|  |  |
| --- | --- |
|  |  |
| MALTA FINANCIAL SERVICES AUTHORITY |
| **Authorisation Forms - Annex** |
|  |

|  |
| --- |
| **Annex AX09: Managed AIFs Questionnaire** |
|  |
| **High Level Guidelines** |
|  |
|  |
| 1. **General**

This form, **Annex AX09:** **Managed AIFs Questionnaire** (‘Annex’), shall be duly filled in by persons wishing to obtain authorisation from the MFSA to carry out financial services activities. 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 capture additional information in relation to AIFs that the Applicant manages or intends to manage. A separate Annex should be submitted for each AIF that the Applicant manages or intends to manage.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 all the respective sections under this Annex. 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. Applicant Details
 |
| --- |
|  | **Applicant – Identification Details**  |
|  | Registered Name *(if not yet Formed, provide proposed name)* | Enter text |
|  | Registered Number(*if applicable)* | Enter text |  | LEI Code*(if applicable)* | Enter text |
|  | Authorised Person ID *(if applicable)* | Enter text |  | Application ID(*if applicable)* | Enter text |
| 1. Additional Information
 |
|  | **Information on AIFs managed / to be managed by the Applicant** |
|  | Please provide the following information for each AIF managed/ to be managed by the Applicant. In case of submission of an Offering Document, please indicate the page/s where the respective details are included in the column provided. Otherwise, relevant extracts should be provided. |
|  |

|  |
| --- |
| 1. Name of AIF
 |
| Enter text |
| 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)
 |
| Enter Description | Enter Page |
| 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
 |
| Enter Description | Enter Page |
| 1. Description of the types of assets in which the AIF may invest
 |
| Enter Description | Enter Page |
| 1. Techniques the AIF may employ and associated risks
 |
| Enter Description | Enter Page |
| 1. Any applicable investment restrictions
 |
| Enter Description | Enter Page |
| 1. Circumstances in which the AIF may use leverage
 |
| Enter Description | Enter Page |
| 1. Types and sources of leverage permitted and associated risks
 |
| Enter Description | Enter Page |
| 1. Any restrictions on the use of leverage and any collateral and asset reuse arrangements
 |
| Enter Description | Enter Page |
| 1. Maximum level of leverage which the AIFM is entitled to employ
 |
| Enter Description | Enter Page |
| 1. A description of the procedures by which the AIF may change its investment strategy or investment policy, or both
 |
| Enter Description | Enter Page |
| 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
 |
| Enter Description | Enter Page |
| 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
 |
| Enter Description | Enter Page |
| 1. A description of how the AIFM is complying with the own funds/ PII requirements
 |
| Enter Description | Enter Page |
| 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
 |
| Enter Description | Enter Page |
| 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
 |
| Enter Description | Enter Page |
| 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
 |
| Enter Description | Enter Page |
| 1. A description of all fees, charges and expenses and of the maximum amounts thereof which are directly or indirectly borne by investors
 |
| Enter Description | Enter Page |
| 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
 |
| Enter Description | Enter Page |
| 1. Procedure and conditions for the issue and sale of units of shares
 |
| Enter Description | Enter Page |
| 1. The latest Net Asset Value of the AIF or the latest market price of the unit or share of the AIF
 |
| Enter Description | Enter Page |
| 1. Where available, the historical performance of the AIF
 |
| Enter Description | Enter Page |
| 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
 |
| Enter Description | Enter Page |
|  |

*(Add multiple as applicable)* |
|  | Supply copies of the AIF rules or instruments of incorporation of each AIF to be managed by the Applicant (other than those AIFs which are licensed by the MFSA). |
|  | Provide a brief description of the investment strategies pursued by the AIFs managed by the Applicant, providing an outline of the experience that each individual that is involved in the AIF management within the AIFM has in relation to the AIFs identified under Q2.1.1. |
|  | Enter Description |