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| MALTA FINANCIAL SERVICES AUTHORITY |
| **Authorisation Forms** |
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| **Form AA35: Alternative Investment Fund Application Form** |
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| **High Level Guidelines** |
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| 1. General   This form, Form **AA35:** **Alternative Investment Fund (AIF) Application Form** (‘Application’), shall be duly filled in by the persons wishing to obtain authorisation under Article 6 of the Investment Services Act (Chapter 370 of the laws of Malta).  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 respect either prior to or subsequent to authorisation.  The Applicant shall note that it is a criminal offence, under Article22(3) and 23 of the Act, to furnish information or to make a statement which one knows to be inaccurate, false or misleading in any material respect, or to recklessly furnish information or to make a statement which is inaccurate, false or misleading in any material respect, pursuant to any of the provisions of this Act or of any Regulations made or of any Rules issued thereunder, or any condition, obligation, requirement, directive or order made or given as aforesaid.  The Applicant is required to make reference, and where applicable comply with, the 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 Application or its respective Annexes. Should it transpire that the documents were tampered with, or modified in any manner, the Authority shall consider the Application 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   For the purposes of this Application, the definitions found on the [MFSA website](https://www.mfsa.mt/wp-content/uploads/2022/11/AX22-Investment-Services-Definition.docx) should be read in conjunction with the provisions of the Act and other respective national or European regulatory frameworks or other binding regulation as may be applicable.  In the event that any of the definitions conflict with a definition under the Act, the definitions set out in the Act or in any other such law shall prevail, unless otherwise specified herein.   1. Instructions   The Applicant is required to complete all the respective sections under all the three parts of the Application, as follows:   * + Part 1 – Applicant Details   + Part 2 – Activity & Method of Operations   + Part 3 – Declaration Form   Applicants are to note that further instructions in relation to the Application may be found on the Guidelines to the Authorisation Forms ([link](https://www.mfsa.mt/wp-content/uploads/2021/05/AG01-Applications-Guidelines.pdf)). It is noted that the Application should reflect the Applicant’s structure and method of operations at time of authorisation.  Following submission of the Application via the LH Portal, the Declaration Form (Part 3 of this Application) should be printed and sent, originally signed, to the Authority. In the printed Declaration Form, the Applicant is reminded to enter the Application ID, which is provided automatically through the LH Portal upon on-line submission of the Application. It is to be noted that only this Declaration Form should be sent physically to the Authority. Further instructions can be found in the Declaration Form itself.  In order for the Application to be considered complete, the Applicant is required to have submitted, along with a duly filled Application, all the required documentation as identified within this Application.   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. Disclaimer   It is noted that the submission of this Application and/or its determination of ‘completeness’ shall not be construed as a granting of Authorisation by the MFSA. Furthermore, the Applicant is referred to Article 4(A) of the MFSA Act, wherein the granting of an Authorisation is a concession and a revocable privilege, and no holder thereof shall be deemed to have acquired any vested rights therein or thereunder. |

| * 1. Applicant Details | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Applicant Person Type** | | | | | | |
|  | Person Type | Select item | | | | | |
|  | **Identification of the Incorporated Cell Company within whom the Cell shall be structured**  *This sub-section is only applicable if the Person Type is an ‘Incorporated Cell of an Incorporated Cell Company (ICC)’ or an ‘Incorporated Cell of a Recognised Incorporated Cell Company (RICC)’.* | | | | | | |
|  | Name of ICC or RICC | Enter text | |  | | MFSA Authorisation Number | Enter text |
|  | **Applicant – General and Identification Details** | | | | | | |
|  | **Identification** | | | | | | |
|  | Proposed Registered Name | Enter text | | | | | |
|  | **Address** | | | | | | |
|  | **Proposed Registered Address**  *Kindly indicate proposed registered address.* | | | | | | |
|  | Number/Name | Enter text | |  | | Street/Road | Enter text |
|  | City/Town/Village | Enter text | |  | | Region/State  *(if applicable)* | Enter text |
|  | Post Code | Enter text | |  | | Country | Select country |
|  | **Representation**  *Indicate the details of the external / internal representatives of the Applicant and their contact details, as applicable.* | | | | | | |
|  | **External Representative** | | | | | | |
|  | Is the Applicant represented by an external party?  *If ‘Yes’: Indicate the details of the external representative:* | | | | | | Select item |
|  | Representative Entity Name *(if applicable)* | | Enter text | | | | |
|  | Position | | Enter text | | | | |
|  | Title | | Select item | | | | |
|  | Name | | Enter text | |  | Surname | Enter text |
|  | Representative’s Business Email Address | | Enter text | | | | |
|  | Representative’s Business Direct Number | | Enter text | | | | |
|  | **Internal Representative** | | | | | | |
|  | Position | | Select item | |  | If *‘Other’*:  Specify Position | Enter text |
|  | Title | | Select item | | | | |
|  | Name | | Enter text | |  | Surname | Enter text |
|  | Representative’s Business Email Address | | Enter text | | | | |
|  | Representative’s Business Direct Number | | Enter text | | | | |

| * 1. Applicant Structure and Regulatory History | | | | | |
| --- | --- | --- | --- | --- | --- |
|  | **Constitutional Documentation** | | | | | |
|  | **Attachment | Constitutional Document**  *Provide a copy of the Constitutional Document (e.g., Statuses or Memoranda & Articles of Association). If the Applicant is still in formation, provide a draft version of the document.* | | | | | |
|  | **Group Structure** | | | | | |
|  | **Confirmation** | | | | | |
|  | Is the Applicant part of, or will the Applicant be part of a group structure? | | | Select item | | |
|  | **Group Structure** | | | | | |
|  | **Attachment | Group Structure Diagram**  Provide a diagram illustrating:  The shareholding structure of the Applicant showing all tiers up to the Ultimate Beneficial Owners with full names of all entities, their jurisdiction and respective percentage holdings. Regulated entities should be identified together with their respective regulator.  The direct and/or indirect ownership of a sufficient percentage of shares, voting rights or ownership interest held by the Applicant in other Legal Persons. | | | | | |
|  | **Shareholding Structure** | | | | | |
|  | **Publicly Traded and Listed Shareholding**  *This sub-section is only applicable where the Applicant has any of its Shareholding publicly listed and traded on a trading venue locally and/or abroad.* | | | | | |
|  | Does the Applicant intend to seek a listing on a regulated market? | | | | Select item | |
|  | If yes, the listing will be: | | | | Select item | |
|  | Name of the regulated market on which the Applicant intends to seek a listing: | | | | Enter text | |
|  | **Qualifying Shareholders Identification**  Provide details on the Applicant’s Qualifying Founder Shareholders, within the respective section applicable to either Natural Persons or Legal Persons | | | | | |
|  | **Qualifying Shareholders - Natural Persons** | | | | | |
|  | |  |  |  |  | | --- | --- | --- | --- | | * 1. Qualifying Shareholder – Natural Person | | | | | Title | Select item | | | | Name | Enter text | Surname | Enter text | | Date of Birth | Enter date | | | | Identification Document (‘ID’) Type | Select item | ID Number | Enter text | | ID Expiry Date | Enter date | Country of Issuance | Select country | | Type of Holding | Select item | | | | Aggregate Percentage Holding | Enter text | | | | Aggregate Percentage Control | Enter text | | | | Does the person qualify as a Beneficial Owner? | Select item | | | | Will the person be involved in the day-to-day running of the Applicant  *(or Group, if applicable)*? | | | Select item | | Explain the nature of the involvement | Enter text | | | | MFSA PQ Code | Enter text | | | |  | | | | |  | | | |   *(Add multiple as applicable)* | | | | | |
|  | **Qualifying Shareholders – Legal Persons** | | | | | |
|  | |  |  |  |  | | --- | --- | --- | --- | | * 1. Qualifying Shareholder – Legal Person | | | | | Legal Person Form | Select item | If ‘*Other*’:  Type of Form | Enter text | | Registered Name | Enter text | Registered Number | Enter text | | Type of Holding | Select item | | | | Aggregate Percentage Holding | Enter text | | | | Aggregate Percentage Control | Enter text | | | | Will the person be involved in the day-to-day running of the Applicant  *(or Group, if applicable)*? | | | Select item | | Explain the nature of the involvement | Enter text | | | | **Attachment | MFSA Annex - AX01 Corporate Questionnaire**  Applicable to Direct and Ultimate Parent Qualifying Shareholders only | | | | |  |  | | |   *(Add multiple as applicable)* | | | | | |
|  | **Regulatory History**  *Note – For the purposes of this Section, Authorisation as Type of Regulatory History shall mean: “any type of official recognition (such as Licensing, Registration, Recognition, etc) by a Regulatory Body”. (An indicative list of Regulatory Bodies is provided).* | | | | | |
|  | **Applicant Regulatory History**  This sub-section relates to Applications submitted to, and/or Authorisations held with, the MFSA and/or any other Regulatory Authority by the Applicant | | | | | |
|  | Does the Applicant hold an authorisation or did the Applicant ever apply to be authorised by the MFSA or any other Regulatory Authority for any activity? | | | | Select item | |
|  | |  |  |  |  | | --- | --- | --- | --- | | * 1. Applicant – Regulatory History | | | | | Type of Regulatory History | Select item | | | | Type of Activity | Select item | If ‘*Other*’:  Type of Activity | Enter text | | Name of Regulatory Body | Select item | | | | If ‘*Other*’:  Name of Regulatory Body | Enter text | | | | *If ‘Application’, provide respective details:* | | | | | Status of Application | Select item | | | | Application Submission Date | Enter date | | | | Application Withdrawal / Refusal Date | Enter date | | | | Reason for Withdrawal / Refusal | Enter text | | | | *If ‘Authorisation’, provide respective details:* | | | | | Status of Authorisation | Select item | | | | Authorisation Date | Enter date | | | | Authorisation Suspension / Surrender / Revocation Date | Enter date | | | | Reason for Suspension / Surrender / Revocation | Enter text | | | |  | | | | | *(Add multiple as applicable)* | | | | | | | | | |
|  | **Associations to Other Entities which submitted Applications, and/or hold Authorisations with, the MFSA and/or any other Regulatory Authority** | | | | | |
|  | Does the Applicant have any association with any other entity within its Group, except for its Qualifying Shareholding, that is authorised, or has ever applied to be authorised, by the MFSA or any other Regulatory Authority for any activity? | | | | Select item | |
|  | |  |  |  |  | | --- | --- | --- | --- | | * 1. Association – Regulatory History | | | | | Association Details | | | | | Type of Association | Select item | If ‘*Other*’:  Specify type | Enter text | | If ‘*Other*’:  Provide an explanation into the nature of association | Enter text | | | | *Legal Person Identification* | | | | | Legal Person Form | Select item | If ‘*Other*’:  Type of Form | Enter text | | Registered Name | Enter text | | | | Registered Number | Enter text | Date of Registration | Enter date | | Name of Registry | Enter text | Country of Registration | Select country | | *Regulatory History of the Association* | | | | | |  |  |  |  | | --- | --- | --- | --- | | * + 1. Regulatory History | | | | | Type of Regulatory History | Select item | | | | Type of Activity | Select item | If ‘*Other*’:  Type of Activity | Enter text | | Name of Regulatory Body | Select item | | | | If ‘*Other*’:  Name of Regulatory Body | Enter text | | | | *If Application, provide respective details:* | | | | | Status of Application | Select item | | | | Application Submission Date | Enter date | | | | Application Withdrawal / Refusal Date | Enter date | | | | Reason for Withdrawal / Refusal | Enter text | | | | *If Authorisation, provide respective details:* | | | | | Status of Authorisation | Select item | | | | Authorisation Date | Enter date | | | | Authorisation Suspension / Surrender / Revocation Date | Enter date | | | | Reason for Suspension / Surrender / Revocation | Enter text | | | |  | | | | | *(Add multiple as applicable)* | | | | | | | | |  | | | | |  | | | | | *(Add multiple as applicable)* | | | | | | | | | |
|  | **Significant Events & Integrity Confirmations** | | | | | |
|  | Has the Applicant, if already Formed, or any of its subsidiaries, ever: | | | | | |
|  | Case A | been investigated, in the process of being investigated or is aware of investigations that will be initiated at some point in time by any Authority, regulatory, judicial or professional body whether in Malta or abroad?  *(This includes Court Orders and excluding investigations conducted in the course of normal monitoring and surveillance procedures which had no adverse findings)* | | | Select item | |
|  | Case B | been subject to criticism, censures, disciplinary actions, suspension, expulsion or administrative breaches by any Authority, regulatory, judiciary or professional body whether in Malta or abroad? | | | Select item | |
|  | Case C | been subject to any other formal complaints made against it by its clients or former clients which have been resolved in favour of the complainant by a non-judicial third party? | | | Select item | |
|  | Case D | been subject to any criminal conviction or civil penalty:   * + in respect of carrying out any authorised/ unauthorised regulated activity (if applicable);   + in respect of any natural person in the process of application; and/or   + in respect of any legal person in the process of application? | | | Select item | |
|  | Case E | have any books and records requisitioned or seized by any court, Authority, regulatory, judicial or professional body whether in Malta or abroad? | | | Select item | |
|  | Case F | been subject to any unsatisfied judgments or awards outstanding? | | | Select item | |
|  | Case G | been assessed as not of going concern or subject to a declaration of a moratorium of any indebtedness, to a restructuring or reorganisation process affecting its creditors, including measures involving the possibility of a suspension of payments, suspension of enforcement measures or reduction of claims, to a dissolution, to winding-up proceedings, or to administration or other insolvency or similar proceedings? | | | Select item | |
|  | Case H | have any out-of-court settlements reached with any other legal or natural person, having regard to the monetary terms of the settlements or/and the circumstances in which they have been reached? | | | Select item | |
|  | If any of the above apply, provide details and evidence as necessary for each respective case | | |  |  |  | | --- | --- | --- | | Case | Select item | | | Person Involved | Select item | | | If ’*Subsidiary’:* Name of Person Involved | Enter text | | | Status of Case | Select item | | | Name of the relevant criminal court, civil or administrative authority | Enter text | | | Country of the relevant criminal court, civil or administrative authority | Select country | | | Date of the event | Enter date | | | An explanation of the circumstances surrounding the Case | Enter text | | | If ‘*Concluded’*: Case Outcome | Enter text | | | The amount involved and Respective Currency *(if applicable)* | Select item | Enter text | | **Attachment | Case Evidence**  *Provide case evidence as applicable* | | | |  |  | |   *(Add multiple as applicable)* | | | |
|  | **Sanctions and Restrictive Measures** | | | | | |
|  | Has the Applicant, or any Natural or Legal Persons with whom it has ties (both directly and indirectly), whether in Malta or abroad, been placed under a list of sanctions or restrictive measures of any nature?  *Note - not applicable for Natural or Legal Persons who are required to submit a Personal Questionnaire or a Corporate Questionnaire* | | | | Select item | |
|  | If ‘Yes’: Provide the following detail for each respective case: | | |  |  |  | | --- | --- | --- | | Person Involved | | Select item | | If ‘*Natural Person’* or ‘*Legal Person’:* | Full Name | Enter text | | Relationship with Applicant | Enter text | | Sanctioning Body | | Enter text | | Resolution Number | | Enter text | | Reason | | Enter text | | Mitigating Rationale | | Enter text | |  | |  |   *(Add multiple as applicable)* | | | |

| **PART 2**   1. Business Model, Strategy and Activity | | | | |
| --- | --- | --- | --- | --- |
|  | **Rationale** | | | |
|  | Explain the Applicant’s rationale for this application and the rationale for applying for authorisation in Malta. | | | |
|  | Enter text | | | |
|  | **Strategy Outline** | | | |
|  | Kindly identify the investment strategies that will be followed by the Applicant in accordance with Annex IV of the Commission Delegated Regulation (EU) 231/2013. | | | |
| Enter Text | | | |
|  | **Details of the Scheme** | | | |
|  | Indicate whether the Scheme will be open-ended or closed-ended | Select item | | |
|  | Indicate how the Scheme will be managed | Select item | | |
|  | Indicate how the Scheme will be established and/or marketed | | | Select item |
|  | **ELTIF**  *Note - Where the Scheme is seeking authorisation as an ELTIF in terms of Regulation (EU) 2015/760, it is required to provide the following additional information* | | | |
|  | Will it be marketed to retail investors? | | | Select item |
|  | Will it be providing for the possibility of redemptions before the end of life of the Scheme? | | | Select item |
|  | In the affirmative, kindly provide relevant information demonstrating that an appropriate liquidity management system is in place and that this is effective for monitoring the liquidity risk of the Scheme, and is compatible with the long-term investment strategy of the Scheme and the proposed redemption policy. | | | |
| Enter text | | | |
|  | Information on the current and previous fund management experience and history of the AIFM. | | | Enter text |
|  | Information on delegation arrangements regarding portfolio and risk management and administration with regards to the ELTIF | | | Enter text |
|  | Information about the investment strategies, the risk profile, and other characteristics of AIFs that the AIFM is authorised to manage | | | Enter text |
|  | A description of the information to be made available to investors, including a description of the arrangements for dealing with complaints submitted by retail investors | | | Enter text |
|  | Indicate the base currency of the Scheme | Select item | | |
|  | Will the Scheme issue classes of shares constituting Sub-Funds? | | | Select item |
|  | If ‘*Yes’*: Indicate: | | | |
|  | Number of Sub-Funds to be established | Enter text | Will the Sub-Funds constitute separate patrimonies? | Select item |
|  | Will the Scheme be established with Incorporated Cells? | Select item | If *‘Yes’:* Number of Cells to be established | Enter text |
|  | **Attachment | Prospectus**  Provide the Offering Memorandum & Offering Supplements of the Scheme  Kindly also provide the Key Investor Information Document (‘KIID’) if the Scheme will be marketed to retail investors (‘retail AIF’) | | | |
|  | **Attachment | MFSA Annexes**  **MFSA Annex – AX10 – Self-Managed AIFs Questionnaire**;  **MFSA Annex – AX13 – AIFs Checklist**; | | | |
|  | **Attachment | In case ELTIF has a master-feeder structure, the following need to be provided**   1. a declaration that the feeder ELTIF is a feeder of the master ELTIF; 2. the fund rules or instruments of incorporation of the master ELTIF and the agreement between the feeder ELTIF and the master ELTIF, or the internal rules on the conduct of business, referred to in Article 29(6); 3. where the master ELTIF and the feeder ELTIF have different depositaries, the information-sharing agreement referred to in Article 29(7); 4. where the feeder ELTIF is established in a Member State other than the home Member State of the master ELTIF, an attestation by the competent authority of the home Member State of the master ELTIF that the master ELTIF is an ELTIF provided by the feeder ELTIF. | | | |

| **PART 2**   1. Governance | | | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Management Body** | | | | | | | | | | |
|  | **Management Body Structure**  *The responses provided in this sub-section should be in accordance with the document establishing and governing the Applicant’s Management Body.* | | | | | | | | | | |
|  | Provide an assessment indicating how the Applicant’s Management Body has the required diversity of knowledge, judgement, and experience to effectively carry out its function/s. | | | | | | | | | | |
|  | Enter text | | | | | | | | | | |
|  | Provide an assessment indicating how the mix of executives, non-executives and independent persons proposed on this Management Body is adequate taking into account the nature, scale and complexity of the business. | | | | | | | | | | |
|  | Enter text | | | | | | | | | | |
|  | Total Number of Members on the Management Body | | Enter text | | | | | | | | |
|  | Minimum Number of Members on the Management Body | | Enter text | | | | | | | | |
|  | Number of Members required to constitute a quorum | | Enter text | | | | | | | | |
|  | In the case of a deadlock, who can exercise a casting vote? | | Enter text | | | | | | | | |
|  | **Proposed Members of the Management Body** | | | | | | | | | | |
|  | |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | * 1. Proposed Member of the Management Body | | | | | | | *Role within Management Body* | | | | | | | Type | Select item | | If ‘*Formed*’: Status | Select item | | | | *Identification* | | | | | | | Title | Select item | | | | | | Name | Enter text | | Surname | Enter text | | | Date of Birth | Enter date | | | | | | ID Type | Select item | | ID Number | Enter text | | | ID Expiry Date | Enter date | | Country of Issuance | Select country | | | MFSA PQ Code | Enter text | | | | | | **Attachment | MFSA Annex – AX02** | | | | | | | Outline the respective focus area that the person will be responsible for: | | | | | | | Enter text | | | | | | | *Other involvement/s within the Applicant* | | | | | | | Will the person be directly involved in any of the Applicant’s key functions? | | | | | Select item | | Type of function carried out | Enter text | | | | | | *Legal Representation* | | | | | | | Will the proposed individual be vested with legal representation of the Applicant? | | | | | Select item | | *Base of Operations* | | | | | | | Will the proposed individual be based in Malta? | Select item | If ‘*No*’: Specify the country where the proposed individual is based | | | Select country | |  |  | | | | |   *(Add multiple as applicable)* | | | | | | | | | | |
|  | **Third-Party Functionaries** | | | | | | | | | | |
|  | **External Auditor** | | | | | | | | | | |
|  | Status | Select item | | | | | | | | | |
|  | Name of External Audit Firm *(if applicable)* | Enter text | | | | | | | | | |
|  | Auditor Name | Enter text | | | |  | | | Auditor Surname | | Enter text |
|  | Auditor Warrant Number | Enter text | | | | | | | | | |
|  | Auditor’s Business Email Address | Enter text | | | |  | | | Auditor’s Business Direct Number | | Enter text |
|  | Date of Appointment | Enter date | | | | | | | | | |
|  | **AIFM**  *This sub-section is only applicable if the Applicant will be managed by a third-party AIFM* | | | | | | | | | | |
|  | Name of AIFM | Enter text | | | | | | | | | |
|  | LEI Code *(if applicable)* | Enter text | | | | | | | | | |
|  | *Address* | | | | | | | | | | |
|  | Number/Name | Enter text | | |  | | | Street/Road | Enter text | | |
|  | City/Town/Village | Enter text | | |  | | | Region/State  *(if applicable)* | Enter text | | |
|  | Post Code | Enter text | | |  | | | Country | Select country | | |
|  | *Details of Authorisation Held* | | | | | | | | | | |
|  | Does the AIFM hold an authorisation by the MFSA or any other EU Regulatory Authority? | | | | | | | | | Select item | |
|  | If ‘*Yes’*: Provide details of authorisation held: | | | | | | | | | | |
|  | Name of Regulatory Body | Select item | | | If ‘*Other’*:  Name of Regulatory Body | | | | Enter text | | |
|  | Country of Authorisation | Select country | | | Authorisation Date | | | | Enter date | | |
|  | Details of authorisation held | Enter text | | | | | | | | | |
|  | If the AIFM holds an authorization in an "EU/EEA Member State", kindly provide details concerning the notification for cross-border activities. | | | | | | | | | | |
|  | Enter text | | | | | | | | | | |
|  | If ‘*No’* kindly clarify whether the AIFM is still seeking to obtain a licence providing details of the application’s status and an indication of the EU/EEA Member State as applicable | | | | | | | | | | |
|  | Enter text | | | | | | | | | | |
|  | *Supplemental Information* | | | | | | | | | | |
|  | Indicate the services that the AIFM will be providing: | | | | | | | | | | |
|  | |  |  | | --- | --- | | Core Functions | Select item  *(Add Multiple as applicable)* | | Other Functions | Select item  (*Add Multiple as applicable)* | | | | | | | | | | | |
|  | Elaborate on the due diligence process *(initial and on-going)* that shall be adopted by the Applicant on the AIFM | | | | | | | | | | |
|  | Enter text | | | | | | | | | | |
|  | Elaborate on the due diligence process *(initial and on-going)* that shall be adopted by the Applicant on the Investment Advisor | | | | | | | | | | |
|  | Enter text | | | | | | | | | | |
|  | **Investment Advisor** | | | | | | | | | | |
|  | Does the Applicant intend to appoint an Investment Advisor? | | | | | | | | Select item | | |
|  | Will the Investment Advisor be appointed by the Scheme or the AIFM?  *Only applicable if the scheme will be managed by a third party.* | | | | | | | | Select item | | |
|  | Name of Investment Advisor | Enter text | | | | | | | | | |
|  | LEI Code *(if applicable)* | Enter text | | | | | | | | | |
|  | *Address* | | | | | | | | | | |
|  | Number/Name | Enter text | | |  | | | Street/Road | Enter text | | |
|  | City/Town/Village | Enter text | | |  | | | Region/State  *(if applicable)* | Enter text | | |
|  | Post Code | Enter text | | |  | | | Country | Select country | | |
|  | *Details of Authorisation Held* | | | | | | | | | | |
|  | Does the Investment Advisor hold an authorisation by the MFSA or any other Regulatory Authority? | | | | | | | | | Select item | |
|  | If ‘*Yes’*: Provide details of authorisation held: | | | | | | | | | | |
|  | Name of Regulatory Body | Select item | | | If ‘*Other’*:  Name of Regulatory Body | | | | Enter text | | |
|  | Country of Authorisation | Select country | | | Authorisation Date | | | | Select country | | |
|  | Details of authorisation held | Enter text | | | | | | | | | |
|  | If ‘No’: Provide an explanation with respect to such appointment. | | | | | | | | | | |
|  | Enter text | | | | | | | | | | |
|  | *Supplemental Information* | | | | | | | | | | |
|  | Explain the type of services that the Investment Advisor will be providing | | | | | | | | | | |
|  | Enter text | | | | | | | | | | |
|  | Elaborate on the due diligence process *(initial and on-going)* that shall be adopted by the Applicant on the Investment Advisor | | | | | | | | | | |
|  | Enter text | | | | | | | | | | |
|  | **Fund Administrator** | | | | | | | | | | |
|  | Does the Applicant intend to appoint a Fund Administrator? | | | | | | | | Select item | | |
|  | Will the Fund Administrator be appointed by the Scheme or the Fund Manager?  *Only applicable if the scheme will be managed by a third party.* | | | | | | | | Select item | | |
|  | Name of Fund Administrator | Enter text | | | | | | | | | |
|  | LEI Code *(if applicable)* | Enter text | | | | | | | | | |
|  | *Address* | | | | | | | | | | |
|  | Number/Name | Enter text | | |  | | | Street/Road | Enter text | | |
|  | City/Town/Village | Enter text | | |  | | | Region/State  *(if applicable)* | Enter text | | |
|  | Post Code | Enter text | | |  | | | Country | Select country | | |
|  | *Details of Authorisation Held* | | | | | | | | | | |
|  | Does the Fund Administrator hold an authorisation by the MFSA or any other Regulatory Authority? | | | | | | | | | Select item | |
|  | If ‘*Yes’*: Provide details of authorisation held: | | | | | | | | | | |
|  | Name of Regulatory Body | Select item | | | If ‘*Other’*:  Name of Regulatory Body | | | | Enter text | | |
|  | Country of Authorisation | Select country | | | Authorisation Date | | | |  | | |
|  | Details of authorisation held | Enter text | | | | | | | | | |
|  | If ‘No’: Provide an explanation with respect to such appointment. | | | | | | | | | | |
|  | Enter text | | | | | | | | | | |
|  | *Supplemental Information* | | | | | | | | | | |
|  | Explain the type of services that the Fund Administrator will be providing | | | | | | | | | | |
|  | Select item.  *(Add multiple as applicable)* | | | | | | | | | | |
|  | **Depositary** | | | | | | | | | | |
|  | Will the Depositary be appointed by the Scheme or the Fund Manager? | | | | | | | | | Select item | |
|  | Name of Depositary | Enter text | | | | | | | | | |
|  | LEI Code *(if applicable)* | Enter text | | | | | | | | | |
|  | LH Code | Enter text | | | | | | | | | |
|  | *Address* | | | | | | | | | | |
|  | Number/Name | Enter text | |  | | | Street/Road | | Enter text | | |
|  | City/Town/Village | Enter text | |  | | | Region/State  *(if applicable)* | | Enter text | | |
|  | Post Code | Enter text | |  | | | Country | | Select country | | |
|  | *Supplemental Information* | | | | | | | | | | |
|  | Does the Depositary intend to delegate the safe-keeping function to a sub-custodian / prime broker? | | | | | | | | | Select item | |
|  | If ‘Yes’: elaborate on the delegation arrangements | | | | | | | | | | |
|  | Enter text | | | | | | | | | | |
|  | Will a prime broker be appointed? | | | | | | | | | Select item | |
|  | If ‘Yes’: provide the following information: | | | | | | | | | | |
|  | Have the terms on which the use of the services of a prime broker been set out in a written contract and does the contract provide for the possibility of transfer and reuse of the scheme’s assets? | | | | | | | | | Select item | |
|  | Name of prime broker | Enter text | | | | | | | | | |
|  | Does the contract provide for informing the depositary of this appointment? | | | | | | | | | Select item | |
|  | Elaborate on the due diligence process *(initial and on-going)* that shall be adopted by the Applicant on the Depositary | | | | | | | | | | |
|  | Enter text | | | | | | | | | | |
|  | Detail any fact, arrangement, relationship or circumstances which might compromise the independence of the Depositary | | | | | | | | | | |
|  | Enter text | | | | | | | | | | |

| **PART 2**   1. Compliance | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Compliance Function** | | | | | | | |
|  | **Compliance Function** | | | | | | | |
|  | Provide an overview of the structure of the Compliance Function, its resources and reporting lines | | | | | | | |
|  | Enter text | | | | | | | |
|  | Explain how the Applicant intends to maintain the independence of the Compliance Function | | | | | | | |
|  | Enter text | | | | | | | |
|  | **Third-Party Outsourcing** | | | | | | | |
|  | Does the Applicant intend to outsource all, or part of its Compliance Function to a Third-Party Outsourcing Provider? | | | | Select item | | | |
|  | If ‘*Yes*’: Identify the Third-Party Outsourcing Provider/s. | | | | | | | |
|  | |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | | |  |  | | --- | --- | | * 1. Third-Party Outsourcing Provider | | | Name of Third-Party Outsourcing Provider | Enter text | | Registration number  *(if applicable)* | Enter text | |  | | |   *(Add multiple as applicable)* | | | | | | | |
|  | **Attachment | MFSA Annex – AX03** | | | | | | | |
|  | **Compliance Officer** | | | | | | | |
|  | **Identification** | | | | | | | |
|  | Title | Select item | | | | | | |
|  | Name | Enter text |  | Surname | | Enter text | | |
|  | MFSA PQ Code | Enter text | | | | | | |
|  | **Other Positions** | | | | | | |
|  | Does the Compliance Officer hold or intend to hold any other positions within the Applicant? | | | | | | Select item |
|  | If ‘*Yes*’: Provide an explanation on the nature of the position/s | | | | | | |
|  | Enter text | | | | | | |
|  | **Compliance Framework** | | | | | | |
|  | Provide an outline of the Applicant’s Compliance Framework, including Policies and Procedures | | | | | | |
|  | Enter text | | | | | | |

| **PART 2**   1. Prudential | | | |
| --- | --- | --- | --- |
|  | **Accounting Reference Date** | | |
|  | Indicate the Accounting Reference Date (financial year end) | | Enter date |
|  | **Reporting Currency** | | |
|  | Indicate the Reporting Currency | | Select item |
|  | **Initial Capital** | | |
|  | Share Capital Currency | Select item | |
|  | Authorised Share Capital | Enter text | |
|  | Issued Share Capital | Enter text | |
|  | Paid Up Share Capital | Enter text | |
|  | If the initial capital has not been paid-up in full at the time of submission of this application: Provide an outline of the envisaged plan and implementation deadline for ensuring that the initial capital is paid up in full, or as per minimum applicable, before authorisation to commence the activity. | | |
|  | Enter text | | |
|  | **Projections** | | |
|  | Kindly indicate the projected level of subscriptions as well as the Assets Under Management / Net Asset Value that the Applicant intends to have both at inception and within one year from licencing. | | |
|  | Enter text | | |

| **PART 2**   1. Anti-Money Laundering & Counter Financing of Terrorism | | | | | |
| --- | --- | --- | --- | --- | --- |
|  | **AML & CFT Function** | | | | |
|  | **AML & CFT Function** | | | | |
|  | Provide an overview of the structure of the Applicant's AML/CFT function, including its resources and respective reporting lines, in line with the proposed volume and value of business being proposed | | | | |
|  | Enter text | | | | |
|  | Explain how the Applicant intends to maintain the independence of the AML/CFT function | | | | |
|  | Enter text | | | | |
|  | **Third-Party Outsourcing** | | | | |
|  | Does the Applicant intend to outsource any aspect/s of its AML/CFT obligations to a Third-Party Outsourcing Provider/s in line with the FIAU Implementing Procedures? | | | | Select item |
|  | If ‘*Yes*’: Identify the Third-Party Outsourcing Provider/s. | | | | |
|  | |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | | |  |  | | --- | --- | | * 1. Third-Party Outsourcing Provider | | | Name of Third-Party Outsourcing Provider | Enter text | | Registration number  *(if applicable)* | Enter text | |  | | |   *(Add multiple as applicable)* | | | | |
|  | **Attachment | MFSA Annex – AX03** | | | | |
|  | **Money Laundering Reporting Officer** | | | | |
|  | **Identification** | | | | |
|  | Title | Select item | | | |
|  | Name | Enter text |  | Surname | Enter text |
|  | Date of Birth | Enter date | | | |
|  | Identification Document (‘ID’) Type | Select item |  | ID Number | Enter text |
|  | ID Expiry Date | Enter date |  | Country of Issuance | Select country |
|  | MFSA PQ Code | Enter text | | | |
|  | **Other Positions** | | | | |
|  | Does the Money Laundering Reporting Officer hold or intend to hold any other positions within the Applicant? | | | | Select item |
|  | If ‘*Yes*’: Provide an explanation on the nature of the position/s | | | | |
|  | Enter text | | | | |
|  | **AML & CFT Framework** | | | | |
|  | **Business Risk Assessment** | | | | |
|  | Indicate the top three highest inherent risks reflected in the Applicant’s Business Risk Assessment (‘BRA’) | | | | |
|  | |  |  | | --- | --- | | No. | BRA risk | |  | Enter text | |  | Enter text | |  | Enter text | | | | | |
|  | Provide an outline of the main controls envisaged by the Applicant to mitigate the inherent risks | | | | |
|  | Enter text | | | | |
|  | **Customer Acceptance Policy** | | | | |
|  | Provide an outline of the Applicant's customer acceptance policy, clearly detailing the type of customers identified by Applicant which are likely to pose higher risk of financial crime | | | | |
|  | Enter text | | | | |
|  | Provide an overview of the Applicant's AML & CFT risk appetite | | | | |
|  | Enter text | | | | |
|  | Indicate the main scenarios where servicing a potential/ existing customer is declined by the Applicant | | | | |
|  | Enter text | | | | |
|  | **Customer Risk Assessment** | | | | |
|  | Provide details on the Applicant’s Customer Risk Assessment (‘CRA’), including a description of the proposed risk assessment methodology, risk scoring thresholds, ongoing screening and how findings will be recorded | | | | |
|  | Enter text | | | | |
|  | Does the Applicant have an Enhanced Due Diligence (‘EDD’) procedure in place? | | | | Select item |
|  | If '*Yes*': Provide an overview of the said procedures and which instances would trigger EDD. If '*No*': Provide further details as to why such procedures have not been established | | | | |
|  | Enter text | | | | |
|  | Indicate the main risks envisaged which will be reflected in the Applicant’s CRA | | | | |
|  | Enter text | | | | |
|  | Provide an outline of the procedures to be followed when an employee of the Applicant knows or suspects, or there are grounds to suspect that a person and/or transaction is connected to any financial crime activity | | | | |
|  | Enter text | | | | |
|  | Explain the type of payment screening that will be carried out by the Applicant to ensure that funds are coming from legitimate sources, if applicable | | | | |
|  | Enter text | | | | |
|  | **Policies, Procedures and Manuals** | | | | |
|  | Provide an overview of the Applicant's AML & CFT policies, procedures and manuals (other than those mentioned above) | | | | |
|  | Enter text | | | | |

| **PART 3**  **Declaration Form** | | | |
| --- | --- | --- | --- |
| *Following submission of the Application, this Declaration Form should be printed and sent, originally signed, to the attention of* ***Authorisations, Securities and Markets Supervision Function, MFSA****. It is to be noted that only this form should be sent physically to the Authority and that should the Applicant submit the entire Application, only the version submitted via the LH Portal shall be maintained and used for the purposes of the MFSA’s authorisation processes.*  *This Declaration Form should be signed by the two signatories vested with legal representation of the Applicant.* | | | |
| The undersigned, on behalf of Applicant, declare that:   1. Application Submission and Authorisation Requirements    1. the Applicant has resolved to apply for authorisation with the MFSA for the activities provided for within this Application;    2. the Applicant has duly authorised the undersigned to complete and submit this Application to the MFSA;    3. the Applicant is aware of the requirements under the provisions of the Act and other respective national or European Regulatory Frameworks or other binding regulation as may be applicable; and    4. the Applicant shall at time of authorisation, should this be granted, be in adherence with the obligations stipulated under point 1 (c) above. 2. Information Provided to Authority    1. the information given in answer to the questions within the Application is complete and accurate to the best of our knowledge, information and belief and that there are no other facts relevant to this Application of which the Authority should be aware;    2. the Applicant has not tampered with, or modified in any manner, this Application or its respective Annexes, and understands that such tampering with, or modification in any manner of these documents will result in a refusal of this Application;    3. there are no inconsistencies between the provisions of the Constitutional Documents, the documents submitted with this Application (where applicable) and the information given in answer to the questions within the Application;    4. the MFSA will be notified immediately if the information given in answer to the questions within the Application changes and/or affects the completeness or accuracy the Application either prior to or subsequent to authorisation should this be granted; and    5. this Declaration Form corresponds to the Application submitted to the Authority via the LH Portal bearing the following ID:  |  |  | | --- | --- | | **Application ID**  *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.* | Enter text |  * 1. the following documentation as indicated in the below have been submitted together with this Application:  |  |  |  | | --- | --- | --- | | Checklist of Documentation to be submitted with the Application | | | |  | Application Fee | Select item | |  | Case Evidence (if applicable) | Enter number of submissions | |  | Constitutional Document/ Instruments of Incorporation | Select item | |  | Group Structure Diagram | Select item | |  | MFSA Annex – AX01 | Enter number of submissions | |  | MFSA Annex – AX02 | Enter number of submissions | |  | MFSA Annex – AX03 | Enter number of submissions | |  | Organigram (if applicable) | Select item | |  | Own Funds (if applicable) | Select item | |  | Personal Questionnaire/s | Enter number of submissions | |  | Prospectus/ Offering Documents/ KIIDs (if applicable) | Select item | |  | The applicable resolutions from the governing body of the Applicant | Select item | |  | MFSA Annex – AX10: Self-Managed AIFs Questionnaire | Select item | |  | MFSA Annex – AX13: AIFs Checklist | Select item | |  | MFSA Annex – AX24: AIFs Declaration | Select item | |  | MFSA Annex – AX23: Auditor’s Declaration | Select item | |  | A declaration by the scheme wherein it confirms that [Section 2.2.5]:   1. depositary contractual arrangements are in place; 2. the contents of the depositary agreement reflects the requirements of Article 21 AIFMD and Chapter IV AIFMR; 3. the MFSA may contact the indicated depositary in order to discuss the depositary arrangements in place in respect of the scheme. | Select item | |  | In case ELTIF has a master-feeder structure, the following need to be provided   1. a declaration that the feeder ELTIF is a feeder of the master ELTIF; 2. the fund rules or instruments of incorporation of the master ELTIF and the agreement between the feeder ELTIF and the master ELTIF, or the internal rules on the conduct of business, referred to in Article 29(6); 3. where the master ELTIF and the feeder ELTIF have different depositaries, the information-sharing agreement referred to in Article 29(7); 4. where the feeder ELTIF is established in a Member State other than the home Member State of the master ELTIF, an attestation by the competent authority of the home Member State of the master ELTIF that the master ELTIF is an ELTIF provided by the feeder ELTIF. | Select item |  1. Representatives and Disclosure    1. the MFSA is hereby being authorised to contact the representatives provide by the Applicant under Section 1 of Part 1 of this Application;    2. the MFSA is hereby being authorised to make such enquiries as it may consider necessary in connection with this Application; and 2. the MFSA is hereby being authorised to contact any or all of the above-named or any other person considered by the Authority to be relevant, both at the date of application and at any time in the future unless and until I/we rescind this authority in writing. Privacy Notice    1. I/we have read and understood the [MFSA Privacy Notice](https://www.mfsa.mt/privacy-notice/)[[1]](#footnote-1) and the terms and conditions included therein. | | | |
| Signature 1 |  |  | |
| Name | Enter text | Surname | Enter text |
| Position | Enter text |
| Date | Enter date |
|  | |
| Signature 2 |  | | |
| Name | Enter text | Surname | Enter text |
| Position | Enter text |
| Date | Enter date |

1. For further information visit: <https://www.mfsa.mt/privacy-notice/> [↑](#footnote-ref-1)