

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

Luxembourg, 28 January 2019

To all investment fund managers incorporated under Luxembourg law, to all Luxembourg undertakings for collective investment, pension funds, securitisation undertakings and to those that take part in the functioning of these entities.

CIRCULAR CSSF 19/708

Re: Electronic transmission of documents to the CSSF

Ladies and Gentlemen,

(1) Background and purpose of the circular

The purpose of this circular is to clarify the procedures for the electronic transmission of documents of undertakings for collective investment (hereinafter “UCIs”) to the CSSF. UCIs means:

- undertakings for collective investment subject to the Law of 17 December 2010 relating to undertakings for collective investment (hereinafter the “2010 Law”);
- specialised investment funds subject to the Law of 13 February 2007 relating to specialised investment funds (hereinafter the “2007 Law”);
- investment companies in risk capital subject to the Law of 15 June 2004 (hereinafter “SICARs”);
- pension funds subject to the Law of 13 July 2005 on institutions for occupational retirement provision in the form of pension savings companies with variable capital (SEPCAV) and pension savings associations (ASSEP) (hereinafter the “2005 Law”).

This circular also aims at extending the secured electronic communication of documents to the CSSF to the securitisation undertakings subject to the Law of 22 March 2004 (hereinafter the “2004 Law”), the pension funds subject to the 2005 Law, the SICARs and the Luxembourg investment fund managers (hereinafter “IFMs”).

IFMs means:

- Luxembourg management companies subject to Chapters 15 and 16 of the 2010 Law;
- investment companies which have not designated a management company within the meaning of Article 27 of the 2010 Law;
- Luxembourg branches of IFMs subject to Chapter 17 of the 2010 Law;
- alternative investment fund managers authorised under Chapter 2 of the Law of 12 July 2013 on alternative investment fund managers (hereinafter the “2013 Law”);
- internally managed alternative investment funds within the meaning of Article 4(1)(b) of the 2013 Law.

(2) Electronic transmission of documents

The annex to this circular lists the documents henceforth to be transmitted only by electronic means, as well as the relevant nomenclature to be used. This annex, which is published on the CSSF website and kept up to date, must be regularly viewed by the entities concerned in order to be abreast of the list of documents that the CSSF expects to receive only by electronic transmission.

It should be noted that the final documents must be transmitted via a secured system for electronic transmission accepted by the CSSF, which currently is the *e-file* communication platform (<http://www.e-file.lu>) or the communication platform *Sofie* (http://www.cetrel-securities.lu/wp_static/what-do-we-offer/secured-reporting-channel-sofie-sort/).

The documents must in principle be sent in **PDF format** and allow read access, printing, copy/paste selection and the word search application.

(3) Responsibilities of the entity filing the documents

The entity filing the documents is responsible for the content and format of the sent file. In particular, the entity filing the document is in charge of ensuring that the documents correspond to the official and final hard copy version.

(4) Final provisions

a) Entry into force

The documents must be sent to the CSSF by electronic means as from 1 February 2019. Any other form of communication used after that date will be considered null and void.

b) Repealing provision

This circular repeals Circulars CSSF 08/371 and CSSF 09/423.

For further questions, please contact Ms Marie-Louise Baritussio (phone +352 26 25 1 - 2383).

Yours faithfully,

COMMISSION de SURVEILLANCE du SECTEUR FINANCIER

Claude WAMPACH

Director

Marco ZWICK

Director

Jean-Pierre FABER

Director

Françoise KAUTHEN

Director

Claude MARX

Director