Checklist F78-2012-05

**CHECKLIST FOR THE KEY INVESTOR INFORMATION DOCUMENT**

## «……………………………………………………»

**FOR THE GRANTING AUTHORISATION OF A UCITS**

Notes:

1. For the preparation of the Key Investor Information Document, the Law 78(I)/2012 shall be taken into consideration the issued Directives and the Commission Regulation (EU) No. 583/2010 of 1 July 2010 for the implementation of the Directive 2009/65/EC.
2. The European Securities and Markets Authority prepared a sample about how Key Investor Information Document should be (CESR's template for the Key Investor Information document). The above are available on the website of the Commission (www.cysec.gov.cy-European issues) and on the website of the European Securities and Markets Authority (<http://www.esma.europa.eu>).
3. ***The said checklist to be completed by the interested parties. In the case a section* does not apply state ‘N/A’.**

|  |  |  |  |
| --- | --- | --- | --- |
| **I. Minimum content of the Key Investor Information Document in accordance with the UCI Law [sections 43(d),47(2), 60(1)-(4) and 115(1)(f)]** | **Page** | **Paragraph** | **For official use** |
| Section 43(d): The UCITS shall include a prominent statement in its prospectus, key investor information and marketing communications drawing attention to the use of the deviation under the present section and indicating the member states, local authorities and public international bodies in which it intends to invest or has invested more than 35 % of its assets. |  |  |  |
| Section 47(2): The prospectus of the UCITS as well as the key investor information will further specify the way under which the guarantee referred to in the present section is provided. |  |  |  |
| Section 62(1): The Management Companies, for every UCITS they manage that is established in the Republic, and the Variable Capital Investment Company, under the condition that it is a company with registered office in the Republic which has not appointed a Management Company, shall draw up key investor information, which include appropriate information about the essential characteristics of the UCITS concerned, which is to be provided to investors so that they are reasonably able to understand the nature and the risks of the investment product that is being offered to them and, consequently, to take investment decisions on an informed basis. The words ‘key investor information’ shall be clearly stated in that document, in an official language of the Republic or in English. In case that this document concerns a UCITS established in the Republic, the units of which are distributed in other member states, these words shall be also translated in the official language of the UCITS host member state or into a language approved by the competent authorities of that member state. |  |  |  |
| Section 62(3): Key investor information shall be delivered to the prospective investor before filing the subscription application in the UCITS and provide information on the following essential elements in respect of the UCITS concerned:   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | (a) | | | identification of the UCITS; | | | | (b) | | | a short description of its investment  objectives and investment policy; | | | | (c) | | | past-performance presentation or,  where relevant, performance scenarios; | | | |  | | |  | | | | (d) | | | costs and associated charges; and | | | |  | | |  | | | | (e) | | | risk/reward profile of the investment,  including appropriate guidance and warnings in  relation to the risks associated with investments  in the relevant UCITS. | | | |  |  |  |
| Section 62(4): Key investor information:   1. shall clearly indicate where and how to obtain additional information relating to the proposed investment, including but not limited to where and how the prospectus and the annual and half-yearly report can be obtained on request and free of charge at any time, and the language in which such information is available to investors and 2. shall include a clear warning that a person does not incur civil liability solely on the basis of the key investor information, including any translation thereof, unless it is misleading, inaccurate or inconsistent with the relevant parts of the prospectus of the UCITS. |  |  |  |
| Section 115(1)(f): The UCITS prospectus and the key investor information refer to the functions which are delegated according to the present section. |  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **II. Additional information to be included in the Key Investor Information Document based on Directives of the Commission** | **Page** | **Paragraph** | **For official use** |
| Directive DI78-2012-13 for eligible investments of UCITS |  |  |  |
| Paragraph 13(2). The reference in paragraph (a) sub-section (1) of section 44 of Law to an index whose composition is sufficiently diversified is read as an index which complies with the rules for risk diversification by virtue of sub-section (1) of section 44 of the Law∙  The a UCITS must provide appropriate information to shareholders in the Key Investor Information Document to investors, where the limit for investment in shares and/or bonds issued by the same body is increased beyond the 20% and to the maximum limit of 35% in the same publisher, in compliance with section 44 of the Law, in order to justify the specific market conditions. |  |  |  |
| Directive DI78-2012-07 regarding the procedure and conditions for granting a UCITS operation license  Paragraph 14(2). The Prospectus, the Key Investor Information Document and the statements and reports of the Variable Capital Investment Company contain, either on the cover page or on the first page, a statement that the Company operates without having appointed a Custodian, in accordance with Section 35 of the Law. The relevant statement has to be made obvious and with capital letters in the lower central part of the said documents and, in case of a multi-page document, on the cover page. The police of such statement must be the same with the police of the main text. |  |  |  |
| Directive DI78-2012-11 regarding the terms and the procedure for the marketing network of UCITS’ units in the Republic of Cyprus, the organisation of the marketing network and the obligations of the persons participating in the network  Paragraph 12. The key investor information document for investors, the fund rules or the instruments of incorporation of UCITS, the prospectus and the latest annual and half-yearly report of the UCITS to be given to persons applying for participation in UCITS, any updated documents and any other documents or message to be addressed to investors and to be posted on the internet or to be disclosed to investors, must clearly state, in a readily visible way, that the investment of UCITS has no guaranteed return and that past performance does not guarantee future results. In the case of UCITS of guaranteed return, the above statement can be limited to the fact that past performance does not guarantee future results. |  |  |  |