COLLECTIVE INVESTMENT SCHEMES (REPORTING REQUIREMENTS) INSTRUMENT 2016

Powers exercised

- A. The Financial Conduct Authority makes this instrument in the exercise of the following powers and related provisions in or under:
 - (1) the following sections of the Financial Services and Markets Act 2000 (the "Act"):
 - (a) section 137A (The FCA's general rules);
 - (b) section 137T (General supplementary powers);
 - (c) section 139A (Power of the FCA to give guidance);
 - (d) section 247 (Trust scheme rules); and
 - (e) section 261I (Contractual scheme rules); and
 - (2) regulation 6(1) (FCA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).
- B. The rule-making powers listed above are specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

Commencement

- C. Part 1 of Annex A and Annex B to this instrument come into force on 1 August 2016.
- D. Part 2 of Annex A to this instrument comes into force on 1 January 2017.

Amendments to the Handbook

- E. The Supervision manual (SUP) is amended in accordance with Annex A to this instrument.
- F. The Collective Investment Schemes sourcebook (COLL) is amended in accordance with Annex B to this instrument.

Citation

G. This instrument may be cited as the Collective Investment Schemes (Reporting Requirements) Instrument 2016.

By order of the Board 28 July 2016

Annex A

Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

Part 1: Comes into force on 1 August 2016

16.12 Integrated Regulatory Reporting

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Regulated Activity Group 4

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16.12.15 R The applicable *data items* referred to in *SUP* 16.12.4R according to type of *firm* are set out in the table below:

Description of data item	Firms' prudential category and applicable data items (note 1)								
oi uutu tiem	IFPRU in firms and firm	BIPRU	Fi	Firms other than BIPRU firms or IFPRU investment firms					
	IFPRU	BIPRU	IPRU (INV) Chapter 3	IPRU (INV) Chapter 5	IPRU (INV) Chapter 9	IPRU (INV) Chapter 11 (collective portfolio management firms only)	IPRU (INV) Chapter 12	IPRU (INV) Chapter 13	
UCITS (note 22)						FSA042			
Note 22	Only applicable to firms that have permission for managing a UCITS. [deleted]								

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16.12.16 R The applicable reporting frequencies for *data items* referred to in *SUP*16.12.15R are set out in the table below according to *firm* type. Reporting frequencies are calculated from a *firm's accounting reference date*, unless indicated otherwise.

Data item	Firms' prudential category								
	IFPRU 730K firm	IFPRU 125K firm and collective portfolio management investment firm	IFPRU 50K firm	BIPRU firm	UK consolidation group or defined liquidity group	Firm other than BIPRU firms or IFPRU investment firms			
FSA042		Quarterly				Quarterly			

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16.12.17 R The applicable due dates for submission referred to in *SUP* 16.12.4R are set out in the table below. The due dates are the last day of the periods given in the table below following the relevant reporting frequency period set out in *SUP* 16.12.16R, unless indicated otherwise.

Data item	Daily	Weekly	Monthly	Quarterly	Half yearly	Annual	
CONREP/ FINREP	Refer to EU CRR and applicable technical standards						
FSA042				20 business days			

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Amend the following as shown.

[*Editor's Note*: The form FSA042 at SUP 16 Annex 24R: Data items for SUP 16.12 is now replaced by COLL 6 Annex 2R.]

16 Annex 24R	Data items for SUP 16.12
FSA042	
UCITS	

¥	es/No

2 If Yes to 1A, do you use derivatives in the scheme(s)?

Yes/No

3 If Yes to 2A, are you using derivatives for investment purposes [
in your UK authorised UCITs schemes? [deleted]

Yes/No

Amend the following as shown.

16 Annex Guidance notes for data items in SUP 16 Annex 24R 25G

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FSA042 - UCITS

Description	Data element	Guidance
Do you operate one or more <i>UK</i> authorised <i>UCITS scheme</i> ?	1A	That is, are you the <i>authorised fund manager</i> or <i>ACD</i> of at least one <i>UCITS scheme</i> that is authorised by the <i>appropriate regulator</i> (not simply notified under section 264 of the <i>Act</i>)?
Do you use <i>derivatives</i> in the <i>UCITS scheme(s)</i> ?	2A	Handbook Glossary Definition: Derivative: a contract for differences, a future or an option.
Are you using derivatives for investment purposes?	3A	"Using derivatives for investment purposes" is a term with which we believe managers are familiar. This term suggests that derivatives are not being used in pursuit of efficient portfolio management. [deleted]

FSA042 - UCITS validations

Internal validations

Data elements are referenced by row, then column.

Validation number	Data item	
1	2A	If $1A = No$, then No
2	3A	If 2A = No, then No [deleted]

Part 2: Comes into force on 1 January 2017

Reporting requirements

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16.1 Application

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16.1.3 R Application of different sections of SUP 16 (excluding SUP 16.13, SUP 16.15, SUP 16.16 and SUP 16.17)

(1) Section(s)	(2) Categories of firm to which each section applies	(3) Applicable rules and guidance
•••		
SUP 16.6	Bank	SUP 16.6.4R to SUP 16.6.5R
	Depositary of an ICVC	SUP 16.6.6R to SUP 16.6.9G
	Trustee of an AUT	SUP 16.6.6R to SUP 16.6.9G
	Depositary of an ACS	SUP 16.6.6R to SUP 16.6.9G
	Depositary of an authorised fund	SUP 16.6.6R to SUP 16.6.11R

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16.6 Compliance reports

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16.6.2 G Applicable provisions of this section (see SUP 16.6.1G)

Category of firm	Applicable provisions			
Bank	SUP 16.6.4R - SUP 16.6.5R			
Trustee of an AUT Depositary of an ICVC	SUP 16.6.6R - SUP 16.6.9G SUP 16.6.11R			

Depositary of an ACS	
Depositary of an authorised fund	

. . .

Trustees of authorised unit trust schemes, and depositaries of ICVCs and authorised contractual schemes Depositaries of authorised funds

- 16.6.6 R A firm within a category listed in the left-hand column of SUP 16.6.7R A depositary of an authorised fund must submit compliance reports in accordance with SUP 16.6.7R.
- 16.6.7 R Compliance reports from trustees of AUTs, depositaries of ICVCs and ACSs authorised funds (see SUP 16.6.6R)

Report	Frequency	Due date
Report from a <i>trustee</i> of an <i>AUT</i> on manager's failures as set out in <i>SUP</i> 16.6.8R(1)	Quarterly	1 month after quarter end (Note)
Breach report on the <i>authorised fund</i> manager's breaches as set out in SUP 16.6.8R(1A)	Monthly	30 business days after month end
Report from a <i>depositary</i> of an <i>ACS</i> on failures by the <i>authorised</i> contractual scheme manager as set out in <i>SUP</i> 16.6.8R(2A)	Quarterly	1 month after quarter end (Note)
Report from a <i>depositary</i> of an <i>ICVC</i> on failures by the <i>authorised</i> corporate director as set out in <i>SUP</i> 16.6.8R(2)	Quarterly	1 month after quarter end (Note)
Oversight report on the <i>depositary's</i> oversight visits as set out in <i>SUP</i> 16.6.8R(1B)	Quarterly	30 business days after quarter end (Note)

Note = :The quarter ends are 31 March, 30 June, 30 September, and 31 December.

- 16.6.8 R (1) The report from a *trustee* of an *AUT* to the *FCA* must state, in relation to the *manager* of each *AUT* for which it is a *trustee*, the number of times during the quarter in which facts came to the *firm's* knowledge from which it appeared, or might have appeared, that the *manager* had failed (materially or otherwise) to:
 - (a) give correct instructions to the *trustee* to create or cancel *units* in the *AUT* when the *manager* should have done so,

and the error:

- (i) resulted in the creation of too few *units* or in the cancellation of too many *units*; and
- (ii) was not corrected in accordance with the FCA's guidance as set out in COLL 6.2.12G;
- (b) price *units* in the *AUT* in accordance with *COLL* 6.3 where the pricing error was:
 - (i) greater than 0.5% of the price of a *unit*; or
 - (ii) less than 0.5% of the price of a *unit*, and the *trustee* did not consider the *manager's* controls to be adequate;

unless the failure was an isolated incident. [deleted]

- (1A) The breach report from a *depositary* of an *authorised fund* to the *FCA* must include, for each *authorised fund* for which it is a *depositary*:
 - (a) details of all breaches of *COLL* or *FUND*, which came to the *depositary's* attention or which were reported to the *depositary* by the *authorised fund manager*, during the previous *month*;
 - (b) details of any changes to the reported details of an existing breach, whether reported under SUP 16.6.8R(1A) or otherwise;
 - (c) details of all breaches that were reported, whether reported under SUP 16.6.8R(1A) or otherwise, and that have been closed during the previous month; and
 - (d) whether the *authorised fund manager* has, in the opinion of the *depositary*, adequate controls over:
 - (i) the *issue* and *cancellation* of *units* as detailed in *COLL* 6.2 (Dealing); and
 - (ii) valuation and *pricing* as detailed in *COLL* 6.3 (Valuation and pricing).
- (1B) The oversight report from the *depositary* to the *FCA* must include:
 - (a) <u>details of each authorised fund manager visited during the previous quarter; and</u>
 - (b) for each area reviewed:

- (i) the findings and conclusions of the *depositary*;
- (ii) its recommendations; and
- (iii) the *authorised fund manager's* response and comments, where available.
- (2) The report from a *depositary* of an *ICVC* to the *FCA* must state, in relation to the *authorised corporate director* of each *ICVC* for which the *firm* is a *depositary*, the number of times during the quarter in which facts came to the *firm's* knowledge from which it appeared, or might have appeared, that the *authorised corporate director* had failed (materially or otherwise) to:
 - (a) arrange for the *issue* or cancellation of *shares* in the *ICVC* when the *authorised corporate director* should have done so, and the error:
 - (i) resulted in the creation of too few *shares* or in the cancellation of too many *shares*; and
 - (ii) was not corrected in accordance with the FCA's guidance as set out in COLL 6.2.12G;
 - (b) price shares in the ICVC in accordance with the provisions of COLL 6.3, where the pricing error was:
 - (i) greater than 0.5% of the price of a share; or
 - (ii) less than 0.5% of the price of a share, and the depositary did not consider the authorised corporate director's controls to be adequate;

unless the failure was an isolated incident. [deleted]

- (2A) The report from a depositary of an ACS to the FCA must state, in relation to the authorised contractual scheme manager of each ACS for which the firm is a depositary, the number of times during the quarter in which facts came to the firm's knowledge from which it appeared, or might have appeared, that the authorised contractual scheme manager had failed (materially or otherwise) to:
 - (a) arrange for the *issue* or cancellation of *units* in the *ACS* when the *authorised contractual scheme manager* should have done so, and the error:
 - (i) resulted in the creation of too few *units* or in the cancellation of too many *units*; and
 - (ii) was not corrected in accordance with the FCA's guidance as set out in COLL 6.2.12G;

- (b) price *units* in the *ACS* in accordance with the provisions of *COLL* 6.3, where the pricing error was:
 - (i) greater than 0.5% of the price of a *unit*; or
 - (ii) less than 0.5% of the price of a *unit*, and the *depositary* did not consider the *authorised* contractual scheme manager's controls to be adequate;

unless the failure was an isolated incident. [deleted]

- 16.6.9 G SUP 16 Annex 12G provides guidance on the completion of the report from a trustee of an AUT on a manager's failures as set out in SUP 16.6.8R(1), and the report from a depositary of an ICVC or ACS on failures by the authorised corporate director or authorised contractual scheme manager as set out in SUP 16.6.8R(2) and SUP 16.6.8R(2A). This guidance includes suggested formats for the submission of the reports. [deleted]
- 16.6.10 G (1) A depositary should report a breach only once under SUP
 16.6.8R(1A)(a) and once under SUP 16.6.8R(1A)(c). When both
 reports are made in the same month, only a single entry in the form
 is required. Under SUP 16.6.8R(1A)(b) a depositary should report
 changes to the reported details of existing breaches.
 - (2) A separate line should be entered on the form for each *rule*breached. For example, a breach of the investment limits in *COLL*5.3.11R that results in incorrect *pricing* of the *scheme* contrary to
 COLL 6.3.3R should be recorded as two entries, with the same reference.
 - (3) Under SUP 16.6.8R(1A)(c) a depositary should report all breaches that have been closed during the previous month. A breach can be closed in a number of ways. For example:
 - (a) A breach that does not involve changes to systems and controls may be considered closed when, in the opinion of the *depositary*, the *authorised fund manager* has taken all necessary action to rectify the breach.
 - (b) A breach that requires changes to systems and controls that cannot be implemented promptly, may nevertheless be considered closed when, in the opinion of the *depositary*, the *authorised fund manager* has implemented an effective temporary control to resolve the issue, taking into account the interests of *unitholders*.
 - (4) A depositary should not consider a breach closed until any applicable compensation has been paid to the *scheme* and/or to *unitholders*.

- 16.6.11 R (1) A depositary must submit its breach report under SUP 16.6.8R(1A) using the form REP011 in SUP 16 Annex 12AR.
 - (2) A depositary must submit its oversight report under SUP 16.6.8R(1B) using the form REP012 in SUP 16 Annex 12AR.
 - (3) A *depositary* must submit the forms in *SUP* 16 Annex 12AR:
 - (a) online through the appropriate systems accessible from the *FCA*'s website; or
 - (b) if the appropriate systems are unavailable, via email to fundsupervision@fca.org.uk.

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16 Annex Reports from the depositaries of ICVCs, AUTs and ACSs [deleted] 12G

This annex consists of one or more forms, Forms are to be found through the following address:

Reports from trustees of AUTs and depositaries

Forms/sup_chapter16_annex12g_20130701.pdf

SUP 16 Annex 12G (Reports from depositaries of ICVCs, AUTs and ACSs) is deleted in its entirety. The deleted form text is not shown.

After the deleted SUP 16 Annex 12G (Reports from depositaries of ICVCs, AUTs and ACSs) insert SUP 16 Annex 12AR as follows. The text is new and is not underlined.

16 Annex Reports from depositaries of authorised funds 12AR

Annex 12AR

SUP 16: Reporting requirements

REPO11 Monthly Breach Report from Depositaries

Monthly Return of Breaches - Authorised Funds

Action Taken or Planned				
Breach Description				
AFM Breach Reference				
Depositary AFM Breach Breach Reference Reference				
Breach Closure Date				
nch Breach Breach t Identificati Closure o on Date Date				
Breach Start Date				
Maximum percentage error (if applicable)				
New or Existing Breach				
Breach Type				
Sub – Fund PRN (if applicable)				
Sub- Fund Name				
Scheme				
Scheme Name				
FRN				
Authorised Fund Manager				

Monthly Return of Authorised Fund Manager Status

Authorised Fund Manager	AR N	Total number of stand-alone schemes and sub-funds overseen by depositary for this authorised fund manager.	In respect of controls over the issue and cancellation of units, what is the current status status of the authorised fund manager and did the status change in the month? (Note)	In respect of controls over valuation and pricing, what is the current status of the authorised fund manager and did the status change in the month? (Note)
Note: (1) = From "controls adequate" to "c	controls ina	dequate" and vice versa. Where the author	Note: (1) = From "controls adequate" to "controls inadequate" and vice versa. Where the authorised fund manager's status changed, the report should state the date of that change.	sport should state the date of that change.

⁽²⁾ Firm reference number (FRN) and product reference number (PRN) are available from the FS Register. This information has been provided to the FCA in accordance with SUP 16.6.8R(1A).

REP012 Quarterly Oversight Report from Depositaries

Quarterly Return of Oversight Visits - Authorised Funds

	ı	1	ı
AFM's response and comments			
Recommendations			
Findings			
Area reviewed			
Date of Area visit reviewe			
FRN			
Authorised FRN Fund Manager			

This information has been provided to the FCA in accordance with SUP 16.6.8R(1B).

After SUP 16 Annex 12AR (Reports from depositaries of authorised funds) insert SUP 16 Annex 12BG as follows. The text is new and is not underlined.

16 Annex Guidance notes on reports from depositaries of authorised funds 12BG

Monthly Return of Breaches – Authorised Funds

	T				
Breach Type	The specific <i>rule</i> in <i>COLL</i> or <i>FUND</i> that has been breached.				
New Breaches	Breaches identified for the first time during the most recent reporting period.				
Existing Breaches	Mark as an existing breach if reporting a change in the reported details of an existing breach or if reporting the closure of an existing breach.				
Maximum Percentage	The percentage figure will depend on the breach type. For example, a breach of an investment limit should show the greatest percentage amount by which the value of the asset(s) exceeded the relevant limit during the period of the breach.				
Breach Start Date	The date when the breach first occurred.				
Breach Identification Date	The date when the breach was identified (this may be the same day as or later than the breach start date).				
Breach Closure Date	The date when a breach was closed following the implementation of any corrective actions and if applicable, payment of compensation to the <i>scheme</i> and/or <i>unitholders</i> .				
Breach Description	A brief statement describing the nature of the breach, and why and how it occurred.				
Action Taken or Planned	The corrective action implemented or planned to close a new or existing breach, and the final outcome when a breach has been closed. If resolution will require a long-term (>6 months) project, timelines should be included.				

Quarterly Return of Oversight Visits – Authorised Funds

	including examples.
Recommendations	Actions requested of the <i>authorised fund manager</i> by the <i>depositary</i> to remedy any findings. If resolution will require a long-term (>6 <i>months</i>) project, timelines should be included.
AFM's response and comments	Any statement from the <i>authorised fund manager</i> in response to the <i>depositary's</i> findings and recommendations.

Annex B

Amendments to the Collective Investment Schemes sourcebook (COLL)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

6 **Operating duties and responsibilities** 6.12 Risk management policy and risk measurement Risk management process 6.12.3 R (1) (2) An authorised fund manager (excluding the EEA UCITS management company of an UCITS scheme) or a UK UCITS management company of an EEA UCITS scheme must regularly notify the following details of the risk management process information to the FCA and at least on an annual basis: (a) ... An authorised fund manager or a UK UCITS management company of an 6.12.3A R EEA UCITS scheme subject to COLL 6.12.3R(2) must notify the FCA of the information specified in points (a) and (b) of that *rule*: (1) annually, within 30 business days of 31 October, with information that is accurate as of 31 October of that year; (2) using the form in COLL 6 Annex 2R; and (3) by submitting it: online through the appropriate systems accessible from the (a) FCA's website; or if the appropriate systems are unavailable, via email to (b) fundsupervision@fca.org.uk. 6.12.3B In addition, an authorised fund manager or a UK UCITS G (1) management company of an EEA UCITS scheme subject to COLL 6.12.3R(2) should submit a notification to the FCA if there has been a significant change to the *fund's* risk profile since its last report, by sending the form in COLL 6 Annex 2R, completed as

- applicable, to fundsupervision@fca.org.uk.
- (2) A significant change to the *fund's* risk profile could include, but is not limited to:
 - (a) the first use of *derivatives* for investment purposes, if *derivatives* have previously been used only for *efficient* portfolio management;
 - (b) <u>investment in non-standard derivatives</u>, if only standard <u>derivatives</u> have been used previously;
 - (c) a change in the type of risk measure used to calculate global exposure (commitment method, relative *VaR* or absolute *VaR*); and
 - (d) where a *VaR* measure is used, a change in the parameters of the calculation.
- (3) Reports of significant changes only need to contain new information for the period since the previous report.

...

After the deleted *COLL* 6 Annex 1 (Particulars of the standard agreement between an EEA UCITS management company and a depositary) insert the following new annexes. The text is not underlined.

6 Annex UK UCITS management company of UCITS schemes and EEA UCITS schemes: Derivative Use Report (FSA042: UCITS)

COLL 6 Annex 2R

				>		:	Internal maximum leverage limit used for risk management	00000		AA AB		
				-	3e (%)	Leverage limit **	Usually expected Internal leverage as maximum defined in leverage limit the used for risk management			Z		
				Ø	Leverage (%)		_			*		
				œ		Average	Mean of all Maximum calculations expected over the pasts level of	1		×		
				σ		Internal VaR Iimit	Maximum Mean of all Maximum according to calculations expected defined risk over the past level of the calculations are consistent of the calculations are calculations are calculations are calculations are calculated of the calculations are calculated as a calculation of the cal			>		
				۵		VaR calculation standards	1-tailed confidence	BAIDHI		n		
				0	•	VaR cal stan	Holding period (in business days) used for	calcalation		F		
				z	nre (%)	e VaR	Mean of all calculations over the past	2		s s		
				Σ	Risk measure (%)	Absolute VaR	Mean of all Mean of all Highest value calculations over the past over th			O		
				۔		e VaR				Ь		
				¥		Relative VaR	Highest value above hear of all benchmark calculations over the past ove	-		0	Derivative type	
				7	ı	Commitment approach	Mean of all calculations lover the past			z	ă	
				-		<u>ڄ</u>	Market risk o			L M		
	4			I		Global exposure calculated as (use or one)	N Francisco			¥		
nex 2R				ø			Derivatives used for investment purposes	(041/601)		r		
COLL 6 Annex 2R				ш			Gross short derivative	Validia (/6)		-		
Ū	ės ?	<u>.</u>		ш			П		sntly being used	Н Б		
	A UCITS schem	th tables below		۵			Assets under management (£		months or is aurra	F		
	od UCITS schemes or EEJ scheme(s)?	both Yes, please fill in bo		O			Fund Assets under dehrative Assets under dehrative Assets under (behrative Assets under (behrative Assets under (behrative		used during the preceding 12 n	D E		
	nore UK authorise derivatives in the	s 1A and 2A are.	uc.	ω			Fund authorisation PF		ative type has been u	В		
FSA042 - UCITS	Do you operate one or more UK authorised UCITS schemes or EEA UCITS schemes? If Yes to 1A, do you use derivatives in the scheme(s)?	If your answers to questions 1A and 2A are both Yes, please fill in both tables below:	4 Fund and risk information	⋖			State point		5 Derivative use information Piesse answer Yes fithe derivative type has been used during the preceding 12 months or is currently being used	A		

This information has been provided to the FCA in accordance with COLL 6.12.3AR

Please provide any comments you may have on the information you have provided in the box below.

6 Annex Guidance notes on UK UCITS management company of UCITS schemes and EEA UCITS schemes: Derivative Use Report (FSA042: UCITS)

Description	Guidance
Fund name	This is the name of the <i>scheme</i> or, where applicable, of the <i>sub-fund</i> as it appears on the FS Register or, for an <i>EEA UCITS scheme</i> , in the <i>prospectus</i> .
Fund authorisation	Whether the <i>scheme</i> is authorised and regulated in the <i>United Kingdom</i> or in another <i>EEA State</i> .
PRN or LEI	For a <i>UCITS scheme</i> , this is the product reference number of the <i>scheme</i> or, where applicable, of the <i>sub-fund</i> which appears on the FS Register.
	EEA UCITS schemes are not assigned a PRN. Instead, the legal entity identifier (LEI) of the scheme or, where applicable, of the sub-fund, should be indicated. Where the LEI is not available, please leave the cell blank.
Derivative	A forward, a future, an option, a swap, a warrant or another type of derivative instrument.
Derivatives used for investment purposes	This means that <i>derivatives</i> are not being used solely in pursuit of <i>efficient portfolio management</i> .
Global exposure	Global exposure is calculated as either the incremental exposure and leverage generated through the use of <i>derivatives</i> , or the <i>market risk</i> of the <i>scheme property</i> , as set out in <i>COLL</i> 5.3.7R. <i>Market risk</i> is calculated using one of the stated risk measures.
Risk measures	For each <i>scheme</i> or, where applicable, <i>sub-fund</i> , information should be provided for only one of the risk measures (commitment approach, relative <i>VaR</i> or absolute <i>VaR</i>) indicated in the table.
Average leverage	In line with the CESR Guidelines (CESR/10-788), this is the mean of all leverage calculations over the past twelve <i>months</i> , leverage being calculated as the sum of the notionals of the <i>derivatives</i> used.
Leverage limit	In line with Box 24 of the CESR guidelines (CESR/10-788), the usually expected or maximum expected level of leverage should be provided. Where these are not applicable, please provide the maximum leverage limit approved internally by the <i>authorised fund manager</i> (or leave blank if appropriate and provide an explanation in the comments box).