
TO : Regulated Entities

- i. Cyprus Investment Firms ('CIFs')**
- ii. UCITS Management Companies ('UCITs MC')**
- ii. Alternative Investment Fund Managers ('AIFMs')**
- iv. Self-Managed Alternative Investment Funds¹ ('SM AIFs')**

FROM : Cyprus Securities and Exchange Commission

DATE : December 22, 2014

CIRCULAR No : C037

FILE No : EK.02.03.001, EK.01.03.004

SUBJECT : Implementation of the Risk Based Supervision Framework - Request for the electronic submission of information

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

1. Risk Based Supervision Framework ('RBS-F')

1.1 Following the Circulars CI144-2014-05 and CI144-2014-27, the CySEC is now in the process of implementing the RBS-F. The Regulated Entities will be obliged to submit to CySEC various information from time to time.

1.2 The Commission will publish, in due course, a Directive regulating the above.

2. Information requested by the Commission

2.1 In order to facilitate the reporting, the CySEC has prepared the below forms ('the Forms'):

¹ It refers to the 'Alternative Investment Funds in the Republic' and to the 'Alternative Investment Funds with limited number of investors', as these are defined in article 2 of the Alternative Investment Funds Law of 2014 [Law 131(1)/2014] that are self-managed.

	Type of Regulated Entity	Name of Form	Appendix
1.	Cyprus Investment Firms	T144/001	1
2.	UCITS Management Companies	T56/78/131/002	2
3.	Alternative Investment Fund Managers	T56/78/131/002	2
4.	Self-Managed Alternative Investment Funds	T56/78/131/002	2

- 2.2 The Regulated Entities that will be authorised and operated², by **December 31, 2014, inclusive**, must complete and submit the Form that relates to their case (e.g. CIFs must complete Form T144/001, AIFMs must complete Form T56/78/131/002).

We understand that, at the time of the publication of this Circular, for some Regulated Entities the authorisation process is still pending. We therefore kindly request those Regulated Entities that the assessment of their application is at the final stage to contact the Authorisations Department in order to be informed whether it is expected to get an authorisation before December 31, 2014. These Regulated Entities must study the current Circular carefully and start collecting the information required.

3. General Comments for the first completion and submission of the Forms T144/001 and T56/78/131/002

- 3.1 The Forms are available **only** in the English language.
- 3.2 The Forms must be completed for the reporting period **1/1/2014 - 31/12/2014**.
- 3.3 The data to be reported can be based on non-audited financial statements, if the audited financial statements are not available.
- 3.4 The basis for the preparation of the data to be reported is solo.
- 3.5 The Forms must be submitted **only** electronically via the Commission's Transaction Reporting System ('TRS') and **not** in any other format.
- 3.6 The Forms must be submitted to the CySEC as described in Section 4 below, from **January 19, 2015 until February 13, 2015. Extension to the above deadline will not be granted.**

For the successful implementation of the RBS-F, it is imperative that all the information requested from the Regulated Entities stated above, to be completed and submitted within the timeframes set. The Commission wishes to emphasise the importance of meeting the deadlines set.

4. Method of creating, signing and submitting the Forms to the Commission

The Forms will be submitted after they are duly digitally signed, to the Commission **only** electronically via the Commission's Transaction Reporting System ('TRS') and not in any other format. The steps to prepare sign and submit the Forms are as follows:

² Regulated Entities that will be authorised by December 31, 2014, but they will not make use of their authorisation are not obliged to complete and submit the Forms.

4.1 Preparing the Forms

After populating the required Excel fields in the Forms found in **Appendix 1 and 2**, the Regulated Entities should name their Excel file in accordance to the following naming convention:

For CIFs:

{TRS username}_yyyymmdd_T144-001

For UCITs MC, AIFMs and SM AIFs:

{TRS username}_yyyymmdd_T56-78-131-002

The information below explains the naming convention:

- (1) TRS username for the Form T144/001 this is two letter codification which the same one already used by CIFs when submitting files to the TRS. This codification should be entered in capital letters.
- (2) TRS username for the Form T56/78/131/002 is the username of the TRS credentials (refer to Section 4.3(iv) of this Circular on how to request this) in capital letters.
- (3) yyyymmdd – this denotes the end of the reporting period of the Form. In this case the Forms should have a 20141231 format. Future forms will have different reporting periods.
- (4) **T144-001** – this is the coding of the form, it remains unchanged and should be inserted exactly as it appears. Your attention is drawn to the fact that coding is a bit different from the name of the Form found in Appendix 1.
- (5) **T56-78-131-002** – this is the coding of the form, it remains unchanged and should be inserted exactly as it appears. Your attention is drawn to the fact that coding is a bit different from the name of the Form found in Appendix 2.
- (6) 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 under any circumstances inserted manually.
- (7) The above naming convention must not contain any spaces.

4.2 Signing the Forms

After the naming convention, the Regulated Entities can use the digital certificate to sign their Forms. The method of acquiring an acceptable certificate has been described in Circular [C1196-2014-19](#).

The Commission has prepared a specialized program (CySEC Digital Signer) to facilitate the Regulated Entities to sign their Forms. It is available at the Commission's website, at http://www.cysec.gov.cy/digitalsignature_en.aspx

4.3 Submitting the Forms

After digitally signing the Forms, the Excel files should be submitted to the Commission via the TRS system. The technical information, to log in to the TRS is the following:

i. Address:

Server IP address: 212.31.100.75

Server Type: SFTP using SSH2

ii. Program to be used:

Any file transfer program (SFTP – SSH2) can be used, such as FileZilla, which is a free program and is available at <http://filezilla.sourceforge.net/>

iii. TRS directories:

At user home directory, there are two directories:

- Incoming – the Digitally Signed Form must be uploaded in this specific folder.
- Outgoing – the feedback file of the Form can be downloaded from this specific folder.

Special emphasis is given to the fact that the root directory should not be used to upload any files.

iv. Login/Password:

The login and password will be given to the Regulated Entity after requesting so, via email, to information.technology@cysec.gov.cy. The email subject must include the following:

"TRS Credentials – {name of the Regulated Entity}_{TRS username*}"

*if it is available

(this section does not apply to Cyprus Investment Firms - CIFs)

- v. After login into the TRS system and submitting the form, the Regulated Entities will receive, via TRS, the feedback file of the Forms [located in the outgoing folder], which will have an 'OK' indication and will be the only evidence that the Forms were submitted successfully.
- vi. In cases where the submission of the Forms is not successful, meaning that error(s) are identified by the TRS during data processing of the Forms, the Regulated Entities will receive the feedback file of the Forms, via TRS, [located in the outgoing folder] which will describe the error(s).

In these instances, the Regulated Entities are required to immediately correct the error(s) and re-submit the Forms using the procedure described above. During this period and until the successful submission of the Form, the Commission will not consider the Forms as submitted.

- vii. The official commencement date of submitting the Forms via TRS is January 19, 2015. Special emphasis is given to the fact that the Forms will be submitted to the Commission, only electronically, via TRS, and not in any other format. Furthermore, the Regulated Entities are required to keep, at their offices in the Republic, the Forms in hard copy, which will be signed by the authorized person. The Commission reserves the right to inspect the Forms in hard copy at any time.

5. Important Dates Summarized

For the ease convenience of Regulated Entities, the important dates of the whole project are summarized in the table below:

Dates	Task
From now - 22/12/2014	The Regulated Entities must ensure that they acquired and activated CySEC's approved digital certificate.
Available from now – 22/12/2014	The CySEC Digital Signer is available for download from CySEC Website
07/01/2015 - onwards	The Regulated Entities can request, via email, the TRS login information
22/12/2014 to 13 February 2015	The Regulated Entities can submit any queries that they have for this Circular and the two Appendices attached.
19 January 2015	The Regulated Entities can start submitting the digitally signed Form to the Commission's TRS system.
13 February 2015	Deadline for submitting the Forms duly completed (only for Regulated Entities authorized by the Commission until 31/12/2014 inclusive).

6. Support

6.1 Queries on how to complete the fields

Should you have any queries on the completion of the fields of **Form 144/001 and Form T56/78/131/002**, please submit them in writing by sending an email to the address supervision@cysec.gov.cy, or call to the telephone number +357 22 506720, Mrs. Margarita Violari.

6.2 Technical Queries on digitally signing and submitting the Form

For technical matters on digitally signing and submitting the Form, the Regulated Entities are advised to frequently visit the Commission's [Website](#). For further clarifications, the Regulated Entities are asked to use the electronic address information.technology@cysec.gov.cy.

- 7 All email communication with the Commission should include, in the subject, the Regulated Entity's full name and the TRS username.

Yours sincerely

Demetra Kalogerou
Chairman, Cyprus Securities and Exchange Commission