Annex to Communication

**Annex Communication FSMA\_2018\_08\_1 of 6/19/2018**

Provision of investment services and activities passport notification Article 34 of Directive 2014/65/UE

This form should be filled out in case of notification and of modification of an existing notification regarding the provision of investment services and activities in another Member State. In the latter case, please complete only the parts of the form which are relevant for to the notified changes. **If the changes purport to the investment services, activities or financial instruments, please list all the investment services, activities, or financial instruments the firm and/or its tied agent will provide in the future.**

# General information

|  |  |
| --- | --- |
| Date of notification | [Date] |
| Type of notification | New notification / Modification of notification |
| Home Member State of the investment firm | BELGIUM |
| Authorisation status of the investment firm | Authorised by the FSMA since [Date] |
| Member State in which the investment firm intends to operate | [] |

# Details of the investment firm

|  |  |
| --- | --- |
| Name of the investment firm |  |
| Trading name |  |
| Address |  |
| Telephone number |  |
| Email |  |
| Name of the contact person at the investment firm |  |

# Program of operations

## Investment services, activities and ancillary services the firm intends to provide (\*)

(\*) Please place an (x) in the appropriate boxes.

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **Investment services and activities**[[1]](#footnote-1) | **Ancillary services**3 |
| A1 | A2 | A3 | A4 | A5 | A6 | A7 | A8 | A9 | B1 | B2 | B3 | B4 | B5 | B6 | B7 |
| **Financial instruments** | C1 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C2 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C3 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C4 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C5 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C6 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C7 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C8 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C9 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C10 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C11 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

A description of the investment services, activities, ancillary services and financial instruments is available at the end of this form.

## Tied agents located in the home Member State intending to provide investment services and/or investment activities in the host Member State

### **Details of tied agents**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Name of the tied agent** | **Address** | **Telephone** | **Email** | **Contact** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

### **Investment services the tied agent intends to provide (\*)**

(\*) Please place an (x) in the appropriate box.

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **Investment services and activities**[[2]](#footnote-2) | **Ancillary services** |
| A1 | A2 | A3 | A4 | A5 | A6 | A7 | A8 | A9 | B1 | B2 | B3 | B4 | B5 | B6 | B7 |
| **Financial instruments** | C1 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C2 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C3 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C4 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C5 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C6 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C7 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C8 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C9 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C10 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| C11 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

The personal data which you have provided to the FSMA via this form will be processed by the FSMA as set out in its [Privacy Policy](https://www.fsma.be/en/faq/fsma-data-protection-policy).

**SECTION A**

**Investment services and activities**

(1) Reception and transmission of orders in relation to one or more financial instruments;

(2) Execution of orders on behalf of clients;

(3) Dealing on own account;

(4) Portfolio management;

(5) Investment advice;

(6) Underwriting of financial instruments and/or placing of financial instruments on a firm commitment basis;

(7) Placing of financial instruments without a firm commitment basis;

(8) Operation of an MTF;

(9) Operation of an OTF.

**Section B**

**Ancillary services**

(1) Safekeeping and administration of financial instruments for the account of clients, including custodianship and related services such as cash/collateral management and excluding maintaining securities accounts at the top tier level;

(2) Granting credits or loans to an investor to allow him to carry out a transaction in one or more financial instruments, where the firm granting the credit or loan is involved in the transaction;

(3) Advice to undertakings on capital structure, industrial strategy and related matters and advice and services relating to mergers and the purchase of undertakings;

(4) Foreign exchange services where these are connected to the provision of investment services;

(5) Investment research and financial analysis or other forms of general recommendation relating to transactions in financial instruments;

(6) Services related to underwriting;

(7) Investment services and activities as well as ancillary services of the type included under Section A or B of Annex 1 related to the underlying of the derivatives included under points (5), (6), (7) and (10) of Section C where these are connected to the provision of investment or ancillary services.

**SECTION C**

**Financial instruments**

(1) Transferable securities;

(2) Money-market instruments;

(3) Units in collective investment undertakings;

(4) Options, futures, swaps, forward rate agreements and any other derivative contracts relating to securities, currencies, interest rates or yields, emission allowances or other derivatives instruments, financial indices or financial measures which may be settled physically or in cash;

(5) Options, futures, swaps, forwards and any other derivative contracts relating to commodities that must be settled in cash or may be settled in cash at the option of one of the parties other than by reason of default or other termination event;

(6) Options, futures, swaps, and any other derivative contract relating to commodities that can be physically settled provided that they are traded on a regulated market, a MTF, or an OTF, except for wholesale energy products traded on an OTF that must be physically settled;

(7) Options, futures, swaps, forwards and any other derivative contracts relating to commodities, that can be physically settled not otherwise mentioned in point 6 of this Section and not being for commercial purposes, which have the characteristics of other derivative financial instruments;

(8) Derivative instruments for the transfer of credit risk;

(9) Financial contracts for differences;

(10) Options, futures, swaps, forward rate agreements and any other derivative contracts relating to climatic variables, freight rates or inflation rates or other official economic statistics that must be settled in cash or may be settled in cash at the option of one of the parties other than by reason of default or other termination event, as well as any other derivative contracts relating to assets, rights, obligations, indices and measures not otherwise mentioned in this Section, which have the characteristics of other derivative financial instruments, having regard to whether, inter alia, they are traded on a regulated market, OTF, or an MTF;

(11) Emission allowances consisting of any units recognised for compliance with the requirements of Directive 2003/87/EC (Emissions Trading Scheme).

1. Investment firms under the supervision of the FSMA can only provide the investment services and activities A1, A2, A4, A5 and the ancillary services B3, B5, B7. Investment firms who can also provide the other investment services, activities and ancillary services are under the supervision of the National Bank of Belgium. [↑](#footnote-ref-1)
2. Tied agents can only provide the investment services A1 and A5, to the extent to which the investment firm is licensed for such services. [↑](#footnote-ref-2)