



The below announcement is being re issued as Circular C002 for correct filing purposes

ANNOUNCEMENT

The Cyprus Securities and Exchange Commission (the 'Commission') wishes to inform all interested parties that the Application Form F196-2012-01 and the Questionnaire F196-2012-02 for filing an application to obtain authorisation to provide administrative services, in accordance with the Law Regulating Companies Providing Administrative Services and other Related Matters of 2012 (L196(I)/2012) have been uploaded on the Commission's website www.cysec.gov.cy.

For information purposes and for your convenience, the Commission states the following:

1. Regarding the persons who effectively direct the business of the licensed person and the Compliance Officer, they will be appointed only if approved by the Commission. In view of this, the Commission will consider the following when assessing the suitability of those persons:

Morals and credibility

- 1.1 Certificate or true copy of certificate of non-bankruptcy, certifying that the person is not bankrupt.
- 1.2 Certificate or a true copy of criminal record certificate from the competent authorities of the country of residence of the person [for the last five (5) years], attesting that the person has no criminal record.
- 1.3 Questionnaire to be completed by the person.

Skills, knowledge and expertise

- 1.4 Secondary education degree or an equivalent qualification or certificate and
- 1.5 University or postgraduate degree or other equivalent qualification in a field related to law, economics or finance including banking and finance, or business administration, or accounting and
- 1.6 Professional experience for at least two (2) years in full time occupation relevant to the provision of administrative services (in the case of management) or relevant to the duties of compliance officer (in the case of compliance officer).

In case criterion 1.5 is not met, the professional experience is multiplied by three.

In case of part time employment, in order to assess the professional experience, the employment time will be converted to full time based on the number of hours.

Any subsequent change to the persons who effectively direct the licensed person shall not be subject to approval by the Commission. The Commission, however, retains the right, at any time, either to oppose any extension or amendment of the authorisation, or request from the licensed person additional documents or, information or indicate amendments.

It is noted that the duties of the compliance officer may not be delegated/outsourced - this limitation is a strict indication by Troika. The provision of section 17(4) will be deleted in a subsequent amendment of the Law. The compliance officer will be an employee of the licensed person and his appointment is always subject to approval by the Commission.

2. Apart from the persons mentioned in paragraph (1) above, the Commission does not intend to establish any further requirements concerning the qualifications of the staff employed in the licensed person and of the Internal Auditor.

Each applicant or licensed person must ensure that these persons meet the requirements of the Law so that they will be able to contribute to the sound and prudent management of the company and to protect the interests of the company's customers.

3. The Commission may seek to satisfy what the company considered when appointing/ recruiting a person. The Commission therefore advises the licensed persons to keep proper internal records so that they can justify the hiring and appointments, if and when the Commission asks them to explain what they considered when appointing / recruiting someone.

4.1 Whenever in the application it is required to attach details or documents, the originals shall be attached, or, where this is not possible, their true copies, in Greek or in English. True copies are accepted if issued by:

- (a) the competent District administration, regarding passports and official identification cards issued by the Republic;
- (b) the Press and Information Office;
- (c) any other state agencies authorised to certify copies;
- (d) the notary (notary public), for documents relating to prospective purchasers who reside outside the Republic, or
- (e) where it is not possible to certify copies by the above entities, then by third persons, as defined in Article 67(2) of the Prevention and Suppression of Money Laundering Activities Law of 2007, as applicable.

4.2 In case where, the details that accompany the application are not in Greek or English, then these are accompanied by accurate translations. Accurate translations are accepted when provided by:

- (a) the Press and Information Office;
- (b) any other state agencies authorised to provide certified translations;
- (c) members of the Pancyprian Union of Graduate Translators and Interpreters;

- (d) translators registered/certified in countries outside the Republic;
- (e) where it is not possible to provide certified translations by any of the above entities, then these can be provided by third persons, as defined in Article 67(2) of the Prevention and Suppression of Money Laundering Activities Law of 2007, as applicable.

4.3 Where there are no competent authorities for the issue of certificates, attach equivalent documents from an independent and reliable source – relevant references are also made in article 10(3) of the Law.

5. Applications may be submitted either in the official language of the Republic or in English.

6. No applications will be accepted that are not accompanied by the fee of €2.000.

Applications must be submitted at the Commission offices, where a receipt for the fee will be issued. If you wish, you may pay the fee to the bank account below, and submit with your application the relevant proof of payment:

For payment to: **Account No: IBAN CY57 0020 0118 0000 0005 0088 5900**

Bank of Cyprus
Kyriakou Matsi,
Ayioi Omologites, 1082 Nicosia
Cyprus
Tel: (00357) 22 125400/420
Fax: (00357) 22 318375

Beneficiary: **Cyprus Securities & Exchange Commission**

7. Interested parties are invited to register on the website of the Committee to receive notifications (alerts) for anything posted by the Commission with regarding issues that may concern them.

8. The Commission, although a supervisory authority, has no obligation under any law to give legal advice. However, it recognizes the necessity to provide assistance and guidance to interested parties during the implementation of the relevant legislation.

Consequently, the Commission in the context of cooperation and coordination with the interested parties and in order to facilitate its business answers **only** to questions submitted in writing to the e-mail address legal@cysec.gov.cy.

With this announcement, the Commission invites all interested parties to address any questions to the Commission after considering the relevant laws and questions and answers (FAQs) which relate to the matter of their concern and/or after contacting their legal advisors first. The Commission will only respond to specific questions about the application or the interpretation of an article of the Law. The response time is 3 to 10 days from the date of the receipt of the question. General questions will not be answered.

Nicosia, January 17, 2013