



FSMA_2013_05-1 of 14/02/2013

Practical arrangements for the electronic submission of documents to the FSMA

Scope:

Undertakings for collective investment that are governed by the law of another Member State of the European Economic Area and that fulfil the conditions set out in Directive 2009/65/EC.

1. Preliminary comments

1. In accordance with Article 154, § 3 of the Law of 3 August 2012, a UCITS must give written notice to the FSMA in the event of a change in the information regarding the arrangements made for marketing communicated in the notification letter or a change regarding the share classes to be marketed. The notification, which is made by e-mail, must take place before the UCITS implements the change in question.

A change in the *arrangements made for marketing* refers to any change to one or more elements described in paragraph 9 of the Circular.

A UCITS that wishes to start marketing *an additional share class* of a sub-fund in Belgium that is registered on the list as referred to in Article 149 of the Law of 3 August 2012, must submit the key investor information document for the share class in question to the FSMA before the marketing can begin.

The notification of these amendments occurs by way of a description, in the main body of, or in an attachment to the e-mail, of the amendments made.

2. In accordance with Article 217 of the Royal Decree of 12 November 2012, the UCITS must immediately submit all necessary information to the FSMA in order that the *items referred to in Article 93(2) of Directive 2009/65/EC¹* and their translations may be kept up to date at all times. The UCITS must inform the FSMA as soon as possible of any amendments to those items. The notification is made by e-mail.

The amended documents must be accessible to the FSMA in electronic form. The UCITS must inform the FSMA as to where the documents are accessible in electronic form.

¹ Namely, the key investor information document, the prospectus, the instruments of incorporation or fund rules, and the annual and half-yearly report.

Except as regards periodic reports that are published after those that were submitted together with the notification, the UCITS should also mention, in the notification of the updates or amendments, the date from which these come into effect. The FSMA recommends that a clear overview also be given on the amendments made.

2. Practical arrangements for submission

3. The above-mentioned updates that are made in electronic form must be sent to the following e-mail address: intro.cis.passeport@fsma.be. Before the UCITS e-mails documents to the FSMA, it should ensure that in its e-mail system it has selected the option for receiving automatic confirmation of receipt of the e-mail message. If no confirmation is received, the UCITS must contact the FSMA to confirm that the dossier has been received.

4. The subject line of the e-mail message must take the following form:

Home country (country code ISO 3166-1-alpha-2 code)_BE_Name of the UCITS_ISIN-code²_UPDATE_Part³

5. The name of the files attached to the e-mail must take the following form:

Year-Name-Language-FO_U-Code-DD_MM

where: - Year = year that appears in the date of the document (in 4 digits)

- Name = full name in capitals either of the UCITS, in cases where a single document applies to the entire UCITS (in theory the instruments of incorporation, fund rules, annual report, half-yearly report and, where applicable, the prospectus), or of the sub-fund, in all other cases (in theory the key investor information and, where applicable, the prospectus)

- Language = language of the document, indicated with 2 letters (FR, NL, DE or EN)

- FO_U = must be included unchanged for each document

- Code = code identifying the type of document, namely:

2 = Prospectus

5 = Instruments of incorporation

10 = Fund rules

13 = Key investor information

² In cases where only one ISIN code is needed. If the dossier refers to various sub-funds/share classes, etc., no ISIN code needs to be included in the subject line.

³ Only in cases where the dossier consists of several e-mails.

15 = Annual report

16 = Half-yearly report

-DD_MM = date of the document, with DD = Day (two digits) and MM = month (2 digits); if a file contains several key investor information documents, the date of the most recent document in the file is to be used.

A dossier shall have at most one file with code 13 per sub-fund and per language. A UCITS wishing to submit such a file with a view to amending the key investor information of a sub-fund shall always submit a complete file containing the key investor information for all share classes of the relevant sub-fund being marketed in Belgium. This rule also applies where only one key investor information document is being changed, while the other key investor information documents within the same sub-fund remain unchanged. In such a case, the file with code 13 must contain the most recent version of each key investor information document.

6. Finally, the body of the e-mail should contain a list of the annexes. If a dossier is submitted via several e-mails, the number of parts that make up the dossier must be indicated in the e-mail messages.

3. Technical provisions

7. E-mails may be no larger than 30 MB. Data must always be zipped. If this measure is not sufficient, the documents should be divided among several zip files (in several e-mails). E-mails larger than 30 MB will not be delivered by the FSMA server to the "Supervision of funds and of product promotion" department.
8. Each document sent by e-mail must be attached to an e-mail and may consist of no more than one file.
9. Each document must be sent in one of the following formats: pdf, doc or docx.
10. The files must be readable in a Windows environment.
11. Each file should be printable.
12. The sender is responsible for protecting his/her data (authentication, confidentiality, etc.). Neither e-mails nor files may be encrypted. Winzip files may not be password-protected.

4. Example

13. Example 1.

On 20 October 2011, a UCITS governed by Luxembourg law named ICBFUND submits a new version of the key investor information document for SUBFUND 1, a sub-fund without share classes. The document is dated 4 October 2011 and is written in Dutch and French. The e-mail is less than 30 MB.

The subject line of the e-mail should be as follows (see paragraph 4 in this annex):

LU_BE_ICBFUND_LU123456789012_UPDATE

The e-mail should be accompanied by two separate files, each with one complete key investor information document. The name of the documents should be as follows (see paragraph 5 in this annex):

- 2011-SUBFUND1-FR-FO_U-13-04_10

- 2011-SUBFUND1-NL-FO_U-13-04_10

In the body of the e-mail, a list of the various annexes should be provided.

14. Example 2.

A UCITS governed by French law named ICBFUND has two sub-funds that are marketed in Belgium: SUBFUND 1, without share classes, and SUBFUND 2, of which classes A, B, C and D are marketed in Belgium and for each class there is a separate key investor information document.

On 24 May 2012, ICBFUND submits a change in the notification dossier in order to provide the FSMA with a new version of

- its instruments of incorporation,
- the key investor information for SUBFUND 1, and
- the key investor information for class A of SUBFUND 2.

These documents are dated 7 May 2012 and are written in French and Dutch. The e-mail is larger than 30 MB.

The dossier will be split into several e-mails. The subject lines of the various e-mails should be as follows:

FR_BE_ICBFUND_UPDATE_1

FR_BE_ICBFUND_UPDATE_2

Six different files will be attached to the e-mail. The name of the documents should be as follows:

- 2012-ICBFUND-FR-FO_U-5-07_05

- 2012-ICBFUND-NL-FO_U-5-07_05
- 2012-SUBFUND1-FR-FO_U-13-07_05
- 2012-SUBFUND1-NL-FO_U-13-07_05
- 2012-SUBFUND2-FR-FO_U-13-07_05
- 2012-SUBFUND2-NL-FO_U-13-07_05

The last two files - one for each language - contain the key investor information documents for classes A, B, C and D.

The body of the e-mail should also indicate that the dossier consists of two parts, and should provide a list of the annexes.