Annex Communication

**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 AIFMD[[1]](#footnote-1)

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 States.

* 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.
* A single form must be completed for each AIF that the AIFM intends to market in another Member State.
* The form and its annexes must be sent in a single PDF document to the following address: [e-notification.passporting2@fsma.be](mailto:e-notification.passporting2@fsma.be).

**1. EEA Member State & Type of notification**

NOTIFICATION OF THE INTENTION TO MARKET UNITS OR SHARES OF AN AIF OR AIFs MANAGED BY THE SAME AIFM IN A MEMBER STATE OTHER THAN THE HOME MEMBER STATE OF THE AIFM IN ACCORDANCE WITH ARTICLE 32(2) OF DIRECTIVE 2011/61/EU (AIFMD)

IN \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*the host Member State(s)*)

Initial notification

Changes to information already provided in an initial notification[[2]](#footnote-2). (*Please fill-in only the information that has been updated since the previous notification.*)

**2. Information on the AIFM or internally managed AIF**

**Section 1.   Identification of the AIFM or internally managed AIF**

|  |  |
| --- | --- |
| **Identification of the AIFM or internally managed AIF** | |
| Name of the AIFM or internally managed AIF |  |
| AIFM or internally managed AIF LEI (if available) |  |
| National identification code of the AIFM or internally managed AIF (if available) |  |
| AIFM’s or internally managed AIF’s home Member State |  |
| Address and registered office/domicile, if different from address |  |
| Duration of the AIFM or internally managed AIF, where applicable |  |
| Details of AIFM’s or internally managed AIF’s website |  |

|  |  |
| --- | --- |
| **Contact details of the department (or contact point) responsible for the establishment of the notification letter within the AIFM or internally managed AIF** | |
| Name/Position |  |
| Department (or contact point) |  |
| Telephone number |  |
| E-mail address |  |

|  |  |
| --- | --- |
| **Details of the third party (where the AIFM or internally managed AIF designates a third party to make the notification)** | |
| Third party |  |
| Address |  |
| Department (or contact point) |  |
| Telephone number |  |
| E-mail address |  |

|  |  |
| --- | --- |
| **Contact point for the transmission of the invoice or for the communication of any applicable regulatory fee or charges (if applicable)[[3]](#footnote-3)** | |
| Name/Position |  |
| Address for correspondence |  |
| Telephone number |  |
| Email address |  |

If the contact for the invoices is the same than the contact to the AIFM, please clearly specify that.

|  |  |
| --- | --- |
| Please specify which email address provided in this section (contact point at the AIFM or internally managed AIF, contact point within the appointed third party or contact point for the transmission of the invoice) is the preferred address to which the host NCA can transmit any confidential information (inter alia, login and password to access the national systems for reporting. |  |

**Section 2.   Facilities to retail investors (where relevant)**

Pursuant to Article 32(1) of Directive 2011/61/EU, EU AIFMs are authorised to market units or shares of EU AIFs they manage to professional investors in other Member States than their home Member State. However, Member States may allow AIFMs to market to retail investors in their territory units or shares of AIFs they manage in accordance with Article 43 of Directive 2011/61/EU.

The information on facilities to retail investors must be filled in case marketing of the AIFs targets retail investors.

In accordance with point (j) of Annex IV of Directive 2011/61/EU, please fill-in the following table to provide information on the facilities to perform the tasks referred to in Article 43a(1) of this Directive:

|  |  |  |
| --- | --- | --- |
| **Task of the facility** | **Information on the facilities performing the tasks** | **Name/legal form/registered office/address, email, and telephone number for correspondence of the entity responsible to provide the facilities** |
| Process investor’s subscription, payment, and redemption (or repurchase) orders relating to the units or shares of the AIF |  |  |
| Provide investors with information on how orders referred to above can be made and how redemption (or repurchase) proceeds are paid |  |  |
| Facilitate the handling of information relating to the exercise of investor’s rights arising from their investment in the AIF |  |  |
| Make the information and documents required pursuant to Articles 22 and 23 of Directive 2011/61/EU available to investors for the purposes of inspection and obtaining copies thereof |  |  |
| Provide investors with information relevant to the tasks that the facilities perform in a durable medium as defined in Article 43a(1)(e) of Directive 2011/61/EU. |  |  |
| Act as a contact point for communicating with the competent authorities |  |  |

**3. Information on the AIF’s to be marketed in the host Member State**

**Section 1.   Identification of the AIFs**

*Please fill the table below with information for each AIF you intend to market in the host Member State, creating a new table for each AIF and by indicating only one share class (name and ISIN) on each line. Where an AIF takes the form of an umbrella AIF with several compartments or sub-funds, references to the AIF in the table below shall be understood as referring to the compartment or sub-fund to be marketed in the host Member State and not to the umbrella AIF, which shall be identified separately in the corresponding column.*

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Name of the AIF or AIFs/or compartment(s) to be marketed in the host Member State | Date of incorporation or constitution on the AIF | AIF home Member State | Legal form (common fund, unit trust, investment company, partnership, other (please specify)) | LEI of the AIF (where available) | Marketing to retail investors[[4]](#footnote-4) | Name of each share class of the AIF | ISIN of the AIF/of each share class of the AIF (where available) | Name of the depositary of the AIF[[5]](#footnote-5) | Duration of the AIF  (where applicable) | AIF national identification code  (where available) | Name of the umbrella AIF (where applicable) | AIF’s investment strategy[[6]](#footnote-6) (please specify the predominant AIF and the breakdown by investment strategies as set out in the reporting template included in Regulation 231/2013) |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |

Master-feeder structures (if applicable):

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Name of the master AIF or compartment(s) | LEI of master AIF or compartment(s) (where available) |  | AIFM of the master AIF/compartment (where different from the AIF’s AIFM) | LEI of the AIFM of the master AIF/compartment (where different from the AIF’s AIFM and where available) | Home Member State of the master AIF (where different from the AIF’s home Member State) | Home Member State of the AIFM (where different from the master AIF’s home Member State) |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

**Section 2.   Arrangements made for marketing of units or shares of AIFs**

Units or shares of the AIF/AIF compartments will be marketed by:

The AIFM that manages the AIF or the internally managed AIF

Credit institutions

Authorised investment firms or advisers

Other bodies, including bodies located in a third country. Please specify

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
| Please provide information on the arrangements established to prevent units or shares of the AIF from being marketed to retail investors, including in the case where the AIFM relies on activities of independent entities to provide investment services in respect of the AIF[[7]](#footnote-7). |  |
|  |  |

**4. Documentation and information to be provided**

The latest version of the rules or instruments of incorporation of the AIF

The latest version of the offering document (e.g. prospectus)

The AIF’s latest annual report (if available)

The latest version of the rules or instruments of incorporation of the AIF

For each AIF the AIFM intends to market, the information in Annex 1 to this form

Other (please specify)

Date:

Signature:

**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).

A single table must be completed for each compartment[[8]](#footnote-8).

|  |  |
| --- | --- |
| **Information (Art. 23 AIFMD) on [name of the compartment]** | **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 depositary, 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 safekeeping function delegated by the depositary, 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 depositary 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. |  |

|  |  |
| --- | --- |
| **Information (Art. 23 AIFMD) on [name of the compartment]** | **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 depositary, 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 safekeeping function delegated by the depositary, 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 depositary 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. |  |

|  |  |
| --- | --- |
| **Information (Art. 23 AIFMD) on [name of the compartment]** | **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 depositary, 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 safekeeping function delegated by the depositary, 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 depositary 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. |  |

|  |  |
| --- | --- |
| **Information (Art. 23 AIFMD) on [name of the compartment]** | **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 depositary, 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 safekeeping function delegated by the depositary, 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 depositary 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. |  |

|  |  |
| --- | --- |
| **Information (Art. 23 AIFMD) on [name of the compartment]** | **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 depositary, 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 safekeeping function delegated by the depositary, 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 depositary 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. |  |

|  |  |
| --- | --- |
| **Information (Art. 23 AIFMD) on [name of the compartment]** | **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 depositary, 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 safekeeping function delegated by the depositary, 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 depositary 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. |  |

|  |  |
| --- | --- |
| **Information (Art. 23 AIFMD) on [name of the compartment]** | **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 depositary, 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 safekeeping function delegated by the depositary, 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 depositary 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. |  |

|  |  |
| --- | --- |
| **Information (Art. 23 AIFMD) on [name of the compartment]** | **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 depositary, 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 safekeeping function delegated by the depositary, 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 depositary 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. |  |

|  |  |
| --- | --- |
| **Information (Art. 23 AIFMD) on [name of the compartment]** | **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 depositary, 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 safekeeping function delegated by the depositary, 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 depositary 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. |  |

|  |  |
| --- | --- |
| **Information (Art. 23 AIFMD) on [name of the compartment]** | **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 depositary, 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 safekeeping function delegated by the depositary, 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 depositary 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. |  |

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. [↑](#footnote-ref-1)
2. “Amendments” refer to any change other than the de-notification of the arrangements for marketing units or shares of an AIF in another Member State. [↑](#footnote-ref-2)
3. Please indicate a single contact point for the transmission of the invoice or for the communication of any applicable regulatory fee or charge referred to in Article 9 of Regulation (EU) 2019/1156 and in Article 2 of the Commission Implementing Regulation (EU) 2021/955. This contact point may be the same as the contact point designated within the AIFM, or a contact point within an appointed third party. [↑](#footnote-ref-3)
4. Where allowed in the home Member State of the AIFM: ‘Yes’/’No’. Where legislation of the home Member State of the AIFM does not allow marketing to retail investors, please indicate ‘N/A’. [↑](#footnote-ref-4)
5. Information on the depositary of the AIF should include the address of the depositary. [↑](#footnote-ref-5)
6. Please specify the predominant AIF and the breakdown by investment strategies as set out in the reporting template included in Regulation 231/2013. [↑](#footnote-ref-6)
7. This information must be filled only in respect of the AIFs the marketing of which is envisaged to professional investors only. No arrangements need to be put in place in respect of AIFs that the AIFM/self-managed AIF intends to market to retail investors, where permitted by the national legislation of the home Member State of the AIFM in accordance with Article 43 of Directive 2011/61/EU. In case this notification letter refers to both AIFs targeting professional investors and AIFs targeting retail investors, please indicate information only in respect of AIFs targeting only professional investors. [↑](#footnote-ref-7)
8. Please contact us on the address [e-notification.passporting2@fsma.be](mailto:e-notification.passporting2@fsma.be) if the AIF counts more than 10 compartments. [↑](#footnote-ref-8)