**Confirmation letter**

**issued in relation to the pre-contractual disclosure requirements specified in the Commission Delegated Regulation 2022/1288 of 6 April 2022 supplementing Regulation (EU) 2019/2088 (“CDR”)**

|  |  |
| --- | --- |
| Fund Name (“the Fund”): |       |
| CSSF ID: |       |
| AIFM Name: |       |
| CSSF ID: |       |

I/We, the undersigned, in the capacity as AIFM

am/are duly entrusted with the power for filling out, under the ultimate responsibility of the AIFM, this confirmation letter on behalf of the AIFM.

I/We

• confirm that a prominent statement as required by article 14(2) or article 18(2) of the CDR has been inserted on page       of the       dated dd/mm/yyyy;

• confirm that all sustainability-related disclosures have been duly assessed[[1]](#footnote-1) to ensure that:

- they comply with the requirements set out in the CDR; especially the general principles foreseen in article 2 of the CDR;

- they do not contradict with the information currently published for the respective (sub-)fund on the website (link) in accordance with article 10 of the Regulation (EU) 2019/2088 on sustainability‐related disclosures in the financial services sector (SFDR);

- they do not contradict with information disclosed under article 22 and 23 of the AIFMD; information disclosed in the PRIIPs KID (if applicable) or information contained in any marketing communication according to article 13 SFDR;

- they are accurate and reflect what has been actually implemented.

• confirm that consistency has been checked with respect to the information (already) disclosed, in accordance with article 6 SFDR, on page(s)       of the document mentioned in the first bullet point;

• confirm that consistency has been checked with regard to the information (already) disclosed, in accordance with article 7 SFDR, on page(s)       of the document mentioned in the first bullet point;

• confirm that the template(s) used for the pre-contractual disclosures of (sub-)funds qualifying as article 8 Product (“Product 8”) or article 9 Product (“Product 9”) under SFDR is a 1-to-1 copy of the template foreseen in annex II or III respectively of the CDR and has not been altered except eventually as regards the size and front type of characters or the color used as permitted by article 2 CDR;

• all sections of the aforementioned template have been properly completed and those which are not applicable[[2]](#footnote-2) have been disclosed as such;

• confirm that a table similar to the one below has been attached to the confirmation letter and has been duly completed for all (sub-)funds which qualify as **Product 8 or 9** under SFDR*.*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name of the (sub)-fund** | **Product qualification under SFDR** | **Product qualification under TR** | **Investment strategy** | **Specific investment policy** | **Environmental objectives under article 9 TR** (**only if Art. 5 or 6 TR**) |
| #Name# | Choose an item. | Choose an item. | Choose one or more items | #page number# | Choose one or more items |

*Attention:*

* *For sections “Investment strategy” and “Environmental objectives” choose one or more items from the list provided under these sections given what applies to the (sub)-fund concerned.*
* *For investment strategies qualifying as “other”, please indicate the title of the specific strategy.*
* *Pure social products and Article 8 products promoting environmental characteristics without committing to make sustainable investments should tick “N/A” in section “Environmental objectives*

I/We declare that we would like to benefit from an accelerated processing of the visa stamping of the prospectus/issuing document and that the prerequisites (*see detail of the conditions below*) are met. [ ]  (*tick the box if yes*)

|  |  |  |
| --- | --- | --- |
| **Date(s)** | **Name, Last Name, Entity of authorized signatory(ies)** | **Signature(s)** |
|       |       |       |
|       |       |       |

**What to consider when using this confirmation letter**

**for the purpose of CSSF visa stamping of the Fund prospectus/issuing document**

* Following implementation in pre-contractual documents of Level 1 requirements in respect to EU Regulation 2019/2088 (“SFDR”) since 10 March 2021 and the EU Regulation 2020/852 (TR) since 01 January 2022, the Regulation (EU) 2022/1288 provides that the AIFM ensures transparency of environmentally sustainable investments by means of standardized annexes to the pre-contractual documents of sub-funds referred to Article 8 and 9 SFDR (“in scope sub-funds”) from 1 January 2023.
* Practitioners may benefit from an accelerated examination and processing of the visa stamping of the prospectus/issuing document if changes in those documents are limited to the insertion of the pre-contractual disclosure templates foreseen in annex II and/or III of Commission Delegated Regulation (EU) 2022/1288.

In order to benefit from this accelerated examination and processing, it must be ensured that:

- changes made to the pre-contractual documents are limited to the insertion of the templates pursuant related annexes of Regulation (EU) 2022/1288 and that for all of the sub-funds subject to Article 8 or 9 of the fund;

- the prospectus/issuing document in track change is accompanied by the following confirmation letter and the related table, duly filled out and signed by authorised persons;

- any other changes made apart from changes made in reference to the insertion of the standardized annexes pursuant to Regulation (EU) 2022/1288 must be minor, of editorial nature only and not entail a material change for investors;

- for the purpose of the accelerated examination and visa stamp procedure the following sequential process applies:

* the submission for examination of a draft prospectus/issuing document including annexes (in track changes compared to the last visa-stamped prospectus/issuing document), the confirmation letter and the related table;
* where relevant, CSSF will return comments to the applicant with request for prompt clarification or confirmation, if needed reiteration until completion and consent on disclosures to be inserted;
* after completion and consent, transmission to applicant of information of end of examination phase and invitation for upload of the consented prospectus/issuing document version in clean version for visa stamp, in PDF - text format and in accordance with Circular CSSF 19/708 relating to the electronic transmission of documents to the CSSF (DOCREP-ENNNNNNNN-CCCCCCCC-PPPP-YYYY-MM-DD-PC-LL-0000.pdf).

The CSSF reserves the right to reject or suspend the accelerated examination and processing when either the considerations of the use of this confirmation letter and the related table appear not to being fulfilled, the disclosures need material revision or requests for clarification or confirmation do not receive timely answers.

This accelerated processing is available until 31 October 2022, any transmission after that date can only be considered on a best effort basis.

1. *Please also take into consideration the expectations raised by ESMA in its* [*supervisory briefing dated 31 May 2022*](https://www.google.lu/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjhnY_o48_5AhX-_rsIHeJECCoQFnoECAUQAQ&url=https%3A%2F%2Fwww.esma.europa.eu%2Fsites%2Fdefault%2Ffiles%2Flibrary%2Fesma34-45-1427_supervisory_briefing_on_sustainability_risks_and_disclosures.pdf&usg=AOvVaw0olcmaOUNWGfFEPRF47yPk) *in this regard.* [↑](#footnote-ref-1)
2. *It is necessary to disclose the main section as “N/A” or “not applicable” – all subsequent sub-sections dealing with the same subject can in this case be erased (in order to avoid information overload)*  [↑](#footnote-ref-2)