

**Application for Withdrawal of Approval of a Sub-Fund**

**July 2019**

**Consultation Paper | CPX**

**Name of Fund: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Name of Sub-Fund(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Accounting Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

### Please confirm that the following are attached/confirmed by placing a tick, “yes”, “no” or “n/a”, as applicable in the first column of boxes

**Please tick**

|  |  |  |
| --- | --- | --- |
| 1. | Original signed letter from the Management Company, AIFM, Fund or Depositary seeking withdrawal of approval of the sub-fund(s) and confirm that it contains original signatures |  |
|  |  |  |
|  |  |  |
| 2. | Confirm that the aforementioned letter indicates the rationale for termination |  |
|  |  |  |
| 3. | (1) Confirm if the final repurchase of shares was: |  |
|  | a) voluntary; or |  |
|  | b) compulsory |  |
|  | (2) If compulsory: |  |
|  | a) State Article/Clause No. under which compulsory repurchase was effected \_\_\_\_\_\_\_\_\_\_\_ |  |
|  | b) A Director of the Management Company/AIFM/Fund must confirm that all procedures relating to the compulsory repurchase of shares/units in the fund, as set out in the constitutional document have been complied with |  |
|  |  |  |
| 4. | (i) Original signed letter from the Depositary is attached confirming that final disbursement |  |
|  | of assets has taken place and is in order and that it is not aware of any outstanding claims or |  |
|  | disputes with investors or creditors and where relevant, that sufficient provision has been made for the costs of termination and |  |
|  | Audited accounts to be submitted to the Central Bank showing a zero NAV for the sub-fund |  |
|  | ***Or*** |  |
|  | (ii) In the case of a sub-fund which never launched a derogation may be sought from the |  |
|  | requirement to produce audited accounts. |  |
|  | Confirm if an original signed letter from the Management Company/AIFM/Fund is attached seeking a derogation |  |
|  | In such case, the letter referred to at (i) is not required. Instead confirm that an original |  |
|  | signed letter from the Depositary is attached and that it confirms that no units/shares were ever issued, and therefore there will be no disbursement of assets taking place and that it is not aware of any outstanding disputes or claims with creditors |
|  |  |  |
| 5. | Confirm that this is not the last existing sub-fund in the fund [[1]](#footnote-1) |  |
|  |  |  |
| 6. | If the answer to paragraph 3 (1) (b) is yes, the following must be completed: |  |
|  | **Confirmed on behalf of the fund in respect of paragraph 3(2)b)** |  |
|  | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_** |  |
|  | **Director of Management Company/AIFM/Fund Date** |  |
|  | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |  |
|  | **Name of Signatory** |  |
|  |  |  |

**EMIR INFORMATION REQUIRED**

Regulation 648/2012 on OTC Derivatives, Central Counterparties and Trade Repositories (as amended)(“EMIR”) implements increased transparency in respect of derivatives by imposing, amongst other obligations, requirements concerning Reporting of all derivative contracts (including exchange traded derivatives) to Trade Repositories (“TRs”).

1. Is the  sub-fund(s) currently counterparty to any derivative contracts YES/NO

(delete as appropriate)

1. Has sub-fund(s) successfully exited (terminated) outstanding trades with the relevant TR(s) YES/NO

(delete as appropriate)

1. Provide LEI code for:

|  |  |
| --- | --- |
| **Name of sub-fund(s)** | **LEI code** |
|  |  |
|  |  |

*---------------------------------------------------------------------------------------------------------------------------*

|  |  |
| --- | --- |
|  | **Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
|  | **Name (in Print): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
|  | **Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | **Applicant Firm’s Representative:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

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1. 1 If there will be no sub-funds remaining in the umbrella then revocation of authorisation of the umbrella fund must be sought [↑](#footnote-ref-1)