

# Application form for AIFM established in a third country, with permission to manage EU AIFs, to market shares or units of EU AIFs in Denmark

## Application Letter

*In order for an AIFM established in a third country, with permission to manage EU AIFs, to market shares or units of EU AIFs in Denmark, the AIFM has to submit the following application to the Danish FSA. The AIFM can start to market units or shares of the EU AIFs they manage towards professional investors in Denmark when notified by the Danish FSA.*

### Part A

Name of the AIFM:

Address or registered office/domicile:

Identification code:<sup>1</sup>

#### Details of contact person

Name:

Position:

Telephone number:

Email address:

Additional information (if necessary):

<sup>1</sup> If applicable (e.g. national code).

## Part B

Name of the EU AIF that the AIFM intends to market towards professional investors in Denmark:

Address or registered domicile:

Inception date of the EU AIF (or date of authorisation)<sup>2</sup>:

Identification code of the EU AIF (LEI, ISIN, RIC, ECB, SEDOL, CUSIP):

Does the EU AIF have sub-funds?

Yes <sup>3</sup>

No

Name of the AIF or AIFs/or compartment(s) to be marketed <sup>4</sup>	AIF home Member State	Legal form (common fund, unit trust, investment company, partnership, other (please specify))	Name of the depositary of the AIF <sup>5</sup>	Name of the master AIF/or compartment(s) (if applicable)	Home Member State of the master AIF (if applicable)	AIF's investment strategy (please specify the predominant AIF and the breakdown by investment strategies as set out in the reporting template included in Regulation 231/2013)

<sup>2</sup> If applicable.

<sup>3</sup> If there are more than eight sub-funds, please attach an excel file divided into the same structure.

<sup>4</sup> If the AIF takes the form of an umbrella AIF with multiple compartments, AIFMs should only indicate the name of the compartments of the umbrella AIF notified for marketing. AIFMs should not indicate the name of the umbrella AIF

<sup>5</sup> Information on the depositary of the AIF should include the address of the depositary.

Details on how the AIFM will ensure that sub-funds of the EU AIF that the AIFM manages will not be marketed towards retail investors in Denmark:

Information on the measures the AIFM intends to implement in Denmark with a view to securing the investors' rights to receive dividends and redeem units:

## Part C

### Attachments

- 1) Documentation that the AIFM is authorised to manage EU AIFs according to Directive 2011/61/EU if the AIFM is domiciled within EU/EEA <sup>6</sup>

(Title of document or name of electronic file attachment)

- 2) Program of operations identifying the EU AIF the AIFM intends to market in Denmark:

(Title of document or name of electronic file attachment)

- 3) The latest version of the fund rules or instruments of incorporation:

(Title of document or name of electronic file attachment)

- 4) Description of, or any information on, the EU AIF available to investors (Please fill out annex 1):

(Title of document or name of electronic file attachment)

<sup>6</sup> The documents may be submitted in Danish or English.

5) The latest published annual report and any subsequent half-yearly report:

(Title of document or name of electronic file attachment)

6) A statement from the supervisory authorities of the EU AIF to the effect that the home country is prepared to grant similar Danish AIFs access to market their units or shares in the country in question:

(Title of document or name of electronic file attachment)

7) Information on whether or not the EU AIF is allowed to market its shares or units towards the public in its home country; information the EU AIF is required to provide for its investors according to the regulation of its home country, including the information the EU AIF is required to provide if it ceases marketing in Denmark:

(Title of document or name of electronic file attachment)

8) Other information the EU AIF is obligated to publish in its home country:

(Title of document or name of electronic file attachment)

## Part D

### Confirmation by the AIFM

We hereby confirm that the documents attached to this application form contain all relevant information as provided in Executive Order No. 799 of 26 June 2014 on authorisation for alternative investment fund managers to market alternative investment funds established in a third country in Denmark. The text of each document is the same as that previously submitted to the competent authorities of the home country, or is a translation that faithfully reflects that text.

*(The application form shall be signed by an authorised signatory of the AIFM or a third person empowered by a written mandate to act on behalf of the applying AIFM. The signatory shall state his/her full name and capacity, and shall ensure the confirmation is dated.)*

Name:

Position:

Date:

# Annex 1

Article 23(1) of AIFMD	§ 62, stk. 1 i FAIF-loven	Disclosure to investors	Applicable information found in:
<p><b>a)</b> A description of the investment strategy and objectives of the AIF, information on where any master AIF is established and where the underlying funds are established if the AIF is a fund of funds, a description of the types of assets in which the AIF may invest, the techniques it may employ and all associated risks, any applicable investment restrictions, the circumstances in which the AIF may use leverage, the types and sources of leverage permitted and the associated risks, any restrictions on the use of leverage and any collateral and asset reuse arrangements, and the maximum level of leverage which the AIFM are entitled to employ on behalf of the AIF;</p>	Nr. 1-9		
<p><b>b)</b> A description of the procedures by which the AIF may change its investment strategy or investment policy, or both;</p>	Nr. 10		
<p><b>c)</b> A description of the main legal implications of the contractual relationship entered into for the purpose of investment, including information on jurisdiction, on the applicable law and on the existence or not of any legal instruments providing for the recognition and enforcement of judgments in the territory where the AIF is established;</p>	Nr. 11		
<p><b>d)</b> The identity of the AIFM, the AIF's depositary, auditor and any other service providers and a description of their duties and the investors' rights;</p>	Nr. 12		
<p><b>e)</b> A description of how the AIFM is complying with the requirements of Article 9(7);</p>	Nr. 13		

<b>f)</b>	A description of any delegated management function as referred to in Annex I by the AIFM and of any safe-keeping function delegated by the depositary, the identification of the delegate and any conflicts of interest that may arise from such delegations;	Nr. 14
<b>g)</b>	A description of the AIF's valuation procedure and of the pricing methodology for valuing assets, including the methods used in valuing hard-to-value assets in accordance with Article 19;	Nr. 15
<b>h)</b>	A description of the AIF's liquidity risk management, including the redemption rights both in normal and in exceptional circumstances, and the existing redemption arrangements with investors;	Nr. 16
<b>i)</b>	A description of all fees, charges and expenses and of the maximum amounts thereof which are directly or indirectly borne by investors;	Nr. 17
<b>j)</b>	A description of how the AIFM ensures a fair treatment of investors and, whenever an investor obtains preferential treatment or the right to obtain preferential treatment, a description of that preferential treatment, the type of investors who obtain such preferential treatment and, where relevant, their legal or economic links with the AIF or AIFM;	Nr. 18-19
<b>k)</b>	The latest annual report referred to in Article 22;	Nr. 20
<b>l)</b>	The procedure and conditions for the issue and sale of units or shares;	Nr. 21
<b>m)</b>	The latest net asset value of the AIF or the latest market price of the unit or share of the AIF, in accordance with Article 19;	Nr. 22

<b>n)</b>	Where available, the historical performance of the AIF;	Nr. 23
<b>o)</b>	The identity of the prime broker and a description of any material arrangements of the AIF with its prime brokers and the way the conflicts of interest in relation thereto are managed and the provision in the contract with the depositary on the possibility of transfer and reuse of AIF assets, and information about any transfer of liability to the prime broker that may exist;	Nr. 24
<b>p)</b>	A description of how and when the information required under paragraphs 4 and 5 will be disclosed;	Nr. 25