
To : **Regulated Entities**
i. CIFs;
ii. UCITS Management Companies;
iii. Internally managed UCITS;
iv. Licensed AIFMs;
v. Internally managed AIFs qualifying as licensed AIFMs;
vi. Internally managed AIFs under part II of the AIF Law qualifying as registered AIFMs and bearing the designation “EuVECA” or ‘EuSEF’;
vii. Internally managed AIFLNs under part VII of the AIF Law bearing the designation “EuVECA” or ‘EuSEF’; and
viii. Registered AIFMs managing AIFs and/or AIFLNs bearing the designation ‘EuVECA’ or ‘EuSEF’

From : **Cyprus Securities and Exchange Commission**

Date : **22 March 2019**

Circular No : **C 304**

Subject : **Deadline for application to United Kingdom’s Financial Conduct Authority Temporary Permissions Regime**

Further to its Circular C293 issued on 14 January 2019, the Cyprus Securities and Exchange Commission (the “**CySEC**”) reminds Regulated Entities of the approaching notification deadline for the UK FCA’s Temporary Permissions Regime (“**TPR**”) on 28 March 2019.

The aim of the TPR is to ensure relevant firms and investment funds, including their managers (where applicable), which passport into the UK from the European Economic Area are able to continue operating via an inbound passport in the event the passporting regime falls away abruptly when the UK leaves the European Union (a “**no-Deal Brexit**”).

Regulated Entities are permitted to continue both existing as well as new regulated business within the scope of their current permissions in the UK for a limited period, while they seek full FCA authorisation.

Regulated Entities should not wait for confirmation of whether there will be a Brexit transition period before they submit their notification. Regulated Entities who have not submitted a notification prior to 28 March 2019 will not have access to the TPR and will therefore be unable to passport their applicable investment services to the UK.

Further information on the TPR and on how to submit the relevant notification, is laid down in the CySEC [Circular C293](#).

In summary:

- i. Regulated Entities who have notified the UK FCA in respect of the TPR must also notify CySEC by 28 March 2019. To do so, Regulated Entities must complete and send to mifid.notificationsTPR@cysec.gov.cy the form attached hereto as **Appendix I**.
- ii. Once CySEC receives this information, it will update its records and website on those Regulated Entities providing cross-border services¹ to the UK using the TPR accordingly.

For any Regulated Entity, that will not notify CySEC, any relevant references to the UK will be deleted from CySEC's website.

- iii. In the event of a no-deal Brexit, the UK will be treated as a third country as of 30 March 2019 and any rights on cross-border services under the passporting regime will fall away.

Cyprus Investment Firms who will not use the TPR but intend to provide services to the UK post-Brexit will have to comply with CySEC's [Circular E256](#).

There is still uncertainty as to the final timing and conditions of the UK's exit from the European Union and the process of withdrawal therein. Should the timing and conditions of Brexit change, CySEC may adjust its approach and will inform its Regulated Entities of any changes in its approach as soon as possible.

At the same time, CySEC is intensively elaborating on the possible repercussions of a no-Deal Brexit and will take all necessary and proportionate action to alleviate such repercussions, to the extent possible. To this end, CySEC is party to the No-Deal Brexit Memoranda of Understanding ('**MoUs**'), which have been agreed by the European Securities and Markets Authority and European securities regulators, including CySEC, with the FCA².

The MoUs will provide a backstop in the case of the UK leaving the EU without a withdrawal agreement and will ensure that the appropriate communication channels will still be in place between CySEC and the UK FCA. This will ensure that the cooperation between the CySEC and the FCA will not be affected, that the investors' protection will not be put at risk and that the collaboration between the Regulated Entities and regulated entities in the UK will not be disrupted, to the extent possible.

¹ Consisting of the passporting rights of free provision of services and activities, establishment of branches and use of tied agents.

² <https://www.cysec.gov.cy/CMSPages/GetFile.aspx?guid=ab44dfa0-760d-4774-bc8d-df109e3ff786>

MoUs between the respective competent authorities is, where applicable, a prerequisite under the EU Law where the delegation of collective portfolio management functions by Cypriot fund managers and Cypriot self-managed funds takes place towards regulated entities domiciled in a third country (such as the UK in case of a no-Deal Brexit).

Sincerely,

Demetra Kalogerou
Chairwoman of the Cyprus Securities and Exchange Commission

Appendix I

Requested Information	Details
Name of the Regulated Entity	
We have made use of the TPR	
<p>We confirm that (name of the Regulated Entity) can continue operating in the UK within the scope of their current authorization under the TPR.</p> <p>(Include any relevant documentation/acknowledgement)</p>	
Full name of the Responsible person	
Position held in the Regulated Entity	
Signature	
Date	