|  |
| --- |
| ***NOTIFICATION LETTER*** on the basis of section 331 of the Investment Code (*Kapitalanlagegesetzbuch* – KAGB) **for the electronic notification procedure for marketing units or shares of EU AIFs or domestic AIFs managed by an AIF management company to professional investors in other member states of the European Union or in signatories to the Agreement on the European Economic Area pursuant to section 331 of the KAGB** |

|  |
| --- |
| ***Important note:***Further details on the electronic notification procedure pursuant to section 331 of the KAGB can be found in the “Guidance Notice (2013) on the marketing of units or shares of EU AIFs or domestic AIFs managed by an AIF management company to professional investors in other member states of the European Union or in signatories to the Agreement on the European Economic Area pursuant to section 331 of the Investment Code (*Kapitalanlagegesetzbuch* – KAGB) ~ outgoing AIF notification~ and ~outgoing AIF update~”. |

\*\*\*

**Notification of the intention to market units or shares of an AIF**

**[name of the AIF]**

**in**

**[host memeber state]**

1. ***Information on the business plan****:*
	1. Name of the AIF:
	[...]
	2. Registered office of the AIF (address):
	[...]
	3. Home member state of the AIF:
	[...]
2. ***Name of the depositary of the notified AIF:***

Name:
[...]

Registered office (address):
[...]
3. ***Description of the notified AIF:***
	1. Legal form of the AIF:
	[...]
	2. External AIF management company (if applicable):
	Name:
	[...]
	3. Home member state:
	[...]
	4. Registered office:
	[...]
	5. AIF management company website:
	[...]
	6. ISIN, WKN or similar identifier of the AIF, if available:
	[...]
	7. Investment compartment:
	[ ]  Yes
	[ ]  No
	8. Launch date of the notified AIF:
	[...]
	9. Open-end or closed-end AIF
	[...]
	10. Strategy (according to the Annex IV of the Level 2 Delegated Act)
	[...]
4. ***Information in the case of master-feeder schemes[[1]](#footnote-1):***

Is the notified AIF a feeder AIF?
[ ]  Yes
[ ]  No

Is the master AIF an EU AIF?
[ ]  Yes
[ ]  No

Is the master AIF a domestic AIF?
[ ]  Yes
[ ]  No

Is the domestic master AIF managed by an EU AIF management company or a domestic AIF management company?
[ ]  Yes
[ ]  No

Information on the registered office and home member state of the master AIF:
[...]

Information on the registered office and home member state of the master AIF's management company:
[...]

1. ***Information and arrangements regarding marketing:***

Units or shares of the AIF are marketed by:

[ ]  the domestic AIF management company

[...]

[ ]  another management company authorised pursuant to Directive 2011/61/EU or 2009/65/EC
[...]

[ ]  Credit institutions:
[...]

[ ]  Authorised investment firms or advisors:
[...]

[ ]  Other institutions:
[...]

Information on the arrangements made for marketing the notified AIF and, if applicable, information on the arrangements established to prevent units or shares of the AIF from being marketed to retail investors, even if an AIFM uses independent companies to market the AIF:

[...]

1. ***Miscellaneous/additional information:***

[...]
2. ***Signature/affirmation:***

Information on contact person at AIF management company:
[...]

Name/position:
[...]

Phone:

[...]

E-mail address:

[...]

Fax number:

[...]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
name, signature date

(Affirmation by the authorised signatory of the AIFM or self-managed AIF or the authorised representative)

I hereby affirm that the documents attached to the notification letter contain all the relevant information specified in Directive 2011/61/EU. The text of each document corresponds to the text of relevant documents which have already been submitted to BaFin or is a translation which reliably reproduces the corresponding text[[2]](#footnote-2).

1. ***Attachments[[3]](#footnote-3):***
2. Current version of the fund rules, the articles of association or the partnership agreement, version dated: [DD.MM.YYYY]

[title of the document or file name of attachment]

1. Audited annual report pursuant to section 308 of the KAGB, if available

[title of the document or file name of attachment]

1. Current version of the document containing the information pursuant to section 307 (1) sentence 2 of the KAGB

[title of the document or file name of attachment]

1. Cross-reference table on the basis of Art. 23 of the AIFM Directive

[title of the document or file name of attachment]

1. Further information available to investors about the notified AIF
1. If the AIF is a feeder AIF, a notification for marketing in accordance with section 331 (1) sentence 1 of the KAGB is only admissible if the master AIF is also an EU AIF or domestic AIF managed by an EU AIF management company or a domestic AIF management company. [↑](#footnote-ref-1)
2. The notification letter shall be signed by an authorised signatory of the AIFM or of the self-managed AIF or by a third person who has been authorised in writing to act in the name of the notified AIF in such a way that his/her actions will be accepted by BaFin with regard to the certification of documents. The signatory will indicate his/her full name and position and ensure that the affirmation is dated. [↑](#footnote-ref-2)
3. The current version of the required documents must be attached to this notification letter in order for BaFin to forward these. This also applies if BaFin has already been sent copies of these documents. If BaFin has already been provided with documents and these are still valid, reference may be made to this fact in the notification letter. [↑](#footnote-ref-3)