



Annex Communication FSMA_2018_08_3 of 6/19/2018

Tied agent passport notification Article 35 of Directive 2014/65/UE

This form should be filled out in case of notification and or modification of an existing notification regarding the use of a tied agent established in another Member State. In the latter case please complete only the parts of the form which are relevant for to the notified changes. **If the changes purport to the investment services, activities or financial instruments, please list all the investment services, activities, or financial instruments the firm will provide in the future.**

1 General information

Date of notification	[Date]
Type of notification	New notification / Modification of notification
Home Member State of the investment firm	BELGIUM
Authorisation status of the investment firm	Authorised by the FSMA since [Date]
Member State in which the investment firm intends to use a tied agent established in the host Member State(s)	[Host Member State]

2 Details of the investment firm

Name of the investment firm	
Trading name	
Address	
Telephone number	
Email	
Name of the contact person at the investment firm	

3 Details of the tied agent

Name of the tied agent	
Address of the tied agent	
Telephone number of the tied agent	
Email of the tied agent	
Name(s) of those responsible for the management of the tied agent	
Home Member State	
Authorisation status	Authorised by [National Competent Authority] since [Date]
Reference or hyperlink to the public register where the tied agent is registered	

4 Program of operations

4.1 Intended investment services and activities provided by the tied agent (*)

(*) Please place an (x) in the appropriate boxes

		Investment services and activities ¹									Ancillary services						
		A1	A2	A3	A4	A5	A6	A7	A8	A9	B1	B2	B3	B4	B5	B6	B7
Financial instruments	C1																
	C2																
	C3																
	C4																
	C5																
	C6																
	C7																
	C8																
	C9																
	C10																
	C11																

A description of the investment services and financial instruments is available at the end of this form.

¹ Investment firms under the supervision of the FSMA can only provide the investment services and activities A1, A2, A4 and A5. The investment firms who can also provide the other investment services, activities and ancillary services are under the supervision of the National Bank of Belgium. Tied agents can only provide the investment services A1 and A5, to the extent to which the investment firm is licensed for such services.

4.1.1 Business Plan and Structural Organisation of the Tied Agent

Please attach a document answering the following questions.

4.1.2 Business Plan

1. How will the tied agent contribute to the strategy of the firm/group?
2. What will the main functions of the tied agent be?
3. Describe the main objectives of the tied agent.

4.1.3 Commercial Strategy

1. Describe the types of clients/counterparties the tied agent will be dealing with.
2. Describe how the firm will obtain and deal with these clients.

4.1.4 Organisational structure

1. Briefly describe how the tied agent fits into the corporate structure of the firm/group. (This may be facilitated by attaching an organisational chart)
2. Set out the organisational structure of the tied agent, showing functional, geographical and legal reporting lines.
3. Identify who will be responsible for the tied agent operations on a day to day basis. Provide details of professional experience of the persons responsible for the management of the tied agent. (Please attach CV).
4. Identify who will be responsible for the internal control functions at the tied agent.
5. Identify who will be responsible for dealing with complaints in relation to the tied agent.
6. Explain how the tied agent will report to the head office.
7. Detail any critical outsourcing arrangements.

4.1.5 Systems & controls

Provide a brief summary of arrangements for²:

1. compliance with the conduct of business and other obligations that fall under the responsibility of the Competent Authority of the host Member State according to Article 35(8) and record keeping under Article 16(6);
2. staff code of conduct, including personal account dealing;
3. anti-money laundering;
4. monitoring and control of critical outsourcing arrangements (if applicable);
5. the name, address and contact details of the accredited compensation scheme of which the investment firm is a member

² Please note that investment firms under the supervision of the FSMA can not safeguard client money and assets.

4.1.6 Financial Forecast

Attach a forecast statement for profit and loss and cash flow, both over an initial period of thirty six month period.

The personal data which you have provided to the FSMA via this form will be processed by the FSMA as set out in its [Privacy Policy](#).

Section A

Investment services and activities

- (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 an MTF;
- (9) Operation of an OTF.

Section C

Financial instruments

- (1) Transferable securities;
- (2) Money-market instruments;EN 12.6.2014 Official Journal of the European Union L 173/481
- (3) Units in collective investment 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).