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**APPLICATION FOR THE GRANTING**

**OF AUTHORISATION TO A THIRD COUNTRY FIRM FOR THE ESTABLISHMENT OF A BRANCH IN THE REPUBLIC**

**Name of third country firm: «…..……………………………..»**

**Purpose of this form**

You should complete this form if you are a company established in a third country and wish to provide investment services or/and to perform investment activities, in the Republic, in accordance with Article 42 of the Investment Services and Activities and Regulated Markets Law of 2017 (Law 87(I)/2017) (the “Law”) and Directive for the provisions of services by third country firms to eligible counterparties and professional clients (DI87-04).

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| For official use only  The fees have been paid to the Accounting Department of the Cyprus Securities and Exchange Commission, as these are defined in the “Directive on Payable Charges and Fees (DI87-03)”. The receipt is attached.  …….………………………………………. Signature |

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GENERAL INSTRUCTIONS:

1. This Form must be completed in electronic form. An electronic version of it can be downloaded from the website of the Cyprus Securities and Exchange Commission (“the Commission”) at the address [www.cysec.gov.cy](http://www.cysec.gov.cy).
2. This Form must be submitted as per the Commission’s Announcement on the [Receipt of applications and correspondence of the Authorisation Department of the Commission](http://www.cysec.gov.cy/CMSPages/GetFile.aspx?guid=a4ae2fec-92ff-4b09-9438-0273070b7951).
3. The questions should remain unaltered and the answers must be provided below each question or in the designated section.
4. All questions applicable to the case of the applicant should be duly completed, or, if they are not applicable state “N/A”. Incomplete applications will be returned.
5. All additional reference documents set out in the List of additional documents that accompany the application form must accompany this Form. In the case where, the attachment of additional details or documents is required, add a reference to the relevant paragraph and attach them as a numbered reference document following the numbering order set out by the Commission in the List of additional documents that accompany this Form. The numbering of the reference Documents must remain unchanged even when there are no details/documents to be submitted (e.g. if there are no details/documents to be attached as Reference Document 21 then this should be numbered and left empty).
6. Where there are no competent authorities for the issue of certificates, attach equivalent documents from an independent and reliable source.
7. This Form, when submitted to the Commission, must be accompanied by the required charge, in accordance with Directive DI87-03 for the charges and annual fees.
8. When completing this Form, information which is publicly available or have previously been disclosed to the Commission or to another supervisory authority, should not be considered as known by the Commission.
9. Where applicants are required to “confirm”, a tick (**✓**) or an (x) placed in the relevant box will be taken as confirmation.
10. If insufficient space has been provided for a reply, please provide that information on a separate sheet/document and refer to it in the space provided for the answer. Please ensure that any separate sheets/documents are clearly marked with the name of the applicant organisation and reference the appropriate question.
11. Further information or clarification may be requested for the purpose of considering and evaluating an application.
12. This Form needs to be accompanied by a Business Plan. The Commission will assess the Business Plan and require sufficient resources in order to evaluate compliance with Article 40 (2) (c) of the Law.

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| APPLICATION FORM FOR AUTHORISATION OF A BRANCH FOR A THIRD COUNTRY FIRM | | | | | | | | | | | | | | | | | | |
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| **FROM:** | | | | | | | | | | | | | | | | | | |
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| Name of the third country firm: | | | | | |  | | | | | | | | | | | | |
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| Country of origin: | | | | | |  | | | | | | | | | | | | |
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| **Contact details of the designated contact person** | | | | | | | | | | | | | | | | | | |
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| Name: | | | | | |  | | | | | | | | | | | | |
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| Telephone: | | | | | |  | | | | | | | | | | | | |
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| Email: | | | | | |  | | | | | | | | | | | | |
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| **TO:** | | | | | | | | | | | | | | | | | | |
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| Competent Authority: | | | | | | CYPRUS SECURITIES AND EXCHANGE COMMISSION (CySEC) | | | | | | | | | | | | |
|  | | | | | |  | | | | | | | | | | | | |
| Address: | | | | | | ERA HOUSE,  2 DIAGOROU STREET,  NICOSIA, 1097  CYPRUS | | | | | | | | | | | | |
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| Competent department: | | | | | | Authorisations Department | | | | | | | | | | | | |
|  | | | | | |  | | | | | | | | | | | | |
| Telephone: | | | | | | +357 22506600 | | | | | | | | | | | | |
|  | | | | | |  | | | | | | | | | | | | |
| Email: | | | | | | [authorisations@cysec.gov.cy](mailto:authorisations@cysec.gov.cy) | | | | | | | | | | | | |
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| **Person in charge of preparing the application:** | | | | | | | | | | | | | | | | | | |
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| Status/Position: | | | | | |  | | | | | | | | | | | | |
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| Telephone: | | | | | |  | | | | | | | | | | | | |
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| Fax (if available): | | | | | |  | | | | | | | | | | | | |
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| Email: | | | | | |  | | | | | | | | | | | | |
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## GENERAL INFORMATION

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| **A1** | **Name of third country firm:** | | |  |
| **Α2** | **Name of the authority responsible for the supervision of the third country firm.[[1]](#footnote-1)** | | |  |
| **A3** | **Trading name of third country firm (if different from legal name):** | | |  |
| **A4** | **Legal form:** | | |  |
| **A5** | **Company Registration number:** | | |  |
| **A6** | **Date of registration:** | | |  |
| **A7** | **Address of registered office:** | | |  |
| **A8** | **Address of head office (if different from registered office):** | | |  |
| **A9** | **Postal address office (if different from above):** | | |  |
| **A10** | **Contact telephone number:** | | |  |
| **A11** | **Fax number (if available):** | | |  |
| **A12** | **Electronic mail address:** | | |  |
| **A13** | **Website address and other social media:**  **Note: If the website is under development provide the address and anticipated launch date.** | | |  |
| **A14** | **Group’s website address (if available):** | | |  |
| **A15** | **Legal/Professional advisors** | | |  |
|  | **15.1** | Name of firm: | |  |
|  | **15.2** | Registration number: | |  |
|  | **15.3** | Name of responsible legal advisor: | |  |
|  | **15.4** | Postal address: | |  |
|  | **15.5** | Contact telephone number: | |  |
|  | **15.6** | Fax number (if available): | |  |
|  | **15.7** | Electronic mail address: | |  |
| **A16** | **Representative for the promotion of the application (if applicable):** | | |  |
|  | **16.1** | Name: | |  |
|  | **16.2** | Identification/passport number (country of issue): | |  |
|  | **16.3** | Position/ relation with the applicant: | |  |
|  | **16.4** | Contact telephone number: | |  |
|  | **16.5** | Fax number (if available): | |  |
|  | **16.6** | Electronic mail address: | |  |
|  |  | | | |
| **A17** | **Provide details of the firm’s auditors, when available at time of application for authorisation** | | | |
|  | **17.1** | Name of firm | |  |
|  | **17.2** | Registration number | |  |
|  | **17.3** | Name of responsible partner | |  |
|  | **17.4** | Postal address | |  |
|  | **17.5** | Contact telephone number | |  |
|  | **17.6** | Fax number (if available): | |  |
|  | **17.7** | Electronic mail address: | |  |
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| **A18** | **Do you grant the Commission permission to liaise with the named legal or professional advisors and/or the representative for the promotion of the application, in respect of this application?** | | | |
|  | Yes | |  |  |
|  | No | |  |  |
| **A19** | **Has the applicant changed its legal advisors, bankers or auditors in the three years prior to the date of application?** | | | |
|  | Yes | |  |  |
|  | No | |  |  |
|  | If yes please provide details below: | | | |
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| **A20** | **Services, activities and financial instruments for which authorisation is requested**  Complete the following tables setting out the investment services, ancillary services and financial instruments (as per the First Appendix of the Law) in respect of which the applicant proposes to provide services to clients. | | | | | |
| **No.** | 1. **Investment Services as defined in Part I of the First Appendix of the Law** | | | | | **Tick where applicable (✓)** |
| 1. | Reception and transmission of orders in relation to one or more financial instruments. | | | | |  |
| 2. | Execution of orders on behalf of clients. | | | | |  |
| 3. | Dealing on own account. | | | | |  |
| 4. | Portfolio management. | | | | |  |
| 5. | Investment advice. | | | | |  |
| 6. | Underwriting of financial instruments and/or placing of financial instruments on a firm commitment basis. | | | | |  |
| 7. | Placing of financial instruments without a firm commitment basis. | | | | |  |
| 8. | Operation of a Multilateral Trading Facility[[2]](#footnote-2) | | | | |  |
| 9. | Operation of an Organised Trading Facility[[3]](#footnote-3) | | | | |  |
| **No.** | 1. **Ancillary Services as defined in Part II of the First Appendix of the Law** | | | | | **Tick where applicable (✓)** |
| 1. | Safekeeping and administration of financial instruments for the account of clients, including custodianship and related services such as cash/collateral management and excluding maintaining securities accounts at the top tier level. | | | | |  |
| 2. | Granting credits or loans to an investor to allow him to carry out a transaction in one or more financial instruments, where the firm granting the credit or loan is involved in the transaction. | | | | |  |
| 3. | Advice to undertakings on capital structure, industrial strategy and related matters and advice and services relating to mergers and the purchase of undertakings. | | | | |  |
| 4. | Foreign exchange services where these are connected to the provision of investment services. | | | | |  |
| 5. | Investment research and financial analysis or other forms of general recommendation relating to transactions in financial instruments | | | | |  |
| 6. | Services related to underwriting | | | | |  |
| 7. | Investment services and activities as well as ancillary services of the type included under Part I or Part II of the First Appendix of the Law related to the underlying of the derivatives included under points (5), (6), (7) and (10) Part III of the First Appendix of the Law where these are connected to the provision of investment or ancillary services. | | | | |  |
| **No.** | 1. **Financial Instruments as defined in Part III of the First Appendix of the Law** | | | | | **Tick where applicable (✓)** |
| 1. | Transferable securities. | | | | |  |
| 2. | Money market instruments. | | | | |  |
| 3. | Units in collective investments undertakings | | | | |  |
| 4. | Options, futures, swaps, forward rate agreements and any other derivative contracts relating to securities, currencies, interest rates or yields, emission allowances or other derivatives instruments, financial indices or financial measures which may be settled physically or in cash. | | | | |  |
| 5. | Options, futures, swaps, forwards and any other derivative contracts relating to commodities that must be settled in cash or may be settled in cash at the option of one of the parties other than by reason of default or other termination event | | | | |  |
| 6. | Options, futures, swaps, and any other derivative contract relating to commodities that can be physically settled provided that they are traded on a regulated market, a MTF, or an OTF, except for wholesale energy products traded on an OTF that must be physically settled. | | | | |  |
| 7. | Options, futures, swaps, forwards and any other derivative contracts relating to commodities, that can be physically settled not otherwise mentioned in point 6 of this Section and not being for commercial purposes, which have the characteristics of other derivative financial instruments. | | | | |  |
| 8. | Derivative instruments for the transfer of credit risk. | | | | |  |
| 9. | Financial contracts for differences. | | | | |  |
| 10. | Options, futures, swaps, forward rate agreements and any other derivative contracts relating to climatic variables, freight rates or inflation rates or other official economic statistics that must be settled in cash or may be settled in cash at the option of one of the parties other than by reason of default or other termination event, as well as any other derivative contracts relating to assets, rights, obligations, indices and measures not otherwise mentioned in this Section, which have the characteristics of other derivative financial instruments, having regard to whether, inter alia, they are traded on a regulated market, OTF, or an MTF. | | | | |  |
| 11. | Emission allowances consisting of any units recognised for compliance with the requirements of Directive 2003/87/EC (Emissions Trading Scheme). | | | | |  |
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| **A21** | | **Does the applicant intend on holding funds or financial instruments belonging to clients (even on a temporary basis)?**  **Please tick where applicable (**✓**)** | | | | |
|  | | Yes |  |  |  | |
|  | | No |  |  |  | |
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| **A22** | | **Provide details below of the applicant’s regulatory or legal background, under both its current legal name and all prior legal names, which could impact on the authorisation decision.** | | |  | |
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B. OWN FUNDS REQUIREMENTS

|  | **REQUESTED INFORMATION** | **NUMBER OF REFERENCE DOCUMENT** |
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| **B1** | **State below the own funds requirements that apply in your jurisdiction (for the applicant third country firm).** |  |
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| **B2** | **How will the applicant third country firm plan to finance the branch?** |  |
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## C. SHAREHOLDERS

|  | **REQUESTED INFORMATION** | | | | | | | | | | **NUMBER OF REFERENCE DOCUMENT** |
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| **C1** | **State whether the third country firm belongs to a group.[[4]](#footnote-4)** | | | | | | | | | |  |
|  | **Yes** | |  |  | | | | | | |  |
|  | **No** | |  |  | | | | | | |  |
|  | **If yes provide a comprehensive group structure, in which the applicant belongs to, up to the ultimate beneficial owners-natural persons. The chart must include name of the entity, percentage of holding, activities, country of establishment and competent supervisory authority.** | | | | | | | | | |  |
|  | | | | | | | | | | | |
| **C2** | **List all persons with a direct qualifying holding[[5]](#footnote-5) in the third country firm, and the amount of these holdings:** | | | | | | | | | |  |
|  | Name | Amount and Percentage of holding | | | | Date of acquisition | Beneficial Holder (Yes/No) | Significant Influence (Yes/No)\* | | Close Links[[6]](#footnote-6) (Yes/No)\* |  |
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|  | **\***If yes provide further details below or in the Programme of Operations. | | | | | | | | | |  |
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| **C3** | **Provide a list of persons with an indirect qualifying holding in the third country firm, and the amount of these holdings[[7]](#footnote-7)** | | | | | | | | | |  |
|  | Name | Amount and Percentage of holding | | | Date of acquisition | | Beneficial Holder (Yes/No) | Significant Influence (Yes/No)\* | | Close Links (Yes/No)[[8]](#footnote-8) |  |
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|  | **\***If yes provide further details below or in the Programme of Operations. | | | | | | | | | |  |
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| **C4** | **For all persons listed in C3 provide the name of the person through which the stake is held and the name of the final holder.** | | | | | | | | | |  |
|  | Name | | | | | Name of person through which the stake is held | | | Name of the final holder | |  |
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| **C5** | **For persons with a qualifying holding (direct or indirect) provide the relevant Personal Questionnaire of an applicant’s shareholder.[[9]](#footnote-9)** | | | | | | | | | |  |
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| **C6** | **For all corporate shareholders that are members of a group provide a comprehensive group structure of that group.** | | | | | | | | | |  |
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| **C7** | **For each group identified above, list the main activities of each firm within the group and identify any regulated entities within the group together with the names of the relevant supervisory authorities.** | | | | | | | | | |  |
|  | Entity | | | | | | Activities | Regulated (Yes/No) | | Regulatory Authority |  |
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| **C8** | **For each group identified above, describe the relationship between the financial entities of the group and the non-financial entities of the group.** | | | | | | | | | |  |
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| **C9** | **Disclose in the Programme of Operations the processes in place to ensure the existence of close links does not prevent the Commission from effectively supervising the applicant.** | | | | | | | | | |  |
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## D. THE MANAGEMENT BODY AND PERSONS WHO DIRECT THE BUSINESS

|  | **REQUESTED INFORMATION** | | | | | **NUMBER OF REFERENCE DOCUMENT** |
| --- | --- | --- | --- | --- | --- | --- |
| **D1** | **List all the members of the management body and persons effectively directing the business of the third country firm, including their job titles and time commitments (monthly and annual).** | | | | |  |
|  | **Name** | | | **Job Title** | |  |
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| **D2** | **List all the persons responsible for the management of the branch, including their job titles.** | | | | |  |
|  | **Name** | | | **Job Title** | |  |
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| **D3** | **Provide a Personal Questionnaire[[10]](#footnote-10) for each of the persons listed above in point C, i.e. the persons responsible for the management of the branch.** | | | | |  |
|  |  | | | | |  |
| **D4** | **Confirm that the third country firm has performed due diligence procedures in respect of the suitability of each member of the management body of the branch.** | | | | |  |
|  | **Yes** |  |  | | |  |
|  | **No** |  |  | | |  |
|  | **If yes, provide details of the result of any such assessment.** | | | | |  |
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| **D5** | **Include in the Programme of Operations details of the annual human and financial resources devoted to the induction and training of each member of the management body of the branch.** | | | | |  |
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| **D6** | **List the key function holders of the branch (i.e. Compliance officer, Risk manager, Internal audit etc).** | | | | |  |
|  | **Name** | | | | **Job Title** |  |
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| **D7** | **List the proposed staff of the branch.** | | | | |  |
|  | **Name** | | | | **Job Title** |  |
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## E. FINANCIAL INFORMATION

|  | **REQUESTED INFORMATION** | **NUMBER OF REFERENCE DOCUMENT** |
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| **E1** | **Provide forecast information for the branch at an individual and, where applicable, at consolidated group and sub-consolidated levels including:** |  |
|  | 1.1 forecast accounting plans for the first three business years including forecast balance sheets and forecast profit and loss accounts or income statements. |  |
|  | 1.2 planning assumptions for the above forecasts as well as explanations of the figures, including expected number and type of customers, expected volume of transactions/orders, expected assets under management. |  |
|  | 1.3 where applicable, forecast calculations of the applicant’s capital requirements and liquidity requirements under Regulation (EU) No 575/2013[[11]](#footnote-11) and forecast solvency ratio for the first year. |  |
|  | | |
| **E2** | **Provide statutory financial statements for the third country firm, at an individual and, where applicable, at consolidated group and sub-consolidated levels for the last three financial periods, approved, where the financial statements are audited, by the external auditor including:** |  |
|  | 2.1 the balance sheet |  |
|  | 2.2 the profit and loss accounts or income statements |  |
|  | 2.3 the annual reports and financial annexes and any other documents registered with the relevant registry or authority in the particular territory relevant to the company financial statements and, where applicable, a report by the company’s auditor of the last three years or since the beginning of the activity. |  |
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## F. INFORMATION ON THE ORGANISATION OF THE FIRM AND PROGRAMME OF OPERATIONS

|  | **REQUESTED INFORMATION** | | | | | | **NUMBER OF REFERENCE DOCUMENT** | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **F1** | **Provide a Programme of Operations/Internal Operations Manual of the branch, setting out the procedures of the branch that will ensure compliance with Article 42 (2) of the Law. This Internal Operations Manual should be accompanied by the Checklist for the Programme of Internal operations manual (Form 87-00-22).** | | | | | |  | |
|  |  | | | | | |  | |
| **F2** | **In the Programme of Operations please describe the initial operations of the branch for the following three years, including information on the services that will be provided. Relevant information in the programme of operations shall indicatively, include:** | | | | | |  | |
|  | 1.1 the investment services and/or investment activities, as well as the ancillary services to be provided; | | | | | |  | |
|  | 1.2 the domicile of prospective customers and targeted investors (i.e. only in Cyprus); | | | | | |  | |
|  | 1.3 the marketing and promotional activity and arrangements, including the type of promotional documents, the languages of the offering and promotional documents, ensuring that marketing will be limited to Cyprus; | | | | | |  | |
|  | 1.4 the identity of direct marketers, financial investment advisers and distributors etc. | | | | | |  | |
|  | 1.5 its compliance with Article 25 of the Law in relation to information to clients. | | | | | |  | |
|  | | | | | | | | |
| **F3** | **Provide the organisational structure and internal control systems of the branch, comprising:** | | | | | |  | |
|  | 2.1 the personal details of the heads of internal functions (management and supervisory), including a detailed curriculum vitae, stating relevant education and professional training, professional experience | | | | | |  | |
|  | 2.2 the description of the resources (in particular human and technical) allocated to the various planned activities; | | | | | |  | |
|  | 2.3 in relation to holding client financial instruments and funds, information, specifying any client asset safeguarding arrangements (in particular, where financial instruments and funds are held in a custodian, the name of the custodian, and related contracts); | | | | | |  | |
|  | | | | | | | | |
| **F4** | **State whether the third country firm belongs to an investor compensation scheme to protect investors who use investment services and provide them with compensation in cases where an investment firm is unable to return assets belonging to them.**  **Provide detailed information in relation to this investor compensation scheme on the procedure which should be observed by the clients of the branch when demanding compensation, as well as the cases in which the scheme foresees compensation for the clients of the branch, the extent/amount of such compensation, as well as the cases in which the scheme may refuse any reimbursement and the appeal procedures against such refusal.** | | | | | |  | |
|  | | | | | | | | |
| **F5** | **Provide a list of the outsourced essential operating functions, services or activities (or those intended to be outsourced) and a list of the contracts concluded or foreseen with external providers and resources (in particular, human and technical, and the internal control system) allocated to the control of the outsourced functions, services or activities of the branch.** | | | | | |  | |
|  | | | | | | | | |
| **F6** | **Provide measures to identify and to prevent or manage conflicts of interest that arise in the course of providing investment and ancillary services of the branch. Also refer to the Checklist for the Programme of Internal operations manual (Form 87-00-22).** | | | | | |  | |
|  |  | | | | | |  | |
| **F7** | **Describe the product governance arrangements of the branch. Also refer to the Checklist for the Programme of Internal operations manual (Form 87-00-22).** | | | | | |  | |
|  |  | | | | | |  | |
| **F8** | **Provide business continuity plans, including proportionate and appropriate systems, resources (key personnel) and procedures of the branch. Also refer to the Checklist for the Programme of Internal operations manual (Form 87-00-22).** | | | | | |  | |
|  |  | | | | | |  | |
|  | | | | | | | | |
| **F9** | **Does the branch propose acting as an algorithmic or high frequency trader?[[12]](#footnote-12)** | | | | | |  | |
|  | **Yes** |  | | |  | |  | |
|  | **No** |  | | |  | |  | |
|  | **If yes, please include details and in the Programme of Operations - Also refer to the Checklist for the Programme of Internal operations manual (Form 87-00-22).** | | | | | |  | |
|  | | | | | | | | |
| **F10** | **Provide a description of systems for monitoring the activities of the branch, including back–up systems, where available, and systems and risk controls where the firm wishes to engage in algorithmic trading and/or provide direct electronic access.** | | | | | |  | |
|  | | | | | | | | |
| **F11** | **Provide information on the compliance, internal control, and risk management systems (a monitoring system, internal audits and the advice and assistance functions) of the branch.** | | | | | |  | |
|  | | | | | | | | |
| **F12** | **Provide details on the systems for assessing and managing the risks of money laundering and terrorist financing and attach the relevant risk management and procedures manual of the branch.** | | | | | |  | |
|  | | | | | | | | |
| **F13** | **Provide the record management, record-keeping and record retention policies of the branch. Also refer to the Checklist for the Programme of Internal operations manual (Form 87-00-22).** | | | | | |  | |
|  | | | | | | | | |
| **F14** | **Provide information in the Programme of Operations in relation to the assessment of suitability and appropriateness and reporting to clients (refer to Article 26 of the Law).** | | | | | |  | |
|  | | | | | | | | |
| **F15** | **Provide information in the Programme of Operations as to the branch’s client order handling rules (refer to Article 29 (1) of the Law).** | | | | | |  | |
|  | | | | | | | | |
| **F16** | **Provide information in the Programme of Operations in relation to transactions executed with eligible counterparties (refer to Article 31 of the Law)** | | | | | |  | |
|  | | | | | | | | |
| **F17** | **Provide information in the Programme of Operations in relation to transparency for trading venues (refer to Title II of Regulation (EU) No. 600/2014).** | | | | | |  | |
|  | | | | | | | | |
| **F18** | **Provide information in the Programme of Operations in relation to transparency for systematic internalisers and investment firms trading OTC (refer to Title III of Regulation (EU) No. 600/2014).** | | | | | |  | |
|  | | | | | | | | |
| **F19** | **Does the applicant intend to establish branches in other Member States of the European Union?** | | | | | |  | |
|  | Yes | | |  | | |  | |
|  | No | | |  | | |  | |
|  | If yes, please name the member state(s) where branches will be established. | | | | | |  | |
|  |  | | | | | |  | |
|  | | | | | | | |
| **F20** | **Does the applicant propose providing independent advice?** | | | | | |  |
|  | Yes | |  | | |  |  |
|  | No | |  | | |  |  |
|  | | | | | | | |
| **F21** | **Does the applicant’s business model create an obligation for the applicant to report transactions under Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments (MiFIR)?** | | | | | |  |
|  | Yes | |  | | |  |  |
|  | No | |  | | |  |  |
|  | **If yes, please provide information in the Programme of Operations in relation to transaction reporting (refer to Articles 24-26 of Regulation (EU) No. 600/2014). Also refer to the Checklist for the Programme of Internal operations manual (Form 87-00-22).** | | | | | |  |
|  | | | | | | | |

# CONFIRMATIONS

**Confirmations by external auditors - legal advisers**

Attach as certifications from the external auditors and legal advisers of the applicant that, from what they know and believe, neither the applicant nor the persons that effectively direct its business are in any way involved, directly or indirectly, in any criminal activities or any activities, that may be used in the promotion, furtherance, assistance, instigation of economic crime or that may be deemed to be promoting, furthering, assisting or instigating it.

**Declaration by Directors**

**We responsibly declare, having full knowledge of the consequences of the Law, that:**

1. **We have exercised all due diligence in ensuring that all the information stated in this application, as well as the details and documents that accompany it are correct, complete and accurate.**
2. **We have taken all necessary measures so that the applicant will fulfill all the requirements for the granting of a CIF authorisation, as these are defined in the Law.**
3. **We will notify the Commission, in writing, immediately where, in the period between the submission of the application and the Commission’s decision, a change takes place in the information or and details and documents submitted with the application.**

**We confirm that we are ready and willing to comply with the requirements or and obligations arising from the Law.**

**We acknowledge and accept that the Commission may reveal information in the discharge of its duties, as these are defined in the Law.**

**In accordance with sections 71, 93 and 94 of the Law, we understand that the provision of false, or misleading information or data or documents or forms, or the withholding of material information from the current notification, is subject to an administrative fine and may constitute a criminal offence.**

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Full name and capacity Signature

Date: ……………………………………….……………………………………………

# LIST OF ADDITIONAL DOCUMENTS THAT ACCOMPANY THE APPLICATION FORM

| **TITLE OF DOCUMENT** | **NUMBER OF REFERENCE DOCUMENT** | **FOR INTERNAL USE BY THE COMMISSION** |
| --- | --- | --- |
| Certificate of registration/incorporation of the third country firm | **1** |  |
| Certificate(s) of authorisation of the third country firm from the authority/ies responsible for its supervision, stating the services that the third country firms authorized to offer.[[13]](#footnote-13) | **2** |  |
| Certificate of good standing of the third country firm | **3** |  |
| Certificate of the registered office of the third country firm | **4** |  |
| Memorandum and Articles of Association | **5** |  |
| Certificate of the shareholders of the third country firm | **6** |  |
| Comprehensive group structure for all corporate shareholders that are members of a group | **7** |  |
| Comprehensive group structure of the group the third country firm belongs to. | **8** |  |
| Certificate of the shareholders of the legal persons who are shareholders of the third country firm | **9** |  |
| Personal Questionnaire of the shareholders’ of the third country firms. For natural persons see Form 87-00-12, for legal persons see Form 87-00-13 and for trusts see Form 87-00-14 | **10** |  |
| Certificate of the third country firm’s directors and secretary. | **11** |  |
| Individual Questionnaire for the persons responsible for the management of the branch | **12** |  |
| Forecast accounting plans of the branch | **13** |  |
| Financial statements of the third country firm | **14** |  |
| Programme of initial operations | **15** |  |
| Organisational structure and internal control systems of the applicant | **16** |  |
| List of the outsourced functions, services or activities (or those intended to be outsourced) and a list of the contracts concluded or foreseen with external providers and resources | **17** |  |
| Conflicts of interest measures and a description of product governance arrangements. *This may be included in the Internal operations manual.* | **18** |  |
| Description of systems for monitoring the activities of the firm, including back–up systems, where available, and systems and risk controls where the firm wishes to engage in algorithmic trading and/or provide direct electronic access. *This may be included in the Internal operations manual.* | **19** |  |
| Information on the compliance, internal control, and, risk management systems (a monitoring system, internal audits and the advice and assistance functions). *This may be included in the Internal operations manual.* | **20** |  |
| Details on the systems for assessing and managing the risks of money laundering and terrorist financing. | **21** |  |
| Business continuity plans, including systems and human resources (key personnel). *This may be included in the Internal operations manual.* | **22** |  |
| Record management, record-keeping and record retention policies. *This may be included in the Internal operations manual* | **23** |  |
| Programme of operations / Internal operations manual | **24** |  |
| Checklist for the Programme of operations / Internal operations manual (Form 87-00-22) | **25** |  |
| Business plan | **26** |  |
| Certification by the representative for the promotion of the application for CIF authorisation, which states that "I hereby state and confirm that as far as I know and believe, neither the applicant, nor the persons that effectively direct its business, are involved or have been involved, directly or indirectly, in any criminal activities or any activities that may be used in the promotion, furtherance, assistance, instigation of economic crime or that may be deemed to be promoting, furthering, assisting or instigating it.” | **27** |  |
| Certifications from the external auditors and legal advisers of the applicant | **28** |  |
| Information by operators of Multilateral Trading Facilities (MTFs) and Organised Trading Facilities (OTFs) (Form 87-00-15) | **29** |  |

1. When more than one authority is responsible for supervision, the details of the respective areas of competence shall be provided. [↑](#footnote-ref-1)
2. If the applicant intends to operate a Multilateral Trading Facility, the form on Information by operators of Multilateral Trading Facilities (MTFs) and Organised Trading Facilities (OTFs) (Form 87-00-15) needs to accompany this Form. Also, in the Programme of Operations/Internal Operations Manual, set out the compliance of the branch with Articles 19, 20, 32 and 33 of the Law. [↑](#footnote-ref-2)
3. If the applicant intends to operate an Organised Trading Facility, the form on Information by operators of Multilateral Trading Facilities (MTFs) and Organised Trading Facilities (OTFs) (Form 87-00-15) needs to accompany this Form. Also, in the Programme of Operations/Internal Operations Manual, set out the compliance of the branch with Articles 19, 21, 32 and 33 of the Law. [↑](#footnote-ref-3)
4. Refer to Article 2 of the Law for the definition of the term "group".  [↑](#footnote-ref-4)
5. Refer to Article 2 of the Law for the definition of the term “qualifying holding". [↑](#footnote-ref-5)
6. Refer to Article 2 of the Law for the definition of the term “close links”. [↑](#footnote-ref-6)
7. Refer to Article 2 of the Law for the definition of the term “qualifying holding".  [↑](#footnote-ref-7)
8. Refer to Article 2 of the Law for the definition of the term “close links”. [↑](#footnote-ref-8)
9. Depending on the nature of the shareholders, i.e. whether it is a natural person, a legal person or a trust submit the Personal Questionnaire of an applicant’s shareholder. For natural persons see Form 87-00-12, for legal persons see Form 87-00-13 and for trusts see Form 87-00-14. Moreover, if this Form is submitted in the context of an extension of authorisation and it will also involve changes in the shareholding of the CIF, the relevant notification for holding, acquisition or further increase of qualifying holding in a CIF should be submitted. [↑](#footnote-ref-9)
10. Personal Questionnaire of the members of the Management Body(Form 87-00-11). [↑](#footnote-ref-10)
11. **Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012.** [↑](#footnote-ref-11)
12. If the applicant intends to act as an algorithmic or high frequency trader, the applicant must also take into account the *Commission Delegated Regulation (EU) 2017/589 with regard to regulatory technical standards specifying the organisational requirements of investment firms engaged in algorithmic trading*. [↑](#footnote-ref-12)
13. If the relevant authority does not issue such certificates, provide a letter from such authority confirming that the third country firm is under its supervision, stating the services that the third country firms authorized to offer. [↑](#footnote-ref-13)