

Administrative sanction of 6 January 2025 for non-compliance with the obligation to communicate information applicable to alternative investment fund managers as referred to in the provisions of Article 3, paragraph 3, letter d) of the amended Law of 12 July 2013 on alternative investment fund managers

Luxembourg, 06 March 2025

Administrative decision

On 6 January 2025 the CSSF imposed an administrative fine amounting to EUR 30,800 (“thirty thousand and eight hundred euros”) on a registered alternative investment fund manager (“AIFM”).

Legal framework/motivation

The administrative fine was imposed by the CSSF pursuant to Article 51, paragraph 1, 1st indent and Article 51, paragraph 2, 1st sub-paragraph, 3rd indent of the AIFM Law, in combination with Article 3, paragraph 3, letter d) and Article 3, paragraph 5 of the Law of 12 July 2013 on alternative investment fund managers (“AIFM Law”) for non-compliance with the professional obligation regarding the regular communication to the CSSF of information on the main instruments in which they are trading and on the principal exposures and most important concentrations of the AIFs that they manage.

In order to determine the type and amount of the administrative fine, the CSSF took into consideration the relevant circumstances as stated in the Article 51, paragraph 2, last indent of the AIFM Law and in particular the gains derived from the infringement. The CSSF also duly took into consideration the remedial actions undertaken by the AIFM to remedy the identified breach.

Legal bases for the publication

This publication is made pursuant to the provisions of Article 51, paragraph 2, 1st sub-paragraph of the AIFM Law, the CSSF having considered that an anonymous publication was necessary in order to not cause disproportionate damage to the AIFM.

Context

For the period from 31 January 2022 to 31 January 2024, the AIFM, for some of the funds it managed, failed to fulfil its periodical communication of information towards the CSSF in compliance with Article 3, paragraph 3, letter d) of the AIFM Law.

The information contained in the communications referred to in Article 3, paragraph 3, letter d) of the AIFM Law constitutes an important source of information for the CSSF. The failure of the AIFM to communicate the necessary information in compliance with Article 3, paragraph 3, letter d) of the AIFM Law prevents the CSSF from effectively monitoring systemic risk.