**INVESTMENT SERVICES RULES FOR ALTERNATIVE INVESTMENT FUNDS**

**Schedule 4**

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**Notification letter for the marketing of units or shares of EU AIFs in Member States other than the home Member State of the AIFM**

**(Article 32 of the AIFMD)**

***Date of Issue: 3rd October 2014***

**INTRODUCTION**

In filling out this Notification Letter, reference should be made to the Investment Services Act (Marketing of Alternative Investment Funds) Regulations, 2013.

All sections should be completed. In case of detailed explanations, separate sheets should be used. If the Licence Holder believes that a Section does not apply, the response should be marked as “N/A”.

Hard copies of this Notification Letter together with the relevant supporting documentation are to be submitted in English. A Microsoft Word version of this Notification Letter is available from MFSA’s website (www.mfsa.com.mt). Applicants are encouraged to complete the Notification Letter electronically and submit it via email to [aifmdnotifications@mfsa.mt](mailto:aifmdnotifications@mfsa.mt).

**DECLARATION**

I confirm that all the conditions in Regulation 4 of the Investment Services Act (Marketing of Alternative Investment Funds) Regulations, 2013 have been complied with.

I understand that furnishing information or making a statement knowing that it is inaccurate, false or misleading in any material respect, or recklessly furnishing information or making a statement which is inaccurate, false or misleading in any material respect is a criminal offence.

I confirm that the information provided in the Notification Letter is true, accurate and complete.

I confirm that I am authorised to sign on behalf of the AIFM.

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| --- | --- |
| Name: |  |
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| Position: |  |
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|  |  |
| Signature: |  |
|  |  |
| Date: |  |

**NOTIFICATION LETTER FOR THE MARKETING OF UNITS OR SHARES OF EU AIFS IN MEMBER STATES OTHER THAN THE HOME MEMBER STATE OF THE AIFM (Article 32 of the AIFMD)**

The information provided in this notification letter should not be ambiguous

**Are you notifying amendments to information already provided in an initial notification?**

Yes  No

**AIFM name: ­­­­­­­­­­­­­­­­­­**

**AIFM LEI:**

**Contact name (including email address of the indicated contact person):**

**Contact name if a third party is appointed (including Legal form, Registered Office, Name of person to be contacted, Telephone number and email address of the indicated contact person):**

**Registered address of the AIFM:**

**Member State in which the AIFM intends to market the units or shares of the AIF to professional investors:**

**Does the AIF have compartments? Yes/No**

**Information on the arrangements established to prevent units or shares of the AIF from being marketed to retail investors, including in the case where the AIFM relies on activities of independent entities to provide investment services in respect of the AIF:**

**Scope of activities of the AIFM in the AIF host Member State**

**Additional information about the AIFM/Sellf-Managed AIF [if necessary]**

**Facilities to retail investors (if relevant)**

**Pursuant to Article 31(1) of Directive 2011/61/EU, EU AIFMs are authorised to market units or shares of EU AIFs they manage to professional investors in other Member States than their home Member State. However, Member States may allow AIFMs to market to retail investors in their territory units or shares of AIFs they manage.**

**The below information must be filled in case marketing of the AIFs identified in the “information on the AIF section” below targets retail investors.**

**In accordance with point (j) of Annex IV of Directive 2011/61/EU, please fill-in the following table to provide information on the facilities to perform the tasks referred to in Article 42a(1) of this Directive:**

|  |  |  |
| --- | --- | --- |
| **Task of facility** | **Information on the facilities performing the tasks** | **Name/legal form/registered office/ address, e-mail and telephone number for correspondence of the person responsible to provide the facilities** |
| **Process investor’s subscription, payment and redemption orders relating to the unites or shares of the AIF** |  |  |
| **Provide investors on how orders referred to above can be made and how repurchase and redemption proceeds are paid** |  |  |
| **Facilitate the handling of information relating to the exercise of investor’s rights arising from their investment in the AIF** |  |  |
| **Make the information and documents required pursuant to Articles 22 and 23 of Directive 2011/61/EU available to investors for the purposes of inspection and obtaining copies thereof** |  |  |
| **Provide investors with information relevant to the tasks that the facilities perform in a durable medium as defined in point (m) of Article 2(1) of Directive 2009/65/EC** |  |  |

**Annex 1 - AIF Details**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Name of the AIF(s) or sub-fund(s)/ compartment(s) to be marketed in the host Member State[[1]](#footnote-1)** | **LEI of the AIF(s) or sub-fund(s)/compartment(s) to be marketed in the host Member State** | **AIF home Member State** | **Name of share class(es) to be marketed in the host Member State (1)** | **ISIN of the share class(es) to be marketed in the host Member State (1)** | **Name and address of the depositary of the AIF** | **Duration (2)** | **Legal form (common fund, unit trust, investment company, partnership, other (please specify))** | **AIF national identification code** |
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**(1) If only certain share classes are intended to be marketed, only those classes should be listed**

**(2) If applicable**

**For each, please specify the AIF’s investment strategy (please specify the predominant AIF and the breakdown by investment strategies as set out in the reporting template included in Annex 4 of Regulation 231/2013)**

**Master-feeder structures (if applicable):**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of the master AIF or compartment(s)** | **AIFM of the master AIF/or compartment (if different)** | **Home Member State of the master AIF (if different)** | **Home Member State of the AIFM (if different)** |
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**Annex 2 – Cross-Reference to documents available to potential investors**

*(Complete one form for each AIF or Sub-Fund of an AIF. References to AIFs should be interpreted to apply to sub-funds where applicable. Please indicate the page(s) containing the respective details as well as the Document where the said details are found in the boxes provided)*

|  |  |  |
| --- | --- | --- |
| **AIF Name:** |  | |
|  |  |  |
| ***Disclosure text in accordance with Article 23(1) of the AIFMD*** | ***Document Name*** | ***Relevant Page(s)*** |
|  |  |  |
| 1. Description of the investment strategy and objectives of the AIF and the types of the underlying funds (if AIF is a fund of funds) |  |  |
| 1. Information on where the master AIF is established in the case of a feeder AIF and where the underlying funds are established if the AIF is a fund of funds |  |  |
| 1. Description of the types of assets in which the AIF may invest |  |  |
| 1. Techniques the fund may employ and associated risks |  |  |
| 1. Any applicable investment restrictions |  |  |
| 1. Circumstances in which the AIF may use leverage |  |  |
| 1. Types and sources of leverage permitted and associated risks |  |  |
| 1. Any restrictions on the use of leverage and any collateral and asset reuse arrangements |  |  |
| 1. Maximum level of leverage which the AIFM is entitled to employ |  |  |
| 1. A description of the procedures by which the AIF may change its investment strategy or investment policy, or both |  |  |
| 1. Description of the main legal implications of the contractual relationship entered into for the purpose of investment, including information on jurisdiction, on the applicable law and on the existence or not of any legal instruments providing for the recognition and enforcement of judgments in the territory where the AIF is established |  |  |
| 1. The identity of the AIFM, the AIF’s depositary, the auditor and any other service providers and a description of their duties and the investors’ rights |  |  |
| 1. A description of how the AIFM is complying with the own funds/PII requirements |  |  |
| 1. A description of any delegated management function by the AIFM and of any safe-keeping function delegated by the depositary, the identification of the delegate and any conflicts of interest that may arise from such delegations |  |  |
| 1. A description of the AIF’s valuation procedure and of the pricing methodology for valuing assets, including the methods used in valuing hard-to-value assets |  |  |
| 1. A description of the AIF’s liquidity risk management, including the redemption rights both in normal and in exceptional circumstances, and the existing redemption arrangements with investors |  |  |
| 1. A description of all fees, charges and expenses and of the maximum amounts thereof which are directly or indirectly borne by investors |  |  |
| 1. A description of how the AIFM ensures a fair treatment of investors and, whenever an investor obtains preferential treatment or the right to obtain preferential treatment, a description of that preferential treatment, the type of investors who obtain such preferential treatment and, where relevant, their legal or economic links with the AIF or AIFM |  |  |
| 1. The latest annual report |  |  |
| 1. Procedure and conditions for the issue and sale of units of shares |  |  |
| 1. The latest Net Asset Value of the AIF or the latest market price of the unit or share of the AIF |  |  |
| 1. Where available, the historical performance of the AIF |  |  |
| 1. The identity of the prime broker and a description of any material arrangements of the AIF with its prime brokers and the way the conflicts of interest in relation thereto are managed, the provision in the contract with the depository on the possibility of transfer and reuse of AIF assets, and information about any transfer of liability to the prime broker that may exist |  |  |
| 1. A description of how and when the information required under SLCs 6.05 and 6.06 of Appendix 4 of Part B of the Investment Services Rules for Alternative Investment Funds will be disclosed |  |  |

**Checklist**

The following documents should be provided with this Notification Form:

|  |  |
| --- | --- |
| ***Document*** | ***Enclosed*** |
|  |  |
| 1. Declaration to the Notification Form |  |
| 1. Copies of the AIF rules or instruments of incorporation of each AIF to be marketed in accordance with this Notification Letter (in electronic file format) |  |
| 1. Annex 1 – AIF Details |  |
| 1. Annex 2 – Cross-Reference to documents available to potential investors |  |
| 1. Copies of the AIF Prospectus/ Offering Supplement/ PPM as disclosed in Annex 2 (in electronic file format) 2. Any additional information referred to in Article 23(1) of Directive 2011/61/EU for each AIF the AIFM intends to market (Paragraph (f) of Annex IV) |  |

1. If the AIF takes the form of an umbrella AIF with multiple compartments, AIFMs should only indicate the name of the sub-funds/compartments of the umbrella AIF notified for marketing. AIFMs should not indicate the name of the umbrella AIF. [↑](#footnote-ref-1)