

20. What is involved in the distributor's commitment, upon signing on to the moratorium, to submit its marketing materials voluntarily to the FSMA, and how is this done in practice?

Distributors who sign on to the moratorium and who are not bound by law or regulation to submit their marketing materials on structured products to the FSMA for approval, are asked to provide the FSMA with this documentation before distribution in order that compliance with the moratorium may be verified. Verification of these products does not go beyond this aspect. This commitment applies to:

- the marketing materials that the distributor uses for distributing structured investment instruments and structured UCIs (private placement with retail investors);
- the marketing materials that the distributor uses for distributing structured insurance contracts;
- the marketing materials that the distributor uses for distributing structured deposits.

This commitment also applies to distribution under the opt-out, in which case the FSMA will only examine whether the formula as referred to in point II.2 of the moratorium is included in the marketing materials and the registration form.

The documentation can be sent in to pro@fsma.be.

The FSMA will check the material over within a period of five working days starting from the day when the information submitted to the FSMA is complete.

If a product is distributed under the opt-out, the check will be performed within a period of two working days following the day of receipt of the documentation.

With a view to meeting their requirements, distributors will be able to submit all documentation for products distributed under the opt-out on a monthly basis, with the proviso that the following conditions are met:

- Distributors wishing to make use of this procedure are asked to inform the FSMA of this fact by e-mail (pro@fsma.be) and to e-mail the templates used that include the formula as referred to in point II.2 of the moratorium.
- Distributors are asked to send an e-mail to pro@fsma.be before the 15th of each month. This e-mail should include all the documentation for products distributed under the opt-out since the 15th of the previous month. Where no product has been distributed under the opt-out, this should be specified in the e-mail.

If documentation used differs from the template sent or if one of the conditions listed above has not been met, the distributor will be asked to provide this documentation previously to the FSMA.

Source URL: <https://www.fsma.be/en/faq/20-what-involved-distributors-commitment-upon-signing-moratorium-submit-its-marketing-materials>