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| MALTA FINANCIAL SERVICES AUTHORITY |
| **Authorisation Forms - Annex** |
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| **Annex AX27: AIFM Declarations** |
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| **High Level Guidelines** |
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| 1. **General**   This form, **Annex AX27:** **AIFM Declarations** (‘Annex’), shall be duly filled in by persons wishing to obtain authorisation from the MFSA to carry out financial services activities in terms of Directive 2011/61/EU (“the Directive”). This Annex shall be submitted as part of and in conjunction with the relevant Authorisation Application Form, as indicated therein.  This Annex primarily aims to act as a declaration to be made by the Applicant’s Board of Directors in relation to the application submitted to the MFSA of the Applicant to be authorised as an Alternative Investment Fund Manager.  In this respect, the Applicant shall to the best of its knowledge, provide information, which is truthful, accurate and complete. The Applicant shall notify the MFSA immediately if the information provided changes in any material respect either prior to or subsequent to authorisation.  The Applicant is required to make reference, and where applicable comply with, the relevant Act, the Regulations made, or Rules issued thereunder during the completion of the Application. The Applicant shall also refer to the respective National and/or European Regulatory Frameworks or other binding regulation as may be applicable.  The Applicant shall not tamper with, or modify in any manner, this Annex or its respective Application. Should it transpire that the documents were tampered with, or modified in any manner, the Authority shall consider the submission to be invalid. Any potential improvements should be communicated to the MFSA for consideration.  The Authority may at its sole discretion request from the Applicant further information/ documentation.   1. **Definitions**   Unless otherwise specified, terms used in this Annex shall have the same meaning assigned to them within the respective Application.   1. **Instructions**   In order for this Annex to be considered complete, the Applicant is required to complete the respective section, as applicable, under this Annex:   * ***Section 1*** – Renumeration Policy; * ***Section 2*** – Conflict of Interest Policy; * ***Section 3*** – Depository; * ***Section 4*** – Transparency and Disclosure Requirements; * ***Section 5*** – Valuation.   It is noted that the information provided should reflect the Applicant’s structure and method of operations at time of authorisation.   1. **Privacy Notice**   The MFSA ensures that any processing of personal data is conducted in accordance with Regulation (EU) 2016/679 (General Data Protection Regulation), the Data Protection Act (Chapter 586 of the Laws of Malta) and any other relevant European Union and national law. For further details, you may refer to the MFSA Privacy Notice available on the MFSA webpage <https://www.mfsa.mt/privacy-notice/>. |

| 1. Renumeration Policy | | |
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|  | **Declaration** |
|  | Select item hereby confirm that the Appplicant has in place a Renumeration Policy which is in line with the requirements stipulated under Article 13 of Directive 2011/61/EU (“the Directive”) and in accordance with the principles set out in Annex II of the Directive as well as those included in the latest ESMA Guidelines on Sound Renumeration Policies under the AIFMD. |

| 1. Conflict of Interest Policy | | |
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|  | **Declaration** |
|  | Select item hereby confirm that the Applicant has in place Conflict of Interest Policy which is in line with the requirements stipulated under Article 14 of the Directive and Article 31 of the Commission Delegated Regulation 231/2013 supplementing Directive 2011/61/EU (the ‘Commission Delegated Regulation’). |

| 1. Depository Contractual Arrangements | | |
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|  | **Declaration** |
|  | Select item hereby confirm that in relation to the AIF/s to be managed by the Applicant, the relevant depositary contractual agreement is in place and that the contents of the depositary agreement reflect the the requirements pursuant to Article 21 of the Directive and Chapter IV of the Commision Delegated Regulation. |

| 1. Transparency and Disclosure Requirements | | |
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|  | **Declaration** |
|  | The Offering Documentation of the AIF/s to be managed by the Applicant are in line with the transparency and disclosure requirements in accordance with Article 22 and Article 23 of the Directive as appropriate. |

| 1. Valuation Policy | | |
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|  | **Declaration** |
|  | Select item hereby confirm that the Applicant has in place appropriate and consistent procedures for each of the AIFs to be managed by it as at the date of this declaration, in order to conduct a proper and independent valuation of the assets in line with the requirements of Article 19 of the Directive and Articles 67 to 74 of the Commission Delegated Regulation.  The Applicant also confirms that the Valuation Policy:   1. ensures a fair, appropriate and transparent valuation methodology for each type of asset, in accordance with applicable national law, with the AIF rules and with the instruments of incorporation; 2. provides for inputs, models and selection criteria for pricing and for market data sources; 3. provides that prices be obtained from independent sources; 4. addresses the competence and independence of personnel carrying out the valuation process; and 5. identifies the obligations, roles and responsibilities of all parties involved in the valuation process.   It is also hereby being confirmed that the Applicant has verified the method and frequency to be applied to the calculation and publication of the NAV for the AIF/s to be managed by it and this is in accordance with Articles 72 and 74 of the Commission Delegated Regulation. |

| 1. Applicant/AIFM Details and Signatures | | | |
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| Name of Applicant/AIFM | Enter text | | |
| Application ID[[1]](#footnote-2) | Enter text | | |
| Name | Enter text | Surname | Enter text |
| Position | Enter text | | |
| Signature |  | | |
| Date | Enter date | | |
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1. This ID is provided automatically by the MFSA through the LH Portal and is not required for the on-line submission of the Application. In this respect, following submission of this Application via the LH Portal the Application ID will be available on the submission page and also within the acknowledgement email. [↑](#footnote-ref-2)