

Administrative sanction of 23 October 2023 for non-compliance with the conditions of registration applicable to alternative investment fund managers as referred to in the provisions of Article 3(2) of the amended Law of 12 July 2013 on alternative investment fund managers

Administrative sanction imposed on an investment fund manager

Luxembourg, 24 January 2024

Administrative decision

On 23 October 2023, the CSSF imposed a fine on an alternative investment fund manager ("AIFM") as referred to in the provisions of Article 3(2)a) of the amended Law of 12 July 2013 on alternative investment fund managers ("AIFM Law").

Legal framework/motivation

The fine was imposed pursuant to the provisions of Article 51(1), 1st indent and Article 51(2), 3rd indent of the AIFM Law for non-compliance with the conditions of registration, and taking into account the provisions of Article 51(2), last sub-paragraph of said AIFM Law, notably the severity and duration of the infringement.

This fine was imposed for failure to comply with the following provisions of the AIFM Law, as supplemented by Article 4 of the Commission Delegated Regulation (EU) No 231/2013 of 19 December 2012 ("CDR 231/2013"):

- Article 3(3)e) of the AIFM Law; and
- Article 3(3), last sub-paragraph of the AIFM Law.

Legal bases for the publication

This publication is made pursuant to the provisions of Article 51(2), 2nd sub-paragraph of the AIFM Law, the CSSF having considered that this publication does not seriously jeopardise the financial markets or cause disproportionate harm to the entity.

Context

As part of its prudential supervision, the CSSF has analysed the information provided by the AIFM under Article 3(3)d) of the AIFM Law, as supplemented by Article 5(3) of the CDR 231/2013.





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Based on the information provided, the CSSF noted that the total value of assets under the AIFM's management exceeded for an extended period and on a non-temporary basis the threshold referred to in Article 3(2)a) of the AIFM Law.

Yet, the AIFM neither informed the CSSF of the threshold overrun pursuant to Article 3(3)e) of the AIFM Law, nor applied for authorisation pursuant to Article 3(3), last sub-paragraph of the AIFM Law.

