| Investor’s Declaration – Investment Services Rules for Notified Professional Investor Funds  Part B: Ongoing Requirements | | | | |
| --- | --- | --- | --- | --- |
|  | **Declaration Form** | | | |
|  | This **Annex** includes relevant information regarding the Declaration Forms to be completed by prospective Qualifying Investors and Professional Investors | | | |
|  | **Pro Farma Qualifying Investor Declaration Form**  *Note: This section should be completed by the Qualifying Investor or his/ her duly authorised agent. Tick as appropriate.* | | | |
|  | Scheme | | Enter text | |
|  | Name of Investor/duly authorised agents | | Enter text | |
|  | The investment is being made directly by the investor (not through a duly authorised agent) | | | |
|  | I hereby confirm that I am eligible to be treated as a “Qualifying Investor” since I satisfy the definition thereof in light of the positive response(s) that I have given to the question(s) below. I certify that I have read and understood the Offering Document including the mandatory risk warnings. | | | Select item |
|  | The investment is being made directly by the investor (not through a duly authorised agent) | | | |
|  | I hereby confirm that I have been properly appointed as a duly authorised agent of a prospective investor in the Scheme described above. I certify that my principal is eligible to be treated as a “Qualifying Investor” since my principal satisfies the definition thereof in light of the positive response(s) that I have given to the question(s) below in respect of my principal. I certify that my principal has read and understood the Offering Document including the mandatory risk warnings. | | | Select item |
|  | Select item as a “Qualifying Investor”, as I am/ he/ she/ it is committed to invest a minimum of EUR 100,000 or its currency equivalent in the NPIF, which investment may not be reduced below this minimum amount at any time by way of a partial redemption; and I am/ he/ she/ it is:   |  |  | | --- | --- | | 1. A body corporate which has net assets in excess of EUR 750,000 or which is part of a group which has net assets in excess of EUR 750,000 in each case, the currency equivalent thereof | Select item | | 1. An unincorporated body of persons or association which has net assets in excess of EUR 750,000 or the currency equivalent thereof | Select item | | 1. A trust where the net value of the trust’s assets is in excess of EUR 750,000 or the currency equivalent thereof | Select item | | 1. An individual whose net worth or joint net worth with that of the person’s spouse, exceeds EUR 750,000 or the currency equivalent thereof | Select item | | 1. A senior employee or director of a service provider to the Scheme | Select item | | | | |
| |  |  |  |  | | --- | --- | --- | --- | | Signature |  | | | | Name  *Of Investor/duly authorised agent* | Enter text | Surname | Enter text | | Title/capacity in which signed | Enter text | | Date | Enter date | | | | | |
|  | **Pro Farma Professional Investor Declaration Form**  *Note: This section should be completed by the Professional Investor or his/ her duly authorised agent. Tick as appropriate.* | | | |
|  | Scheme | | Enter text | |
|  | Name of Investor/duly authorised agents | | Enter text | |
|  | The investment is being made directly by the investor (not through a duly authorised agent) | | | |
|  | I hereby confirm that I am eligible to be treated as a “Professional Investor”, since I satisfy the definition thereof as prescribed in Paragraph I of Annex II of Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments as may be amended from time to time; and | | | Select item |
|  | I hereby confirm that I possess the experience, knowledge and expertise to make my own investment decisions and properly assess the risks involved in investing in the NPIF; and | | | Select item |
|  | I also confirm that I am aware of and understand that:  - Notified PIFs are not licensed by the MFSA;  - The content of any marketing or Offering Documentation of a NPIF has not been approved or reviewed by the MFSA and the ultimate responsibility on the content of this documentation lies on the Notified PIF;  - Notified PIFs are non-retail schemes and available to investors qualifying as Professional Investors or Qualifying Investors.  - Notified PIFs are riskier funds by nature in view of the less onerous regulatory requirements that apply and are subject to the minimum level of supervision for a fund in Malta.  - The MFSA may remove a NPIF from the Register of NPIFs at any time.  - Investors in NPIFs are not protected by any statutory compensation arrangements in the events of the fund’s failure. | | | Select item |
|  | **OR**  I hereby confirm that I have requested to be treated as a “Professional Investor”, in terms of Paragraph II of Annex II of Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments as may be amended from time to time, since I fulfil at least two of the following criteria:   |  |  | | --- | --- | | 1. I have carried out transactions, in significant size, on the relevant market at an average frequency of 10 per quarter over the previous four quarters. | Select item | | 1. The size of my financial instrument portfolio, defined as including cash deposits and financial instruments exceeds EUR 500,000. | Select item | | 1. I work or have worked in the financial sector for at least one year in a professional position, which requires knowledge of the transactions or services envisaged. | Select item | | | | Select item |
|  | I also confirm that I am aware of and understand that:  - Notified PIFs are not licensed by the MFSA;  - The content of any marketing or Offering Documentation of a NPIF has not been approved or reviewed by the MFSA and the ultimate responsibility on the content of this documentation lies on the Notified PIF;  - Notified PIFs are non-retail schemes and available to investors qualifying as Professional Investors or Qualifying Investors.  - Notified PIFs are riskier funds by nature in view of the less onerous regulatory requirements that apply and are subject to the minimum level of supervision for a fund in Malta.  - The MFSA may remove a NPIF from the Register of NPIFs at any time.  - Investors in NPIFs are not protected by any statutory compensation arrangements in the events of the fund’s failure. | | | Select item |
|  | **The investment is not being made directly by the investor but through a duly authorised agent** | | | |
|  | I hereby confirm that I have been properly appointed as a duly authorised agent of a prospective investor in the NPIF described above. | | | Select item |
|  | I hereby confirm that my principal:   |  |  | | --- | --- | | 1. is eligible to be treated as a “Professional Investor”, since he/she satisfies the definition thereof as prescribed in Paragraph I of Annex II of Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments as may be amended from time to time; and | Select item | | 2. possesses the experience, knowledge and expertise to make his/her own investment decisions and properly assess the risks involved in investing in the AIF; and | Select item | | 3. has read and understood the Offering Document including the mandatory risk warnings. | Select item | | | | |
|  | I also confirm that my principal is aware of and understands that:  - Notified PIFs are not licensed by the MFSA;  - The content of any marketing or Offering Documentation of a NPIF has not been approved or reviewed by the MFSA and the ultimate responsibility on the content of this documentation lies on the Notified PIF;  - Notified PIFs are non-retail schemes and available to investors qualifying as Professional Investors or Qualifying Investors.  - Notified PIFs are riskier funds by nature in view of the less onerous regulatory requirements that apply and are subject to the minimum level of supervision for a fund in Malta.  - The MFSA may remove a NPIF from the Register of NPIFs at any time.  - Investors in NPIFs are not protected by any statutory compensation arrangements in the events of the fund’s failure. | | | Select item |
|  | **OR**  I hereby confirm that my principal has requested to be treated as a “Professional Investor”, in terms of Annex II of Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments as may be amended from time to time, since he/she fulfils at least two of the following criteria:   |  |  | | --- | --- | | 1. my principal has carried out transactions, in significant size, on the relevant market at an average frequency of 10 per quarter over the previous four quarters. | Select item | | 1. the size of my principal’s financial instrument portfolio, defined as including cash deposits and financial instruments exceeds EUR 500,000. | Select item | | 1. my principal works or has worked in the financial sector for at least one year in a professional position, which requires knowledge of the transactions or services envisaged. | Select item | | | | Select item |
|  | I also confirm that my principal is aware of and understands that:  - Notified PIFs are not licensed by the MFSA;  - The content of any marketing or Offering Documentation of a NPIF has not been approved or reviewed by the MFSA and the ultimate responsibility on the content of this documentation lies on the Notified PIF;  - Notified PIFs are non-retail schemes and available to investors qualifying as Professional Investors or Qualifying Investors.  - Notified PIFs are riskier funds by nature in view of the less onerous regulatory requirements that apply and are subject to the minimum level of supervision for a fund in Malta.  - The MFSA may remove a NPIF from the Register of NPIFs at any time.  - Investors in NPIFs are not protected by any statutory compensation arrangements in the events of the fund’s failure. | | | Select item |
|  | *Note: Other reasons should be mentioned here* | Enter text | | |
|  | Further to the above, Select item committed to invest a minimum of EUR 100,000 or its currency equivalent in the NPIF, which investment may not be reduced below this minimum amount at any time by way of a partial redemption. | | | |
| |  |  |  |  | | --- | --- | --- | --- | | Signature |  | | | | Name  *Of Investor/duly authorised agent* | Enter text | Surname | Enter text | | Title/capacity in which signed | Enter text | | Date | Enter date | | | | | |
|  | *Note: This section should be completed by the Fund Manager/Sales Agent/Third Party Selling Units of the Scheme. Tick as appropriate.* | | | |
|  | I hereby confirm that: | | | |
|  | I have satisfied myself that the investor has the necessary experience and knowledge in order to understand the risks involved; | | | Select item |
|  | **OR**  I have not satisfied myself that the investor has the necessary experience and knowledge in order to understand the risks involved and that I have warned the investor/ duly authorised agent accordingly. | | | Select item |
| |  |  |  |  | | --- | --- | --- | --- | | Signature |  | | | | Name | Enter text | Surname | Enter text | | Name of Fund Manager/ Sales Agent/ Third Party | Enter text | | Date | Enter date | | | | | |