This text is meant purely as a documentation tool and has no legal effect. The Union's institutions do not assume any liability for its contents. The authentic versions of the relevant acts, including their preambles, are those published in the Official Journal of the European Union and available in EUR-Lex. Those official texts are directly accessible through the links embedded in this document

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COMMISSION IMPLEMENTING REGULATION (EU) 2021/955

of 27 May 2021

laying down implementing technical standards for the application of Regulation (EU) 2019/1156 of the European Parliament and of the Council with regard to the forms, templates, procedures and technical arrangements for the publications and notifications of marketing rules, fees and charges, and specifying the information to be communicated for the creation and maintenance of the central database on cross-border marketing of AIFs and UCITS, as well as the forms, templates and procedures for the communication of such information

(Text with EEA relevance)

(OJ L 211, 15.6.2021, p. 30)

Corrected by:

►C1 Corrigendum, OJ L 398, 11.11.2021, p. 49 (2021/955)

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COMMISSION IMPLEMENTING REGULATION (EU) 2021/955

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(Text with EEA relevance)

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Article 1

Publication of national provisions concerning marketing requirements

1. Competent authorities shall publish on their website the information referred to in Article 5(1) of Regulation (EU) 2019/1156, using the template set out in Annex I to this Regulation.

The information referred to in the first subparagraph shall be published by competent authorities, either in full on a single dedicated webpage of their websites, or on separate webpages, setting out respectively the information referred to in this paragraph for alternative investment funds (AIFs) and for undertakings for collective investment in transferable securities (UCITS).

2. Competent authorities shall publish summaries of the information referred to in paragraph 1 in a clear, concise and easily comprehensible manner, using the templates set out in Annex II to this Regulation. Those summaries shall be published on the same webpage as the information referred to in paragraph 1, either at the top or at the bottom of that webpage.

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Article 2

Publication of information concerning fees or charges levied by competent authorities for carrying out their duties in relation to the cross-border activities of AIFMs, EuVECA managers, EuSEF managers and UCITS management companies

Competent authorities shall publish the information referred to in Article 10(1) of Regulation (EU) 2019/1156 separately for each fee or charge using the template set out in Annex III to this Regulation.

Article 3

Notifications to the European Securities and Markets Authority

1. Competent authorities shall notify to the European Securities and Markets Authority (ESMA) the hyperlinks to their websites where the

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information referred to in Article 1 is published, and any change to those hyperlinks and to the information published on the webpages concerned, using the templates set out in Annex IV.

2. Competent authorities shall notify to ESMA the hyperlinks to their websites where the information referred to in Article 2 is published, and any change to those hyperlinks and to the information published on the webpages concerned, using the templates set out in Annex V.

3. Competent authorities shall notify to ESMA any change to the hyperlinks and to the information referred to in paragraphs 1 and 2 within 10 working days following the implementation of the change on the competent authority's website.

Article 4

Single contact point

1. For the purposes of the notifications referred to in Article 3, each competent authority shall designate a single contact point for sending the information and for the communication of any issue relating to the submission of such information.

2. Competent authorities shall notify ESMA of the single contact point referred to in paragraph 1.

3. ESMA shall designate a single contact point for receiving the information referred to in Articles 1 and 2 and for the communication of any issue relating to the reception of the information referred to in this Article.

4. ESMA shall notify competent authorities of the single contact point referred to in paragraph 3.

Article 5

Information to be communicated to ESMA for the purpose of the creation and maintenance of the central database on cross-border marketing of AIFs and UCITS

1. For the purposes of the creation and maintenance of the central database referred to in Article 12 of Regulation (EU) 2019/1156, competent authorities of home Member States shall send to ESMA the information specified in Table 1 of Annex VI to this Regulation and any update thereof on a quarterly basis.

2. Competent authorities of home Member States shall send to ESMA the information referred to in paragraph 1 no later than five working days after the end of every quarter ending on 31 March, 30 June, 30 September and 31 December.

Article 6

Technical arrangements for the functioning of the notification portal established by ESMA

1. Competent authorities shall transmit, in a common XML format, the information referred to in Article 5(1) using the field format laid down in Table 2 of Annex VI.

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2. Competent authorities shall transmit the documents referred to in Article 13(1) of Regulation (EU) 2019/1156 electronically through the notification portal established by ESMA in accordance with Article 13(2) of that Regulation.

3. ESMA shall ensure the completeness, integrity and confidentiality of the information referred to in paragraphs 1 and 2 during its transmission through the notification portal.

4. ESMA shall ensure that the notification portal referred to in paragraph 2 automatically processes and checks all transmitted information and accompanying data and sends feedback to the transmitting competent authority concerning the successfulness of the transmission and of any errors that occurred during that transmission.

Article 7

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 1 and Article 3(1) shall apply from 2 August 2021 and Article 5 shall apply from 2 February 2022.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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ANNEX I

Template for the publication of national provisions governing the marketing requirements for AIFs and UCITS

[Indicate the date when the information was last modified]

This page contains information on the national laws, regulations and administrative provisions governing the marketing requirements referred to in Article 5(1) of Regulation (EU) 2019/1156 of the European Parliament and of the Council of 20 June 2019 on facilitating cross-border distribution of collective investment undertakings.

Marketing requirements for UCITS

(Insert up-to-date and complete information on the applicable national laws, regulations and administrative provisions governing the marketing requirements for UCITS, including hyperlinks to the full versions of those laws, regulations and administrative provisions)

The information must include at least the following categories of rules governing:

(a) format and content of marketing material, including identification of the information and documents to be notified to the competent authority prior to beginning of marketing;

(b) verification of marketing communications by the competent authority;

(c) reporting obligations in relation to marketing;

(d) passporting regime;

(e) de-notification of arrangements made for marketing;

(f) other rules governing the marketing of UCITS applicable within the jurisdiction of the competent authority [*where applicable*].

Disclaimer: [*Name of the competent authority*] has taken reasonable care to ensure that the information on the national provisions governing the marketing requirements for UCITS in [*Name of the Member State*] included on this webpage is up-to-date and complete. [*Name of the competent authority*] is not responsible for maintaining external websites and is not liable for any error or omission on any external website to which hyperlinks are provided on this webpage.

Marketing requirements for AIFs

(Insert up-to-date and complete information on the applicable national laws, regulations and administrative provisions governing the marketing requirements for AIFs including the hyperlinks to the full version of those laws, regulations and administrative provisions). In case any specific provisions apply to the marketing of certain categories of AIFs (e.g. real estate AIFs, private equity AIFs, etc.), insert the relevant national laws, regulations and administrative provisions for each of these categories.

The information must include at least the following categories of rules governing:

(a) prior authorisation for marketing;

(b) format and content of marketing material, including identification of the information and documents to be notified to the competent authority prior to beginning of marketing;

(c) verification of marketing communications by the competent authority;

(d) marketing to retail investors or to professional investors;

(e) reporting obligations in relation to marketing;

(f) passporting regime;

(g) distribution of funds established in a third country under the national private placement regime [where applicable];

(h) distribution of open-ended AIFs and of closed-ended AIFs;

(i) de-notification of arrangements made for marketing;

(j) other rules governing the marketing of AIFs applicable within the jurisdiction of the competent authority [*where applicable*].

Disclaimer: [*Name of the competent authority*] has taken reasonable care to ensure that the information on the national provisions governing the marketing requirements for AIFs in [*Name of the Member State*] included on this webpage is up-to-date and complete. [*Name of the competent authority*] is not responsible for maintaining external websites and is not liable for any error or omission on any external website to which hyperlinks are provided on this webpage.

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Other requirements*

In addition to the provisions referred to above, which are set out specifically for the marketing of [*UCITS/AIFs/UCITS and AIFs*], there may be other legal provisions that may apply when marketing them in [*Name of the Member State*], although they are not specifically designed for the marketing of [*UCITS/AIFs/UCITS and AIFs*], depending on the individual situation of those involved in the marketing of shares or units of [*UCITS/AIFs/UCITS or AIFs*]. Marketing in [*name of the Member State*] may trigger the application of other requirements, such as [*specify the relevant bodies of national law that could be applicable*].

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Disclaimer: The list in this template is a non-exhaustive list of national laws that could be applicable and [Name of the competent authority] is not liable for any omission in that list. Supervision of the requirements deriving from these laws is not under the supervision of [Name of the competent authority]. The applicability of these requirements, and any other legal requirements, should be assessed before marketing or investing in [a UCITS/an AIF/a UCITS or an AIF]. Where uncertainty exists, those marketing or investing in UCITS or AIFs should obtain independent advice as to the applicable requirements to their individual situation.

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* *If the marketing requirements for UCITS and the marketing requirements for AIFs are published on separate webpages on the website of a competent authority, the 'other requirements' must be published on both pages.*

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ANNEX II

Template for the publication of the summaries of national provisions governing the marketing requirements for AIFs and UCITS

[Indicate the date when the information was last modified if this summary is published on a separate webpage to the information in Annex I]

Summary of the marketing requirements for UCITS

(Insert the summary of marketing requirements for UCITS, identifying in particular the rules governing:

(a) notification and prior approval of marketing communications;

(b) any other requirements for the marketing of UCITS that the competent authority considers appropriate [where applicable].)

Summary of the marketing requirements for AIFs

(Insert the summary of marketing requirements for AIFs, identifying in particular the rules governing:

(a) notification and prior approval of marketing;

(b) notification and prior approval of marketing communications;

(c) marketing to retail or to professional investors;

(d) additional requirements applicable in particular to the marketing of certain categories of AIFs that exist under national law (e.g. private equity or real estate AIFs);

(e) any other requirements for the marketing of AIFs that the competent authority considers appropriate [where applicable].)

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ANNEX III

Template for the publication of regulatory fees and charges

[Indicate the date when the information was last modified]

This page contains information on the fees and charges levied by [*name of the competent authority*] for carrying out its duties in relation to the cross-border activities of AIFMs, EuSEF managers, EuVECA managers and UCITS management companies referred to in Article 10(1) of Regulation (EU) 2019/1156 of the European Parliament and of the Council of 20 June 2019 on facilitating cross-border distribution of collective investment undertakings.

[Competent authorities must use this template to publish all fees and charges they levy for carrying out their duties in relation to the cross-border activities of AIFMs, EuSEF managers, EuVECA managers and UCITS management companies, breaking down the fees and charges into, among other things, the following categories, as applicable].

Cross-border management fees and charges*

(a) registration fees;

(b) fees levied for the notification of documents and for any subsequent update of prior notification;

(c) passporting fees;

(d) management fees;

(e) any other applicable fees or charges established under the law of the Member State [*where applicable*].

Cross-border marketing fees and charges*

(a) pre-marketing fees;

(b) registration fees;

(c) fees levied for the notification of documents and for any subsequent update of prior notification;

(d) passporting fees;

(e) de-notification fees;

(f) any other fees or charges established under the law of the Member State

[where applicable].

* *Where no fees or charges are levied in relation to the categories listed above, the following disclaimer must be included: 'No fees and charges are levied by [name of the competent authority] in relation to [relevant category of activity]'.*

[In addition to the list of fees and charges they levy to carry out their duties in relation to the cross-border activities of AIFMs, EuSEF managers,

EuVECA managers and UCITS management companies, which is set out below, competent authorities may provide general information on the structure of these fees and charges.]

Template for fees and charges

(Name or a short description of the fee or charge)

(Legal basis and hyperlink to the full version of the relevant legal text) (Entity liable for paying the fee or charge)

(Activity giving rise to the fee or charge)

(Description of the fee or charge structure, including, inter alia, the following information:

(a) The amount – where it is set out as a fixed amount – or the calculation methodology for calculating the fee or charge – including, in particular, the percentage, calculation basis, and the indication, as applicable, of the minimum or maximum amount of the fee or charge, along with an example;

(b) Whether it is an initial or an ongoing fee or charge and, as applicable, the periodicity;

(c) The date on which the fee or charge has to be paid; and

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(d) Any additional detail.)

(Competent authorities may provide additional information on the structure, the periodicity, or the calculation methodology of the fee or charge. When the authority deems that the information contained in the above rows could be unclear or misleading, additional information is mandatory.)

Disclaimer: The fees or charges listed above are those that are levied by [name of the competent authority]. However, marketing UCITS or AIFs in [name of the Member State] may incur other costs relating to administrative obligations, third-party advice or commercial development. [Name of the competent authority] is not responsible for maintaining external websites and is not liable for any error or omission on any external website to which hyperlinks are provided on this webpage.

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ANNEX IV

Template for the notification of information pursuant to Article 3(1) of this Regulation

Form for the communication of information in accordance with Article 5(2) of Regulation (EU) 2019/1156

FROM:

Member State:

Competent authority:

Designated contact point:

Email:

(Initial notification)

Dear Sir/Madam,

In accordance with Article 5(2) of Regulation (EU) 2019/1156 of the European Parliament and of the Council of 20 June 2019 on facilitating cross-border distribution of collective investment undertakings, I wish to provide you with the information referred to in this provision, namely:

— the hyperlink to [*name of the competent authority*]'s website, where information on the applicable national laws, regulations and administrative provisions governing the marketing requirements for AIFs and UCITS and their summaries is published; and

— the summary of marketing requirements for the purpose of publication on the European Securities and Markets Authority'swebsite.

The table below contains this information.

Hyperlinks to the competent authority's website	
Hyperlink to [*Name of the competent authority*]'s website, where the information referred to in Article 5(1) of Regulation (EU) 2019/1156 is published in [*specify the language customary in the sphere of international finance*]	[*Insert hyperlink*]
(Where applicable) Hyperlink to [*Name of the competent authority*]'s website, where the information referred to in Article 5(1) of Regulation (EU) 2019/1156 is published in [*specify the other language*]	[*Insert hyperlink*]
Summary of marketing requirements	
Summary of marketing requirements referred to in Article 5(1) of Regulation (EU) 2019/1156 in [*specify the language customary in the sphere of international finance*]	*[Insert summary of marketing requirements]*
Summary of marketing requirements referred to in Article 5(1) of Regulation (EU) 2019/1156 in [*specify the other language*]	[*Insert summary of marketing requirements*]

Yours

faithfully,

[*Signature*]

(*Where the notification concerns a change to information previously notified*)

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Dear Sir/Madam,

In accordance with Article 5(2) of Regulation (EU) 2019/1156, I wish to notify a change to the information referred to in this provision, namely (*either*) the hyperlink to [*name of the authority*]'s website, where information on the applicable national laws, regulations and administrative provisions governing the marketing requirements for AIFs and UCITS and their summaries is published, (*and/or*) the summary of the marketing requirements for the purpose of publication on European Securities and Markets Authority's website.

The table below contains the details of the change implemented on [*date of implementation of the change on the competent authority's website*].

Hyperlinks to the competent authorities' websites	
Former hyperlink	**Updated hyperlink**
Hyperlink to [*Name of the competent authority*]'s website, where the information referred to in Article 5(1) of Regulation (EU) 2019/1156 was published in (*specify the language customary in the sphere of international finance*): [*Insert former hyperlink*]	Updated hyperlink to [*Name of the competent authority*]'s website, where the information referred to in Article 5(1) of Regulation (EU) 2019/1156 is published in *(specify the language customary in the sphere of international finance)*: [*Insert updated hyperlink*]
Hyperlink to [*Name of the competent authority*]'s website, where the information referred to in Article 5(1) of Regulation (EU) 2019/1156 was published in [*specify the other language*]: [*Insert updated hyperlink*]	Updated hyperlink to [*Name of the competent authority*]'s website, where the information referred to in Article 5(1) of Regulation (EU) 2019/1156 is published in [*specify the other language*]: [*Insert former hyperlink*]

And/or

Summary of marketing requirements	
Former summary of marketing requirements	**Updated summary of marketing requirements**
Former version of the summary of marketing requirements published in [*specify the language customary in the sphere of international finance*]: [*Insert former version of the summary of marketing requirements*]	Updated version of the summary of marketing requirements published in [*specify the language customary in the sphere of international finance*]: [*Insert updated version of the summary of marketing requirements*]
Former version of the summary of marketing requirements published in [*specify the other language*]: [*Insert former version of the summary of marketing requirements*]	Updated version of the summary of marketing requirements published in [*specify the other language*]: [*Insert updated version of the summary of marketing requirements*]

Yours

faithfully,

[Signature]

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ANNEX V

Template for the notification of information pursuant to Article 3(2) of this Regulation

Form for the communication of information in accordance with Article 10(2) of Regulation (EU) 2019/1156

FROM:

Member State:

Competent authority:

Designated contact point:

Email:

Dear Sir/Madam,

In accordance with Article 10(2) of Regulation (EU) 2019/1156 of the European Parliament and of the Council of 20 June 2019 on facilitating cross-border distribution of collective investment undertakings, I wish to provide you with the information referred to in this provision, namely the hyperlink to [*name of the competent authority*]'s website, where information on fees or charges levied in [*Member State*] in relation to the cross-border activities of AIFMs, EuVECA managers, EuSEF managers and UCITS management companies is published.

Hyperlinks to the competent authorities' websites	
Hyperlink to [*Name of the competent authority*] website, where the information referred to in Article 10(1) of Regulation (EU) 2019/1156 is published in [*specify the language customary in the sphere of international finance*]	[*Insert hyperlink*]
(*Where applicable*) Hyperlink to [*name of the competent authority*] website, where the information referred to in Article 10(1) of Regulation (EU) 2019/1156 is published in [*specify the other language*]	[*Insert hyperlink*]

(*Where the notification concerns a change to information previously notified*)

Dear Sir/Madam,

I wish to notify a change to the information referred to in Article 10(2) of Regulation (EU) 2019/1156, namely the hyperlink to [name of the competent authority]'s website, where information on fees or charges levied in [Member State] in relation to the cross-border activities of AIFMs, EuVECA managers, EuSEF managers and UCITS management companies is published.

(*Where applicable*) I would like to notify a change to the information published on [*name of the competent authority*]'s website as regards the regulatory fees and charges levied in [*Member State*] in relation to cross-border activities of AIFMs, EuVECA managers, EuSEF managers and UCITS management companies.

The table below contains the details of the change implemented on [*date of implementation of the change on the competent authority's website*].

Hyperlinks to the competent authorities' websites	
Former hyperlink	**Updated hyperlink**
Hyperlink to [*name of the competent authority*]'s website, where the information referred to in Article 10(1) of Regulation (EU) 2019/1156 was published in (*specify the language customary in the sphere of international finance*): [*Insert former hyperlink*]	Updated hyperlink to *[name of the competent authority*]'s website, where the information referred to in Article 10(1) of Regulation (EU) 2019/1156 is published in (*specify the language customary in the sphere of international finance*): [*Insert updated hyperlink*]

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(Where applicable) Hyperlink to [*name of the competent authority*]'s website, where the information referred to in Article 10(1) of Regulation (EU) 2019/1156 was published in [*specify the other language*]: [*Insert former hyperlink*]	(*Where applicable*) Updated hyperlink to [*name of the competent authority*]'s website, where the information referred to in Article 10(1) of Regulation (EU) 2019/1156 is published in [*specify the other language*]: [Insert updated hyperlink]
And/or	
Details of the regulatory fees or charges	
Former regulatory fees or charges	**Updated regulatory fees or charges**
Former details of the regulatory fees or charges:	Updated details of the regulatory fees or charges:
[Insert former details of the relevant regulatory fees or charges]	[Insert updated details of the relevant regulatory fees or charges]
Yours faithfully, [*Signature*]	

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ANNEX VI

DATA TO BE PROVIDED TO ESMA FOR CREATING AND MAINTAINING THE CENTRAL DATABASE ON THE CROSS-BORDER MARKETING OF AIFS AND UCITS

Table 1

Fields to be reported

Number	Field	Content to be reported	Standard and format to be used
1	Name of the fund	Full name of the fund.	{ALPHANUM-350}
2	National identification code of the fund	Unique identifier of the fund.	{ALPHANUM-35}
3	LEI of the fund	Legal Entity Identifier of the fund.	{LEI}
4	Share class ISIN	International Securities Identification Number of the share class.	{ISIN}
5	Name of the management company	Full name of the management company.	{ALPHANUM-350}
6	Management company LEI	Legal Entity Identifier of the management company.	{LEI}
7	National identification code of the fund management company	Unique identifier of the fund management company assigned by the competent authority.	{ALPHANUM-35}
8	Fund type	Type of fund.	Choice from list of predefined fields: — [UCIT] for UCITS — [AIFS] for AIF — [ESEF] for EuSEF — [EVCA] for EuVECA — [LTIF] for ‘ELTIF’
9	Sending Member State	Name of the sending Member State.	{COUNTRYCODE_2}
10	Host Member State	Competent authorities must indicate all the host Member States in which the fund has been notified for marketing.	{COUNTRYCODE_2}
11	Notification date	For each host Member State, the competent authority must indicate when it sent the notification of marketing of the fund to the competent authority of the host Member States.	{DATEFORMAT}

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Number	Field	Content to be reported	Standard and format to be used
12	De-notification date	For each host Member State, the competent authority must indicate when it sent the de-notification of marketing of the fund to the competent authority of the host Member States.	{DATEFORMAT}
13	Notification documentation as referred to in Article 93(1) of Directive 2009/65/EC and in Articles 31(2) and 32(2) of Directive 2011/61/EU	Competent authorities must indicate the file name used to report the notification documentation.	Format that allows the document contents to be analysed without the need to convert the document into another format.
14	Language of the notification documentation	Language in which the notification documentation is drafted.	{LANGUAGE}
15	De-notification documentation as referred to in Article 93a(2) of Directive 2009/65/EC and in Article 32a(2) of Directive 2011/61/EU	Where applicable, indicates the file name used to report the de-notification documentation.	Format that allows the document contents to be analysed without the need to convert the document into another format.
16	Language of the de-notification documentation	Language in which the de-notification documentation is drafted.	{LANGUAGE}
17	Marketed	Competent authorities must indicate, if available, whether the fund is actually marketed.	Choice from list of predefined fields: — [Y] for Yes — [N] for No — [NA] for not available
18	Form of the fund	Competent authorities must indicate whether the fund is internally managed.	Choice from list of predefined fields: — [Y] for Yes — [N] for No

Table 2

Field formats

Number	Symbol	Data type	Definition
1	{ALPHANUM-n}	Up to n alphanumerical characters	Free text field
2	{LEI}	20 alphanumerical characters	Legal Entity Identifier as defined in ISO 17442
3	{ISIN}	12 alphanumerical characters	ISIN code, as defined in ISO 6166
4	{COUNTRYCODE_2}	Two alphanumerical characters	Two-letter country code, as defined by ISO 3166-1 alfa-2 country code
5	{LANGUAGE}	Two-letter code	ISO 639-1
6	{DATEFORMAT}	Dates in the following format: YYYY-MM-DD; Dates must be reported in UTC	ISO 8601 date format