IFM - TIED AGENT NOTIFICATION FORM ADDITIONAL INFORMATION TO BE PROVIDED

# 1. Context – type of notification

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|  | CSSF Comments |
| Select the type of notification: |  |
| Case No 1: the IFM intends to use a tied agent established in Luxembourg for the provision of services in Luxembourg.  Case No 2: the IFM intends to use a tied agent established in Luxembourg for the provision of services in another EU Member State.  Case No 3: the IFM intends to use a tied agent established in a host Member State for the provision of services in this host Member State, to be assimilated to the branch established in this host Member State.  Case No 4: the IFM intends to use a tied agent established in a host Member State for the provision of services in this host Member State without having established a branch.  N.B.: for cases No 2 and No 3, Section 7. Notification process - IFM intends to use a tied agent for the provision of services in another EU Member State has also to be completed. |

# 2. Tied agent information

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|  | CSSF Comments |
| The tied agent is a legal person (if applicable): |  |
| - Name of the tied agent:  Insert text.  (Please submit an extract of commercial register, a declaration of honour, which can be downloaded from the CSSF website, and draft articles of incorporation stating that the tied agent acts under the full and unconditional responsibility of only one IFM, excluding any other companies.)  - Name of each person carrying out services on behalf of the tied agent:  Insert text.  (Please submit the following documents for each person:  - A recent curriculum vitae, signed and dated;  - A copy of passport/identity card;  - A declaration of honour, which can be downloaded from the CSSF website, and;  - A recent extract of the criminal record.) |
| The tied agent is a natural person (if applicable): |  |
| - Name of the natural person acting as tied agent:  Insert text.  (Please submit the following documents:  - A recent curriculum vitae, signed and dated;  - A copy of passport/identity card;  - A declaration of honour, which can be downloaded from the CSSF website, and;  - A recent extract of the criminal record.) |

# 3. Program of operations

## 3.1. Intended investment services to be provided by the tied agent

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| --- | --- |
|  | CSSF Comments |
| Please confirm that the tied agent will provide the services under the full and unconditional responsibility of only one IFM, excluding any other companies: |  |
| Yes  No |
| Please confirm that the tied agent will act as such only and solely for one single IFM, excluding any other companies: |  |
| Yes  No |

## 3.2. Organisational structure

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| Please confirm that, according to Article 16(2) of the MiFID II Directive, the IFM has established adequate policies and procedures sufficient to ensure compliance of the IFM (including its managers, employees and tied agents) with its obligations under the MiFID II Directive as well as appropriate rules governing personal transactions by such persons: |  |
| Yes  No |
| Please also add a description to understand what has been / will be implemented: |  |
| Insert text. |

# 4. IFM’s Assessment

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|  | CSSF Comments |
| Please confirm that: |  |
| - the IFM has performed an assessment in line with the expectations set out by ESMA in point 21 of the ESMA Supervisory Briefing n° 35-43-2900:  Yes  No  - the relevant persons of the IFM (as defined in Article 2(1) of Regulation 2017/565) are aware of the procedures which must be followed for the proper discharge of their responsibilities:  Yes  No  - the IFM has established adequate policies and procedures sufficient to ensure compliance with Articles 46(4) and 47(1)(e) of Regulation 2017/565:  Yes  No |
| Please provide the conclusions of the initial due diligence report performed by the IFM on the tied agent: |  |
| Insert text. |
| Please confirm that the IFM has established adequate policies and procedures sufficient to ensure compliance with Article 23 of the MiFID II Directive on the identification, prevention and management of conflicts of interest between firms, including (inter alia) their tied agents or any person (directly or indirectly) linked to them by control, that arise in course of the provision of investment services or activities, and that the conflicts of interest register is up to date: |  |
| Yes  No |
| Please also add a description to understand what has been / will be implemented: |  |
| Insert text. |

# 5. Agreement

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| --- | --- |
|  | CSSF Comments |
| Please confirm that an agreement will be signed between the IFM and the tied agent before the start of activities of the tied agent: |  |
| Yes  No |
| Please confirm that the agreement is in line with the ESMA expectations set out in Article 22 of the ESMA Supervisory Briefing n° ESMA35-43-2900: |  |
| Yes  No  If no, please explain:  Insert text. |

# 6. Systems & Controls

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|  | CSSF Comments |
| Please confirm that the IFM will monitor the activities of the/their tied agent(s) to ensure that it/they continue to comply with the MiFID II Directive rules, including the involvement of the compliance, risk management and internal audit functions, and that sufficient resources are devoted to monitor tied agents’ activities: |  |
| Yes  No |
| Please also add a description to understand what has been / will be implemented: |  |
| Insert text. |

# 7. Notification additional process - IFM intends to use a tied agent for the provision of services in another EU Member State (ONLY APPLICABLE IN CASES No 2 AND No 3)

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|  | CSSF Comments |
| The tied agent is established in Luxembourg and will provide investment services in a host Member State (Case No 2)  (Please submit an (update) notification form for freedom to provide investment services (“FPS”), in accordance with Article 18 of Directive 2009/65/EC, respectively Article 33 of Directive 2011/61/EC and in compliance with Article 34(2) of the MiFID II Directive. See Form on the CSSF website.)  The tied agent is established in a host Member State and will be assimilated to the branch in this country (Case No 3)  (Please submit an (update) branch notification form in relation to the host Member State, under the provisions of Article 17 of Directive 2009/65/EC, respectively Article 33 of Directive 2011/61/EC and in compliance with Article 35(2) of the MiFID II Directive. See Form on the CSSF website.) |  |

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| CSSF Comments |
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