



TO : **Regulated Entities:**

- i. **Alternative Investment Fund Managers ('AIFMs')**
- ii. **UCITS Management Companies ('UCITS MC')**
- iii. **Self-Managed UCITS ('SM UCITS')**
- iv. **Self-Managed Alternative Investment Funds ('SM AIFs')**
- v. **Self-Managed Alternative Investment Funds with Limited Number of Persons ('SM AIFLNP')**
- vi. **Companies with sole purpose the management of AIFLNPs**

FROM : **Cyprus Securities and Exchange Commission**

DATE : **June 23, 2020**

CIRCULAR No : **C392**

FILE No : **01.13.001.002.002**

SUBJECT : **Risk Based Supervision Framework – Electronic submission of information for the year 2019 (Form RBSF-MC).**

The present Circular is issued pursuant to section 25(1)(c)(ii) & (iii) of the Cyprus Securities and Exchange Commission Law ('the CySEC Law').

The Cyprus Securities and Exchange Commission ('the CySEC') wishes to inform the Regulated Entities about the following:

1. Information Requested by CySEC

1.1 A new version of the form, **RBSF-MC Version 3** ('the Form') is issued, which can be found in the [Appendix](#). This Form is issued on an annual basis and its scope is the collection of various statistical information. CySEC will use this information, for the purposes of conducting statistical analyses, risk management and other purposes.

1.2 The Form must be completed and **successfully submitted** to CySEC, by **all Regulated Entities that were authorised or appointed to act as External Managers (in case no authorisation is required by the relevant legislation), by December 31, 2019**. In this respect, Regulated Entities that were authorised or appointed to act as External Managers by December 31, 2019, but have not made use of their authorisation or appointment, must also submit the Form.

1.3 The Form must be successfully submitted electronically via the CySEC's Transaction Reporting System ('TRS') **by 15:00 hrs, Friday, July 24, 2020, at the latest**.

1.4 The steps that the Regulated Entities will have to follow, for the successful submission of the Form to the TRS, can be found [here](#). Upon submission, the Regulated Entities are

responsible to ensure that they have received a **feedback file**, i.e. an official submission confirmation dispatched by the TRS in the Outgoing directory.

1.5 The feedback file will either contain a NO ERROR indication or, in case that an error(s) has occurred during submission, the description of that error(s). In case of any errors detected during submission of the Form, the Regulated Entities must review the Form and ensure that all errors are addressed and corrected, before they are digitally sign (only applicable for the Excel files) and re-submit the Form. **The Form is regarded as being successfully submitted to CySEC only when a NO ERROR indication feedback file is received, within the deadlines set in point 1.3 above.**

1.6 CySEC emphasises the importance of meeting the deadline of **15:00 hrs Friday, July 24, 2020** and stresses that **NO extension will be granted.**

1.7 **Failure to promptly and duly comply with the above will bear the administrative penalties of section 37(5) of the CySEC Law.**

2. Amendments in the Form

2.1.1. **Section E** - For the completion of Section E (Income Statement and Statement of Financial Position), unaudited financial statements can be used, in case the audited are not available.

2.1.2. **Section L** - For the completion of section L (Countries and Geographical Areas), the country of residence should be used, instead of the country of origin.

3. Additional Information Requested

3.1. Section C.1 - Assets Under Management (AUM) for Undertaking of Collective Investments

Four additional questions are added in this Section as follows:

Question 4.1: Does the entity manage UCIs, which promote the social responsible character of the UCIs, or the social responsible investment objectives of the UCIs, either in the name of the UCIs, or in the marketing materials, or the Key Investors Information documents?

Question 4.1.1: If the answer in question 4.1 is Yes, state the name of the UCIs.

Question 4.1.2: If the answer in question 4.1 is Yes, give a short description of the social responsible policy.

Question 4.2: Provide the percentage (%) of AUM invested in sustainable investments as at the reference date, of all the UCIs that are managed.

3.2. Section G- Services

Three additional questions are added in this Section as follows:

Question 3.4: What type of company is the sub-depository company (*i.e. credit institution, Investment Company, etc.*)?

Question 3.5: What is the maximum number of levels in the custody chain regarding the UCIs under the management of the company (*i.e. depository constitute the first level of the custody chain. If the depository has delegated the custody function to third parties, then the third party constitutes the second level in the custody chain etc.*).

Question 3.6: Provide the breakdown of AUM based on the type of company acting as depository to the UCIs under management (*the breakdown must be provided in %*).

Section M – Marketing

This is an entirely new section.

In **Question 1**, the Regulated Entities are requested to report if they market the units of UCIs abroad and provide details about the % of the NAV and the number of unitholders resident in other EU member States, in third countries and in Cyprus.

Additionally, the Regulated Entities must report if they market the units of UCIs through a branch or branches, established abroad and provide details about the percentage (%) of the NAV and the number of unitholders, resident abroad.

In **Question 2**, the Regulated Entities are requested to report if they provide the services set out in article 109(4) of the UCI Law of 2012 or article 6(6) of the AIFM Law of 2013, in other EU Member states, in third countries and in Cyprus. In addition, the Regulated Entities should provide information about the clients' assets and the number of investors in other EU Member states, in third countries and in Cyprus.

Finally, the Regulated Entities must respond if they provide these services through a branch established abroad and provide details about the clients' assets and the number of investors resident abroad.

4. General Comments for the Form

- 4.1. The Form will be available **only** in the **English language**.
- 4.2. Regulated Entities are required to report data in **Euro**, rounded to the nearest unit.
- 4.3. Please always ensure that you have the latest version of the Form, i.e. **Version 3**.
- 4.4. Instructions on the completion of the Form can be found in the 'instructions' worksheet of the Form.
- 4.5. **Before submitting the Form, please ensure that all validation tests that are contained in the Form (Sections A, B, C1, C2, D, E, F, G, H, I, J, K, L, M and Validation Tests Worksheet) are TRUE (Green Colour).**

5. Method of creating, signing and submitting the Form to the CySEC

After populating the required Excel fields in the Form, the Regulated Entities should name their Excel file in accordance to the following naming convention:

Username_yyyymmdd_RBSF-MC

The information below explains the naming convention:

- (1) **Username** – is the username of the TRS credentials, which should already be in the possession of the Regulated Entities, which have previously submitted any electronic file to the TRS system. This codification should be entered in capital letters. Regulated Entities, that have not previously requested the TRS credentials, can do so by referring [here](#), where further information is provided about the TRS.
- (2) **yyyymmdd** – this denotes the end of the reporting period of the Form. In this case the Form should have a 20191231 format. Future forms will have different reporting periods.
- (3) **RBSF-MC** – this is the coding of the Form RBSF-MC, that it remains unchanged and should be inserted, exactly as it appears.
- (4) **The Excel® must be of 2007 version and onwards.** Excel will add the extension .xlsx as soon as it is saved. This extension should not be inserted manually, under any circumstances.

6. Support

6.1. Queries on how to complete the fields of the Form

Should you have any queries on the completion of Form RBSF-CIF, please submit them **only** in writing, any day **PRIOR to Friday, July 17, 2020**, by sending an email to the address riskstatistics.fundmgrs@cysec.gov.cy. All email communication should include in the subject, the Regulated Entity full name and the TRS coding.

6.2. Technical Queries on digitally signing and submitting the Form

For technical matters on digitally signing and submitting the Form, REs are advised to visit the CySEC's website at the specified [section](#), frequently. For further clarifications, REs are requested to use the electronic address information.technology@cysec.gov.cy.

All email communication with CySEC should include, in the subject, the REs full name and the TRS coding.

Yours sincerely,

Demetra Kalogerou
Chairman, Cyprus Securities and Exchange Commission