for authorisation of an AIF in the legal form of a Limited Liability Partnership: a statement by the external manager confirming the existence of the necessary amounts of capital for each investment compartment in accordance with sections 14(2) and 66(1)(e) of the Law.

When the assessment of the application for authorisation of an AIF in the form of a Fixed or Variable Capital Investment Company or Limited Liability Partnership is concluded, before the authorisation is granted the following documents shall be submitted to the Commission accordingly:

- | | | |
|----|---|----------------|
| 1. | copy of the instruments of incorporation/partnership agreement either in an official language of the Republic and in English, or only in English, if the Securities and Exchange Commission consents. | Certified true |
| 2. | Incorporation by the Registrar's Office. | Certificate of |
| 3. | the address of the registered office. | Certificate of |
| 4. | directors and secretary. | Certificate of |
| 5. | shareholders. | Certificate of |
-

We, the members of the management body of the (the 'applicant') submit, in accordance with section 12 of the Law, an application for authorisation to an AIF. The application is accompanied by all required information/ documents and fees.

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PART A

INFORMATION ABOUT THE APPLICANT¹ AND THE REPRESENTATIVE OF THE PROMOTION OF THE APPLICATION

A.1 Information about the applicant

1. Name :
2. Trade name :
3. Number/date of incorporation and competent authority :
4. Address of the registered office :
5. Address of head office :
6. Postal address :
7. Telephone number :
8. Fax number :
9. E-mail address :
10. Website address :
11. Group website address :

12. External auditors :
- 12.1 Name of the responsible partner :
- 12.2 Postal and e-mail address :
- 12.3 Telephone number :
- 12.4 Fax number :

13. Legal advisors :
- 13.1 Name of the responsible legal advisor :
- 13.2 Postal and e-mail address :
- 13.3 Telephone number :
- 13.4 Fax number :

14. Representative of the promotion of the application :
- 14.1 Name :
- 14.2 Position/relationship with the applicant :
- 14.3 ID/Passport number (country of issue) :
- 14.4 Work address :
- 14.5 Postal and e-mail address :
- 14.6 Telephone number :
- 14.7 Fax number :

¹ In case the applicant is an Investment Firm established in a third country, the information and documents defined in the Supplementary Form F131-2014-02S1 – Annex III shall also be submitted.

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A.2 Information about the persons that manage the activities of the external manager.

No.	Name	Country of residence	Position of employment	Qualifications/Experience /Certificate

A.3 In case they are different from the above, the information about the persons responsible for the management and the monitoring of the activity of the AIF.

No.	Name	Country of residence	Position of employment	Qualifications/Experience /Certificate

A.4 Describe the special internal organisational measures taken by the applicant regarding the specific AIF.

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PART B

INFORMATION ABOUT THE DEPOSITARY²

B.1 Identity:

Name:

Registration No.:

Date of registration:

B.2 Address of registered office/head office:

Address:

.....

Telephone no.:

.....

Fax no.:

.....

E-mail address:

.....

Website:

.....

B.3 Postal address – if it is different from B.2 above:

E-mail address:

.....

Telephone no.:

.....

Fax no.:

.....

² In case, an application regarding the exemption to appoint a Depositary is submitted, this Part shall not apply.

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B.4 Information about the persons that manage the Depositary:

No.	Name	Country of residence	Position of employment	Qualifications/ Experience

B.5 In case they are different from above, information about the persons responsible for the monitoring of the AIF.

No.	Name	Country of residence	Position of employment	Qualifications/ Experience

B.6 Describe the special internal organizational measures taken by the Depositary for the specific AIF.

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PART C

INFORMATION ABOUT THE AIF

C.1 Identification (if available and according to the legal form of the AIF):

Registration number: :

Date of registration :

C.2 Address of registered office:

Telephone no. :
.....

Fax no. :
.....

E-mail address :
.....

Website :
.....

C.3 Postal address – in case it is different from C.2 above:

Telephone no. :

Fax no. :

E-mail address :

C.4 The information below shall be stated in the case of a Limited Liability Partnership.

	General information about the Partnership
Name	
General nature of activities	
Main location of activities	
Time period for the establishment of the partnership	
Date of commencement of activities	

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C.5 The information below shall be stated in the case of a Common Fund.

	General information about the Common Fund
Name	
Duration	
Date of termination	

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PART D

PERSONS THAT ENTER INTO A CONTRACT WITH THE EXTERNAL MANAGER OR THE SELF-MANAGED AIF

D.1 Complete the information regarding the persons that shall enter into a contract with the manager or the self-managed AIF itself for the marketing of the units of the AIF and the provision of any other service to the AIF:

Name and Address :
.....

Telephone No. :
.....

Fax No. :
.....

E-mail address :
.....

Registration no. :
.....

Competent authority :
.....

Purpose the contract :
.....

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PART E

INFORMATION ABOUT THE FIXED OR VARIABLE CAPITAL INVESTMENT COMPANY

PART E.1 The information below shall be completed regardless of whether the Fixed or Variable Capital Investment Company has appointed an external manager or is self-managed.

E.1.1 Board of Directors

Complete the information regarding the members of the Board of Directors of the company.

No.	Name	Executive/Non Executive Director	Professional capacity	Country of residence
1.				
2.				
3.				
4.				
5.				

E.1.2 Shareholders as at the date of incorporation of the company

	Name	Qualifying holding		% holding	
		YES	NO	Voting rights	Other Shares
1.					
2.					
3.					
4.					
5.					
6.					

E1.3 The following questions should be answered (in case of a positive answer, details should be provided):

1. Has the Fixed or Variable Capital Investment Company held an authorisation to operate as a credit institution or a Cyprus Investment Firm or, in general, as a financial institution, insurance organisation or as a portfolio management organisation in the Republic or abroad during the last decade?

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If yes, please complete the following table:

.....

Dates (From/Until/month/year)	Competent authority and Country of incorporation	Type of licence (e.g. Credit institution, CIF, e.t.c)

2. Has the Fixed or Variable Capital Investment Company faced a refusal of being granted authorisation, suspension or withdrawal of authorisation to operate as a credit institution or external manager or CIF or, in general, as a financial institution, insurance organisation or as a portfolio management organisation in the Republic or abroad, during the last decade?

.....

3. Have the Fixed or Variable Investment Company's financial and accounting books been audited, beyond the regular audits, by a competent or supervisory authority, in the Republic or abroad, during the last decade?

.....

4. Has the Fixed or Variable Capital Investment Company been the object of an investigation by a competent or supervisory authority in the Republic or abroad, during the last decade?

.....

5. Have the books and/or records and/or or other documents of the Variable Capital Investment Company been requested for inspection or confiscated by a competent or supervisory authority in the Republic or abroad?

.....

6. Has the Fixed or Variable Capital Investment Company ever obstructed the exercise of supervision by a competent or supervisory authority in the Republic or abroad?

.....

7. Has any administrative sanction been imposed upon the Fixed or Variable Capital Investment Company by a competent or supervisory authority in the Republic or abroad, during the last decade?

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.....
8. Has there ever been a conviction against the Fixed or Variable Capital Investment Company or are there any pending charges against it in the Republic or abroad:

8.1 For offences or violations that involve deceit or fraud or bribery or venality or forgery or tax evasion?

8.2 For offences or violations that involve money laundering activities and terrorism financing?

8.3 For offences or violations that involve the use of confidential – privileged information?

8.4 For offences or violations that involve the manipulation of the stock market price of a financial instrument which was subject to trading on a regulated market, or on an equivalent market of a third country?

8.5 For the payment of compensation in relation to the provision of investment and ancillary services?

8.6 For any other action that is punishable by imprisonment of the legal representatives of the Company?

9. Has an application for the dissolution, compulsory liquidation, classification as insolvent, asset confiscation or for the placement in mandatory receivership, been filed against the Fixed or Variable Capital Investment Company during the last two years?

.....
10. Have the external auditors of the Fixed or Variable Capital Investment Company been replaced during the last five years?

.....
11. Have the legal advisors of the Fixed or Variable Capital Investment Company been replaced during the last five years?

.....
12. Has the Fixed or Variable Capital Investment Company, or any other legal entity or partnership or unincorporated entity with which the Company was associated, ever been asked to close an account with a credit institution or did a credit institution close an account held by the Company or with any of the above mentioned entities?

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13. Has the Fixed or Variable Capital Investment Company faced any of the following situations in the last five years?

13.1 Failure to repay a due debt?

13.2 Protest of bills of exchange or notes issued by it?

13.3 Issue of 'bad' cheques?

14. Are there any relationships, circumstances or facts that may, at any stage, affect the independence between the external manager and the Depository or the Fixed or Variable Capital Investment Company and the Depository?

15. Is there anything relevant you would like to declare and which could positively or negatively affect the assessment of the Fixed or Variable Capital Investment company?

PART E.2 The information below shall be completed in case the Fixed or Variable Capital Investment Company appoints an external manager.

E.2.1 Financial Information

The following information shall be provided as at the date of the latest audited financial statements, for existing entities. For newly established entities, the following information shall be given as at the date of the application.

E.2.1.1 Existing entities

E.2.1.2 Share capital or total assets.

E.2.1.3 State the accounting period covered by the financial statements of the AIF

E.2.1.4 State whether the Auditor's report regarding the financial statements of the AIF expressed an Opinion with Reservation for any period during the last 5 years.

In case of a positive answer, provide additional information:

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

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E.2.2 Newly established entity

E.2.2.1. Share capital or initial assets.

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E.2.3 Complete the information regarding the Auditors³ of the AIF

Name and Address :
.....
.....
.....
.....

Telephone no. :
.....

Fax No. :
.....

E-mail address :
.....

Responsible partner :
.....

Date of appointment :

E.2.4 Complete the information regarding the Legal Advisors of the AIF

Name of the responsible :
Legal Advisor
.....
.....

Postal and e-mail :
address
.....

Telephone no. :
.....

³ In case these are different from PART A

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PART E.3 The information below shall be stated in the case of a self-managed Fixed or Variable Capital Investment Company.

1. Services for which the authorisation is sought

Collective Management of the portfolio of the Fixed or Variable Capital Investment Company in accordance with section 6(1) of the Law.

Financial Instruments		Investment <i>(tick \checkmark in the relevant box)</i>
1.	Bonds listed on a regulated market in the Republic	.....
2.	Bonds listed on a regulated market of an EU member state	.....
3.	Bonds listed on a regulated market of a third country	.....
4.	Interest bearing government bonds	.....
5.	Cash, deposits and certificates of deposits	.....
6.	Shares listed on a regulated market in the Republic	.....
7.	Shares listed on a regulated market of an EU member State	.....
8.	Shares listed on a regulated market of a third country	.....
9.	Recently issued transferable securities	.....
10.	Units or shares of other Collective Investment undertakings	.....
11.	Derivatives	.....
12.	Money-market instruments	.....
13.	Fixed Assets	.....
14.	Precious Metals or Certificates of precious metals
15.	Other Assets	List such assets:

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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 Investment Company;	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Will such transactions be performed for efficient portfolio management purposes?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Will such transactions be performed in common derivatives;	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Will such transactions be performed in embedded derivatives;	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Will such transactions be performed in listed derivatives;	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Will such transactions be performed in over the counter (OTC) derivatives;	YES <input type="checkbox"/>	NO <input type="checkbox"/>

3. Shareholding structure of the Applicant – Group participation

3.1 Company's Shareholders:

3.1.1 Please state all shareholders of the applicant, irrespective whether they possess qualifying holdings in accordance with section 2 of the Law or not.

	Name/ Business name of shareholder	Qualifying holdings		Percentage holding (%)
		YES	NO	
1.				
2.				
3.				
4.				
5.				
6.				

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3.2 Shareholders with qualifying holdings:

3.2.1 Please provide the information requested below for each one of the shareholders having qualifying holdings in the applicant in accordance with section 2 of the Law			
3.2.1.1	In case of shareholders –legal entities		
	Name and legal form	:	
	Registered Office	:	
	Registration number	:	
	Main activities	:	
	Percentage of voting rights, which the qualifying shareholder may exercise, directly or indirectly at the General meetings of the applicant	:	
	Main shareholders of the legal entity:	/Name and surname	1.
			2.
			3.
			4.
		Professional capacity	1.
			2.
			3.
			4.
		Percentage holding in the legal person	1.
			2.
			3.
			4.
	Members of the Board of the legal person	Name and surname	1.
			2.

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			3.
			4.
			5.
		Professional capacity	1.
			2.
			3.
			4.
			5.
3.2.1.2	In case of shareholders-natural persons		
	Name and surname	:	
	Domicile address	:	
	Professional capacity	:	
	Percentage of voting rights, which the qualifying shareholder may exercise, directly or indirectly at the General meetings of the applicant	:	

3.2.2 Regarding the shareholders mentioned in the field 3.2.1.1 above, the following documents shall be submitted (refer to TYPE I 'List of documents attached to the application for authorisation of an AIF') :

- A certificate of shareholders (**Annex 3**)
- A certificate of good standing (**Annex 4**)
- In case the shareholders-legal persons have been incorporated and are operating abroad, attach the Articles of Association (**Annex 5**); and

a certificate of good standing or, if such certificate is not available, the annual audited financial statements of the last three financial years (**Annex 6**), or, alternatively, an extract from the Register of Commerce, where such legal entity is registered and which also contains the abovementioned information.

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- Regarding the shareholders-natural persons mentioned in the field 3.2.1.2 above, a certified ID or passport copy has to be filed, a certificate of non-bankruptcy and a criminal record extract issued by the competent authorities from their country of domicile.
- If the shareholder-natural person was domiciled, during the last five years, abroad, then the certificate of non-bankruptcy and the criminal record extract have to be issued by the competent authorities of that country (**Annex 7**). Where the country of domicile of the shareholder does not issue a criminal record extract and/or non-bankruptcy certificate, then such documents have to be submitted which, in the judgment of the Commission, will certify that the shareholder has not been submitted to bankruptcy or to a similar situation.
- The shareholders of the applicant, either natural persons or legal entities, having qualifying holdings, shall complete the Questionnaire of Type II.
- Regarding the natural persons being the ultimate beneficial owners (UBOs) of the shares of the applicant, certified ID or passport copies, certificates of non-bankruptcy and criminal record extracts issued by the competent authorities of their country of domicile have to be attached. If the UBOs domiciled abroad during the last five years, then the certificates of non-bankruptcy and the criminal record extracts have to be issued by the competent authorities of the countries where they domiciled (**Annex 8**). Where the country of domicile of a UBO does not issue criminal record extracts and/or non-bankruptcy certificates, then such documents have to be submitted which, in the judgment of the Commission, will certify that the UBO has not been submitted to bankruptcy or to a similar situation.

3.3 Group membership – close links

3.3.1. State whether the applicant belongs to a Group: YES NO

3.3.2. In case of an affirmative response to the question above, attach a chart with the structure of the Group to which the applicant belongs, reaching up to the UBOs-natural persons. The chart must contain the name of the entity, the percentage of shareholding, country of incorporation and principal activities of the companies of the Group (**Annex 9**).

3.3.3. State whether the applicant has close links, within the meaning of section 2 of the Law, with persons other than those mentioned under the field 3.2 above:

YES NO

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3.3.4 In the case of an affirmative response to the question above, fill in the following table:

Name of entity	Registration number	Country of incorporation	Competent or supervisory authority	Activities

4. Organizational structure of the applicant

4.1 Organizational chart

4.1.1 A chart with the organizational structure of the applicant has to be attached (**Annex 10**) in which the following shall be analytically shown:

1. All reporting lines
2. All departments/functions
3. Committees
4. Third persons to which services/ activities/works have been delegated to
5. Number of persons occupied in each department/function

4.2 Board of Directors

4.2.1. Fill-in the details of the members of the Board of Directors of the applicant.

A/A	Name and surname	Position in the Board of Directors/executive or non-executive Director	Professional capacity	Address

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1.				
2.				
3.				

4.2.2 The Personal Questionnaire of Type II shall be filled-in by all members of the Board of Directors.

4.2.3 Attach the Directors' and Secretary Certificates of the applicant, if available (**Annex 11**).

4.2.4 Regarding the members of the Board of Directors of the applicant, certified copies of ID or passport, certificates of non-bankruptcy and criminal record extracts issued by the competent authorities of their country of domicile have to be attached. If a member/members of the Board of Directors of the applicant was/were domiciled abroad during the last five years, then the certificates of non-bankruptcy and the criminal record extracts have to be issued by the competent authorities of the country of domicile (**Annex 12**). Where the country of domicile of the member of the Board of Directors of the applicant does not issue criminal record extracts and/or non-bankruptcy certificates, then such documents have to be submitted, which in the judgment of the Commission, will certify that the member of the Board of Directors has not been submitted to bankruptcy or to a similar situation.

4.3 Senior Management

4.3.1 Fill-in the details for the members of the Senior Management of the applicant. Members of Senior Management are the persons, who direct the fields of activity or the respective operational departments or directorates of the applicant.

A/A	Name and surname	Position within the applicant	Professional capacity	Address
1.				
2.				
3.				

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4.3.2 The Questionnaire of Type II shall be filled-in by all members of Senior Management (no such obligation exists, if it has been filled-in in accordance with field 4.2.2 above). Regarding the members of Senior Management of the applicant, certified copies of ID or passport, certificates of non-bankruptcy and criminal record extracts issued by the competent authorities of their country of domicile have to be attached (**Annex 13**).

4.4 Managing Directors

4.4.1. Fill in the details for the Managing Directors of the applicant.

A/A	Name and surname	Position within the applicant	Professional capacity	Address
1.				
2.				
3.				

4.4.2. The Questionnaire of Type II shall be filled in by the Managing Directors (no such obligation exists, if it has been filled-in in accordance with fields 4.2.2 and 4.3.2 above) and certified copies of ID or passport, certificates of non-bankruptcy and criminal record extracts issued by the competent authorities of the country of domicile of the Managing Directors have to be attached. If any of the said Directors of the applicant domiciled abroad during the last five years, the certificate of non-bankruptcy and the criminal record extract have to be issued by the competent authorities of the country of domicile (**Annex 14**). Where the country of domicile does not issue extract from the criminal record and/or non-bankruptcy certificate, then other documents have to be submitted, which in the judgment of the Commission, will certify that the said Director has not been submitted to bankruptcy or to a similar situation.

4.5 Internal Auditor and Compliance Officer⁴

4.5.1. Fill in the details regarding the Internal Auditor and the Compliance Officer of the applicant:

⁴ The information shall be provided, if it is applicable, taking into consideration section 53(2)(d) of the Law.

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Internal Auditor

Name and surname	Professional capacity	Address	Date of appointment

Compliance Officer

Name and surname	Professional capacity	Address	Date of appointment

4.5.2. The Questionnaire of Type II shall be filled in by the Internal Auditor & the Compliance Officer of the Applicant.

4.5.3. Certified copies of ID or passport, of the Internal Auditor and of the Compliance Officer have to be attached (**Annex 15**).

4.6 Risk Manager

4.6.1 Fill in the details regarding the Risk Manager of the Applicant:

Name and surname	Professional capacity	Address	Date of appointment

4.6.2 Attach a certified copy of ID or passport, of the Risk Manager. The Questionnaire of Type II shall, also, be filled in by the Risk Manager (**Annex 16**).

4.7 Other Officers

4.7.1 State the names of the persons who will be engaged in the management of the Fixed or Variable Capital Investment Company:

A/A	Name and surname	Certificate/ Personnel training under	Position within the applicant	Date of appointment

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1.				
2.				

4.7.2 Members of the Investment Committee

State the information about the members of the Investment Committee of the Applicant

No.	Name and surname	Position within the Applicant	Professional capacity	Certificate	Address
1.					
2.					
3.					

* The members of the Investment Committee that have a decisive role shall be certified for the portfolio management service.

4.8. Delegation of functions to a third party

4.8.1. State whether the applicant intends to delegate functions to third parties in accordance with section 53(2)(e) of the Law:

YES NO

4.8.2. In case of an affirmative response please state the following details regarding the third party

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

Name	:	
Registration number/authorisation number	:	
Home member state	:	

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Competent Supervisory Authority	:	
Telephone number	:	
Fax number	:	
Email address	:	
Activities/functions to be delegated	:	

4.8.2.2 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	:	
Fax number	:	
Email address	:	
Activities/functions to be delegated	:	

5. Financial information of the applicant

5.1. State the initial capital of the applicant (according to section 55(2) of the Law).

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5.2. State the composition of the initial capital of the applicant.

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5.3. State whether the applicant intends to increase its initial capital. If yes, state the amount and the method of the increase.

5.4. State the end of the financial year of the applicant, following submission of the application.

5.5. Attach the financial projection details of the applicant for the first 12 months of operation. These details shall include following as a minimum: Pro forma balance sheet and income statement of the applicant for the financial year following the submission of the application, specification of the sources of the financial means of the applicant and cash flow development (**Annex 17**)

5.6. Attach the latest annual financial statements of the applicant with the independent auditors' report (**Annex18**).

5.7. Attach the latest annual consolidated financial statements of the group to which the applicant belongs to, along with the independent auditors' report (**Annex 19**).

5.8 State details in relation to any encumbrances (including the type of encumbrance), guarantees, indemnities or other forms of security or other commitments (including letters of comfort) given by the applicant to third parties, and which are valid at the date of the application (also include with special reference those relating to other undertakings of the same Group or to persons related with those).

6. Information about the internal operations of the Applicant

6.1. Attach the internal regulations of the applicant relating to the provision of the services as filled-in Paragraph 1 of the present application (**Annex 20**).

6.2. Attach a description of the policies and procedures of the applicant as to following of its functions: Internal Audit, Risk Management, Regulatory Compliance, Personal transactions, Record-keeping, Internal reporting and information flow towards third persons, Conflicts of Interest, remuneration, reception of subscription–redemption/repurchase orders of UCITS or other UCIs under management,

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execution of orders for the account of UCITS or other UCIS under management, client complaint handling against the applicant, accounting-wise monitoring and valuation of the portfolio of the UCITs or other UCIs under management, delegation of functions to third parties, monitoring and assessment of effectiveness of the systems employed, of internal control mechanisms and of the procedures adopted as well as of the management of eventual deficiencies and of other urgent situations (**Annex 21**).

6.3. Attach description of the electronic systems of the applicant, of the back-up electronic systems and of the procedures ensuring business continuity of the applicant in case of interruption of functioning of its systems (**Annex 22**).

6.4. Attach description of the procedures and policies of the applicant relating to prevention of money laundering and terrorism financing according to Paragraph 9 (1)(c) of Directive DI-2007-08 (**Annex 23**).

6.5. Alternatively attach the internal operations manual of the applicant, if all information required above is contained therein (**Annex 24**).

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7. Business Plan

7.1 Attach the applicant's business plan (program of activities) which will include information relating to following issues (**Annex 25**) as a minimum:

1.	State whether the applicant has or intends to establish offices in other areas of the Republic or in other Member States	State the address of such offices and the names and surnames of their managers
2.	State whether the applicant intends to conduct part of its business activities through authorised representatives	State information on the business activity to be conducted, eventual restrictions and the relationship between the applicant and the representatives (e.g. companies belonging to the same group)
3.	State whether there is any specific client network at the moment of submission of the application and whether the applicant has entered into contact with potential future clients	
4.	Procedures for development and promotion of the business activities and advertising procedures to be adopted by the applicant	

8. Confirmations-declarations and other details

8.1 Attach confirmations by the external auditors and legal advisers of the applicant that, from what they know and believe, neither the applicant nor the persons that effectively direct its business are 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 26**).

8.2 Attach a confirmation by the representative for the promotion of the application for obtaining a Management Company authorization, 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 involved or have been involved, directly or indirectly, in any criminal activities or any activities that may be used in the promotion, furtherance, assistance, instigation of economic crime or that may be deemed to be promoting, furthering, assisting or instigating it' (**Annex 27**).

8.3 Attach a confirmation by the applicant that it possesses or that it will possess the capital required for the formation or increase of its initial capital and that it undertakes to block them in a bank account held by a credit institution in the Republic or by credit

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institutions of other member states, if and when the Commission so requests (**Annex 28**).

After the completion of the assessment of the application for granting authorization to the Fixed or Variable Capital Investment Company and before granting such authorization, the applicant shall submit

(a) a confirmation by one or more credit institutions, in the Republic or in other member states, in which it shall be stated that the entire initial capital required according to the Law is blocked in a bank account held by the aforementioned institution or institutions, and that it will remain blocked until the operation license is granted; and

(b) in the case of contributions in kind that cannot be subject to such a commitment, a confirmation by the person which owns the assets, with which it shall undertake an irrevocable commitment not to dispose them and the obligation to transfer them to the Fixed or Variable Investment Company, in accordance with the relevant legislation, when requested.

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DECLARATION

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 the authorization conditions as such conditions are laid down in the Law 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 having occurred 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 Law.

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 of Forms or the withholding of material information from the current application constitutes, apart from being a breach subject to administrative fine of up to 350.000 EUR, which may rise up to 700.000 EUR in case of repeated or continuous breach, a criminal offence being punishable with imprisonment up to five (5) years or with a penalty up to 350.000 EUR or with both penalties.

..... Full name and capacity

..... Signature

..... Date

..... Full name and capacity

..... Signature

..... Date

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..... .Full name and capacity

..... Signature

..... Date

..... .Full name and capacity

..... Signature

..... Date

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PART F

INFORMATION ABOUT THE LIMITED LIABILITY PARTNERSHIP AND THE COMMON FUND

(Complete the applicable fields in accordance with the legal form of the AIF)

F.1 In the case of a Limited Liability Partnership, state the information below:

State the information of the Limited Liability Partners of the Partnership as at the date of incorporation:

F.1.1 In case of natural persons:

No.	Name	Citizenship	Address	& Holding
1.				
2.				
3.				
4.				

F.1.2 In the case of legal persons:

No.	Name and legal form	Country of incorporation	Address	& Holding
1.				
2.				
3.				
4.				

F.2 In the case of a Common Fund, state the information below:

	General Information about the Common Fund
Investment objective	
Category of Investors	
Initial Assets	
Duration of financial year	

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F.3 Financial Information

For existing entities, the following information shall be stated as at the date of the latest financial statements. For new entities, the following information shall be stated as at the date of the application.

F.3.1 Existing entity

3.1.1 Capital or total assets

3.1.2 State the accounting period covered by the financial conditions of the AIF

3.1.3 State whether the ‘Auditor’s Report’ regarding the financial statements of the AIF expressed a qualified opinion for any period during the last 5 years.

In the case of an affirmative response, further information shall be provided:

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

F.3.2 New entity

3.2.1 Initial capital or initial assets

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3.3 Complete the information regarding the Auditors⁵ of the AIF

Name and Address :
.....
.....
.....
.....
.....

Telephone no. :
.....
.....

Fax No. :
.....
.....

E-mail address :
.....
.....

Responsible partner :
.....
.....

Date of appointment :
.....

E.2.4 Complete the information regarding the Legal Advisors of the AIF

Name of the responsible Legal Advisor :
.....
.....
.....
.....

Postal and e-mail address :
.....
.....

Telephone no. :
.....
.....

⁵ In case these are different from PART A

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TYPE I CHECKLIST OF DOCUMENTS ACCOMPANYING THE APPLICATION FOR GRANTING AUTHORISATION TO AN AIF
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A. IN THE CASE OF AN AIF IN THE LEGAL FORM OF A COMMON FUND:

Annex	Accompanying documents	Submitted (√) Non Applicable (N/A)	For official use only
1	Declaration of undertaking the obligation to pay the initial minimum amount of the Common Fund's net assets amounting to 125.000 EURO, in cash or securities, according to sections 14 (2) and 48(3)(e) of the Law, in which declaration the details of the person or persons undertaking the obligation to pay the initial assets shall be mentioned.	.....	.....
2	Declaration by the legal representative of the manager that he accepts to undertake the management of the portfolio of the common fund.	.....	.....
3	Declaration by the Depositary accepting to perform the tasks of the Depositary of the Common Fund, as laid down in the Law ⁶.	.....	.....
4	Draft Regulation of the Common Fund in accordance with section 48 of the Law.	.....	.....
5	Draft Prospectus of the Common Fund in accordance with section 77 of the Law.	.....	.....
6	Draft Key Investor Information Document, if applicable.	.....	.....

⁶ In the case an exemption from the obligation to appoint a Depositary is requested in accordance with paragraph 10 of the Directive DI131-2014-01 of the Securities and Exchange Commission, this declaration shall not be submitted. Where it is requested the appointment of an entity in accordance with paragraph 11 of the Directive mentioned above, a declaration by that entity shall be submitted.

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A. IN THE CASE OF AN AIF WITH THE LEGAL FORM OF A FIXED OR VARIABLE INVESTMENT COMPANY THAT APPOINTS A MANAGER:

Annex	Accompanying documents	Submitted (√) Non Applicable (N/A)	For official use only
1	Draft Instruments of Incorporation.	.....	.....
2	Draft prospectus of the Company.	.....	.....
3	Draft Key Investor Information Document, if applicable.	.....	.....
4	Declaration of the legal representative of the manager that he accepts to undertake the management of the portfolio of the Fixed or Variable Investment Company.	.....	.....
5	Declaration of the Depositary that it accepts to exercise the depositary duties for the Fixed or Variable Investment Company in accordance with the Law.	.....	.....
6	For each member of the Board of Directors of the Fixed or Variable Capital Investment Company (member) please attach the following:	.....	.....
	<p>6.1 The personal questionnaire, as laid down in Form F131-2014-04 duly filled-in by each member.</p>		
	<p>6.2 The certified ID or passport copies, the certificate of non-bankruptcy and the extract from the criminal record. If any member of the Board of Directors was domiciled, during the last five years, abroad, then please attach the certificate of non-bankruptcy and the criminal record extract as issued by the competent authorities of that country of residence. Where the country of domicile of the member of the Board of Directors does not issue criminal record extract and/or non-bankruptcy certificate, then such documents have to be submitted, which in the judgment of the Commission, will certify that the shareholder has not been submitted to bankruptcy or to a similar situation.</p>		

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- 7** a) The last annual financial statements of the Company accompanied by an independent auditors' report regarding these statements;
b) Budgetary details of the Variable Capital Investment Company regarding the first twelve (12) months of its operation.
- 8** Latest consolidated annual financial statements of the Group to which the Variable Capital Investment Company belongs, together with the report of the independent approved auditors on those statements.
- 9** A certificate of good standing of the Fixed or Variable Investment Company.
- 10** Confirmations by the auditors and legal advisors.
- 11** Confirmation by the promoter of the application.
- 12** Confirmation by the applicant regarding the existence of sufficient capital.

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C. IN THE CASE OF AN AIF IN THE LEGAL FORM OF A SELF-MANAGED FIXED OR VARIABLE CAPITAL INVESTMENT COMPANY:

Annex	Accompanying documents	Submitted (√) Non Applicable (N/A)	For official use only
1	Certificate of incorporation from the Registrar of Companies.	.....	.....
2	Certificate of the registered office.	.....	.....
3	Certificate of shareholders	.....	.....
4	Certificate of good standing	.....	.....
5	Certificates of legal persons established and operating abroad.	.....	.....
6	Certificate of Good Standing, or the annual financial statements of the last three years or an extract from the Commercial Registry, where the Certificate is not available.	.....	.....
7	Certified true copy of identity or passport, certificates of non-bankruptcy, criminal record for the shareholders which are natural persons.	.....	.....
8	Certificates of non-bankruptcy and criminal record for the ultimate beneficial shareholders.	.....	.....
9	A chart of the shareholding structure of the Group in which the Fixed or Variable Capital Investment Company belongs.	.....	.....
10	A chart of the organisational structure of the Fixed or Variable Capital Investment Company.	.....	.....
11	If applicable, the Certificate of directors and secretary of the Fixed or Variable Capital Investment Company	.....	.....
12	Certified true copy of identity or passport, certificates of non-bankruptcy, criminal record and the personal questionnaire in accordance with the Form F131-2014-04 for the members of the Board of Directors.

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13	Certified true copy of identity or passport, certificates of non-bankruptcy, criminal record and the personal questionnaire in accordance with the Form F131-2014-04 for the members of senior management.
14	Certified true copy of identity or passport, certificates of non-bankruptcy, criminal record and the personal questionnaire in accordance with the Form F131-2014-04 for the persons that direct the operations of the Company.	.....	.....
15	Certified true copy of identity or passport and the personal questionnaire in accordance with the Form F131-2014-04 for the Internal Auditor and the Compliance Officer.	.....	.....
16	Certified true copy of identity or passport and the personal questionnaire in accordance with the Form F131-2014-04 of the Risk Manager.	.....	.....
17	Budgetary details of the Fixed or Variable Capital Investment Company regarding the first twelve (12) months of its operation.	.....	.....
18	The last annual financial statements of the Fixed or Variable Investment Company accompanied by an independent auditor's report regarding those statements.	.....	.....
19	The latest consolidated financial statements of the Group in which the Fixed or Variable Company belongs, accompanied by an independent auditor's report regarding those statements.	.....	.....
20	The operational rules of the Fixed or Variable Investment Company regarding the provision of its services.	.....	.....
21	A description of the procedures and policies of the Fixed or Variable Capital Investment Company.	.....	.....
22	Description of the electronic systems of the applicant, as well as of the back-up systems and procedures that ensure business continuity of the applicant in

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case of interruption in the operation of its systems.

23	A description of the procedures and policies of the applicant relating to prevention of money laundering and terrorism financing, in accordance with the paragraph (9)(1)(c) of the Directive DI OΔ144-2007-08.
24	The Internal Operations Manual of the Fixed or Variable Capital Investment Company.	.....	.....
25	The business plan (program of activities of the Fixed or Variable Capital Investment Company	.....	.....
26	Confirmations by the auditors and legal advisors of the Fixed or Variable Investment Company.	.....	.....
27	A confirmation by the Representative of the promotion of the application for granting authorization to a Fixed or Variable Capital Investment Company.	.....	.....
28	Confirmation by the Fixed or Variable Capital Investment Company that it possesses the capital required for forming or increasing its initial capital and that it undertakes to block this capital, either in cash or securities in a bank account held with a credit institution or institutions in Cyprus or in other member states	.....	.....
29	Draft instruments of incorporation of the Fixed or Variable Capital Investment Company	.....	.....
30	Draft prospectus of the Fixed or Variable Capital Investment Company	.....	.....
31	Draft Key Investors' Information Document, if applicable	.....	.....
32	A declaration by the Depositary, or by the entity of section 23(5) of the Law, that it accepts to perform the depositary duties for the Fixed or Variable Investment Company, if applicable.

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D. IN THE CASE OF AN AIF ESTABLISHED IN THE LEGAL FORM OF A LIMITED LIABILITY PARTNERSHIP:

Annex	Accompanying documents	Submitted (√) Non-applicable (N/A)	For official use only
1	Regarding the General Partner		
1.1	(a) Articles and Memorandum of Association	.....	.....
	(b) Certificate of shareholders	.....	.....
	(c) Certificate of Directors	.....	.....
1.2	Regarding the shareholders (ultimate beneficial owners):		
	(a) certified true copy of passport or identity	.....	.....
	(b) non-bankruptcy certificate/clean criminal record	.....	.....
	(c) Questionnaire – form F131-2014-04	.....	.....
1.3	Regarding the directors of the General Partner:		
	(a) certified true copy of passport or identity	.....	.....
	(b) non-bankruptcy certificate/clean criminal record	.....	.....
	(c) Questionnaire – form F131-2014-04	.....	.....
2	In case the General Partner is a natural person:		
	(a) certified true copy of passport or identity	.....	.....
	(b) non-bankruptcy certificate / clean criminal record	.....	.....
	(c) Questionnaire – form F131-2014-04	.....	.....
3.	Confirmation by the external manager that the initial capital required is or shall be available, and, if applicable, that it undertakes to block this capital, either in cash or securities in a bank account held with a credit institution or institutions in Cyprus or in other member states when requested by the Securities and Exchange Commission ⁷ . The Confirmation shall	.....	.....

⁷ It must be noted that on the completion of the assessment of the application for authorisation of a Limited Liability Partnership, before the authorisation is granted, the applicant shall submit: (a) a confirmation by one or more credit institutions established in EU, which shall state that the whole

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state the names of the persons that have contributed or shall contribute the initial capital.

- | | | | |
|----------|--|-------|-------|
| 4 | Declaration by the General Partner that it accepts to exercise the management duties for the Limited Liability Partnership and that it undertakes the management of its portfolio. | ..... | ..... |
| 5 | Declaration by the Depositary that it accepts to exercise the depositary duties for the Limited Liability Partnership in accordance with the Law. ⁸ | ..... | ..... |
| 6 | The draft Partnership agreement in accordance with section 66 of the Law. | ..... | ..... |
| 7 | Draft Prospectus of the Limited Liability Partnership in accordance with section 77 of the Law. | ..... | ..... |
| 8 | The draft Key Investors Information Document, if applicable. | ..... | ..... |

amount of capital demanded in accordance with the Law, is blocked in a bank account, either in cash or in the form of securities with the relevant institution or institutions and shall remain blocked until the authorisation is granted; and (b) in the case of assets for which such confirmation cannot be granted, a certification by the person who owns those assets, with which it undertakes an irrevocable commitment not to dispose them and transfer them to the Limited Liability Partnership in accordance with the applicable Law, when this is requested.

⁸ If applicable

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TYPE II FORM FI31-2014-04 PERSONAL QUESTIONNAIRE
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Person's full name :	
Person's capacity :	
Name of the AIF :	

Purpose of this form

This form shall be completed by the persons defined in paragraph 6(2) of the Directive DI131-2014-01.

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INTRODUCTION

1. This questionnaire must be completed electronically. This form is available in electronic form on the website of the Securities and Exchange Commission (the 'Commission') at URL address: www.cysec.gov.cy.
2. The questions should remain unaltered and the answers should be provided below each question.
3. All applicable questions should be duly completed, or, if they are not applicable, state 'N/A'.

4.

When

completing the Questionnaire, it should not be assumed that information, which is publicly available, or which has been previously disclosed to the Commission or to another regulatory body is known to the Commission.

PART A – Natural persons

1. Personal

and other information

- 1.1 Full name :
- 1.2 Date and place of birth :
- 1.3 Nationality/Citizenship :
- 1.4 Identification/passport number (country of issue) :
- 1.5 Postal address :
- 1.6 Telephone number :
- 1.7 Fax number :
- 1.8 E-mail address :
- 1.9 Countries of residence during the last five years and dates of residence in each country :
- 1.10 Position within/relation with the applicant⁹ :
- 1.11 Date of the proposed appointment :
- 1.12 State whether you participate or intend to participate or to be employed in company/companies who has/have submitted an application for authorisation to the Commission or has/have been authorised by the Commission. If yes, then state:

The name of the company/companies:

The type of participation/employment:

1. Shareholder:

2. Member of the Board of Directors:

3. Managing Director:

4. Portfolio Manager:

5. Investment Advisor:

⁹ In the case where, the position you hold (or intend to hold) is on the Board of Directors, clarify whether you will be an executive or non-executive or an independent director.

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The date of appointment or acquisition of participation:

- 1.13 State whether you own a direct or indirect holding in a legal person which represents at least ten percent (10%) of the capital or of the voting rights or which allows the exercise of significant influence over the management of the legal person.

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If yes, state the following:

Name of the legal person	Percentage of holding	Principal activities	Relation of the legal person with the applicant (if it exists)	Country of incorporation	Reg. Number	Competent or supervisory authority (if applicable)

2. Academic qualifications and professional experience

- 2.1. Provide information on your academic qualifications (*university degrees, knowledge of foreign language*).

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- 2.2. Provide information on your professional qualifications (*e.g. member of a professional body*).

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- 2.3. Stat any other qualifications you have, which are related to the nature of the duties that have been assigned to you in the Company.

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- 2.4. Professional experience (provide details of your professional experience, starting from the present – information regarding directorships and periods of non-employment must also be included):

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- 2.4.1 Date (from/until month/year) :
- 2.4.2 Name of organization :
- 2.4.3 Supervisory authority (if applicable) :
- 2.4.4 Principal activities of the organization :
- 2.4.5 Phone number of contact person in the organization :
- 2.4.6 Position you held :
- 2.4.7 Reason of departure :

2.5. State any knowledge you may have in relation to the provision of investment and ancillary services or the exercise of investment activities, or with the exercise of financial activities in general, as well as with the legislation governing the operation of the Company.

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3. Repute and credibility

Answer the questions below (in case of affirmative answer, provide details):

3.1. Have you ever received a negative answer from competent authorities regarding the granting of authorization for the exercise of a specific professional activity or from professional bodies and associations for the granting of membership status, in the Republic or/and out of the Republic?

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3.2. Has your license for the exercise of a specific business activity or your membership status ever been revoked (*include also pending cases*) by competent authorities or professional bodies and associations, in the Republic or/and out of the Republic?

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3.3. Has your appointment as member of the board of directors or executive staff of a Company ever been revoked or cancelled or have you ever been dismissed or asked to resign or agreed to resign instead of being dismissed or resigned whilst under investigation, for reasons pertaining to the exercise of the duties assigned to you or have you been removed from a position of administrative responsibility in a business or organization (public or private) following a court ruling or an administrative decision, in the Republic or/and out of the Republic?

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3.4. Have you ever been involved in cases (*include also pending cases*) which were the object of an administrative or disciplinary investigation or which resulted in the imposition of administrative or disciplinary or other sanctions by competent or supervisory authorities, previous employers or professional bodies and associations in the Republic or/and out of the Republic for:

3.4.1 Serious administrative or disciplinary or other violations?

3.4.2 Inadequate performance of the duties assigned to you?

3.4.3 Violations of the internal operation rules of the company or the code of ethics and professional conduct?

3.5. Have you ever obstructed the efficient exercise of supervision by a competent authority in the broader financial sector?

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3.6. Have you ever been convicted, or are there any charges or investigation procedures pending against you, in the Republic or out of the Republic:

3.6.1 For offences or violations that involve deceit or fraud or bribery or venality or forgery or tax evasion?

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- 3.6.2 For offences or violation concerning money laundering activities and terrorism financing?
- 3.6.3 For offences or violations that involve the use of confidential – privileged information?
- 3.6.4 For offences or violations that involve the manipulation of the stock market price of a financial instrument which was subject to trading on a regulated market, or in an equivalent market of a third country?
- 3.6.5 For any other action that is punishable by imprisonment?

3.7. Have any
(include also pending cases) specific and justified complaints or protests ever been filed against you in writing, in relation to investment and ancillary services, for the provision of which you were responsible, in the Republic or/and out of the Republic?
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3.8. Have you
ever (include also pending cases) been declared bankrupt or have any of your assets been confiscated or were you obliged to transfer any of your assets to your creditors or have you failed to fulfill your obligations arising from a judgment against you within one year from the issue of such judgment, in the Republic or/and out of the Republic?
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3.9. Have you
faced any of the following situations in the last decade:

- 3.9.1 Failure to repay a due debt?
- 3.9.2 Protest of bills of exchange or notes issued by you?
- 3.9.3 Issue of bounced cheques?

Have you or any legal entity or partnership or unincorporated entity with which you were associated, ever been asked to close an account with a credit institution or did a credit institution with which you contacted business, close an account you or any of the above mentioned entities held with it?
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3.10. Have you ever been a member of the Board of Directors, executive staff or a shareholder with qualifying holding in a company or organisation which, while you were exercising your duties, was found guilty in relation to any of the offences stated in paragraph 3.6 above?
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3.11. Have you ever been a member of the board of directors, executive staff or a shareholder with qualifying holding in a company which, while you were exercising your duties, or within one year from the date on which you were discharged from your respective duties (*include also pending cases*):

3.11.1 An application to dissolve, compulsory liquidate, classify as insolvent or confiscate its assets was filed against it, or was placed in mandatory receivership?

3.11.2 Its books were audited, beyond the regular audits, or was the subject of an investigation by a competent or supervisory authority?

3.11.3 Administrative or other sanctions were imposed upon it by a competent or supervisory authority?

3.11.4 Its books or other documents were requested for inspection or confiscated by a competent or supervisory authority?

3.11.5 Obstructed the effective exercise of supervision by a competent or supervisory authority?

3.11.6 The application for granting authorization or the obtaining of membership status in a professional association was rejected, or the authorization or membership was suspended or revoked?

3.12 Is there anything relevant that you would like to state that could affect either positively or negatively the assessment of your repute and credibility?
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4. Declarations

4.1 I hereby declare and confirm:

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4.1.1 That I know and fully understand my competencies and duties, which arise from the Law and the Directives issued pursuant to it, and especially from the legislation that governs the operation of the Company.

4.1.2 I am fully aware of my responsibilities.

4.1.3 My intention to ensure the applicant's compliance with the requirements and obligations arising from the Law and the Directives issued pursuant to it, and especially from the legislation that governs the operation of the Company.

4.2 I acknowledge and accept that the Commission may disclose information in the discharge of its duties, as these are specified in the applicable Law.

4.3 With the present declaration and in full awareness of it, I freely grant my explicit consent to the Commission for the processing of my personal data, both sensitive and not-sensitive, in accordance with the provisions of the Personal Data Processing (Protection of the Individual) Law of 2001.

The provision of false or misleading information or of documents or of Forms, or the withholding of material information from the current Form 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 repeating or continuing the violation, a criminal offence being punishable with imprisonment of up to five (5) years.

5. References

5.1 State the names, telephone numbers and correspondence addresses of two persons who, from personal experience are acquainted with your financial or other activities, as well as your character. In the case where in the last ten years, you have not been self-employed, one of the two must be your most recent employer.

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5.2 State whether you give your consent to the Commission to request these references.

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If not, state the reasons:

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PART B – Legal persons

6. Corporate details

- 6.1 Name :
- 6.2 Registration number :
- 6.3 Country of origin :
- 6.4 Type of shares (nominal, bearer, etc) :
- 6.5 Postal address :
- 6.6 Telephone number :
- 6.7 Fax number :
- 6.8 E-mail address :
- 6.9 Website :
- 6.10 Principal activities :
- 6.11 Possession of authorization/operation license :
- 6.12 Competent authority :

6.14 State whether you have, directly or indirectly, a holding in another legal person/ entity, which represents at least 10% of the capital or the voting rights or which allows the exercise of significant influence over the management of this legal person.

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If yes, state the following:

Name of legal person	Percentage of holding	Principal activities	Relation of the legal person with the applicant (if it	Country of incorporation	Reg. Number
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**7. Shareholder
s of the Legal Person**

7.1 State the following information regarding the shareholders with direct or indirect qualifying holdings in the legal person:

7.1.1	Name	:	
7.1.2	Legal form	:	
7.1.3	Registration number/identity or passport number (country of issue)	:	
7.1.4	Country of origin/Citizenship/ Nationality	:	
7.1.5	Postal address	:	
7.1.6	Phone number	:	
7.1.7	Fax number	:	
7.1.8	E-mail address	:	
7.1.9	Principal activities/professional capacity	:	
7.1.10	Authorisation number (if applicable)	:	
7.1.11	Total percentage of holding in the share capital of the legal person	:	
	7.1.11.1 Direct holding	:	
	7.1.11.2 Indirect holding (provide the identity of the persons and the level of their holdings)	:	

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8. Persons that effectively direct the business of the legal person

8.1 State the following information regarding the persons that effectively direct the business of the legal person:

8.1.1	Full name	:	
8.1.2	Identity/passport number (country of issue)	:	
8.1.3	Nationality/Citizenship	:	
8.1.4	Position within the legal person	:	
8.1.5	Other professional capacity	:	
8.1.6	Postal address	:	
8.1.7	Phone number	:	
8.1.8	Fax number	:	
8.1.9	E-mail address	:	

9. Suitability of the legal person

Answer the following questions (in the case of a positive answer, provide details):

9.1. Did you have, in the last decade, authorization to operate as a credit institution or as an external manager or as a CIF (investment company) or, in general, as a financial institution, insurance organization or as a portfolio investment organization, in the Republic or/and out of the Republic? If yes, fill-in the following table:

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Dates	Name of supervisory authority and country of	Type of authorization (e.g. credit institution,
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(From-until: month/year)	establishment	Investment Firm etc.)

9.2. In the last decade, have you faced a refusal of being granted authorisation, a suspension or withdrawal of authorisation as a credit institution or an external manager or CIF (investment company) or, in general, as a financial institution, insurance organization or as a portfolio management organisation, either in the Republic or/and out of the Republic ?

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9.3. In the last decade, have your financial and accounting books been audited, beyond the regular audits, by a competent or supervisory authority, in the Republic, or/and out of the Republic?

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9.4. In the last decade, have you been the object of an investigation by a competent or supervisory authority in the Republic or/and out of the Republic?

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9.5. Have your books or records or other documents been requested for inspection or confiscated by a competent or supervisory authority in the Republic or/and out of the Republic?

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9.6. Have you ever obstructed the exercise of effective supervision by a competent or supervisory authority in the Republic or out of the Republic?

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9.7. In the last decade, has any administrative or other sanction been imposed upon you by a competent or supervisory authority in the Republic or out of the Republic?

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9.8. Has there ever been a conviction against you or are there any charges pending against you in the Republic or out of Republic:

9.8.1. For offences or violations that involve deceit or fraud or bribery or venality or forgery or tax evasion?

9.8.2. For offences or violations concerning money laundering activities and terrorism financing?

9.8.3. For offences or violations that involve the use of confidential - privileged information?

9.8.4. For offences or violations that involve the manipulation of the stock market price of a financial instrument which was subject to trading on a regulated market?

9.8.5. For the payment of a compensation in relation to the provision of investment and ancillary services?

9.8.6. For any other action that is punishable by imprisonment?

9.9. Has an application for dissolution, compulsory liquidation, classification as insolvent or confiscation of assets been filed against you in the last decade or have you been placed in mandatory receivership?

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9.10. Have your external auditors been replaced during the last five years?

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9.11. Have your legal advisors been replaced in the last five years?

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9.12. Have you, or any legal entity or partnership or unincorporated entity with which you were associated, ever been asked to close an account with a credit institution or has a credit institution, with which you worked with, closed an account held by you or by any of the above mentioned entities?

.....

9.13. Have you faced any of the following situations in the last five years:

9.13.1. Failure to repay a due debt?

9.13.2. Protest of bills of exchange or notes issued by you?

9.13.3. Issue of un-covered cheques?

9.14. Is there anything relevant that you would like to declare and which could positively or negatively affect the assessment of your repute and credibility?

.....

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

- a) I have applied all due diligence to ensure that all information contained in the Questionnaire is correct, complete and accurate.**
- b) I confirm that I will comply with the requirements and obligations of the applicable legislation and the Directives issued pursuant to it.**
- c) I will disclose to the Securities and Exchange Commission, in writing, without undue delay, every new information relating to my person, which could affect the judgement regarding the sound and prudent management or the operations of the AIF with limited number of persons.**

I acknowledge and accept that the Securities and Exchange Commission, may disclose information during the exercise of its duties, as these are defined in the Law.

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With this declaration and in full knowledge of it, I freely grant my explicit consent for the processing, of my personal data, both sensitive and non-sensitive, by the Securities and Exchange Commission, in accordance with the provisions of the Personal Data Processing (Protection of the Individual) Law of 2001.

The provision of false or misleading information or of documents or of Forms or the withholding of material information from this Form constitutes, apart from being a violation, subject to an administrative fine of up to 350.000 EUR, which may increase up to 700.000 EUR in case of repeating or continuing the violation, a criminal offence being punishable with imprisonment of up to five (5) years or both.

Signature

Name

Date

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ANNEX II
COMPLEMENTARY FORM: F131-2014-02C1

INFORMATION AND DOUMENTS SUBMITTED IN CASE THE MANAGER OF THE AIF IS AN INVESTMENT FIRM OF THE INVESTMENT SERVICES AND ACTIVITIES AND REGULATED MARKETS LAW OR OF THE DIRECTIVE 2004/39/EC OR A COMPANY ESTABLISHED IN A THIRD COUNTRY

A. INVESTMENT FIRM OF THE INVESTMENT SERVICES AND ACTIVITIES AND REGULATED MARKETS LAW OR OF THE DIRECTIVE 2004/39/EC

Accompanying documents	Document Number	Submitted (√) Non-applicable (N/A)	For official use only
1. Where the manager shall be an Investment Firm established in a Member State other than the Republic, a certification by the competent authorities of the home state of the Investment Firm from which it is concluded that the Investment Firm may provide collective portfolio management services to an AIF, which is equivalent to the AIF that seeks authorisation, in accordance with the legislation of its home state.
2. Where the manager shall be an Investment Firm established in a Member State other than the Republic, The instruments of incorporation of the Investment Firm, from which it is concluded that the collective management of an AIF, which is equivalent to the AIF for which it seeks authorisation, is included in its constitutional purposes.
3. The operational rules of the Investment firm regarding the provision of the service of the collective management of AIFs.
4. A description of the procedures and policies of the Investment Firm regarding the following functions: internal audit, risk management, regulatory compliance, personal transactions, record keeping, internal flow of information and flow of information to third parties, conflicts of interests, remunerations, execution of orders regarding the issue, redemption-repurchase of units of the AIFs under management, handling of customers' complaints and dealing with complaints against the Investment Firm, accounting monitoring and valuation of the

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portfolio of the AIFs under management, delegation of functions to third parties, monitoring and evaluation of the efficiency of the systems, the internal control mechanisms and the established procedures and dealing with possible weaknesses and other extraordinary situations.			
5. A description of the electronic systems of the Investment Firm, and of the back-up electronic systems and of the procedures that ensure the continuity of the business activity of the Investment Firm in the case of an interruption in the operation of its systems.	.....	.....	.....
6. A description of the procedures and policies of the applicant relating to prevention of money laundering and terrorism financing.	.....	.....	.....
7. In case the information of paragraphs 3 to 6 above is included in the Internal Operations Manual of the applicant, the Internal Operations Manual shall be attached instead.	.....	.....	.....

B. COMPANY ESTABLISHED IN A THIRD COUNTRY

Accompanying documents	Document Number	Submitted (√) Non-applicable (N/A)	For official use only
1. A certification by the competent authorities of the home state of the company from which it is concluded that it is authorised to provide the portfolio management service to an AIF, which is equivalent to the AIF for which it seeks authorisation. In the case of a third country entity, from the above mentioned certification, should also be concluded that the company is subject to prudential supervision, equivalent to the provisions of the European Union Law regarding the provision of that service.
2. The instruments of incorporation of the company, from which it is concluded that the collective management of an AIF, which is equivalent to the AIF for which it seeks authorisation, is included in its constitutional purposes.
3. The operational rules of the company regarding the provision of the service of the collective management of AIFs.
4. A description of the procedures and policies of the company regarding the following functions: internal audit, risk management, regulatory compliance, personal transactions, record keeping, internal flow of information and flow of information to third parties, conflicts of interests, remunerations, execution of orders regarding the issue, redemption-repurchase of units of the AIFs under management, handling of customers' complaints and dealing with complaints against

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the Investment Firm, accounting monitoring and valuation of the portfolio of the AIFs under management, delegation of functions to third parties, monitoring and evaluation of the efficiency of the systems, the internal control mechanisms and the established procedures and dealing with possible weaknesses and other extraordinary situations.			
5. A description of the electronic systems of the Company, and of the back-up electronic systems and of the procedures that ensure the continuity of the business activity of the Investment Firm in the case of an interruption in the operation of its systems.	.....	.....	.....
6. A description of the procedures and policies of the applicant relating to prevention of money laundering and terrorism financing.	.....	.....	.....
7. In case the information of paragraphs 3 to 6 above is included in the Internal Operations Manual of the applicant, the Internal Operations Manual shall be attached instead.

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**ANNEX III
COMPLEMENTARY FORM F131-2014-02C2**

INFORMATION AND DOCUMENTS SUBMITTED IN THE CASE OF AN APPLICATION FOR AUTHORISATION OF AN AIF WITH LIMITED NUMBER OF PERSONS WHICH SHALL NOT APPOINT A DEPOSITARY IN ACCORDANCE WITH SECTION 116(5) OF THE LAW.

Accompanying documents	Document Number	Submitted (√) Non- applicable (N/A)	For official use only
1. A certification by the competent authorities of the home state of the company from which it is concluded that it is authorised to provide the portfolio management service to an AIF, which is equivalent to the AIF for which it seeks authorisation. In the case of a third country entity, from the above mentioned certification, should also be concluded that the company is subject to prudential supervision, equivalent to the provisions of the European Union Law regarding the provision of that service.