

III.- Anexos

- Modelo de certificado de la autoridad del Estado miembro de origen

MODEL ATTESTATION TO MARKET UNITS OF UCITS IN AN EEA MEMBER STATE

1 is the competent authority
(name of the competent home Member State authority)

2 in
(the home Member State)

3 address

4 telephone number

1 telefax number

2 e-mail address

3 that carries out the duties provided for in the Directive 85/611/EEC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (hereinafter, the Directive), as required by Art. 49(1) of the Directive.

5 For the purpose of Art. 46(1) and Art. 6b(5)¹ of the Directive,
.....
(the competent home Member State authority)

5 certifies that:

.....
(the name of the UCITS, i.e. the name of the common fund/ unit trust/ investment company)

10 - has been set up on
(date of establishment of the UCITS)

11 - has registry no.
(UCITS' registry no. in the home Member State, if any)

name of the authority ...
(name of the authority by which the register is conducted, if applicable)

¹ According to CESR's guidelines for supervisors regarding the transitional provisions of the amending UCITS Directives (Ref. CESR/04-434b), point B.I.2, "only a product passport and no management company passport shall be required if a management company only wishes to distribute UCITS managed by itself in a host Member State... All the information foreseen for notification of the management company is considered to be fully encompassed in the registration procedure for the product. This requires full confidence that the arrangements put in place effectively ensure compliance of the management company with the UCITS Directive (subject to the transitional arrangements ... mentioned)." This guideline covers the marketing of funds via a third party. Even if CESR has not yet addressed more specifically issues concerning the management company notification procedure, the requirement of a UCITS-compliant management company with respect to Art. 6b(5) needs to be taken into account in any case within the product passport mechanism. Therefore it is suggested that the model attestation should include an element on the UCITS-compliance of the management company.

12 ~ is based in,
(the home Member State and details of the address of the UCITS' head office)

13 ~ is ☐ a common fund/unit trust,

List of sub-funds to be marketed in the host Member State, if applicable	
Serial no.	Name
1	
2	
3	
...	

- managed by the management company

.....
(name of the management company)

14 ☐ an investment company,

List of sub-funds to be marketed in the host Member State, if applicable	
Serial no.	Name
1	
2	
3	
...	

- that has designated as its management company

.....
(name of the designated management company)

- that is self-managed

15 ~ is ☐ a grandfathered UCITS I, i.e. it is fully compliant with the requirements laid down in the Directive 85/611/EEC prior to its amendments by the Directive 2001/108/EC

16 ~ is ☐ a UCITS III, i.e. it is fully compliant with the requirements laid down in the Directive 85/611/EEC as amended by the Directive 2001/108/EC

17 also certifies that:
(the home Member State authority)

18 a)
(name of the UCITS' management company, if applicable, according to what has been indicated above)

19 ~ is ☐ a grandfathered UCITS I management company, i.e. it is fully compliant with the requirements laid down in the Directive 85/611/EEC prior to its amendments by the Directive 2001/107/EC

20 ~ is ☐ a UCITS III management company, i.e. it is fully compliant with the requirements in the Directive 85/611/EEC as amended by the Directive 2001/107/EC

21 b) the latest version of the fund rules/instruments of incorporation has been approved by the home Member State competent authority on *(date of approval)*;

22 Date

..... *(signature of the representative of the home Member State authority)*

..... *(name in full and position of the undersigned representative of the home Member State authority)*