



FSMA_2017_06-01 of 24/02/2017

Alternative Investment Funds Notification of marketing of non-EEA AIFs managed by EEA AIFMs to professional investors in Belgium

Art. 36 AIFMD¹

Scope:

This Communication is addressed to:

- alternative investment fund managers established in the European Economic Area ('EEA') who intend to market, to professional investors in Belgium, units or shares of non-EEA AIFs which they manage, including non-EEA feeder AIFs; and to
- alternative investment fund managers not established in the European Economic Area who intend to market, to professional investors in Belgium, units or shares in AIFs which they manage.

This form should be filled out by Alternative Investment Fund Managers ("AIFM") established in the European Economic Area ("EEA") wishing to market units or shares of non-EEA Alternative Investment Funds ("AIF"), including feeders of non-EEA AIFs, in Belgium. The information provided in this notification letter should not be ambiguous. The form should be sent to the following address: e-notification.passporting2@fsma.be.

1. Type of notification

- Initial notification
- Amendments to information already provided in an initial notification.

2. AIFM

Name and company number	
Registered address	
e-mail address	

¹ Art. 36 of Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010; articles 494-496 of the Belgian AIFM Law of 19 April 2014.

3. AIFs to be marketed in Belgium

Does the AIF(s) have compartments? Yes No

Name of the AIF or AIFs/or compartment(s) to be marketed ²	AIF home State	Legal form (common fund, unit trust, investment company, partnership, other (please specify))	Name of the master AIF/or compartment(s) (if applicable)	Home State of the master AIF (if applicable)

4. Depositary

Please provide the identity of the depositary of the AIFs to be marketed in Belgium:

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5. Private placement

The units or shares of the AIFs marketed in Belgium cannot constitute a public offer within the meaning of the Belgian AIFM Law. Please confirm

- which of the exception criteria in the table below apply/applies, resulting in the offer being considered as private;
- the exact location (document and page) in the documentation attached to this form containing the information regarding such exception.

Exception criteria	Document and page
<input type="checkbox"/> offers of securities directed exclusively at professional investors within the meaning of the Directive 2004/39/EC (MiFID)	
<input type="checkbox"/> offers of securities directed at fewer than 150 natural or legal persons who are not professional investors In this case, please specify the measures taken by the manager to ensure that the units or shares of the AIFs will not be marketed to more than 149 investors.	

² If the AIF takes the form of an umbrella AIF with multiple compartments, AIFMs should only indicate the name of the compartments of the umbrella AIF notified for marketing. AIFMs should not indicate the name of the umbrella AIF.

<input type="checkbox"/> offers of securities, other than units of open-ended undertakings for collective investment , which require a total consideration of at least EUR 100,000 per investor and per category of securities	
<input type="checkbox"/> offers of units of open-ended undertakings for collective investment that require a total consideration of at least EUR 250,000 per investor and per category of securities ;	
<input type="checkbox"/> offers of securities, other than units of open-ended undertakings for collective investment , with a denomination per unit of at least EUR 100,000 ;	
<input type="checkbox"/> offers of securities for a total consideration within the European Economic Area of less than EUR 100,000 calculated over a period of 12 months .	

6. Documentation and information to be provided

Please attach

- the rules or instruments of incorporation of the AIF;
- a description of, or any information on, the AIF available to investors;
- an attestation of the authorisation of the AIFM in its home Member State;
- for each AIF the AIFM intends to market, the information in Annex 1 to this form;
- the statement in Annex 2 to this form, duly completed and signed on behalf of the AIFM.

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](#).

Annex 1 Specific information regarding each AIF to be marketed

Please specify for each element where it can be found in the attached documents (document and page).

Information (Art. 23 AIFMD)	Document and page
a) a description of the investment strategy and objectives of the AIF	
information on where any master AIF is established and where the underlying funds are established if the AIF is a fund of funds	
a description of the types of assets in which the AIF may invest, the techniques it may employ and all associated risks, any applicable investment restrictions, the circumstances in which the AIF may use leverage, the types and sources of leverage permitted and the associated risks, any restrictions on the use of leverage and any collateral and asset reuse arrangements, and the maximum level of leverage which the AIFM are entitled to employ on behalf of the AIF;	
b) a description of the procedures by which the AIF may change its investment strategy or investment policy, or both;	
c) a 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;	
d) the identity of the AIFM, the AIF's depository, auditor and any other service providers and a description of their duties and the investors' rights;	
e) a description of how the AIFM is complying with the requirements of Article 9(7) AIFMD;	
f) a description of any delegated management function as referred to in Annex I by the AIFM and of any safe-keeping function delegated by the depository, the identification of the delegate and any conflicts of interest that may arise from such delegations;	
g) 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 in accordance with Article 19 AIFMD;	
h) 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;	
i) a description of all fees, charges and expenses and of the maximum amounts thereof which are directly or indirectly borne by investors;	
j) 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;	
k) the latest annual report referred to in Article 22 AIFMD;	
l) the procedure and conditions for the issue and sale of units or shares;	
m) the latest net asset value of the AIF or the latest market price of the unit or share of the AIF, in accordance with Article 19 AIFMD;	
n) where available, the historical performance of the AIF;	
o) 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 and 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;	
p) description of how and when the information required under paragraphs 4 and 5 of Article 23 AIFMD will be disclosed.	

Annex 2: Statement by the AIFM

I, (full name and function in the AIFM),
duly authorized representative of (full name of the AIFM),
hereby confirm

- that the AIFM complies with all the requirement established in the AIFMD, with the exception of Article 21 (depository);
- that the AIFM does not perform the functions of the depository with respect to the AIF to which this notification applies;
- that the information contained in the application form and attached to this file is accurate and complete.

Done at (location), this(date)

Signature