



FSMA_2017_05-01 of 24/02/2017

Alternative Investment Funds Notification of marketing of EEA AIFs managed by Belgian AIFMs to professional investors in other EEA Member States Art. 32 AIFMD¹

Scope:

This Communication is addressed to Belgian alternative investment fund managers who intend to market, to professional investors, units or shares of European Economic Area AIFs ('EEA') in other EEA member state.

This form should be filled out by Belgian Alternative Investment Fund Managers ("AIFM") wishing to market units or shares of European Economic Area ("EEA") Alternative Investment Funds ("AIF") in other EEA member states. 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. 32 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 90 to 92 of the Belgian AIFM Law of 19 April 2014.

3. AIFs to be marketed

Does the AIF(s) have compartments? Yes No

Name of the AIF or AIFs/or compartment(s) to be marketed in the host Member State ²	AIF home Member State	Legal form (common fund, unit trust, investment company, partnership, other (please specify))	Name of the depositary of the AIF ³	Name of the master AIF/or compartment(s) (if applicable)	Home Member State of the master AIF (if applicable)	AIF's investment strategy (please specify the predominant AIF and the breakdown by investment strategies as set out in the reporting template included in Regulation 231/2013)

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.

³ Information on the depositary of the AIF should include the address of the depositary.

4. Member States in which the AIFM intends to market the units or shares of the AIFs to professional investors

Please enter:

'C' if you already market to a state and wish to **continue**.

'A' if you wish to **add** the state to the list of states a fund is marketed to.

'R' if you wish to **remove** the state from the list of states a fund is marketed to.

Name of AIFs	Austria	Belgium	Bulgaria	Croatia	Cyprus	Czech-Republic	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Iceland*	Ireland	Italy	Latvia	Liechtenstein	Lithuania	Luxembourg	Malta	Netherlands	Norway*	Poland	Portugal	Romania	Slovak-Republic	Slovenia	Spain	Sweden	United-Kingdom	

*The annexation of the AIFMD to the EEA Agreement with the European Union has not been completed. Applicant firms have been instructed to ascertain from the competent authorities indicated in red the requirements for allowing marketing activity in the interim period before annexation of the AIFMD to the EEA Agreement.

5. Professional Investors

Please provide information on the arrangements made to prevent units or shares of the AIF from being marketed to retail investors, including in cases where the AIFM relies on activities of independent entities to provide investment services in respect of the AIF:

Please specify where to find the aforementioned information in the documents of the AIFs:

6. Documentation and information to be provided

- the rules or instruments of incorporation of the AIF
- a description of, or any information on, the AIF available to investors
- for each AIF the AIFM intends to market, the information in Annex 1 to this form.

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.	