

Application form for the provision of investment services by a third-country firm on the basis of the “third-country” national regime

This form is to be used by third-country firms (hereinafter, the “firms”) that are looking to provide investment services without establishing a branch in Luxembourg on the basis of the “third-country” national regime contemplated under article 32-1(1), 2nd sub-paragraph of the LFS, as further described in the CSSF Circular 19-716.

All terms not otherwise defined herein shall have the meaning assigned to such terms in the CSSF Circular 19-716.

Please choose one of the options below:

New application (please complete the fields No 1. to 4. below and provide the documents listed in the field No 5.)	
Update of information (please complete below the information to be updated and provide if necessary the relevant documents)	
Withdrawal request (please provide a separate explanation)	

1. Contact information

1.1	Denomination of the firm	
1.2	Third country in which the firm is established	
1.3	Registration number of the firm in the third country Name of the register	
1.4	Address of the firm in the third country from which documents may be obtained	
1.5	Legal Entity Identifier code	
1.6	Is the firm already providing financial services in Luxembourg?	<input type="checkbox"/> Yes. Please indicate below which ones. <input type="checkbox"/> No.
1.7	Date on which the firm intends to commence its activities in Luxembourg	
1.8	Telephone number	

1.9	E-mail address	
1.10	Website address	
1.11	Name, title, division, email address, phone number of the contact person(s) for the purpose of this application	
1.12	Description of the shareholding structure of the firm	
1.13	Information on the persons directing the business of the firm	

2. Information regarding the legal framework applicable to the firm

2.1. License in the third country

2.1.1. Name of the prudential authorit(y)(ies) in charge of its supervision. If more than one authority is in charge of the supervision, please explain how those authorities share the responsibilities for the supervision.

2.1.2. Name of the firm's license in the third country.

2.1.3. Description of the services/activities for which the firm is licensed in the third country, so that it can be ascertained that the firm is already authorised in the third country for the services or activities that it plans to provide or to carry out in Luxembourg.

2.2. Conduct of business rules applicable in the third country

Summary of the legal framework for the conduct of business rules applicable in the third country to the firm in relation to the provision of services and the activities in Luxembourg.

2.3. Organisational requirements

2.3.1 Summary of the organisational requirements to which the firm is subject in relation to the provision of services and the activities in Luxembourg.

2.3.2 Details of the person responsible for dealing with complaints in relation to the provision of services and the activities in Luxembourg.

2.4. Anti-money laundering and fight against terrorism (AML-CFT)

Summary of the AML-CFT rules applicable in the third country to the firm in relation to the provision of services and the activities in Luxembourg.

3. Information regarding the firm's plans in Luxembourg

3.1. Description of the main objectives and business strategy of the firm providing investment services in Luxembourg and an explanation of how the provision of investment services in Luxembourg will contribute to the strategy of the firm and, where applicable, of its group. Please provide an estimate of the expected volume of business to be generated.

3.2. Description of the expected number and types of clients, as well as a description of the types of counterparties with which the firm will be dealing in Luxembourg in connection with the investment services. Please classify the clients according to the MiFID II classification ('per se' professional clients and eligible counterparties).

3.3. List of the investment services and activities, as well as ancillary services, that the firm intends to carry out in Luxembourg. Please refer to Sections A and B of Annex I to Directive 2014/65/EU of the European Parliament and of the Council (*), when referring to the financial instruments provided for in Section C of Annex I of that Directive.

Financial instruments	Investment services and activities									Ancillary services						
	A1	A2	A3	A4	A5	A6	A7	A8	A9	B1	B2	B3	B4	B5	B6	B7
C1																
C2																
C3																
C4																
C5																

C6																	
C7																	
C8																	
C9																	
C10																	
C11																	

Note 1: Row and column headings are references to the relevant section and item number in Annex I to Directive 2004/39/EC (e.g. A1 refers to point 1 of Section A of Annex I). For example, if the firm plans to provide Service A1 in relation to Financial instruments C1, cell A1/C1 must be checked.

(*) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast) (MiFID II).

4. Information regarding investors' protection

Summary of the arrangements for safeguarding client money and assets. Indication of whether clients are covered by an investor protection scheme. Please provide details on the name and contact of the investor protection scheme and the maximum coverage of the investor protection scheme in the third country.

5. Information and documentation to be provided by the firm

- an up-to-date version of the article of association of the firm;
- the three last audited financial statements (if available);
- a copy of the license or any other official document confirming the activities or services that the firm is authorised to carry out/provide in the third country;
- a written confirmation of the firm that it will not provide in Luxembourg services to clients other than eligible counterparties and 'per se' professional clients.



PRIVACY STATEMENT

This Privacy Statement shall be without prejudice to any subsequent policy or procedure available on the CSSF website with respect to data protection.

The Commission de Surveillance du Secteur Financier (CSSF) is a public institution which supervises the professionals and products of the Luxembourg financial sector.

Its address is 283, route d'Arlon L-1150 Luxembourg, Grand Duchy of Luxembourg.

Its missions and scope of competence are defined by the modified organic law of 23 December 1998. The CSSF performs its duties of prudential supervision and supervision of the markets for the purposes of ensuring the safety and soundness of the financial sector, solely in the public interest.

In collecting this information, the CSSF is acting as a data controller and is legally required (Regulation EU 2016/679 of the European Parliament and the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data (**GDPR**)) to provide you with information about it, about why and how it uses your data, and about the rights you have over your data.

The processing of personal data is based on, as applicable, Article 6(1)(a), (b), (c), (e) or (f) of GDPR.

The CSSF processes the personal data solely to achieve the specific purpose for which they are collected through the form (i.e. this form is to be used to assess whether third-country firms that are looking to provide investment services without establishing a branch in Luxembourg on the basis of the third-country national regime contemplated under article 32-1(1), 2nd sub-paragraph of the LFS, as further described in the CSSF Circular 19-716). Personal data are only shared on a need-to-know basis with staff who are responsible for achieving the purpose of the collection. This data may be shared with people outside the CSSF when this appears necessary in order to achieve the purpose of the collection or in cases provided for by the law.

The data processed by the CSSF for the exercise of its public-interest tasks and of the public authority with which the CSSF is entrusted will be kept for as long as you provide investment services in Luxembourg, or for as long as the natural or legal person with which you work or hold a position provides investment services in Luxembourg. The CSSF can store your data for a longer time, for example insofar as the data may again become pertinent for the exercise of its mandates or as part of potential liability claims.

The CSSF implements technical and organisational means to protect your personal data and to prevent any destruction, loss, alteration or modification, as well as any unauthorised access or disclosure of an accidental or illegal nature.

Without prejudice to the limitations provided by the GDPR, data subjects whose personal data has been collected have a right of access, rectification and, under certain conditions, erasure and limitation.

To submit a request regarding your personal data, please contact our DPO [by mail or email](mailto:dpo@cssf.lu) to the following address:

Mail: CSSF
Data Protection Officer
283, route d'Arlon
L-1150 Luxembourg

Email: dpo@cssf.lu



Commission de Surveillance
du Secteur Financier

If you have a complaint about our use of your information, please first contact us directly, so that we can address your complaint. However, you can also contact the Commission nationale pour la protection des données (CNPD) via their website at www.cnpd.lu or write to them at:

Commission nationale pour la protection des données
Service des plaintes
1, avenue du Rock'n'Roll
L-4361 Esch-sur-Alzette