

Summaries of national provisions governing the marketing requirements for UCITS

[28 January 2022]

(a) Notification procedure

- i) **Luxembourg UCITS marketing in another EU Member State**
- the notification by a Luxembourg-based UCITS to the competent authority of a host Member State is to be completed via the CSSF by means of a notification file submitted to the CSSF by the UCITS;
 - the notification file must include a standardised notification letter, information on the arrangements made for marketing the UCITS in the host Member State as well as the latest versions of all documents specified in Articles 54 (1) and (2) of the 2010 Law;
 - details of the practical specifications in relation to the notification procedure are described in Circular CSSF 11/509 and its annexes [Circular CSSF 11/509 \(as amended by Circular CSSF 21/778\) – CSSF](#);
 - in the event of change to the information contained in the notification letter, or change regarding the unit classes to be marketed, the UCITS must send written notification to the CSSF and to the competent authorities of the UCITS' host Member State at least one month before implementing the change;
 - a UCITS may withdraw the notification of arrangements for marketing units, including, where appropriate, classes of units, in a Member State in respect of which it has made a notification in accordance with Article 54-1 of the 2010 Law. The UCITS shall submit a de-notification letter to the CSSF, containing the information in respect of compliance with the conditions referred to in the Article 54-1 of the 2010 Law;
 - information on changes and de-notification letters can be sent to the CSSF by using the e-mail address: luucits-upd@cssf.lu;

- Luxembourg-based UCITS shall ensure that all marketing communications addressed to investors are identifiable as such and describe the risks and rewards of purchasing units of a UCITS in an equally prominent manner, and that all information included in marketing communications is fair, clear and not misleading¹.

i) EU UCITS marketing in Luxembourg

- the EU UCITS must ensure that the CSSF receives the following documentation which shall be transmitted to the CSSF by the authorities of the UCITS' home Member State:
 - o the documents under Article 93(1) and (2) of the UCITS Directive;
 - o an attestation that the UCITS fulfils the conditions imposed by the UCITS Directive from the NCA of the home Member State;
- the EU UCITS is obliged to distribute the aforementioned documentation in French, German, English or Luxembourgish and include all the necessary information that has to be provided to investors in the EU Member State in which it is situated. The UCITS shall take the necessary measures in order to ensure that the information which it is obliged to provide, is made available to unit-holders in Luxembourg;
- in the event of change to the information contained in the UCITS notification letter provided or the unit classes to be marketed, the EU UCITS shall notify in writing the competent authorities of its home Member State and the CSSF at least one month before implementing the change;
- this notice of change may be sent via a secure channel such as e-file, using the appropriate procedures specifically determined for that purpose, or by sending a written notice to the following address: NOTIF-OPCETRUPD@cssf.lu;

¹ Apart from the legal and regulatory documentation to be notified under the UCITS notification procedure for marketing, the CSSF does not systematically verify any marketing communications for the time being either on an ex-ante or ex-post basis.

- an EU UCITS which has made a notification in accordance with Article 93 of the UCITS Directive may de-notify arrangements made for marketing units in Luxembourg, including, where appropriate, share classes, when all the conditions under Article 93a of the UCITS Directive are met;
- from the date of de-notification, as communicated to the CSSF by the competent authority of the UCITS' home country, the UCITS shall cease any new or additional, direct or indirect activity of offering or placing its units which have been subject to withdrawal in Luxembourg.

(b) Other requirements

Luxembourg UCITS shall, for marketing their units in another EU Member State as well EU UCITS, for marketing their units in Luxembourg, make arrangements allowing to perform the following tasks:

- a) process subscription, redemption and refund orders and make other payments to unit-holders of the UCITS, in accordance with the conditions set out in the documents required under Chapter IX of the UCITS Directive;
- b) inform investors of the manner in which the orders referred to in point (a) may be placed and of the arrangements for the payment of proceeds from redemptions and refunds;
- c) facilitate the processing of information and access to the procedures and arrangements referred to in Article 15 of the UCITS Directive relating to the exercise by investors, of rights in connection with their investment in the UCITS;
- d) make the information and documents required under Chapter IX of the UCITS Directive available to investors, under the conditions set out in Article 94 of that Directive, for inspection and for obtaining copies;
- e) provide investors with information on the arrangements for carrying out the tasks set out in points a) to f), in a durable medium; and
- f) act as a contact point for communication with the CSSF/the relevant competent authorities.

For more details regarding the requirements for marketing by Luxembourg and EU UCITS, please consult the CSSF's website: [National provisions governing the marketing requirements for UCITS – CSSF](#)