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| ADMINISTRATIVE BODY TO WHICH THE APPLICATION IS ADDRESSED: | |
| CNMV | Institution Authorisation and Registration Department |
| Identification code |  |

# Application[[1]](#footnote-1) for authorisation for a third-country IF to engage in investment services and activities, with or without ancillary services, in Spain without the establishment of a branch, addressed to eligible counterparties and professional clients *per se*.

## Applicant(s) for authorisation[[2]](#footnote-2):

|  |  |  |
| --- | --- | --- |
| First name and surnames/firm name: | ………………………………………………………………….. | |
| Tax Id. Number/passport no./resident card no./Tax Id. Code | ………………………………………………………………….. | |
| Postal address: | ………………………………………………………………….. | |
| Contact telephone number: | ………………………………………………………………….. | |
| Email: | ………………………………………………………………….. | |
| Represented by **(\*)**: | ……………………….  In his/her capacity as:  ………………………. | Tax Id. Number/passport no./resident card no./Tax Id. Code ………………………. |
| Postal address: ………………………. |
| Contact telephone number: …………………. |
| Email: ……………………. |

(\*) The representative hereby declares that his/her powers of attorney are sufficient and are not subject to conditions or limitations. He/she further declares that his/her powers are valid and have not been suspended or revoked, and that the powers to act as representative are sufficient.

**HEREBY DECLARE(S) that**:

* (Firm name) is not registered in ESMA’s register of third-country firms referred to in Article 48 of Regulation EU 600/2014 of the European Parliament and of the Council, of 15 May 2014:
* In the event of amending the terms and conditions of this authorisation, the terms and conditions of the authorisation or the supervision by the national competent authority, (Firm name) shall submit such terms and conditions in writing to the CNMV:
* According to the type of application envisaged, (Firm name) shall comply with the provisions of the Recast Text of the Spanish Securities Market Act, approved by Spanish Royal Legislative Decree 4/2015, of 23 October (*TRLMV)*, of Spanish Royal Decree-Law 21/2017, of 29 December, on urgent measures for the adaptation of Spanish law to European Union regulations on the securities market (*Spanish RD-Law 21/2017*), of Spanish Royal Decree 217/2008, of 15 February, on the legal regime for investment firms and other firms providing investment services (*Spanish RD 217/2008*), of CNMV Circular 1/2014, of 26 February, on internal organisational requirements and control functions of firms providing investment services (*CNMV Circular 1/2014*), as applicable:
* Under the jurisdiction of the home State of the applicant investment firm, there are no restrictions preventing Spanish investment firms or credit institutions, in such country, from engaging in investment services and activities, with or without ancillary services, without the establishment of a branch, under terms and conditions which are similar to those applicable under Spanish legislation to third-country firms. To that end, attached is:
  + A certificate issued by the authority(ies) responsible for the authorisation and supervision of the firm in the third country evidencing the existence and scope of the principle of reciprocity in relation to the securities market and investment service activities carried on by Spanish investment firms or credit institutions in that country:

Yes

No  In the event that is not possible to obtain such certificate from the competent authority(ies) of the third country, the existence of such reciprocity is accredited by means of a legal analysis carried out by::

An independent expert:

Yes

No  or, failing that, by the (Firm name) itself:

Yes

* The services to be provided by *(*Firm name), in Spain, without the establishment of a branch shall be exclusively aimed at the professional clients *per se* and eligible counterparties referred to, respectively, in *Articles 205(2) and 207 of TRLMV*:
* In the case of professional clients *per se*, (Firm name) shall target a maximum of 20 clients, with revenues obtained from such activity not exceeding €2,000,000 (specific data to prove that the firm will not exceed such limits must be provided in *Section 7. Turnover: income and expenditure* of the Manual for authorisation attached to this application): 
  + In the event of exceeding the limits above in any financial year, (Firm name) undertakes to report such fact to the CNMV as soon as possible, and in any event, within the first three months of the following financial year. It further undertakes to request the relevant authorisation for the establishment of a branch in Spain, if it wishes to continue providing investment services in Spain:
* The information contained in this application is true, accurate, complete and not misleading. Unless expressly stated otherwise, the information refers to the date of this Application. If certain information refers to a future date, this shall be specifically indicated in the Application. Furthermore, (insert Firm name) undertakes to notify the authority in writing should any information not be true, accurate, complete or be misleading as from the date indicated on the Application in respect of such information:

**REQUEST(S),** pursuant to the provisions of *Article 173(2)* of the Recast Text of the Spanish Securities Market Act, approved by Spanish Royal Legislative Decree 4/2015, of 23 October(*TRLMV*), and the implementing regulations thereof, the authorisation of the CNMV for [[3]](#footnote-3) ……………… to engage in investment services and activities, with or without ancillary services, in Spain, without the establishment of a branch, addressed to eligible counterparties and professional clients.

## Person appointed for notification purposes

APPOINT(S) as the recipient of any CNMV´s electronic notifications related to this authorisation application, which the CNMV will make available on the “*Notificaciones electrónicas por comparecencia en Sede*”[[4]](#footnote-4) (Electronic notifications by in-person appearance at the CNMV Office) menu, available on both the “CIFRADOC AREA” and the “OPEN AREA” of the CNMV Virtual Office:

* Applicant(s)
* Other (\*)

In this case, please submit the following information:

First name and surnames/firm name:

Tax Id. Number/passport no./resident card no./Tax Id. Code

Postal address:

Contact telephone number:

Email: ………………………………………………………………………..

(\*) Please note that a copy of the requests for additional information submitted by the CNMV during the processing of the case file shall be forwarded to the person designated as the recipient of communications.

## Contact person for the processing of the project

If the contact person for the processing of the project and the applicants requesting authorisation are not the same person, the following information must be submitted:

|  |  |  |
| --- | --- | --- |
| First name and surnames/firm name:  Tax Id. Number/passport no./resident card no./Tax Id. Code  Postal address:    Contact telephone number:  Email:  This person is empowered to sign, for and on behalf of the applicants requesting authorisation, any written submission of documentation provided by said applicants.  No  Yes  **** The applicant hereby declares, pursuant to the provisions of Article 5 of Spanish Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations, that:   |  |  | | --- | --- | | * The powers granted by the applicant to such person, empower him or her to take actions and measures of a formal nature associated with this application.   Yes  No in which case, he/she declares that:   |  | | --- | | The powers granted by the applicant to such person, empowers him or her, under this case file, to submit requests, file affidavits or issue communications, lodge appeals, withdraw actions, and waive rights in my name:  Attached is the supporting documentation (\*) of this representation:  (\*) *The representation shall be deemed accredited by power of attorney executed and granted in the presence of the Court or through the relevant virtual office, or by accrediting your registration with the electronic power of attorney register of the competent Public Administration.* | | |

## List of documents attached to the application

In accordance with *Articles 173 TRLMV*, and *Articles 29 bis(2)* and *29 ter(2)* of Spanish Royal Decree 217/2008, of 15 February, on the legal regime for investment firms and other firms that provide investment services, partially amending the Regulation of Spanish Law 35/2003, of 4 November, on Collective Investment Schemes, approved by Spanish Royal Decree 1309/2005, of 4 November (*Spanish RD on IFs*), ATTACHED to the application are the following documents:

* Manual for the authorisation to provide in Spain, without the establishment of a branch, investment services and to carry on investment activities, with or without ancillary services.
* List of activities of the investment firm in Spain
* Audited annual accounts of the firm, and where appropriate of its group, for the last financial year
* Manual on Anti-money Laundering and Combating the Financing of Terrorism
* Information on the persons who will effectively determine the orientation of the business in Spain and who will be directly responsible for its management:
  + - Questionnaire on honourability, integrity and good governance[[5]](#footnote-5)
    - Criminal record certificate[[6]](#footnote-6)
    - Curriculum Vitae3
    - The firm’s evaluation on the suitability of the candidate(s) proposed1
    - Other (please specify)
* Certificate (issued by the relevant competent authority (ies) /an independent expert/

or by the Firm), evidencing the existence and scope of the principle of reciprocity:

Signed by 1: ......................................................................

In .............................., on ...... ............................... 20.........

1. The application, as well as the accompanying documents, must be **submitted via the CNMV Virtual Office On-line Register, using the “*EXD-Documentación de expedientes de Entidades” procedure****-.* This procedure available on both the CNMV office users area - for those firms that registered for the CIFRADOC system (i.e. regulated firms and legal persons, who not being regulated, have requested registration) - and on the CNMV office open area - for those persons or firms who have not registered for the CIFRADOC service and have a digital certificate that is valid for the CNMV Virtual Office On-line Register (the digital certificates which are currently valid are exclusively those issued by the Fábrica Nacional de Moneda y Timbre (Spanish National Mint), digital DNI (national identity document), Camerfirma, Firmaprofesional, ANF, ACA, UANATACA and vinCAsign).

   The “individual certificate and electronic signature” area of the “DESCRIPTION, CONTENT” section of the CNMV Virtual Office (which can be accessed at the following link: https://sede.cnmv.gob.es/SedeCNMV/SedeElectronica.aspx) contains an updated list of electronic certificates that are valid for the CNMV Virtual Office On-line Register.

   The online forms, as well as the relevant documentation, must be signed electronically. In digital signatures, the natural person signatory must be acknowledged. In the event of signing on behalf of a legal person, the data of the firm on behalf of which the signatory is acting must also be included. To this end, digital certificates deemed valid for the electronic signature of documents, forming part of the authorisation application, are those issued by what are known as “trust service providers”, which pursuant to Regulation (EU) 910/2014 of the European Parliament and of the Council, of 23 July 2014, on the electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC, are authorised to issue a “Qualified certificate for electronic signature”. These can be consulted on the centralised EU Trust Services Dashboard at the following link: EU Trust Services Dashboard (europa.eu). Likewise, at national level, the list of “trust service providers” authorised to issue a “Qualified certificate for electronic signature” can be consulted on the website of the Ministry of Economic Affairs and Digital Transformation of the Government of Spain: <https://sedeaplicaciones.minetur.gob.es/Prestadores/> [↑](#footnote-ref-1)
2. Firm name of the non-EU investment firm requesting authorisation from the CNMV for the provision of investment services and carrying on investment activities, with or without ancillary services, in Spain without the establishment of a branch. [↑](#footnote-ref-2)
3. Firm name of the non-EU investment firm requesting authorisation from the CNMV for the provision of investment services and carrying on investment activities, with or without ancillary services, in Spain without the establishment of a branch. [↑](#footnote-ref-3)
4. To access the content of such notifications, interested parties (or the natural or legal person designated by the latter) must have a digital certificate that is valid for the CNMV Virtual Office. The “individual certificate and electronic signature” area of the “DESCRIPTION, CONTENT” section of the CNMV Virtual Office (which can be accessed at the following link: https://sede.cnmv.gob.es/SedeCNMV/SedeElectronica.aspx) contains an updated list of electronic certificates that are valid for the CNMV Virtual Office On-line Register. [↑](#footnote-ref-4)
5. It must be digitally signed by the person concerned (see subparagraph two of the footnote on page 1, information on what digital certificates are valid for these purposes). [↑](#footnote-ref-5)
6. Issued by the Spanish Ministry of Justice, or in the case of other EU Member States or third countries, an equivalent official certificate issued by the State where the candidate has carried out his or her professional activities during the last ten years. [↑](#footnote-ref-6)