



November 2014

- ❑ [Transparency reporting](#)
- ❑ [Q&As for AIFMs](#)
- ❑ [FCA speech — investor outcomes](#)
- ❑ [Market Conduct](#)
- ❑ [Remuneration Code proportionality](#)
- ❑ [AML for Private Equity](#)
- ❑ [ESMA speech](#)
- ❑ [FCA fund authorisation and supervision](#)

## Important for **AIFMs** - Annex IV transparency reporting under AIFMD

The FCA has published two communications on reporting Annex IV transparency information under the AIFMD.

Transparency reporting is submitted via GABRIEL in the **AIF001** and **AIF002** data items. The communications from the FCA contain a summary of transparency reporting obligations and include: (i) procedures for reporting transparency information to the FCA; (ii) the FCA's approach for reporting transparency information for the quarterly reporting period ending on 30 September 2014; and (iii) the FCA's approach to missed or late transparency reporting.

<http://www.fca.org.uk/your-fca/documents/reporting-annex-iv-transparency-full-scope->

<http://www.fca.org.uk/your-fca/documents/reporting-annex-iv-transparency-information-above>



## Important for **AIFMs** - FCA publishes Q&As for AIFMs

The FCA has published Q&As for AIFMs on reporting transparency information to the FCA.

The aim of the Q&As is to provide information about: (i) who is required to report transparency information; (ii) what transparency information must be reported; (iii) how the FCA will collect transparency information; (iv) registering and using GABRIEL to report transparency information; and (v) key dates on which FCA systems will support reporting of transparency information. The Q&As do not constitute FCA rules or guidance.

<http://www.fca.org.uk/your-fca/documents/questions--answers--reporting-annex-iv-transparency-information-to-the-fca>

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❑ [email](#); or

❑ 020 7947 4136

## Important for **Fund Managers** - FCA speech on getting the right investor outcomes

The FCA has published a speech by William Amos, Director of Wholesale Banking and Investment Management at the Investment Week Fund Management Summit in London.

The speech was in relation to achieving the right outcomes for investors and set out the FCA's expectations and approach on fund authorisation and supervision and the need to ensure that firms get the best possible result for their customers. The FCA also provided information on the new Fund Authorisation and Supervision Team. The new team will focus on supervising UK-authorised funds (both UCITS and AIFs), with an initial focus area on valuation and liquidity management.

<http://www.fca.org.uk/news/fund-forum-getting-the-right-investor-outcomes>

## Important for all **Firms** - FCA speech on market conduct

The FCA has published a speech by Patrick Spens, Head of Market Monitoring, at the British Bankers' Association Market Abuse Conference.

The FCA has published a speech by Patrick Spens, Head of Market Monitoring, at the British Bankers' Association Market Abuse Conference. The speech focused on the FCA's expectations relating to market surveillance. Points of interest in the speech include: (i) market abuse remains a high priority for the FCA; (ii) the processes and procedures for dealing with suspicious transaction reports (STRs); (iii) the misconception that the gilt market cannot suffer the effects of market abuse. The FCA will be writing to all firms engaged in fixed income trading asking them to provide it with their three near "misses" for fixed income STRs and their reasons for not sending.

<http://www.fca.org.uk/news/surveillance-the-fcas-expectations-and-toolkits>

## Important for **Fund Managers** - Remuneration Code proportionality guidance

The FCA has created a new webpage for firm's wishing to vary their proportionality level.

The webpage enables a firm or a group that believes that it may fall into a lower proportionality level to apply for individual guidance from the FCA to vary its proportionality level. The application will need information to support the application including reasoning and justification referring to the proportionality principle set out in Chapter 19A of SYSC. The FCA provides three application templates to ensure there is a consistent decision-making process. A firm must continue to apply the Remuneration Code as outlined in the FCA's general guidance on proportionality under SYSC 19A or 19C until it receives FCA approval of its application.

<http://www.fca.org.uk/firms/being-regulated/remuneration-codes/variation-of-proportionality-level>

## Important for **Private Equity firms** - AML and CTF guidance on private equity

The Joint Money Laundering Steering Group (“JMLSG”) is consulting on draft anti-money laundering and counter-terrorist financing guidance on private equity.

On 29 October 2014 the JMLSG Board published revised Guidance on Private equity. The Consultation text is available below. The JMLSG is seeking comments on the proposed revision to its Money Laundering Guidance by 12 November 2014

<http://www.jmlsg.org.uk/download/9797>

## Important for **Fund Managers** - ESMA speech “Asset management – The regulatory challenges ahead”

ESMA has published a speech by Steven Maijoor, on the regulatory challenges ahead for the asset management sector.

The speech includes: (i) the treatment of inducements under MiFID II, with the focus on namely the treatment of investment research and the quality enhancement test; (ii) UCITS VI; (iii) solving issues of divergent interpretation of the requirements under AIFMD, such as the reporting obligations and the depositary rules and whether to extend the passport to non-EU AIFMs and AIFs; and (iv) the two peer reviews relating to the supervision of conduct of business rules regarding clear, fair and not misleading information and the supervision of the best execution requirement.

[http://www.esma.europa.eu/system/files/2014-1333\\_steven\\_maijoor\\_keynote\\_speech\\_at\\_efama\\_5\\_nov\\_2014.pdf](http://www.esma.europa.eu/system/files/2014-1333_steven_maijoor_keynote_speech_at_efama_5_nov_2014.pdf)

## Important for all **Fund Managers** - FCA updates fund authorisation and supervision webpages

The FCA has updated its webpages on fund authorisation and supervision.

The FCA has set out key messages for firms in this sector and FAQs relating to the authorisation of, or approval of changes to a collective investment scheme and recognised schemes. The FCA announced in September 2014 that it had made changes to the fund authorisation process, setting up an enhanced approach to funds supervision, including the establishment of a new fund authorisation and supervision (FAS) team.

<http://www.fca.org.uk/firms/firm-types/fund-authorisation-and-supervision>