Repealed by Circular CSSF 22/810

cssf

Commission de Surveillance
du Secteur Financier

Circular CSSF 11/509 (as amended by Circular CSSF 21/778)

Notification procedures to be followed by a UCITS governed by Luxembourg law wishing to market its units in another Member State of the European Union and by a UCITS of another Member State of the European Union wishing to market its units in Luxembourg

Commission de Surveillance du Secteur Financier

In case of discrepancies between the French and the English text, the French text shall prevail.

Circular CSSF 11/509 (as amended by Circular CSSF 21/778)

Re: Notification procedures to be followed by a UCITS governed by Luxembourg law wishing to market its units in another Member State of the European Union and by a UCITS of another Member State of the European Union wishing to market its units in Luxembourg

Luxembourg, 28 July 2021

To all undertakings for collective investment in transferable securities governed by Luxembourg law, to UCITS of another Member State of the European Union wishing to market their units in Luxembourg and to those involved in the operation and control of these undertakings

Ladies and Gentlemen,

Directive 2009/65/EC of the European Parliament and the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS Directive) has introduced, amongst others, a new notification procedure for UCITS which intend to market their units in a Member State of the European Union (Member State) other than those in which they are established. This notification procedure, which aims to facilitate the distribution of UCITS in the European Union, is in principle applicable directly between the supervisory authorities of the Member States on the basis of a file that the UCITS must submit to the supervisory authority of the home Member State.

The provisions of the aforementioned Directive 2009/65/EC have been transposed by Chapters 6 and 7 of the Law of 17 December 2010 relating to undertakings for collective investment (hereafter “2010 Law”).

The UCITS directive was amended by Directive (EU) 2019/1160 of the European Parliament and of the Council of 20 June 2019. Amongst others, it extends the notification procedure insofar as it considers the de-notification of sub-funds and types of units of UCITS, which is also carried out directly between the supervisory authorities of the Member States on the basis of a file that the UCITS must submit to the supervisory authority of the home Member State.

This Circular aims to clarify the practical and technical procedures that UCITS must follow for cross-border marketing.

Commission de Surveillance du Secteur Financier

1. UCITS governed by Luxembourg law marketing their units in another Member State

In accordance with Article 54 of the 2010 Law, a UCITS shall first submit a notification letter to the CSSF which contains information on the arrangements for marketing in the host Member State as well as the latest versions of a number of documents specified in more detail under point 1.3 of this Circular.

The CSSF shall verify that the documentation provided by the UCITS in accordance with paragraphs 1 and 2 of Article 54 is complete prior to transmitting the complete documentation to the competent authorities of the host Member State.

This regulator to regulator transmission is notified without delay by the CSSF to the UCITS, which may access the market of the relevant host Member State from that date (for technical details see Annex 1, point 3)).

It should be noted that in accordance with Article 54 (4) of the 2010 Law, the UCITS notifies the competent authorities of the host Member State itself in case of any amendment to the previously communicated information regarding the arrangements for marketing.

1.1 Notification procedure

Three notification procedures have to be distinguished, namely one where a file is deposited with the CSSF, one in case of de-notification of a UCITS, and one where a notice of amendment is to be submitted directly by the UCITS to the competent authority of the host Member State.

a) The submission of a notification file with the CSSF applies in all cases where a UCITS proposes to market its units in another Member State of the European Union, in particular:
   - upon notification of the competent authority of a host Member State by a UCITS proposing to market all or part of its units in that State;
   - upon notification of the competent authority of a host Member State by an umbrella UCITS proposing to market all or part of its units of one or several of its compartments in that State; and
   - upon notification of the competent authority of a host Member State by an umbrella UCITS proposing to market all or part of its units of one or several additional compartments (whereas the marketing of units of other compartments has already been notified in that State).
     To be noted that for each new share class an initial notification should be sent.

b) In case of de-notification, the UCITS must make an update notification to the CSSF. This has to be done on a sub-fund and/or share class level.
c) A written notice of amendment is to be addressed directly to the competent authority of the host Member State in case of an amendment to the information regarding the arrangements intended for marketing set out in the notification letter or an amendment of the share classes to be marketed. This notice is to be sent before implementing the amendment in question. It is not necessary to file a copy of this notice with the CSSF.

The CSSF remains responsible, however, for the approval of any amendment to the prospectus and constitutional documents of the UCITS and this approval must be obtained prior to sending the aforementioned notice of amendment, to the competent authority of the host Member State.

1.2 Submission of the notification file to the CSSF

The CSSF requires that the notification file be submitted electronically using one of the following methods:

- systems based on channels accepted by the CSSF in accordance with the provisions of Circular CSSF 08/334;
- direct filing of the required documents on the CSSF website (subject to the preliminary conditions specified on the CSSF website).

Within the framework of the notification procedure in electronic form, UCITS must submit a notification file containing the documents described in point 1.3 of this Circular.

It is also necessary to ensure the preparation and transmission to the CSSF of a complete notification file for each host Member State in which the UCITS intends to market its units.

From a technical point of view, all the documents constituting a notification file intended for a given host Member State must be grouped together in a "single package" by the host Member State (zip file). Further details on the nomenclature and format for electronic transmission are specified in Annexes 1, 2, 3 and 4 of the Circular.

1.3 The documentation constituting the notification file

With regard to the notification of the marketing of units of a UCITS in another host Member State, the notification file transmitted electronically to the CSSF must contain the following documents:

Type of document	Abbreviation	Specifications
Notification letter	LN	Details on the format and mapping of the notification letter can be found in Annex 4. The notification letter must be exactly like the template provided for in Commission Regulation (EU) No 584/2010 of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards the form and content of the standard notification letter and UCITS attestation, the use of electronic communication between competent authorities for the purpose of notification, and procedures for on-the-spot verifications and investigations and the exchange of information between competent authorities.
CSSF attestation letter	AT	The attestation to be attached to the file is the attestation that the CSSF delivered to the UCITS together with the latest visaed prospectus.
Management Regulations or Articles of incorporation	MR AI	The latest version of the Management Regulations of the common funds or the latest consolidated version of the Articles of Incorporation of investment companies must be annexed to the file as a single document.
Prospectus	PC	The prospectus to be annexed to the file has to be the latest prospectus visaed by the CSSF.

Type of document	Abbreviation	Specifications
Key Investor Information Document	KI	According to the Law of 17 December 2010 the KI is to be provided in a language or translation accepted by the host Member State of the UCITS. In the absence of a KI during the transitional period ending on 30 June 2012, the simplified prospectus must be attached to the file. This simplified prospectus (PS) must be the latest simplified prospectus visaed by the CSSF.
Latest Report	AR SR	The audited annual report (AR) or unaudited semi-annual report, if available. The most recent published reports must be attached.
Marketing arrangements	MP	This document is optional and provides additional information on the arrangements made for marketing the units of a UCITS in the case where the structure of the notification letter would not permit the internal methods of marketing to be reproduced exactly.
Confirmation of payment	CP	This document should only be annexed to the file for marketing applications in host Member States requiring confirmation of the payment of tax to which the UCITS is subject in the host Member State.

To be noted that for de-notifications, the file should include the letter of de-notification.

Other documents could also be added but they have to be part of the list above.

The specifications on the format of the de-notification letter are presented in Annex 6.

1.4 Processing of the notification file

For the purpose of ensuring that only complete and compliant notification documentation is submitted to a host Member State authority of a UCITS, the notification procedure, as implemented by the CSSF, provides for the notification files, to be subject to a number of formal verifications upon receipt by the CSSF. An indicative table of the formal verification rules to which the notification file is subject upon receipt by the CSSF is provided in Annex 5. These rules may be adapted by the CSSF without reiteration of this Circular.

Where the CSSF notices, following the formal verification upon receipt of the file, that the file is incomplete or does not comply with the relevant technical requirements, the UCITS shall be informed, through the same communication channel it used for submitting the notification file to the CSSF, of the reason(s) preventing the submission of the file to the competent authorities of the relevant host Member State. It is then the responsibility of the UCITS to submit a new notification file duly completed and corrected in respect of the deficiencies which resulted in its rejection.

If a host Member State authority does not, for any reason, accept a notification file submitted by the CSSF, the UCITS shall be informed of the reason(s) of refusal through the same communication channel it used for submitting the file to the CSSF. It is then the responsibility of the UCITS to submit a new notification file to the CSSF duly completed and corrected in respect of the relevant deficiencies.

As part of the processing of the file, it is verified, amongst other, that the UCITS attestation issued by the CSSF, the visaed prospectus, the management regulations or the articles of incorporation, the Key Investor Information Documents and the financial reports contained in the notification file, are fully consistent with the electronic versions of these documents in possession of the CSSF. In order to be able to apply the controls referred to above, the CSSF must therefore be, at all times, in possession of the latest electronic versions of the PC, MR or AI, KI, AR and SR documents.

In this context, the CSSF would like to draw the attention of the persons responsible for the UCITS to the fact that the documents MR or AI and KI are currently not at the disposal of the CSSF in electronic form. We therefore request the persons responsible for the UCITS to organise the electronic submission to the CSSF of the latest versions of the relevant documents at their earliest convenience and, in any case, to ensure the filing of these documents prior to the submission of a notification file to the CSSF.

The methods for the submission of an electronic version of the documents to the CSSF are set out under Circular CSSF 19/708.Annex

2. UCITS established in another Member State which intend to market their units in Luxembourg

If a UCITS established in another Member State intends to market its units in Luxembourg, the UCITS must ensure that the CSSF receives the documentation referred to in paragraphs 1 and 2 of Article 93 of the UCITS Directive as well as an attestation that the UCITS fulfils the conditions imposed by the UCITS Directive from the competent authorities of the home Member States.

However, in the event of an amendment having an impact on the notification letter sent to the CSSF at the time when the UCITS intends to market its units in Luxembourg or of a change of the share classes to be marketed in Luxembourg, the UCITS shall directly inform the CSSF before implementing this amendment.

Complete information about the legal, regulatory and administrative provisions specifically applicable to the marketing arrangements of the units of UCITS in Luxembourg are available on the website of the CSSF under the section Investment funds and vehicles> Undertakings for collective investment in transferable securities (UCITS) > Marketing of units/shares of UCITS.

Annexes: 6

Commission de Surveillance du Secteur Financier

Annex 1:

Notification package and notification systems

1) General information on the notification package and notification system

1.1 Notification package

"Notification package" means a .zip file which

- complies with the standard for .zip files established in Circular CSSF 08/334 (see descriptive and technical details in Annex 2 item 2. and Annex 3 item 2. respectively)
- contains the notification documents listed under item 1.3. of this Circular and which complies with the naming conventions defined in Annex 2 item 1. and Annex 3 item 1. respectively.

1.2 Notification systems

A notification system is an infrastructure for submission of notification packages to the CSSF that only a **channel operator 08/334 or the CSSF** itself has the right to propose. Such a system can have two operating modes:

a) **transport notification system**: in this case, the system transmits to the CSSF notification packages which are entirely generated by the applicant or its duly authorised remitter;

b) **notification system with generation**: in this case, the notification system supports the user in the preparation of the notification packages and in particular of the two versions of the notification letter detailed in Annex 4 of this Circular. In this respect, it may be based on the input of the remitter and the content of its systems.

2) Notification systems accepted by the CSSF

2.1 Systems based on the channels pursuant to Circular CSSF 08/334

The notification channels operate on the basis of channel infrastructures relating to Circular CSSF 08/334, but **do not use registration of certificates, electronic signatures and encryption mechanisms**. However, they use other features of these channels, such as the contract concluded between the applicant and the channel operator, the management of the user accounts by the operator, the transmission and verification of the naming conventions.

The channels can operate in two different ways:

a) "Generation" notification channel

This refers here to transmission channels 08/334 in "notification system with generation" mode. These channels support the applicant in the generation of the XML and PDF versions of the notification letter and in the composition of the notification package.

The login used in the notification system is accepted by the CSSF as a signature, as provided for in part C of Annex I of the Commission Regulation (EU) No 584/2010 dated 1 July 2010.

Remark: Regarding the de-notification letter, the generation of an XML is not required.

b) "Transportation" notification channel

This refers to a transmission channel 08/334 in "transportation notification system" mode.

The login used in the notification system is accepted by the CSSF as a signature on the notification letter; the letter itself needs not to be signed in this case.

2.2 Direct filing with the CSSF

This refers to a transmission notification system which enables the applicant to download the notification package directly on the CSSF website. This can be done through the following URL:

To register: http://register.cssf.lu

To submit a notification package http://upload.cssf.lu

The CSSF only recommends the use of this channel for small-sized entities with low frequencies which face difficulties in accessing the system of 08/334 channels. Consequently, volumetric restrictions are provided for therein.

This channel is used in the following manner:

- generation of the notification package by the UCITS
- registration of an E-mail address in the aforementioned URL form which enables the CSSF to communicate the notification results to the UCITS
- The CSSF returns an E-mail to this address with a link which allows access to the filing system; this access is valid for a limited period.
- The reporting entity can then download its notification package(s), provided that the name of each package is different and complies with the naming convention.

3) CSSF return files

There will be three types of CSSF return files:

Code	XML Schema	Content
NOTFBR	FileAcknowledge	Standard acknowledgement of receipt of 08/334 channels (this file will be returned only at the level of 08/334 channels not at the level of the web filing which has its own mechanisms). Only the first step (verification of the naming convention of the submitted package) will depend on the submitted file, the three other steps (Authentication, Signature, Decryption) will automatically have the result 'A' (Accepted) because these mechanisms are not applicable for notifications.
NOTFDB	notificationreply	This type of return will be generated by the CSSF following the analysis of the notification file by the CSSF. This file is generated by the CSSF after either: • the proper performance of all the **automated** and **manual** tests of the CSSF. The tag <CSSF_Reply> / <CSSF_Status> will then contain: "**Accepted by CSSF**". In parallel, the CSSF will send the notification package to the authority of the relevant Member State of the European Union • failure of at least one **automated** or **manual** test of the CSSF and thus the rejection of the notification package by the CSSF. The tag <CSSF_Reply> / <CSSF_Status> will then contain "Technical verification failed" (failure of the automated rules) or "**Rejected by CSSF**" (CSSF refusal due to the results of the manual verification) and informs the UCITS that the CSSF has not forwarded the notification application to the

		authorities of the relevant Member State of the European Union; a new notification package is then to be sent. One or several error messages relating to the automated tests (<CSSF_Reply> / <Verification_Results>) or a message stating that one (or several) manual test(s) failed (<CSSF_Reply> / </Message>) will inform the UCITS of the reasons for the failure of its package.
NOTFBH	notificationreply	This type of return will be generated by the CSSF following the analysis and the refusal of the notification file by the authorities of the Member State of the European Union in which the UCITS wishes to market its units and on the basis of its return to the CSSF. The structure <Host_Reply> / <Host_Status> will then contain the status "Rejected by host". The tag <Host_Reply> / <Message> will then contain more information on the reasons for the refusal by the relevant authority.

A **NOTFDB** return file will, in any case, be returned to the UCITS. A **NOTFBH** file will **only** be returned **in case of refusal by the relevant authority**.

Consequently, XML schemas will be published on www.cssf.lu under the heading Legal Reporting for UCI / File Transport and Data Protection.

The returns are made as follows:

Channel	Return by	Practical arrangements in respect of the return
08/334	Channel	Return by channel
Website filing http://www.cssf.lu	E-mail	Return to an E-mail address to be entered (in duplication) at the filing

Commission de Surveillance du Secteur Financier

Annex 2:

Description of the nomenclature to be complied with for the transmission of zip files and documents contained therein

1) Details on the nomenclature used for documents

All the documents below are to be sent in PDF format. The files must comply with the following nomenclature:

1.1 Notification letter

DOCREP-ONNNNNNNN-CCCCCCCC-PPPP-YYYY-MM-DD-LN-LL-0000.pdf

LN for Notification Letter

The notification letters submitted via a channel which is accepted pursuant to the provisions of Circular CSSF 08/334 do not need to be signed electronically as the identification of the applicant has already been done by the channel operator.

The notification letter must also by attached in XML format (see Annex 3).

The de-notification letter should refer to the sub-fund and/or share class in the nomenclature. Indeed, the de-notification package is limited to one UCITS.

1.2 Prospectus

The prospectus, visaed by the CSSF, must be sent using the following nomenclature:

DOCFDB-ONNNNNNNN-CCCCCCCC-PPPP-YYYY-MM-DD-PC-LL-0000.pdf

where

DOCFDB		the identifier of the delivery type of a document visaed by the CSSF (constant)
O		the letter identifying the UCIs
NNNNNNNN		the identification number of the UCI (preceded by 0 when the number has less than 8 digits

CCCCCCCC	designates	the identification number of the compartment (preceded by 0 when the number has less than 8 digits
PPPP		the identification number of the type of units (preceded by 0 when the number has less than 4 digits
YYYY*		the year (of the prospectus)*
MM*		the month (of the prospectus)*
DD*		the day (of the prospectus)*
PC		Prospectus
LL		the code of the language in which the prospectus is established
0000		corresponds to the basic document (constant)

*The date YYYY-MM-DD indicates the date of the prospectus and not the date on which it is sent

Particular cases:

When it is a classic UCI without any sub-funds CCCCCCCC=00000000

When a full prospectus covers more than one sub-fund CCCCCCCC=00000000

When a full prospectus covers more than one type of units PPPP=0000

1.3 The Key Investor Information Document

This document must be sent under the following nomenclature:

DOCREP-ONNNNNNNN-CCCCCCCC-PPPP-YYYY-MM-DD-KI-LL-0000.pdf

(non-visaed version)

where

DOCREP is the identifier of the delivery type of a document which has not been visaed by the CSSF (constant) and

KI for Key Investor Information Document

1.4 Annual report

DOCREP-ONNNNNNNN-CCCCCCCC-PPPP-YYYY-MM-DD-AR-LL-0000.pdf

AR for Annual Report

1.5 Semi-Annual Report

DOCREP-ONNNNNNNN-CCCCCCCC-PPPP-YYYY-MM-DD-SR-LL-0000.pdf

SR for Semi-Annual Report

1.6 Constitutional Documents

DOCREP-ONNNNNNNN-CCCCCCCC-PPPP-YYYY-MM-DD-MR-LL-0000.pdf

MR for Management Regulations of UCITS which have adopted the form of a common fund in the consolidated version (one single document)

DOCREP-ONNNNNNNN-CCCCCCCC-PPPP-YYYY-MM-DD-AI-LL-0000.pdf

AI for Articles of Incorporation of UCITS which have adopted the corporate form in the coordinated version (one single document)

1.7 CSSF attestation

The last attestation issued by the CSSF (in principle, the one issued together with the latest visaed prospectus) must be sent under the following nomenclature:

DOCFDB-ONNNNNNNN-CCCCCCCC-PPPP-YYYY-MM-DD-AT-LL-0000.pdf

AT for Attestation

1.8 Confirmation of Payment

DOCREP-ONNNNNNNN-CCCCCCCC-PPPP-YYYY-MM-DD-CP-LL-0000.pdf

CP for Confirmation of Payment. (Optional document according to the Member State of the European Union)

1.9 Marketing provisions

DOCREP-ONNNNNNNN-CCCCCCCC-PPPP-YYYY-MM-DD-MP-LL-0000.pdf

MP for Marketing Provisions for the Member State of the European Union in which the UCITS wishes to market its units.

1.10 Simplified prospectus

The simplified prospectus visaed by the CSSF must, where appropriate, be sent under the following nomenclature:

DOCFDB-ONNNNNNNN-CCCCCCCC-PPPP-YYYY-MM-DD-PS-LL-0000.pdf

PS for simplified prospectus

2) Details on the nomenclature used for zip files

For each Member State of the European Union in which the UCITS intends to market its units, a complete file (a "package") is to be prepared and sent to the CSSF. This package (zip file) must contain all the documents required for that Member State and each document must comply with the nomenclature referred to in paragraph 1). This zip file must comply with the following nomenclature:

NOTREP-ONNNNNNNN-LU-HH-INI-YYYYMMDDHHMMSS.zip

NOTREP is a constant which identifies the type and direction of the file

O is the letter which identifies the UCITS

NNNNNNNN the identification number of the UCITS (preceded by 0 when the number has less than 8 digits

LU for Luxembourg

HH is the ISO code for the Member State of the European Union of marketing for which the file is destined

INI is the constant for initial notification

YYYYMMDDHHMMSS date, hour, minute, second of the creation of the zip file

A file using a name which has already been used before shall be rejected; when a correction is sent, the creation date must then be adapted.

Annex 3:

Table of technical specifications of the nomenclature used for the documents and the zip file to be transmitted

This chapter sets out the nomenclature conventions described in descriptive form in Annex 2.

1) Details on the nomenclature used for documents within a zip file

Format:

TYRDIR-ENNNNNNNN-CCCCCCCC-PPPP-YYYY-MM-DD-DO-LL-IIII.ext

Meaning:

Code	Meaning	Structure	Authorised values
TYR	Reporting type	Char(3)	'DOC' for "Non-structured documents"
DIR	Direction	Char(3)	'REP' for Report → file to CSSF 'FDB' for Feedback→ return CSSF on the document received (only if such a return is defined in a CSSF Circular; these are currently the prospectuses and attestations; documents which a UCITS is required to resend, in the notification package, the documents that have been previously sent to it within the context of Circular 19/708 procedures)
E	Type of entity	Char(1)	Constant 'O' for UCI

NNNNNNNN	Identification number of the UCITS	Number(8)	00000001…99999999 (CSSF identifier of the UCITS)
CCCCCCCC	Number of the compartment	Number(8)	00000001…99999999 for an entity with compartments, '00000000' for an entity without compartments '00000000' is also to be used when a document covers more than 1 compartment
PPPP	Type of unit	Number(4)	0001…9999 for an entity with compartments and types of units, '0000' is to be used when a document covers more than 1 type of unit
YYYY	Year	Number(4)	Year
MM	Month	Number(2)	Month
DD	Day	Number(2)	Day (YYYYMMDD: the reference date of the document and not the date on which it is sent should be indicated)
DO	Type of document	Char(2)	Code with two digits mentioned in the relevant CSSF Circular Examples: 'PC' for "Full Prospectus" 'PS' for "Simplified Prospectus" KI for "Documents containing key investor information" 'AI' for "Status" 'MR' for "Management Regulations" 'LN' for "Notification Letter"

			'AR' for "Annual Report" 'SR' for "Semi-Annual Report" 'AT' for "CSSF Attestation" 'CP' for "Confirmation of Payment" 'MP' for "Marketing Method" Others: ...
LL	Language of the document	Char(2)	Language Code ISO 639-1 (alpha-2) e.g. en=English, fr=français, de=deutsch, lb=luxembourgeois
IIII	Annex Number	Number(4)	'0000' – Main document The value of the annex is constant '0000' (Main document without attached files) for all the documents constituting part of a notification
.ext	Extension	Char(5)	'.pdf'(PDF)

Example:

DOCREP-O00000001-00000000-0000-2009-12-31-AR-DE-0000.pdf

Annual Report in German for UCI n°1 with the reference date "31 December 2009"

DOCFDB-O00000998-00000000-0000-2009-12-31-PC-DE-0000.pdf

Prospectus in German for UCI n°998 with the reference date "31 December 2009", signed and visaed (thus returned to the UCI) by the CSSF.

2) Details on the nomenclature used for zip files

Format:

TYRDIR-ENNNNNNNN-CC-HH-TTT-YYYYMMDDHHMMSS.ext

Meaning:

Code	Meaning	Structure	Authorised values
TYR	Type de reporting	Char(3)	'NOT' for "UCITS IV Notifications"
DIR	Direction	Char(3)	'REP' for Report → file to CSSF 'FBR' for Feedback on Reception → acknowledgment of receipt CSSF 'FDB' for Feedback→ return CSSF on the document received (only if such a return is defined in a CSSF Circular) 'FBH' for Feedback following return of the competent authorities of the host Member State of the European Union → return CSSF to the UCITS in the case of a notification rejection by an authority
-	Separator	Char(1)	Constant '-'
E	Type of entity	Char(1)	'O'
NNNNNNNN	Identification number of the UCITS	Number(8)	00000001…99999999 (CSSF identifier of the UCITS)
-	Separator	Char(1)	Constant '-'
CC	Home – Nationality of the UCITS	Char(2)	Constant 'LU'

-	Separator	Char(1)	Constant '-'
HH	Host – Country of marketing	Char(2)	ISO 3166-1-alpha-2 code
-	Separator	Char(1)	Constant '-'
TTT	Type of notification	Char(3)	'INI' – initial notification 'UPD' – update notification (de-notification)
-	Separator	Char(1)	Constant '-'
YYYYMMDDHHMMSS	Creation date of the file	Number(14)	
.ext	Extension	Char(4)	'.zip' (Archive ZIP) for the REP '.xml' (XML) for the FBR, FDB and FBH

Examples:

NOTREP-O00000003-LU-DE-INI-20100101160000.zip

Initial notification for the marketing of the Fund O00000003 (for the UCITS or part of the compartments/types of units) in Germany created on 1 January 2010 at 4 p.m.

NOTREP-O00000003-LU-FR-UPD-20210101160000.zip

De-notification of the Fund O00000003 (for the UCITS or part of the compartments/types of units) in France created on 1 January 2010 at 4 p.m.

3) Zip file size

The size of a notification package should not exceed the volume of 12 MB.

Large notification files may cause processing problems or additional delays.

Annex 4:

Format and mapping of the initial notification letter

1) General information

A notification package must contain the notification letter in the two following formats:

- in XML format as an instance of the "notifletter.xsd" schema. The XML schema described is published on www.cssf.lu under the heading Legal reporting for UCI / File transport and Data protection.
- in PDF format exactly replicating the template published by the Commission in one of the following languages DE, FR, EN, as defined in the table below:

Language	URL	Pages
DE	http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:176:FULL:DE:PDF	L 176/22 – L 176/25
FR	http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:176:FULL:FR:PDF	L 176/22 – L 176/25
EN	http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:176:FULL:EN:PDF	L 176/22 – L 176/25

The UCITS is fully responsible for the consistency of the XML and PDF versions of the notification letter. The XML version should first be generated in the target languages and then the PDFs should be issued with the following mapping indications (in English).

2) General mapping XML → PDF

NOTIFICATION LETTER

(Article 1 of Commission Regulation (EU) no 584/2010 of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards the form and content of standard notification letter and UCITS attestation, the use of electronic

communication between competent authorities for the purpose of notification, and procedures for on-the-spot verifications and investigations and the exchange of information between competent authorities (OJ L176, 10.7.2010, p.16)

NOTIFICATION OF INTENTION TO MARKET UNITS OF UCITS

IN <***Notification***>/<***Host***> --> ***see special treatment***>
(the host Member State)

PART A

Name of the UCITS: <***UCITS***>/<***Name***>

UCITS home Member State: <***Notification***>/<***Host***> --> ***see special treatment>)***

Legal form of the UCITS (please tick appropriate one box)

☐ common fund ***tick if <UCITS>/<Legal_Form>="COMMON_FUND"***
☐ unit trust ***tick if <UCITS>/<Legal_Form>="UNIT_TRUST"***
☐ investment company ***tick if <UCITS>/<Legal_Form>="INVESTMENT_COMPANY"***

Does the UCITS have compartments? ☐ YES ☐ NO
tick according to value of <UCITS>/<Multi_Compartment_Flag>

In case <UCITS>/<Multi_Compartment_Flag>=true:

Name of the UCITS and/or compartment(s) to be marketed in the host Member State	**Name of share class(es) to be marketed in the host Member State** [1]	**Duration** [2]	**Code numbers** [3]
<UCITS>/<Name>	***<Attachment>/<Referred_Substructures>/<Subfund>/<Share>/<Name>***	***<Attachment>/<Referred_Substructures>/<Subfund>/<Share>/<Duration>***	***"HOME:" <UCITS>/<ID>/<Value>"/" <Attachment>/<Referred Substructures> /<Subfund>/<ID>/<Code>" /"<Attachment>/<Referred Substructures>***

[1] *If the UCITS intends to market only certain share classes, it should list only those classes*

[2] *If applicable*

[3] *If applicable (e.g. ISIN)*

			/<Subfund>/<Share>/<ID>/<Code>(*) *"ISIN:"* *<Attachment>/<Referred Substructures>/<Subfund>/<Share>/<ID>/<Code>(**)*
(*): for <Type>Home</Type> *(**): for <Type>ISIN</Type>*			

In case <UCITS>/<Multi_Compartment_Flag>=false:

Name of the UCITS and/or compartment(s) to be marketed in the host Member State	Name of share class(es) to be marketed in the host Member State [4]	Duration[5]	Code numbers[6]
<UCITS>/<Name>	*<Attachment>/<Referred_Substructures>/<Share>/<Name>*	*<Attachment>/<Referred_Substructures>/<Share>/<Duration>*	*"HOME:" <UCITS>/<ID>/<Value>"/ "<Attachment>/<Referred Substructures>/<Subfund>/<ID>/<Code>" / "<Attachment>/<Referred Substructures>/<Subfund>/<Share>/<ID>/<Code>(*) "ISIN:" <Attachment>/<Referred Substructures>/<Subfund>/<Share>/<ID>/<Code>(**)*
(*): for <Type>Home</Type> (**) : for <Type>ISIN</Type>			

[4] *If the UCITS intends to market only certain share classes, it should list only those classes*

[5] *If applicable*

[6] *If applicable (e.g. ISIN)*

Name of the management company/ self-managed investment company
<Management_Company>/<Name>

Management company's home Member State: ***<Management_Company>/<Country>***
--> see special treatment

Address and registered office/domiciled if different from address
<Management_Company>/<Address>

Details of management company's website: ***<Management_Company>/<Website>***

Details of contact person at the management company

While more <Contact> are in the XML:

Name / Position: ***<Contact>/<Name>"(“<Contact>/<Position>")"***

Telephone number: ***<Contact>/<Phone>***

E-mail address: ***<Contact>/<Email>***

Fax number: ***<Contact>/<Fax>***

End while

Duration of the company, if applicable: ***<Management_Company>/<Duration>***

Scope of activites of the management company in the UCITS host Member State
See subchapter "Activities"

Additional information about the UCITS (if necessary)
<Additional_Info>

Attachments:

1) The latest version of the fund rules or instrument of incorporation, translated if necessary in accordance with Article 94(1) (c) of Directive 2009/65/EC.
<Attachment>/<Document_Name> of type AI or MR (one or more)
(Title of document(s) or name of electronic file(s) attachment)

2) The latest version of the prospectus, translated if necessary in accordance with Article 94(1)(c) of Directive 2009/65/EC.
<Attachment>/<Document_Name> of type PC (one or more)
(Title of document(s) or name of electronic file(s) attachment

3) The latest version of the key investor information, translated if necessary in accordance with Article 94(1)(b) of Directive 2009/65/EC
<Attachment>/<Document_Name> of type KI or PS (one or more)
(Title of document(s) or name of electronic file(s) attachment)

4) The latest published annual report and any subsequent half-yearly report, translated if necessary in accordance with article 94(1) c) of Directive 2009/65/EC.

<Attachment>/<Document_Name> of type AR or SR (one or more)

(Title of document(s) or name of electronic file(s) attachment)

Note:
The latest versions of the required documents listed above must be attached to this letter for onward transmission by the competent authorities of the UCITS home Member State, even if copies have previously been provided to that authority. If any of the documents have previously been sent to the competent authorities of the UCITS host member State and remain valid, the notification letter may refer to that fact.

Indicate where the latest electronic copies of the attachments can be obtained in future:

<Notification>/<Update_Info>

Part B

The following information is provided in conformity with the national laws and regulations of the UCITS host Member State in relation to the marketing of units of UCITS in that Member State.

UCITS shall refer to the website of the competent authorities of each Member State for details of which items of information shall be provided in this section. A list of relevant website addresses is available at www.cesr.eu

1. Arrangements made for marketing of units of UCITS
Units of the UCITS/UCITS compartments will be marketed by:

<Marketing_Arrangements > (see also example below)

☐ the management company that manages the UCITS

Tick if <Ucits_Management_Company>true<Ucits_Management_Company>

☐ any other management company authorised under Directive 2009/65/EC

Tick if <Other_Management_Company>true<Other_Management_Company>

While more <Listing> tags with non-empty content exist under <Other_Management_Company>, add the following line to the numbered list of the PDF:

n) "Other management companies:" Content of tag <Listing>

☐ credit institutions

Tick if <Credit_Institutions>true<Credit_Institutions>
While more <Listing> tags with non-empty content exist under <Credit_Institutions>, add the following line to the numbered list of the PDF:
n) "Credit institutions:" Content of tag <Listing>

☐ authorised investment firms or advisers
Tick if <Investment_Firms_Advisors>true<Investment_Firms_Advisors>

While more <Listing> tags with non-empty content exist under <Investment_Firms_Advisors>, add the following line to the numbered list of the PDF:
n) "Authorised investment firms or advisers:" Content of tag <Listing>

☐ other bodies
Tick if <Other_Bodies>true<Other_Bodies>

While more <Listing> tags with non-empty content exist under <Other_Bodies>, add the following line to the numbered list of the PDF:
n) "Other Bodies:" Content of tag <Listing>

2. Arrangements for the provision of facilities to unit-holders in accordance with Article 92 of Directive 2009/65/EC: ***<Unitholders_Facilities_Info>***

While more <Paying_Agent> are in the XML
Details of paying agent (if applicable): ***<Paying_Agent>***

Name: ***<Name>***

Legal form: ***<Legal_Form>***

Registered office: ***<Registered_Office>***

Address for correspondence (if different): ***<Address_Of_Correspondence>***

End While

Details of any other person from whom investors may obtain information and documents:

While more <Further_Info_And_Docs> are in the XML
Name: ***<Name>***

Address: ***<Address>***

End While

Manner in which the issue, sale, repurchase or redemption price of units of UCITS will be made public
<Publication>

3. Other information required by the competent authorities of the host Member State in accordance with Article 91(3) of Directive 2009/65/EC ***<Other_Info>***

Include (if required by UCITS host Member State)

☐ details of any additional information to be disclosed to unit-holders or their agents; ***Tick if tag <Additional_Info> delivered***

☐in case a UCITS makes use of any exemptions from rules or requirements applicable in the UCITS host Member State in relation to marketing arrangements for the UCITS, a specific share class or any category of investors, details of the use made of such exemptions; ***tick if tag <Exemptions> delivered***

<Additional_Info> followed by <Exemptions>

If required by the UCITS host Member State, evidence of payment due to the competent authorities of the host Member State

<Evidence_Payment>

PART C

Confirmation by the UCITS

We hereby confirm that the documents attached to this notification letter contain all relevant information as provided for in the Directive 2009/65/EC. The text of each document is the same as that previously submitted to the competent authorities of the home Member State, or is a translation that faithfully reflects that text.

(The notification letter shall be signed by an authorised signatory of the UCITS or a third person empowered by a written mandate to act on behalf of the notifying UCITS, in a manner which the competent authorities of the UCITS home Member State accept for certification of documents. The signatory shall state his/her full name and capacity, and shall ensure the confirmation is dated.)

_____

3) Activities

Remark: this gives the exemplary treatment for the EN version; please refer to the chapter G “Reference tables” for DE and FR translations

If ***<Standard>true<Standard>***
Then add the following line to the field “Activities” of the PDF:
Activity of collective portfolio management (investment management, administration, marketing according to article 6(2) of Directive 2009/65/EC)

If ***<Discretionary_Management>true<Discretionary_Management>***
Then add the following line to the field “Activities” of the PDF:
Management of portfolios of investments, including those owned by pension funds, in accordance with mandates given by investors on a discretionary, client-by-client basis (article 6(3) a) of Directive 2009/65/EC)

If < ***Investment_Advice*** >***true***< ***Investment_Advice*** >
Then add the following line to the field "Activities" of the PDF:
Investment advice concerning one or more of the instruments listed in Annex I, Section C to Directive 2004/39/EC (article 6(3) b) (i) of Directive 2009/65/EC)

If <***Safekeeping_And_Administration***>***true***<***Safekeeping_And_Administration***>
Then add the following line to the field "Activities" of the PDF:
Safekeeping and administration in relation to units of collective investment undertakings (article 6(3) b) (ii) of Directive 2009/65/EC
Then add the content of tag <Other_Details_On_Activities> to the field "Activities" of the PDF.

Example: the XML

```
<Activities_In_Host_State>
        <Standard>true</Standard>
        <Discretionary_Management>true</Discretionary_Management>
        <Investment_Advice>false</Investment_Advice>
        <Safekeeping_And_Administration>false</Safekeeping_And_Administration>
        <Other_Details_On_Activities>We plan to add Investment advice within 6 months</Other_Details_On_Activities>
</Activities_In_Host_State>
```

Should give in PDF:

Scope of activites of the management company in the UCITS host Member State
Activity of collective portfolio management (investment management, administration, marketing according to article 6(2) of Directive 2009/65/EC)
Management of portfolios of investments, including those owned by pension funds, in accordance with mandates given by investors on a discretionary, client-by-client basis (article 6(3) a) of Directive 2009/65/EC)
We plan to add Investment advice within 6 months

4) Marketing arrangements

Example: the XML

```
<Marketing_Arrangements>
        <Ucits_Management_Company>true</Ucits_Management_Company>
        <Credit_Institutions>
                <Listing>Bank 1, Main Road 16, NY, US</Listing>
                <Listing>Bank 2, Main Road 17, Mockba, RU</Listing>
        </Credit_Institutions>
        <Other_Bodies>
                <Listing>Body 1, Main Road 16, NY, US</Listing>
                <Listing>Body 2, Main Road 16, London, UK</Listing>
                        </Other_Bodies>
</Marketing_Arrangements>
```

Should give in PDF:

4. Arrangements made for marketing of units of UCITS
Units of the UCITS/UCITS compartments will be marketed by:

☒ *the management company that manages the UCITS*

☐ *any other management company authorised under Directive 2009/65/EC*

☒ *credit institutions*

☐ *authorised investment firms or advisers*

☒ *other bodies*

1) Bank 1, Main Road 16, NY, US
2) Bank 2, Main Road 17, Mockba, RU
3) Body 1, Main Road 16, NY, US
4) Body 2, Main Road 16, London, UK

5) Special treatments

<Notification>/<Home>	In the human-readable PDF version this should be converted into the **full official name of the country in the destination language of the notification letter**
<Notification>/<Host>	In the human-readable PDF version this should be converted into the **full official name of the country in the destination language of the notification letter**
<Management_Company>/ <Country>	In the human-readable PDF version this should be converted into the **full official name of the country in the destination language of the notification letter**

6) Reference tables

6.1. Activities of management companies:

XML code	Text in PDF
DEFAULT	Activity of collective portfolio management (investment management, administration, marketing according to article 6(2) of Directive 2009/65/EC)
DISCRETIONARY_MANAGEMENT	Management of portfolios of investments, including those owned by pension funds, in accordance with mandates given by investors on a discretionary, client-by-client basis (article 6(3) a) of Directive 2009/65/EC)
INVESTMENT_ADVICE	Investment advice concerning one or more of the instruments listed in Annex I, Section C to Directive 2004/39/EC (article 6(3) b) (i) of Directive 2009/65/EC)
SAFEKEEPING_AND_ADMINISTRATION	Safekeeping and administration in relation to units of collective investment undertakings (article 6(3) b) (ii) of Directive 2009/65/EC

6.2. Country codes to use in special treatments

Country name	Country code
Belgium	BE
Bulgaria	BG
Czech Republic	CZ
Denmark	DK
Germany	DE
Estonia	EE
Ireland	IE
Greece	EL
Spain	ES
France	FR

Italy	IT
Cyprus	CY
Latvia	LV
Lithuania	LT
Luxembourg	LU
Hungary	HU
Malta	MT
Netherlands	NL
Austria	AT
Poland	PL
Portugal	PT
Romania	RO
Slovenia	SI
Slovakia	SK
Finland	FI
Sweden	SE

7) Supplementary attachments not visible under PDF

5) Attestation

<Attachment>/<Document_Name> of type AT (one or more)

Title of document(s) or name of electronic file(s) attachment

6) Other attachments (Confirmation of payment "CP", Marketing Provisions "MP", Management regulation "MR", …)

<Attachment>/<Document_Name> of types MP, CP, MR, …

Title of document(s) or name of electronic file(s) attachment

8) General remark on the fields "CCCCCCCC" and "PPPP" in the notification letter in XML format

Field	Value	Meaning
CCCCCCCC	<>00000000	-the UCI is a UCI with compartments and the document relates to **the compartment CCCCCCCC** to be specified in the XML notification letter under <Referred_Substructures>
CCCCCCCC	=00000000	-UCI without compartments -the UCI is a UCI with compartments and the document relates to a **subset of the compartments** to be specified in the XML notification letter under <Referred_Substructures>

PPPP	<>0000	-the document relates **to the PPPP** part to be specified in the XML notification letter under <Referred_Substructures>
PPPP	=0000	-the document relates **to a subset of units** to be specified in the XML notification letter under <Referred_Substructures>

- In the event where a document **relates to the UCI as a whole** (e.g. the full prospectus PC, the attestation AT or the notification letter LN), the optional structures **<Referred_Substructures> must not be indicated**.

Commission de Surveillance du Secteur Financier

Annex 5:

a) Table of formal verification rules of the CSSF applied to "initial" notifications

Important note: This list shows the rules in force at the time of the publication of this Circular. It is merely indicative and the CSSF reserves the right to amend the verification rules (e.g. change the severity) without prior notice and without updating this document.

1) Zip file: Antivirus check

2) Zip file: Compliance with Nomenclature and Verification of the existence of exactly one .zip file

3) Documents contained in the Zip: Compliance with the Nomenclature

4) Verification that all the documents contained in the zip refer to one single UCITS

5) Attestation must be the **latest** version delivered and must bear the signature of the CSSF

6) Full Prospectus in EN, FR and DE must be the **latest** visaed version and must bear the signature of the CSSF

7) The date of KI documents in the notifications submitted after 35 working days following the 31 December of a year must include a reference date of the current year

8) The dates of KI documents in the notifications submitted within the first 35 working days following the 31 December of a year must include a reference date of the current or the preceding year

9) Verification of the uniqueness of the documents. The same document is accepted in different languages but not in one language with different dates

10) Verification of the languages of the documents with the languages allowed by the relevant Member State of marketing of the European Union

11) Verification whether the UCITS, the compartment(s) and the type(s) of units exist and are open in the databases of the CSSF

12) Verification whether the UCITS is governed by Community law, at the time of the notification

13) Verification that, on the date of the prospectus and the Key Investor Information Documents, the UCITS is governed by Community law

14) Verification that the ZIP file contains at least the following documents:

- an LN (notification letter)
- a PC (full prospectus) bearing the electronic signature of the CSSF
- a KI (Key Investor Information Document) or (during the transitional phase) a PS (simplified prospectus)
- MR (management regulations for common funds) or AI (articles of incorporation for corporate UCITS)
- an AT (certificate) bearing the electronic signature of the CSSF
- a CP (confirmation of payment) for the Member States of the European Union which require such a document

15) Verification that the files are "viewable" (without any password) and printable (securities settings of PDFs)

16) Verification that the Key Investor Information Document does not exceed three pages

17) Verification whether the documents are real pdf documents (and not *.doc or other renamed *.pdf documents)

18) Verification that the documents are in PDF-text format

19) Those UCITS existing for more than 22 months must enclose an AR (annual report)

20) The AR must not be older than 16 months

21) Those UCITS which have existed for more than 14 months must enclose a SR (semi-annual report) except if an AR is enclosed

22) Those UCITS which send an AR must also enclose a SR (semi-annual report) if the notification date > AR Date + 8 months

23) For notifications submitted on the website, verification whether the email address of the applicant is valid

24) Verification that the notification relates to a Luxembourg UCITS

25) Verification of the coherence of <*Multi_Compartment_Flag*> and <*Referred_Substructures*>

26) Verification of the coherence between the XML file, the name of the file and database of the CSSF (Notification/Host, Notification/Type, UCITS/ID/Value, UCITS/ID/Value, UCITS/Legal_Form, UCITS/Multi_Compartment_Flag and Management_Company/ID/Value)

27) Verification for each <ID> of the XML, that the tag <type> with the value "HOME" appears at least once

28) Verification that each file in the zip is referenced **at least once** in the XML in the text area Attachment / Document_Name

29) Verification that each <Subfund> and each <Share> (whose HOME codes are different from 0) referenced in <attachments> exists and is open in the internal data base of the CSSF.

30) Warning: if the CCCCCCCC part of the name of the file (different from 0) does not have the same value as the HOME Code of each <Subfund>

31) Warning: if the PPPP part of the name of the file (different from 0) does not have the same value as the HOME Code of each <Share>

32) Warning: Verification that all of the returned ISIN code is the same as the one contained in the internal databases of the CSSF

33) The notification letter must be unique

34) An already existing file cannot be reintroduced in the base

b) Table of formal verification rules of the CSSF applied to de-notifications ("update")

The rules presented above for the initial notifications are generally applied, with the exceptions of the following points:

- All the rules regarding the XML files are not applicable

- The only mandatory document of the zip file is the de-notification letter
    - If other documents are attached to the zip file, the relevant rules are applied.
- The following additional verifications are performed:
    - Existence of an initial notification
    - Existence of a zip by UCITS and by country

Commission de Surveillance du Secteur Financier

Annex 6:

Format and definition of the de-notification letter

A notification package should include the de-notification letter **only** in PDF format.

Two templates are available on the CSSF website:

- The template UCITS-DE-NOTIFICATION LETTER COMPARTMENT for a sub-fund de-notification (https://www.cssf.lu/en/Document/ucits-de-notification-letter-ucits-compartment/)
- The template UCITS-DE-NOTIFICATION LETTER SHARE CLASS for a share class de-notification (https://www.cssf.lu/en/Document/ucits-de-notification-letter-ucits-share-class/)

Commission de Surveillance du Secteur Financier
283, route d'Arlon
L-2991 Luxembourg (+352) 26 25 1-1
direction@cssf.lu
www.cssf.lu