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Reporting Guidelines for Alternative Investment Fund Managers

MFSA

MALTA FINANCIAL SERVICES AUTHORITY

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In terms of the Alternative Investment Fund Managers Directive¹ ('AIFMD') Alternative Investment Fund Managers ('AIFMs') are required to regularly report to the Malta Financial Services Authority ('MFSA') information on the entity itself and the Alternative Investment Funds ('AIFs') which the AIFM manages or markets in the European Union ('EU') depending on the assets under management ('AUM') and the characteristics thereof.

Alternative Investment Fund Managers (including those licensed as full-scope and *de minimis*) as well as self-managed Alternative Investor Funds ("AIFs") and self-managed Professional Investor Funds ("PIFs") are required to submit the complete Annex IV Returns (Annex 1 – 4 as is applicable) in terms of Articles 3 and 24 of the AIFMD as transposed in:

- SLC 4.1(ii) of Appendix I to Part B of the Investment Services Rules for Professional Investor Funds in the case of Self-Managed PIFs; or
- SLC 4(ii) of Section 1 to Part BIII of the Investment Services Rules for Investment Services Providers in the case of De-Minimis AIFMs; or
- Section 4 of Appendix 13 to Part B of the Investment Services Rules for Investment Services Providers if the Company is a Full AIFM; or
- Section 3 of Appendix 8 to Part B of the Investment Services Rules for Alternative Investment Funds in the case of Self-Managed AIFs.

Furthermore, full scope AIFMs and *de minimis* Category 2 AIFMs are required to submit Annex 5 Returns as stipulated in SLC 4.04 of Appendix 13 of the Investment Services Rules for Investment Services Providers. Annex 5 Returns are in the form of a spreadsheet, which includes information regarding the AIFs under management, including: the name, national code, inception date, management status, assets under management and domicile of the AIF as well as the jurisdiction in which the AIF is marketed (where applicable). Further details to compile the said Return are included in the '*Important Information*' section within the Return.

Annex IV Returns and the Annex 5 Return should be submitted through the MFSA's Licence Holder Portal ("the LH Portal"), as further described in Section 6 and 7 below, respectively. In order to obtain access to the MFSA's LH Portal, the prospective user, should submit the LH Portal Registration Form found in Appendix D to these Guidelines, to the e-mail address, aifmdreporting@mfsa.com.mt, specifying which particular project (ex: AIFM) under the Scheme/Company the individual would like access to. If another person, other than the Compliance Officer of the Scheme/Company is applying for access to the LH Portal, the Authority should be provided with a confirmation in writing from the Compliance Officer to the provision of such access.

¹ Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers

1. ANNEX IV RETURNS (ANNEX 1 – 4 AS APPLICABLE ACCORDING TO THE LICENCE OF THE AIFM)

In terms of Articles 3 and 24 of the AIFMD, AIFMs are required to report to the MFSA the information prescribed therein as applicable. Thereafter, the MFSA provides for the transmission of such information to the European Securities and Markets Authority ('ESMA').

An AIFM, including a self-managed PIF or AIF which, for the purposes of the AIFMD are deemed AIFMs, shall determine whether it is bound to report to the MFSA as well as the applicable reporting frequency in accordance with Article 110(3) of Regulation (EU) No 231/2013² ('the AIFMR').

The Annex IV Returns (Annex 1 – 4 as is applicable) required to be submitted are as follows:

- **Full AIFMs** – Annexes 1 to 4 of Appendix 13 to Part B of the Investment Services Rules for Investment Services Providers,
- **De-Minimis AIFMs** – Annexes 1 and 2 of Appendix 13 to Part B of the Investment Services Rules for Investment Services Providers,
- **Self-Managed PIFs** – Annexes 1 and 2 of Appendix I to Part B of the Investment Services Rules for Professional Investor Funds and;
- **Self-Managed AIFs** – Annexes 1 to 4 of Appendix 8 to Part B of the Investment Services Rules for Alternative Investment Funds.

AIFMs shall make the following considerations when determining their reporting obligations vis-à-vis the MFSA.

1.1. Reporting Period Deadlines

Reporting period deadlines are contingent on whether reports are due annually, half-yearly or quarterly.

The reporting frequency is determined in accordance with (a) the licence status of the AIFM; and (b) the calculation of the AUM as provided in **Section 2** and **Appendix A** hereunder.

Thus:

- (a) AIFMs which are subject to annual reporting obligations will report **once a year** as at *31 December*;
- (b) AIFMs subject to semi-annual reporting obligations will report **twice a year** as at *30 June and 31 December respectively*;

² Commission Delegated Regulation (EU) No 231/2013 of 19 December 2012 supplementing Directive 2011/61/EU of the European Parliament and of the Council with regard to exemptions, general operating conditions, depositaries, leverage, transparency and supervision.

- (c) AIFMs subject to quarterly reporting obligations will report **four times a year** as at 31 March, 30 June, 30 September and 31 December respectively.

All reports shall be submitted to the MFSA within one month from the end of the reporting period. Therefore, e.g. AIFMs which are subject to annual reporting must submit their reports by the 31st January of the following year. If the deadline falls on a weekend or a public holiday, the AIFMD Returns shall be submitted on the following working day.

1.2. Information Content

In terms of Article 24(1) AIFMD, *de minimis Category 2* AIFMs shall report on the entity itself as well as on the AIFs under management as indicated in Annexes 1 and 2 of Appendix 13 to Part B of the Investment Services Rules for Investment Services Providers.

Self -Managed Professional Investor Funds and self-managed AIFs are considered as *de minimis* and full scope AIFMs, respectively. They shall report aggregated data on all the sub-funds/compartments of the Scheme in the DATMAN file and shall submit a separate DATAIF file for every sub-fund/compartment within the fund structure in line with the contents stipulated in: Annexes 1 and 2 of Appendix I to Part B of the Investment Services Rules for Professional Investor Funds; and Annexes 1 to 4 of Appendix 8 to Part B of the Investment Services Rules for Alternative Investment Funds respectively.

In addition to Annexes 1 and 2 of Appendix 13 to Part B of the Investment Services Rules for Investment Services Providers, above threshold AIFMs licensed pursuant to Directive 2011/61/EU shall submit the information prescribed in Article 24(2) AIFMD for all AIFs under management together with the information prescribed in Article 24(4) AIFMD for every AIF which employs leverage on a substantial basis. In this regard, reference must be made to Annexes 3 and 4 of Appendix 13 to Part B of the Investment Services Rules for Investment Services Providers.

1.3. ESMA Opinion on the Collection of Information for the Effective Monitoring of Systemic Risk under Article 24(5), First Sub-paragraph, of the AIFMD

AIFMs are also to refer to the **ESMA Opinion on the collection of information for the effective monitoring of systemic risk under Article 24(5), first sub-paragraph, of the AIFMD**³. In this regard AIFMs that are subject to quarterly or half-yearly reporting obligations, shall also submit the information prescribed in Article 24(5) AIFMD, including information on the number of transactions, geographical focus based on the domicile of the investment made, information on any short positions, information on risk measures and information on non-EU master AIFs not marketed in the EU (*Section [5.5] below refers*).

³ ESMA/2013/1340

1.4. First Reporting Period / Nothing to Report

In the event that the AIFM would not have actually commenced operations within the first full quarter from the licence date or would not have anything to report for a specific period, the AIFM shall still report to the MFSA in accordance with *Section 5.1* hereunder.

AIFMs shall report to the MFSA for the first full quarter following the date of issue of its licence. The same applies to the first reporting of an AIF.

For example:

- AIFM licensed in Quarter 3 of 2018 - subject to annual reporting: The AIFM shall submit the first report covering the period from 1 October to 31 December 2018.
- A *de minimis* AIFM licensed in Quarter 4 of 2017 which upgraded its licence to a full scope AIFM in Quarter 4 of 2018 shall submit an annual report covering the period from 1 January 2018 to 31 December 2018.
- An AIFM regularly reporting to the MFSA on a number of AIFs and launching a new AIF shall start to report with respect to the newly licensed AIF (i.e. submit the DATAIF file) from the first full quarter following the licence date of that AIF.

1.5. Liquidation/ Merger of an AIF

The AIFM's last report of the AIF shall be provided to the MFSA immediately following the AIF's liquidation or merger.

1.6. Change in Reporting Frequency

In the case of a shift in the reporting frequency, an AIFM shall be subject to new reporting obligations as indicated in *Appendix B* hereunder.

1.7. Submission of Last Report

AIFMs shall submit the last report of the AIF immediately after the AIF has been liquidated or put into liquidation. The last AIF report should be submitted by the AIFM, not later than one month after the end of the quarter in which the AIF has been liquidated or put into liquidation. The 'Last Reporting Flag' should be marked as Yes.

1.8. Specific Master/ Feeder AIF Reporting

In general, the reporting in relation to a feeder fund shall be separated from any reporting in relation to the master fund.

A fund manager in possession of an AIFM licence granted by the MFSA which:

- (i) falls within the half-yearly or quarterly reporting frequencies,
- (ii) manages a non-EU Master AIF; and

- (iii) has one of its feeder AIFs managed or marketed in the EU

is required to provide the information required in terms of the aforementioned ESMA Opinion⁴. Therefore, a Maltese AIFM shall report the information outlined in Article 24(2) AIFMD separately for the master AIF in any event where the AIFM falls within the scope of half-yearly or quarterly reporting obligations.

1.9. Self-Managed AIFs/ PIFs

Self-managed AIFs/ PIFs are deemed to be AIFMs for the purposes of the reporting obligations prescribed in terms of Articles 3 and 24 AIFMD. On the other hand, the specific sub-funds/compartments shall be considered as distinct AIFs for the purposes of the returns and a DATAIF file should be submitted for each sub-fund/compartment. Therefore, for instance, in the case of a self-managed PIF with three sub-funds: the licenced entity shall complete an AIFM file with respect to the details of the Scheme as well as three AIF files for each specific sub-fund.

2. ANNEX IV RETURNS (XML RETURN) - REPORTING TIMEFRAMES

The following categories of reporting frequencies are applicable to the following:

- (a) Maltese AIFMs; and
 (b) Non-EU AIFMs marketing an EU and/or non-EU AIF in Malta.

	Assets under management ⁵	Frequency of Reporting
De minimis or Full AIFM	Less than EUR 100 million	Annual
	Less than EUR 500 million unleveraged with five year lock-up period	Annual
AIFM	Greater than EUR 100 million <i>and</i> less than EUR 1 billion	Half-yearly
	Greater than EUR 500 million unleveraged with five year lock-up period <i>and</i> less than EUR 1 billion	Half-yearly
	Greater than EUR 1 billion	Quarterly
Specific AIF Reporting	AIFs greater than EUR 500 million	Quarterly
	Unleveraged AIF investing in non-listed companies and issuers in order to acquire control	Annual

⁴ Cfr FN.3

⁵ AUM are calculated in accordance with Article 2 AIFMR.

AIFMs managing portfolios of AIFs whose AUM range between:

- (a) EUR 100 million and EUR 1 billion; or
- (b) Where unleveraged, EUR 500 million and EUR 1 billion

fall within the half-yearly reporting category.

On the other hand, where any of the AIFs of the AIFM with half-yearly reporting obligations have leveraged assets and the AUM for that AIF individually exceed EUR 500 million, the AIFM shall report quarterly and **not** half-yearly for that particular AIF⁶.

AIFMs subject to quarterly reporting obligations shall report on a quarterly basis for the following:

- (a) each EU AIF under management; and
- (b) for each AIF marketed in the EU.

Where an AIFM manages solely AIFs which are unleveraged and have a core investment policy of investing in non-listed companies and issuers in order to acquire control, the AIFM shall report on an annual basis.

The Annex IV AIFM Returns should be submitted to the MFSA within one month from the end of the reporting period or if the deadline falls on a weekend or on a public holiday, the submission should be filed on the following working day. Moreover, AIFMs managing fund of funds are allowed an additional 15 day period to submit the applicable Annex IV Returns in line with Article 110(1) of the AIFMR. AIFMs are required to provide the MFSA with a formal notification if they intend to avail themselves of the aforementioned extension of the submission deadline.

Please also refer to Section 7 below.

3. REPORTING FORMAT - EXTENSIBLE MARK-UP LANGUAGE ('XML')

AIFMs shall only submit their returns in XML format as defined by ESMA. The standard returns can be accessed through the ESMA website⁷. AIFMs are to note that the ZIP file on the ESMA website comprises the XSD fields which determine the XML files that need to be reported.

The ZIP files shall consist of two different types of XML files in accordance with the ESMA XSD Schema version 1.2, namely:

- i. an AIFM file in line with AIFMD_DATMAN_V1.2.xsd; and
- ii. one or more AIF files in accordance with AIFMD_DATAIF_V1.2.xsd depending on the number of AIFs under management.

⁶ Note: This applies for each EEA AIF under management and for each AIF marketed in the EEA.

⁷ AIFMD - Reporting - XML documents - V1.2 [updated] [ESMA/2013/1361].

Multiple AIF reports can be contained in one XML file but the validation checks will not identify the specific AIF field which contains an error. It is therefore advisable to report specific files for each AIF.

The different fields of the XML files are further described in the file AIFMD_REPORTING_DataTypes_V1.2.xsd as well as ESMA’s AIFMD Reporting IT Technical Guidance [as revised].⁸ AIFMs are encouraged to validate their reports with the ESMA XSD Schema prior to submitting the relevant files to the MFSA to avoid multiple submissions.

4. SPECIFIC INFORMATION REPORTING

AIFMs are to note the following:

Item	Code	Description
Reporting Member State	MT	The reporting Member State Code with respect to the filling of returns to the MFSA is MT
AIFM National Code	ISXXXXX	<p>The AIFM National Code is the <u>licence number issued by the MFSA on the respective licence of the AIFM</u>.</p> <p>The AIFM National Code is IS followed by digit numbers as provided on the licence of the AIFM.</p> <p>Any punctuation in the number (including dashes, spaces or slashes) should be excluded to determine the code. For instance, where the investment services licence of an AIFM reads ‘IS/14823’, the AIFM National Code will be ‘IS14823’.</p> <p>AIFMs which are not licensed in Malta shall provide the licence number/s used by the relevant home competent authority (‘NCA’) (also excluding any punctuation) unless there are any other specific AIFM national codes issued by the respective NCA.</p>
AIF National Code	CISXXXXA	AIF National Codes are unique codes used to identify an AIF. The AIF National Code is <u>the licence number provided in the licence issued by the MFSA</u> (excluding any punctuation

⁸ AIFMD reporting IT technical guidance (rev 4)] [ESMA/2013/1358]

		<p>marks). For instance, where the AIF licence reads ‘CIS/ 138 B’, the AIF National Code will be ‘CIS138B’.</p> <p>AIFs which are not licensed in Malta should provide the licence number/s used by the relevant NCA (also excluding any punctuation) unless there are any other specific national codes issued by the respective NCA.</p> <p>NAIFs (Notified AIFs) registered in Malta, should provide the entity ID as stipulated in the Registry Of Companies (also excluding any punctuation) as the NAIF National Code. The National Code of the Sub-Funds of a NAIF is the ROC Company ID followed by a letter such as A, B, C, etc. It is important that the codes are used consistently across all submissions.</p> <p>For instance, if the NAIF’s Company ID is SV 456, the NAIF’s National Code is SV456. If the NAIF only has one Sub-Fund, the Sub-Fund’s National Code would be SV456A.</p>
<p>Note: If National Codes are not filled in correctly as described above, the returns will be rejected.</p>		

5. ANNEX IV RETURNS - SPECIAL SITUATIONS

5.1. AIFMs with Limited or No Data to Report

Where an AIFM does not have any information to report on an AIF, the AIFM shall submit a nil return by using a specific field as described hereunder.

The AIFM file shall be completed in the following manner:

- Items 1-21 shall be completed as applicable.
- Item 21 “AIFM no reporting flag” should read ‘True’.
- The other data in the file must be left empty as otherwise the file will not pass the validation.

If the AIFM does not have any AIFs under management only a nil return DATMAN file as stipulated above shall be submitted.

In the case of AIFMs managing AIFs which have not commenced operating but which are licensed, the AIFM is required to submit an AIF nil return file, which should be completed as follows:

- Items 1-23 shall be completed in order.
- Data point 23 shall be set to ‘True’.
- The remaining data in the file shall be left empty as otherwise the file will fail the validation test.

5.2. Change in Net Asset Value (‘NAV’) over the Reporting Period

The ESMA template requires changes in the NAV of an AIF during the reporting period to be reported. When the final NAV has not yet been published prior to the reporting deadline, AIFMs are advised to use an estimated NAV that has been calculated in accordance with the Fund’s Offering Documents and Valuation Policy. In this regard, it is recommended that every AIFM establishes a threshold testing policy to determine whether changes in the final NAV have to be reported to the MFSA through an updated return for the respective reporting period.

If there is a discrepancy between the estimated NAV and the official NAV, the AIFM is required to submit updated Annex IV and Annex 5 Returns as applicable. The Annex IV returns should state that the Return is amending an earlier submitted one by compiling ‘AMND’ in the ‘FilingType’ field.

5.3. Share Classes in Different Currencies

Every share class shall be disclosed separately while the submission of the ISIN code of the respective share class is optional depending on whether the class has an ISIN code.

AIFs with different share classes denominated in different currencies shall choose one base currency for the purpose of the reporting obligations and such currency shall be used throughout the reporting.

5.4. AIFMs Employing Leverage on a Substantial Basis

AIFMs managing AIFs which employ leverage on a substantial basis are also required to report to the Authority the information prescribed in Article 24(4) AIFMD in accordance with the XML template provided by ESMA⁹. Consequently, AIFMs managing AIFs that employ leverage on a substantial basis shall *inter alia* report to the MFSA the following information inherent to the AIF:

- a) The overall level of leverage employed by the AIF;
- b) A breakdown of leverage arising from borrowing of cash or securities and leverage embedded in financial derivatives;

⁹ Cfr. F.N. 7

- c) The extent to which the AIF's assets have been reused under leveraging arrangements; and
- d) The identity of the five largest sources of borrowed cash or securities for the AIF, and the amounts of leverage received from each of those sources.

5.5. The Application of the ESMA Opinion [ESMA/2013/1340]

The information required in terms of the ESMA Opinion¹⁰ has been removed from the text of the ESMA Guidelines on Reporting Obligations¹¹. Minor divergences in the application of the ESMA Opinion may exist between different EU Member States.

Thus, AIFMs which are:

- (a) in possession of a licence issued by the MFSA; and
- (b) are subject to either quarterly or annual reporting obligations

are required to report the following additional information provided in the ESMA Opinion:¹²

- (a) Information on high frequency trading, including the total number of transactions and the corresponding market value of buys and sells over the reporting period;
- (b) Whether a short position is used to hedge a position with similar exposure and, if so, the extent of the hedging expressed as a percentage of the position hedged;
- (c) A geographical breakdown of the AIF's investments;
- (d) Information on risk measures including vega exposure, value-at-risk¹³, net FX delta as well as net commodity delta; and
- (e) Information on non-EU master AIFs not marketed in the EU.

6. SUBMISSION OF ANNEX IV RETURN FILES

AIFM Returns shall be submitted through the MFSA's a dedicated Licence Holder ('LH') Portal.

The MFSA LH Portal may be accessed through the web link <https://lhportal.mfsa.com.mt/>.

The designated person/s of the AIFM will be provided with a **username** and **password** under separate cover. The user is prompted to reset the password provided upon the first login.

¹⁰ Cfr. F.N. 3

¹¹ ESMA Guidelines on reporting obligations under Articles 3(3)(d) and 24(1), (2) and (4) of the AIFMD [ESMA/2013/1339]

¹² The information in the ESMA Opinion is denoted by an (*) in the Annex IV consolidated reports provided in Annex 3 to Appendix 13 to the Investment Services Rules for Investment Services Providers.

¹³ Until further notice value-at-risk should be reported only when it is already calculated either using a Monte Carlo simulation, historic simulation or a parametric approach.

The LH Portal will allow the user to upload files and to monitor and track their submission history in a secure and highly confidential manner.

AIFMs are to refer to the User Guide on the LH Portal as provided in **Appendix C** hereunder for further details.

Prior to the first submission of a reporting file, the AIFM is required to register the details of the sender of the reports and the number of the static IP address or range of IP addresses in the format prescribed in **Appendix D**. This information shall be sent via the following e-mail address: aifmdreporting@mfsa.com.mt. In the case where additional users are required the request should be endorsed by the Compliance Officer.

Note: Only reporting files submitted by the IP address/es which would have been originally registered will be accepted by the MFSA for the specific AIFM.

The naming convention of the files to be uploaded is that defined in **Section 4 of Appendix C** hereunder.

After the validation checks are completed, the MFSA LH Web Portal will issue an automated message via the e-mail no-reply@lhportal.mfsa.com.mt to confirm whether the files have been accepted or otherwise rejected. AIFMs will be required to amend the rejected files and submit an updated version in a timely manner.

The MFSA LH Portal will validate all fields to ensure that all fields are completed in accordance with the XSD Schema published by ESMA. Furthermore, the MFSA LH Portal will check whether the File Names of the Files submitted through the LH Portal are correct and if they are not, the status of the submission will be 'Incorrect filename submitted.' In this case, AIFMs are required to amend the File Names and re-submit the File in a timely manner.

7. SUBMISSION OF ANNEX 5 RETURNS

The submission of the Annex 5 Return is applicable on a mandatory basis for: (a) full scope AIFMs; and (b) *de minimis* Category 2 AIFMs. Self-managed PIFs licensed as *de minimis* AIFMs as well as self-managed AIFs are excluded from the scope of this reporting.

AIFMs are to submit soft copies of the Annex 5 Return through the MFSA's LH Portal. The AIFM should zip the completed Annex 5 Return Spreadsheet within a Zipped File and submit such file through the MFSA's LH Portal.

7.1. Reporting Frequency of the Annex 5 Return

Full scope AIFMs are required to submit the Annex 5 Return on a quarterly basis (i.e. as at 31 March, 30 June, 30 September and 31 December).

De minimis Category 2 AIFMs are required to submit the Annex 5 Return on a half-yearly basis (i.e. as at 30 June and 31 December).

All AIFMs are to submit the Annex 5 Return within one month from the end of the reporting period concerned i.e. on the 30th or 31st day of the following month of the reporting period. If the deadline falls on a weekend or public holiday, the AIFM is required to submit the Annex 5 Return on the following working day.

Frequency of Submission of Annex 5 Returns:

	Frequency of Reporting	Deadlines
Full AIFM	31 March, 30 June, 30 September and 31 December	30 April, 31 July, 31 October and 31 January
<i>De Minimis</i> (Cat 2) AIFM	30 June and 31 December	31 July and 31 January

7.2. Naming Convention of the Annex 5 Return File

The naming convention of the files to be uploaded is defined in **Section 4 of Appendix C** hereunder.

7.3. Submission of the Annex 5 Return File

The User of the Licence Holder who has been granted access to the AIFM project of the respective Licence Holder should log into the LH Portal using the link: <https://lhportal.mfsa.com.mt/> and upload the Zipped Annex 5 Return File which includes the Annex 5 Return, onto the LH Portal, the procedure is described in **Section 4 of Appendix C** hereunder.

Note: No validation checks will be conducted on Annex 5 Returns.

8. FURTHER CONSIDERATIONS

These Guidelines shall be read in conjunction with the “*Circular to the financial services industry on the reporting requirements applicable to Alternative Investment Fund Managers (‘AIFMs’)*” issued by the MFSA on 26 March 2014, the “*Second Circular to the financial services industry on the transparency requirements applicable to Alternative Investment Fund Managers (‘AIFMs’)*” issued by the MFSA on 16 December 2014 and the “*Circular to the industry regarding changes to the MFSA’s LH Portal pertaining to the AIFMD Reporting Procedures*” issued by the MFSA on 2 May 2018.

1. AIFMs shall ensure that the data provided in the respective forms is complete and accurate.

The MFSA shall require AIFMs to resubmit incorrect returns. **Late submissions of returns may trigger regulatory actions on AIFMs in accordance with Article 16A of the Investment Services Act, 1994.**

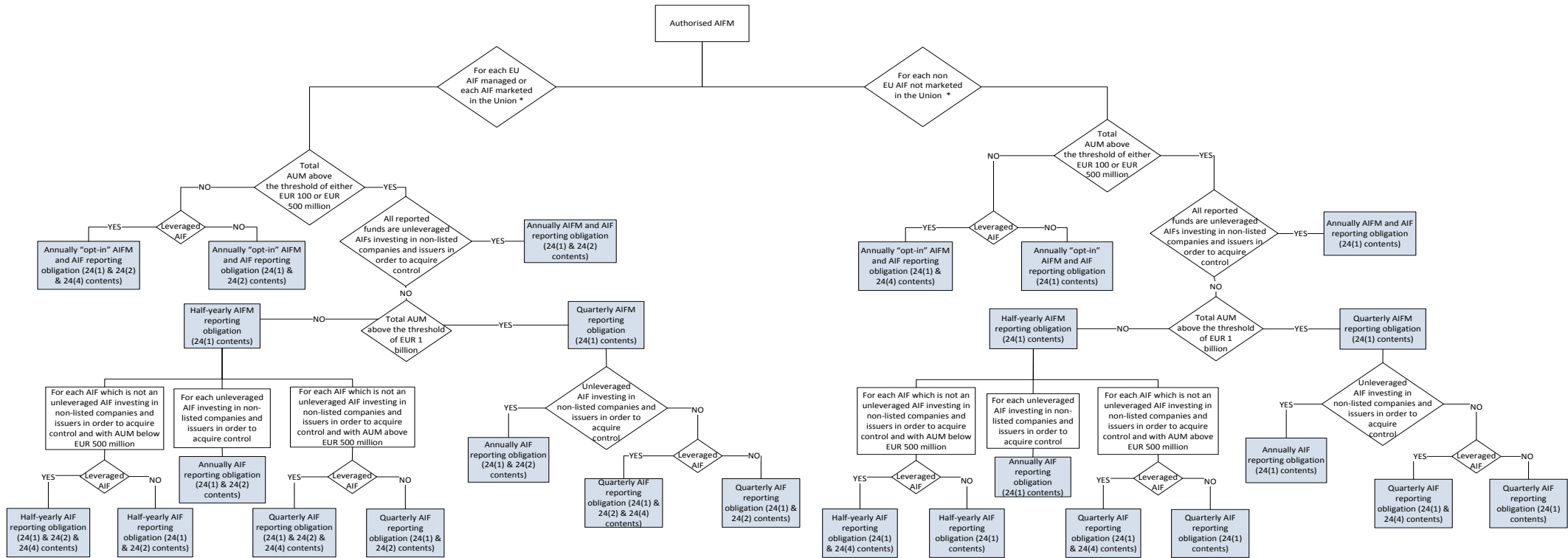
2. Returns failing the validation check shall be re-checked and AIFMs shall ensure that a return has been successfully submitted and that the confirmation e-mail has been received.
3. In case of a correction of a previously submitted record, the complete data record shall be re-sent with the filing type under the AIFM or AIF record reading 'AMND'.
4. Licence Holders shall not password-protect any documents that are being submitted through the MFSA LH Portal.
5. AIFMs may need to report their own data and the data of the AIFs under management at different frequencies. For example, an AIFM subject to half-yearly reporting obligations is required to report quarterly AIF data in relation to an AIF whose AUM are greater than EUR 500 million.
6. AIFMs should ensure that they fall within the correct reporting categories and are required to consider changes in AUM and leverage in this regard in line with the ESMA Guidelines on Reporting Obligations [ESMA/2014/869] and Appendix A hereunder¹⁴. It is the responsibility of AIFMs to notify the MFSA of any changes in relation to AIFs managed or marketed prior to the due date of the returns.

A non-exhaustive list of related documentation is provided in **Appendix E** hereunder.

¹⁴ The MFSA may impose more frequent reporting requirements on an AIF or its AIFM in accordance with Article 24(5) of the AIFMD.

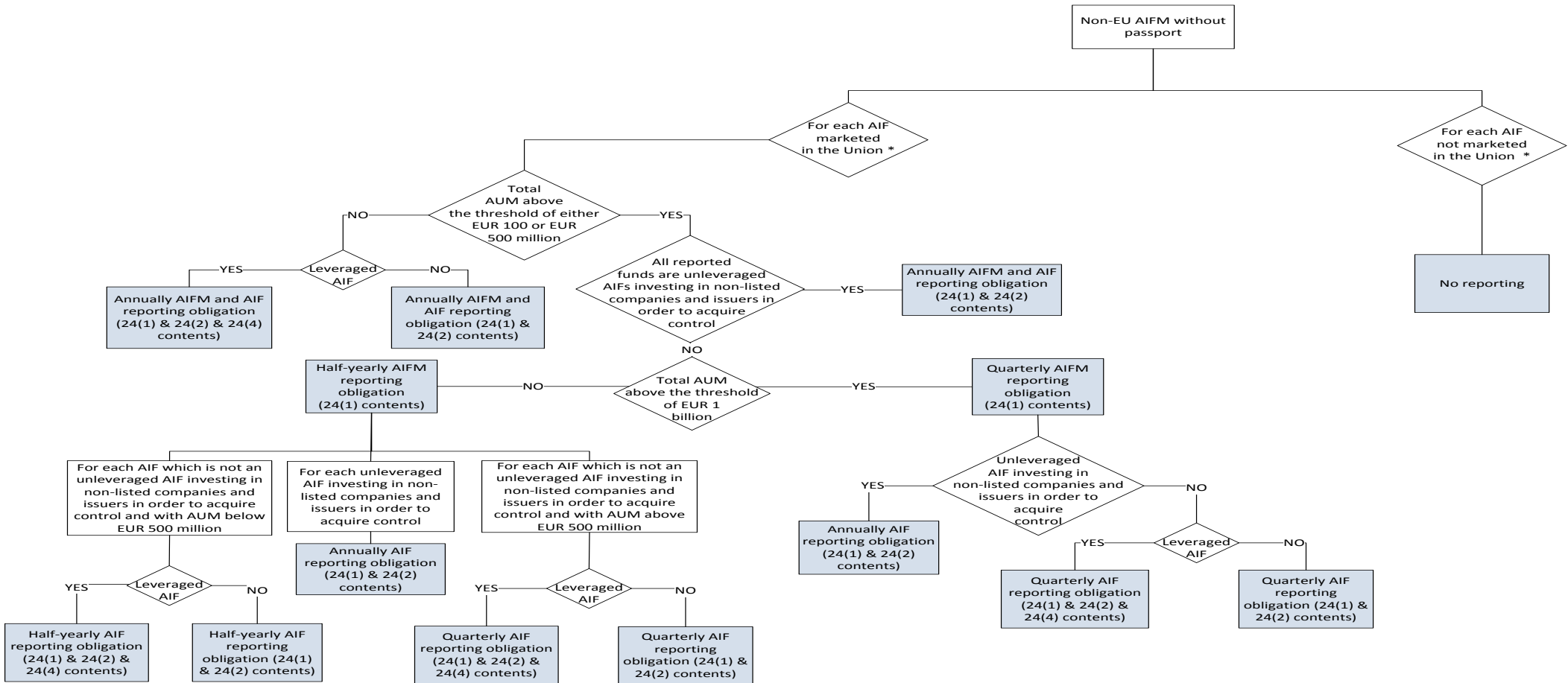
APPENDIX A - REPORTING FREQUENCY DETERMINATION OF AIFs UNDER MANAGEMENT

i. Authorised AIFMs



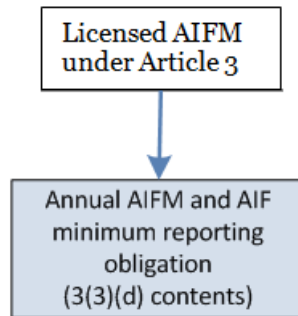
* The reporting obligation diagram for authorised AIFMs should be read together with ESMA’s Opinion on Collection of Information under the AIFMD (ESMA/2013/1340) and, in particular, ESMA’s view on the provision of information on non-EU master AIFs not marketed in the Union.

ii. Non-EU AIFMs under the Private Placement Regime



* The reporting obligation diagram for non-EU AIFMs marketing AIFs in the Union should be read together with ESMA’s Opinion on Collection of Information under the AIFMD (ESMA/2013/1340) and, in particular, ESMA’s view on the provision of information on non-EU master AIFs not marketed in the Union.

iii. De-Minimis AIFMs licensed under Article 3(2) of the AIFMD



De-Minimis AIFMs are required to submit to the MFSA the information prescribed in Annexes 1 and 2 of Appendix 13 to Part B of the Investment Services Rules for Investment Services Providers.

APPENDIX B - FREQUENCY CHANGE CODES

				Start and end of the reporting period after a reporting obligation change depending on the quarter when the change occurs			
Frequency BEFORE	Frequency AFTER	Frequency change code to report	Quarter when the change occurs	Q1	Q2	Q3	Q4
Yearly	Yearly		Q1				Q1 to Q4
Yearly	Yearly		Q2				Q1 to Q4
Yearly	Yearly		Q3				Q1 to Q4
Yearly	Yearly		Q4				Q1 to Q4
Yearly	Half-yearly	YH	Q1		Q1 to Q2		Q3 to Q4
Yearly	Half-yearly	YH	Q2				Q1 to Q4
Yearly	Half-yearly	YH	Q3				Q1 to Q4
Yearly	Half-yearly	YH	Q4				Q1 to Q4
Yearly	Quarterly	YQ	Q1		Q1 to Q2	Q3	Q4
Yearly	Quarterly	YQ	Q2			Q1 to Q3	Q4
Yearly	Quarterly	YQ	Q3				Q1 to Q4
Yearly	Quarterly	YQ	Q4				Q1 to Q4
Half-yearly	Yearly	HY	Q1				Q1 to Q4
Half-yearly	Yearly	HY	Q2				Q1 to Q4
Half-yearly	Yearly	HY	Q3		Q1 to Q2		Q3 to Q4
Half-yearly	Yearly	HY	Q4		Q1 to Q2		Q3 to Q4
Half-yearly	Half-yearly		Q1		Q1 to Q2		Q3 to Q4
Half-yearly	Half-yearly		Q2				Q3 to Q4
Half-yearly	Half-yearly		Q3		Q1 to Q2		Q3 to Q4
Half-yearly	Half-yearly		Q4		Q1 to Q2		Q3 to Q4
Half-yearly	Quarterly	HQ	Q1		Q1 to Q2	Q3	Q4
Half-yearly	Quarterly	HQ	Q2			Q3	Q4
Half-yearly	Quarterly	HQ	Q3		Q1 to Q2		Q3 to Q4
Half-yearly	Quarterly	HQ	Q4		Q1 to Q2		Q3 to Q4
Quarterly	Yearly	QY	Q1				Q1 to Q4
Quarterly	Yearly	QY	Q2	Q1			Q2 to Q4
Quarterly	Yearly	QY	Q3	Q1	Q2		Q3 to Q4
Quarterly	Yearly	QY	Q4	Q1	Q2	Q3	Q4
Quarterly	Half-yearly	QH	Q1		Q1 to Q2		Q3 to Q4
Quarterly	Half-yearly	QH	Q2	Q1			Q3 to Q4
Quarterly	Half-yearly	QH	Q3	Q1	Q2		Q3 to Q4
Quarterly	Half-yearly	QH	Q4	Q1	Q2	Q3	Q4
Quarterly	Quarterly		Q1	Q1	Q2	Q3	Q4
Quarterly	Quarterly		Q2	Q1		Q3	Q4
Quarterly	Quarterly		Q3	Q1	Q2		Q4

Quarterly	Quarterly		Q4	Q1	Q2	Q3	Q4
N/A	Quarterly	NQ	Q1		Q2	Q3	Q4
N/A	Quarterly	NQ	Q2			Q3	Q4
N/A	Quarterly	NQ	Q3				Q4
N/A	Quarterly	NQ	Q4				
N/A	Half-yearly	NH	Q1		Q1 to Q2		Q3 to Q4
N/A	Half-yearly	NH	Q2				Q3 to Q4
N/A	Half-yearly	NH	Q3				Q4
N/A	Half-yearly	NH	Q4				
N/A	Yearly	NY	Q1				Q2 to Q4
N/A	Yearly	NY	Q2				Q3 to Q4
N/A	Yearly	NY	Q3				Q4
N/A	Yearly	NY	Q4				

APPENDIX C - THE LICENCE HOLDER PORTAL GUIDE

1. Introduction

The Licence Holder (LH) Portal is a web application designed to meet the needs of the Malta Financial Services Authority specifically for the collection of financial reports on a periodic basis.

The registered users of the Licence Holders under supervision shall submit the AIFM Returns to the MFSA using the LH portal.

Reported hereunder are the user's instructions on uploading and importing AIFM Returns via the LH Portal User Interface.

2. Overview

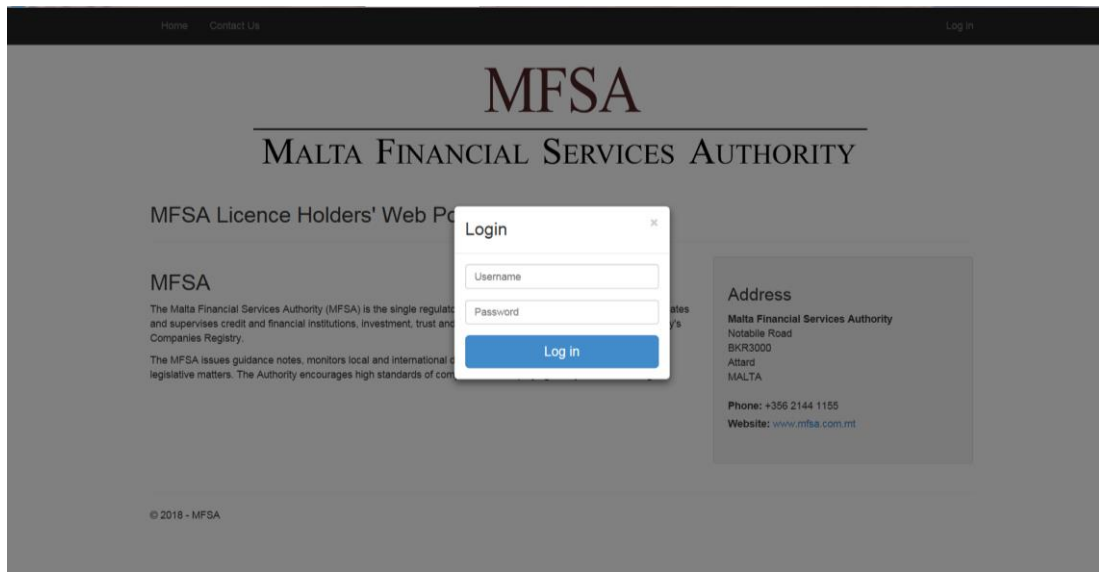
The LH Portal is a cross-platform web application and therefore is hosted on a server which the user can access via any internet browser such as Internet Explorer, Firefox, Chrome, etc.

Users can upload the AIFM Returns only for their respective Licensed Entity. The users shall be pre-approved and registered on the system beforehand. The user will not be given access to the LH Portal in case the user's IP address is not provided to the MFSA beforehand.

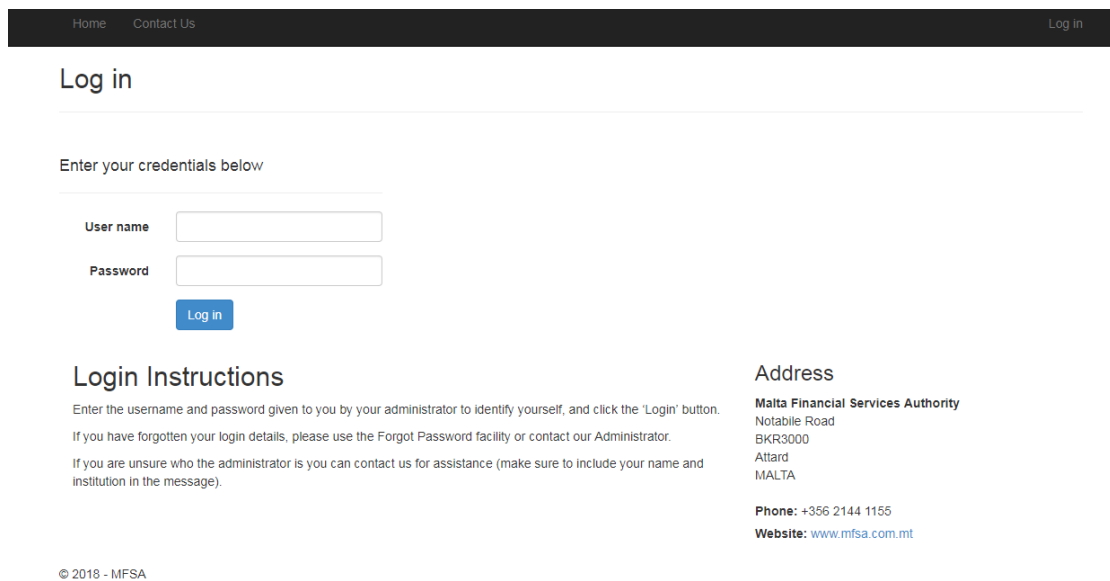
3. Logging in

To login, the user is required to browse www.lhportal.mfsa.com.mt.

The user will be presented with a front screen as reproduced in *Snapshot 1* below. Otherwise, the user may press the 'Log In' tab found on the top right of the screen and enter the User Name and Password in the Login fields as reproduced in *Snapshot 2*. When logging in for the first time, the user will be required to use the password assigned and received from the e-mail address: no-reply@lhportal.mfsa.com.mt, following which, the user will be asked to change the password to one of his/her choice.



Snapshot 1



Snapshot 2

Once the login has been accepted by the system, the Home Screen of the LH Portal will appear as seen in *Snapshot 3* below:

MFSA

MALTA FINANCIAL SERVICES AUTHORITY

MFSA Licence Holders' Web Portal

MFSA

The Malta Financial Services Authority (MFSA) is the single regulator for financial services activities in Malta. It regulates and supervises credit and financial institutions, investment, trust and insurance business and also houses the country's Companies Registry.

The MFSA issues guidance notes, monitors local and international developments and works with relevant parties on legislative matters. The Authority encourages high standards of compliance whilst playing a major role in training.

Address

Malta Financial Services Authority
Notabile Road
BKR3000
Attard
MALTA

Phone: +356 2144 1155

Website: www.mfsa.com.mt

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Snapshot 3

4. Upload file – Annex IV AIFMD Returns and Annex 5 Returns

Annex IV AIFMD Returns - Naming Convention

AIFMs are required to submit two different types of files, namely:

- (a) a file covering information about the AIFM; and
- (b) a file containing information about the AIFs managed by the specific AIFM for each AIF under management.

Documents uploaded for returns related to AIFMD Reporting for AIFMs shall be saved in .ZIP format and the file shall not be password-protected. AIFMs should compress all files prior to submitting them as one ZIP file to the MFSA via the LH Portal. The naming convention that needs to be applied in respect of the compressed zip file should follow the following format:

LICENCEHOLDERCODE_MMMYYYY_AIFM.zip

Example: ABCL_Dec2018_AIFM.zip

Where:

- the Licence Holder code is available from the MFSA’s website and also from the LH Portal; and
- MMMYYYY is the reporting date.

The ZIP files should contain one AIFM file and at least one AIF file (depending on the number of AIFs under management) in XML format. A file with a duplicate name will be accepted but the first file will not be overwritten. The XML file names should follow the following naming conventions:

File	Type	Description	File Naming Convention
1	AIFM	ABC Fund Management Limited	MT_DATMAN_CE_01
1.1	AIF	XYZ Funds SICAV plc	MT_DATAIF_CE_01
1.2	AIF	UVW SICAV plc	MT_DATAIF_CE_02

Where:

- MT is Malta and is fixed for reporting towards the MFSA;
- _ is the separator;
- DATMAN denotes an AIFM file;
- DATAIF denotes an AIF file;
- CE represents Europe; and
- 01 is an integer indicating the file number.

Note: It is advisable that AIFMs submit **ONE** zipped file which would include the DATMAN and DATAIF files.

Annex IV AIFMD Returns - LH Portal

Once the user logs in successfully he/she will be welcomed to the LH Portal Home page. The user will click on the “*File Uploads*” Menu and will be taken to the upload page indicated below in *Snapshot 4*:

File Uploads

Use the feature below to upload files to the MFSA server. It is important that all file names are in the appropriate convention.

Licence Holder:

Project:

Files: No file chosen

Guidelines on File Naming Convention

Required format: LHCode_MonthYear_Report.zip

Annex 1 to 4 Example:

ABCL_Mar2014_AIFM.zip

Annex 5 Example:

ABCL_Mar2014_ANNEX5.zip

Please note that you are only allowed to upload a maximum of 3 ZIPPED (.ZIP) files simultaneously amounting to a total of 15Mb.

Snapshot 4

Subsequently, the user shall follow the below instructions:

1. Choose the name of the Licence Holder from the 'Licence Holder' drop down menu;
2. Choose the project 'AIFM' from the 'Project' drop down menu (as seen in snapshot 4 above)
3. On the 'Files' tab the user should choose the file from the respective location on the system and press 'Add' in the format LHCode_MonthYear_AIFM.zip as explained in further detail above.
4. The user should press 'Upload File(s)' to complete the process.

A successful upload will result in a green labelled notification message as depicted in *Snapshot 5*.

Home File Uploads User Logs Contact Us i@dev@mfsa.com.mt Log off

File Uploads

Use the feature below to upload files to the MFSa server. It is important that all file names are in the appropriate convention.

Licence Holder:

Project:

Files: No file chosen

[Guidelines on File Naming Convention](#)

Required format: LHCode_MonthYear_Report.zip

Annex 1 to 4 Example:
ABCL_Mar2014_AIFM.zip

Annex 5 Example:
ABCL_Mar2014_ANNEX5.zip

Please note that you are only allowed to upload a maximum of 3 ZIPPED (.ZIP) files simultaneously amounting to a total of 15Mb.

System Notification
File/s successfully uploaded.

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Snapshot 5

An unsuccessful upload will result in a red labelled notification message as depicted in *Snapshot 6*.

Home File Uploads User Logs Contact Us i@dev@mfsa.com.mt Log off

File Uploads

Use the feature below to upload files to the MFSa server. It is important that all file names are in the appropriate convention.

Licence Holder:

Project:

Files: No file chosen

[Guidelines on File Naming Convention](#)

Required format: LHCode_MonthYear_Report.zip

Annex 1 to 4 Example:
ABCL_Mar2014_AIFM.zip

Annex 5 Example:
ABCL_Mar2014_ANNEX5.zip

Please note that you are only allowed to upload a maximum of 3 ZIPPED (.ZIP) files simultaneously amounting to a total of 15Mb.

System Notification
An Error has occurred while uploading the file/s. Please try again.

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Snapshot 6

A separate automated e-mail will notify the licence holder that the submission was valid if it in fact is, however, if it is not, the licence holder will receive e-mails which will explain the respective errors.

Annex 5 Return - Naming Convention

The file name of the Annex 5 Return should be in the following format: **LHCode_MonthYear_ANNEX5** and the Zipped File which contains that Annex 5 Return should be in the following format: **LHCode_MonthYear_ANNEX5.zip**. By way of an example the Annex 5 Return of ABC Ltd covering the period ending 31 June 2018 should be submitted as follows:

- LHCODE is 'ABCL' as stated in the Identification Row under the 'Financial Services Register' section of the MFSA's website regarding the respective Licence Holder;
- The MonthYear for the period ending 31 June 2018 is Jun2018;
- Annex 5 should show as ANNEX5 in the naming convention of the Spreadsheet Document; and
- ANNEX5.zip should be used in the naming convention of the Zip file to be submitted.

The Spreadsheet and Zip file names will read as follows:

- (a) Spreadsheet name: ABCL_Jun2018_ANNEX5;
- (b) Zip file naming convention: ABCL_Jun2018_ANNEX5.zip.

Annex 5 Return - LH Portal

The User of the Licence Holder who has been granted access to the AIFM project of the respective Licence Holder should log into the LH Portal using the link: <https://lhportal.mfsa.com.mt/>.

Once the User logs into the LH Portal, under the 'File Uploads' Section, the User shall (please refer to *Snapshot 4*):

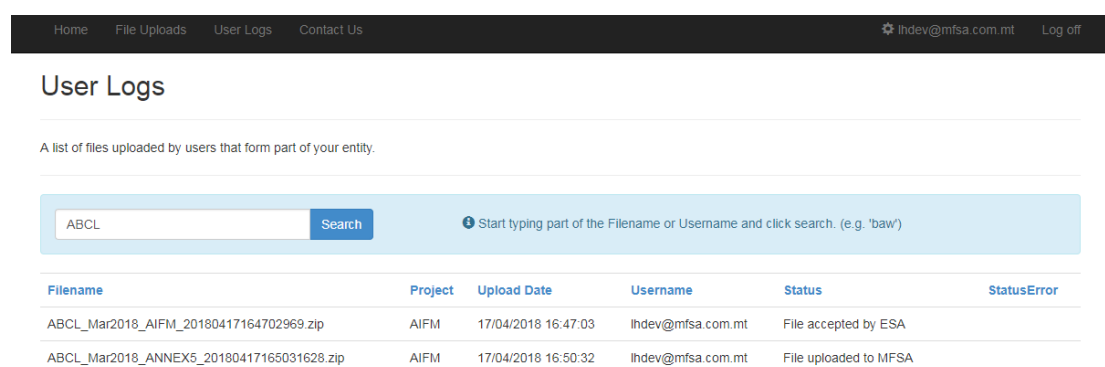
1. Select the name of the Licence Holder from the 'Licence Holder' drop down menu;
2. Choose the project 'AIFM' from the 'Project' drop down menu (as seen in *Snapshot 4* above)
3. On the 'Files' tab the user should choose the file from the respective location on the system and press 'Add'. The respective file should be saved in the format LHCode_MonthYear_ANNEX5.zip as explained in further detail above;
4. The user should press 'Upload File(s)' to complete the process.

As stated above, no validation checks will be conducted on the submitted Annex 5 Returns, however, following such submission the LH Portal status of the submission will be 'File uploaded to MFSA' (as for instance in *Snapshot 7* below).

5. Accessing and Reviewing File Status on the LH Portal - User Logs

Users have the functionality of viewing the list and status of uploaded zip files, both of the Annex IV and Annex 5 Returns submitted (*Snapshot 7*).

If the Licence Holder has more than one registered user on the LH Portal, all users can view the status of the uploaded file.



Home File Uploads User Logs Contact Us lhdev@mfsa.com.mt Log off

User Logs

A list of files uploaded by users that form part of your entity.

ABCL Start typing part of the Filename or Username and click search. (e.g. 'baw')

Filename	Project	Upload Date	Username	Status	StatusError
ABCL_Mar2018_AIFM_20180417164702969.zip	AIFM	17/04/2018 16:47:03	lhdev@mfsa.com.mt	File accepted by ESA	
ABCL_Mar2018_ANNEX5_20180417165031628.zip	AIFM	17/04/2018 16:50:32	lhdev@mfsa.com.mt	File uploaded to MFSA	

Snapshot 7

Users will be presented with various status descriptions. Reported hereunder is a list with all the available statuses embedded in the system which can be viewed during the upload stage. The list of statuses includes:

- File uploaded to MFSA
- File pending xml validation
- File pending ESMA Validation
- XML is valid
- XML is invalid
- File uploaded to ESA
- File accepted by ESA
- File rejected by ESA
- File upload to ESA failed
- File encrypted successfully
- File encryption failed
- Incorrect filename submitted

Note: It is important that users check the status of the uploaded zip file on a regular basis.

6. Step by Step Process – Annex IV Return

Once the zip file is uploaded on the system, the file will be transferred into a validation process which is embedded in the system. The system will verify whether the XML is valid or not. If the XML is not in line with the XSD Rules, the status of the upload on the LH Portal will be 'Xml is invalid.' In this case the user would need to amend the file accordingly and re-submit.

If the File Names of the Files submitted through LH Portal are not correct, the status of the submission will be 'Incorrect Filename Submitted.' In this case, AIFMs are required to amend the File Names and re-submit the File in a timely manner.

The file is distributed to the ESMA HUB only if the XML filename complies with ESMA specifications, the filename is correct and the XML is valid. The content of the file is then validated by ESMA. If the file passes ESMA content validation, the registered user will receive an e-mail indicating that the file has been successfully validated. On the other hand, if the file does not pass ESMA validation, it is rejected by ESMA and the registered user will receive an automated e-mail providing details of the errors. The feedback files are linked with the files submitted and the user can identify the link from the name of the file indicated in brackets within the notification, for instance [MT_DATAIF_CE_01.xml], thereby enabling the user to know in which file the error is in.

7. Exiting the LH Portal

To exit, the user shall simply click on the ‘Log Off’ link on the right corner of the menu bar (*Snapshot 8*).

Home File Uploads User Logs Contact Us lhdev@mfsa.com.mt Log off

MFSA

MALTA FINANCIAL SERVICES AUTHORITY

MFSA Licence Holders' Web Portal

MFSA

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Website: www.mfsa.com.mt

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Snapshot 8

APPENDIX D - MFSA LICENCE HOLDER PORTAL REGISTRATION FORM

MFSA

MALTA FINANCIAL SERVICES AUTHORITY

Licence Holder Name				
Public IP address (or range* or set of Public IP addresses) used for accessing the MFSA Web Portal to upload files. * Please note that if a range of Public IP addresses is requested, all addresses within the range must belong to your entity.				
<i>The Compliance Officer should ensure that the relevant statutory forms under article 3 and 24 of the AIFMD are submitted to the MFSA by the applicable deadlines.</i>				
Contact Information of Compliance Officer/ User of AIFM Returns				
The Compliance Officer should ensure that the relevant statutory forms under article 3 and 24 of the AIFMD are submitted to the MFSA by the applicable deadlines.				
ID Card/ Passport Number*	First Name	Last Name	Email Address	Direct Telephone Number

** When a Maltese ID Card is available, the ID Card Number should be provided. Otherwise, the Passport Number of the Compliance Officer should be included.*

APPENDIX E - DOCUMENTATION

The applicable documentation related to the AIFM reporting includes:

Local References

- i. The MFSA's Second Circular to the financial services industry on the transparency requirements applicable to Alternative Investment Fund Managers ('AIFMs') dated 16 December 2014;
- ii. The MFSA's Circular to the financial services industry on the reporting requirements applicable to Alternative Investment Fund Managers ('AIFMs') dated 26 March 2014;
- iii. The MFSA's Circular to the industry regarding changes to the MFSA's LH Portal pertaining to the AIFMD Reporting Procedures dated 2 May 2018;
- iv. The MFSA's FAQ on the Alternative Investment Fund Managers Directive;
- v. Appendix 13 to Part BIII of the Investment Services Rules for Investment Services Providers;
- vi. Appendix I to Part B of the Investment Services Rules for Professional Investor Funds; and
- vii. Appendix 8 to Part B of the Investment Services Rules for Alternative Investment Funds.

European Documents

- i. Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers;
- ii. Delegated Regulation 231/2013 adopted by the European Commission on 19 December 2012;
- iii. The European Securities and Markets Authority ('ESMA')'s guidelines on reporting obligations under articles 3(3)(d) and 24(1), (2) and (4) of the AIFMD as revised on 8 August 2014 [ESMA reference 2014/869];
- iv. ESMA's AIFMD reporting IT technical guidance (rev 4) as updated on 23 September 2014 [ESMA reference 2013/1358];
- v. ESMA's AIFMD XML documents version 1.2 of 25 March 2014 [ESMA reference 2013/1361]
- vi. ESMA's opinion on the collection of information by NCAs under Article 25 of 1 October 2013; and
- vii. Other ESMA Q&A documents as updated from time to time.