

INVESTMENT SERVICES RULES FOR ALTERNATIVE INVESTOR FUNDS

PART B

APPENDIX VI: DECLARATION FORMS

This Appendix includes relevant information regarding the Declaration Forms to be completed by prospective professional and qualifying investors.

Annex I
Pro Forma Professional Investor Declaration Form

Name of Scheme:

Section I: This section should be completed by the Professional Investor or his/ her duly authorised agent
[tick as appropriate]

Name of Investor/ duly authorised agent:

The investment is being made directly by the investor

- ☐ I hereby confirm that I am eligible to be treated as a “Professional Investor”, since I satisfy the definition thereof as prescribed in Paragraph I of Annex II of Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments as may be amended from time to time; and
- ☐ I hereby confirm that I possess the experience, knowledge and expertise to make my own investment decisions and properly assess the risks involved in investing in the AIF; and
- ☐ I hereby confirm that I have read and understood the Offering Document including the mandatory risk warnings and that even though I have been warned that I may request non-professional treatment, I have still opted to be treated as a professional investor.

OR

- ☐ I hereby confirm that I have requested to be treated as a “Professional Investor”, in terms of Paragraph II of Annex II of Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments as may be amended from time to time, since I fulfil at least two of the following criteria:
1. I have carried out transactions, in significant size, on the relevant market at an average frequency of 10 per quarter over the previous four quarters ☐
 2. the size of my financial instrument portfolio, defined as including cash deposits and financial instruments exceeds EUR 500,000, ☐
 3. I work or have worked in the financial sector for at least one year in a professional position, which requires knowledge of the transactions or services envisaged. ☐

The investment is being made through a duly authorised agent

☐ I hereby confirm that I have been properly appointed as a duly authorised agent of a prospective investor in the AIF described above.

☐ I hereby confirm that my principal:

1. is eligible to be treated as a “Professional Investor”, since he/she satisfies the definition thereof as prescribed in Paragraph I of Annex II of Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments as may be amended from time to time; and
2. possesses the experience, knowledge and expertise to make his/her own investment decisions and properly assess the risks involved in investing in the AIF; and
3. has read and understood the Offering Document including the mandatory risk warnings and that even though he/she has been warned that he/she may request non-professional treatment, my principal has still opted to be treated as a professional investor.

OR

☐ I hereby confirm that my principal has requested to be treated as a “Professional Investor”, in terms of Paragraph II of Annex II of Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments as may be amended from time to time, since he/she fulfils at least two of the following criteria:

1. my principal has carried out transactions, in significant size, on the relevant market at an average frequency of 10 per quarter over the previous four quarters, ☐
2. the size of my principal’s financial instrument portfolio, defined as including cash deposits and financial instruments exceeds EUR 500,000, ☐
3. my principal works or has worked in the financial sector for at least one year in a professional position, which requires knowledge of the transactions or services envisaged ☐

Note: Other reasons should be mentioned here:

Name of investor/ duly authorised agent	
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Signature	
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Title/ Capacity in which signed	
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Date	
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Section II: This section should be completed by the AIFM/ Sales Agent/ third party selling Units of the Scheme

[tick as appropriate]

I hereby confirm that:

☐ I have satisfied myself that the investor has the necessary experience and knowledge in order to understand the risks involved;

OR

☐ I have **not** satisfied myself that the investor has the necessary experience and knowledge in order to understand the risks involved and that I have warned the investor/ duly authorised agent accordingly.

Name	
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Signature	
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<i>Name of AIFM/ Sales Agent/ Third Party</i>	
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Date	
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Annex II
Pro Forma Qualifying Investor Declaration Form

Scheme:

This section should be completed by the Qualifying Investor or his/ her duly authorised agent

Name of Investor/ duly authorised agent:

The investment is being made directly by the investor

- ☐ I hereby confirm that I am eligible to be treated as a “Qualifying Investor”, since I satisfy the definition thereof in light of the positive response(s) that I have given to the question(s) below. I certify that I have read and understood the Offering Document including the mandatory risk warnings.

The investment is being made through a duly authorised agent

- ☐ I hereby confirm that I have been properly appointed as a duly authorised agent of a prospective investor in the AIF described above. I certify that my principal is eligible to be treated as a “Qualifying Investor” since my principal satisfies the definition thereof in light of the positive response(s) that I have given to the question(s) below in respect of my principal. I certify that my principal has read and understood the Offering Document including the mandatory risk warnings.

I qualify / My Principal qualifies *[delete as applicable]* as a “Qualifying Investor”, as I am/ he/ she/ it is:

	<i>Yes</i>	<i>No</i>
i. compliant with the minimum investment requirement of EUR 100,000 or its currency equivalent, which minimum investment may not be reduced below this minimum amount; And	<input type="checkbox"/>	<input type="checkbox"/>
ii. satisfying at least one of the following criteria:		
(a) is a body corporate which has net assets in excess of EUR750,000 or which is part of a group which has net assets in excess of EUR750,000;	<input type="checkbox"/>	<input type="checkbox"/>
(b) is an unincorporated body of persons or association which has net assets in excess of EUR750,000;	<input type="checkbox"/>	<input type="checkbox"/>
(c) a trust where the net value of the trust’s assets is in excess of EUR750,000;	<input type="checkbox"/>	<input type="checkbox"/>
(d) an individual whose net worth or joint net worth with that		

	<i>Yes</i>	<i>No</i>
person's spouse or civil partner, exceeds EUR750,000;	<input type="checkbox"/>	<input type="checkbox"/>
(e) a senior employee or director of a service provider to the AIF;	<input type="checkbox"/>	<input type="checkbox"/>

Name of investor/ duly authorised agent	
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Signature	
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Title/ Capacity in which signed	
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Date	
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