

MFSA

MALTA FINANCIAL SERVICES AUTHORITY

CIRCULAR TO THE INDUSTRY REGARDING CHANGES TO THE MFSA'S LH PORTAL PERTAINING TO THE AIFMD REPORTING PROCEDURES

This Circular describes the changes that will be taking place within the MFSA's LH Portal in order to allow for the Submission of the Annex 5 Return to the MFSA's LH Portal, whereas, previously such Return was submitted to the MFSA by e-mail to aifmdreporting@mfsa.com.mt.

Full scope Alternative Investment Fund Managers ("AIFMs"), De-Minimis AIFMs, Self-Managed Professional Investor Funds ("PIFs") and Self-Managed Alternative Investor Funds ("AIFs") are kindly requested to take due note of and abide by the changes mentioned in this Circular.

Annex 5 Return as stipulated in Appendix 13 of the Investment Services Rules for Investment Services Providers ("Annex 5")

A. Scope

The submission of the Annex 5 Return is applicable on a mandatory basis for: (a) full scope AIFMs; and (b) *De minimis* Category 2 AIFMs. Self-managed PIFs licensed as *de minimis* AIFMs as well as self-managed AIFs are excluded from the scope of this reporting.

The information to be reported in the Annex 5 Return is required in terms of Article 3 and 24(3) of the AIFMD as transposed in SLC 4.04 of Appendix 13 of the Investment Services Rules for Investment Services Providers. To date, soft copies of the Annex 5 Returns were submitted to the MFSA via e-mail to aifmdreporting@mfsa.com.mt.

The MFSA will be upgrading the MFSA's Licence Holder Portal ("the LH Portal") in order to facilitate the submission of the Annex 5 Return. The upgrade will allow AIFMs to submit soft copies of the Annex 5 Return through the MFSA's LH Portal. From now on, the Annex 5 Return will only be accepted through the MFSA's LH Portal. The Licence Holder should compress the Annex 5 Return completed Spreadsheet within a

Zipped File and submit such file through the MFSA's LH Portal (a similar procedure to the one carried out with respect to the XML files of the AIFM Reporting).

B. Reporting Frequency of the Annex 5 Return

Full scope AIFMs are required to submit the Annex 5 Return on a quarterly basis (i.e. as at 31 March, 30 June, 30 September and 31 December).

De minimis Category 2 AIFMs are required to submit the Annex 5 Return on a half-yearly basis (i.e. as at 30 June and 31 December).

All AIFMs are to submit the Annex 5 Return within one month from the end of the reporting period concerned.

C. Submission Procedure of Annex 5 Return

The User of the Licence Holder who has been granted access to the AIFM project of the respective Licence Holder should log into the LH Portal using the following link: <https://lhportal.mfsa.com.mt/>.

Once the User logs into the LH Portal, under the 'File Uploads' Section, the User shall:

1. Select the name of the Licence Holder from the 'Licence Holder' drop down menu;
2. Choose the project 'AIFM' from the 'Project' drop down menu (as seen in Snapshot 1 below).
3. On the 'Files' tab the user should choose the file from the respective location on the system and press 'Add'. The respective file should be saved in the format LHCode_MonthYear_ANNEX5.zip as explained in further detail in Section D below;
4. The user should press 'Upload File(s)' to complete the process.

Note: Annex 5 Returns will not go through any validation checks.

File Uploads

Use the feature below to upload files to the MFSA server. It is important that all file names are in the appropriate convention.

Licence Holder

Project

Files: No file chosen

Guidelines on File Naming Convention

Required format: LHCode_MonthYear_Report.zip

Annex 1 to 4 Example:

ABCL_Mar2014_AIFM.zip

Annex 5 Example:

ABCL_Mar2014_ANNEX5.zip

Please note that you are only allowed to upload a maximum of 3 ZIPPED (.ZIP) files simultaneously amounting to a total of 15Mb.

© 2018 - MFSA

Snapshot 1

D. Naming Convention to be used for the Annex 5 Return file

The file name of the Annex 5 Return should be in the following format: **LHCode_MonthYear_ANNEX5** and the Zipped File which contains that Annex 5 Return should be in the following format: **LHCode_MonthYear_ANNEX5.zip**. By way of an example the Annex 5 Return of ABC Ltd covering the period ending 31 June 2018 should be submitted as follows:

- LHCODE is 'ABCL' as stated in the Identification Row under the 'Financial Services Register' section of the MFSA's website regarding the respective Licence Holder;
- The MonthYear for the period ending 31 June 2018 is Jun2018;
- Annex 5 should show as ANNEX5 in the naming convention of the Spreadsheet Document; and
- ANNEX5.zip should be used in the naming convention of the Zip file to be submitted.

The Spreadsheet and Zip file names will read as follows:

- Spreadsheet name: ABCL_Jun2018_ANNEX5;
- Zip file naming convention: ABCL_Jun2018_ANNEX5.zip.

E. Changes to the Annex IV submission process – The XML Returns

Further to the above changes, the Annex IV Returns (i.e. the information requested in terms of Annexes 1 to 4 of Appendix 13 to Part B of the Investment Services Rules for Investment Services Providers, Annexes 1 and 2 of Appendix I to Part B of the Investment Services Rules for Professional Investor Funds and Annexes 1 to 4 of Appendix 8 to Part B of the Investment Services Rules for Alternative Investment Funds) will be submitted under the same repository as that of the Annex 5 Return, under the project ‘AIFM’ (refer to Snapshot 1 above).

The File Naming Convention of the Zipped File of the AIFMD Returns will now be as follows: LHCCode_MonthYear_AIFM.zip as indicated in the Snapshot above.

- There will be no changes to the naming convention of the XML files and the names should be: MT_DATAIF_CE_01, MT_DATAIF_CE_02, etc for AIF files; and
MT_DATMAN_CE_01 for AIFM files.

AIFMs are not required to take any retroactive action with respect to Annex IV submissions and these changes are only applicable with effect from **8 May 2018**. The log of submissions uploaded to date will remain visible to the respective user(s).

F. Revision to the MFSA’s Reporting Guidelines for Alternative Investment Fund Managers

The MFSA’s ‘Reporting Guidelines for Alternative Investment Fund Managers’ issued on 20 January 2015 have been updated to reflect the aforementioned changes. These Guidelines may be accessed through the following link: <https://mfsa.com.mt/pages/viewcontent.aspx?id=510>.

G. Contacts

Any queries or requests for clarifications on the contents of this Circular should be addressed to aifmdreporting@mfsa.com.mt.

Communications Unit
Malta Financial Services Authority
2 May 2018