



## **FAQ – Clarifications regarding to a Luxembourg Alternative Investment Fund (“AIF”) supervised by the AED for AML/CFT purposes**

### **Question 1: What are the obligations applicable to the AIF that has received an invitation letter by the AED?**

The AIF that has received an invitation is obliged to transmit the requested “AIF RC RR identification form” and the “AIF AML/CFT Questionnaire 2021” to the AED.

The “AIF RC RR identification form” must be transmitted to the AED on the following situations:

- Initial appointment of the RC and/or RR of the AIF; and
- Change of the RC and/or RR.

Moreover the AIF has to transmit a signed legal documentation (minutes of board meeting or circular resolutions of the governing body of the AIF acting for and on behalf of the AIF) related to any appointment of the RC and/or RR of the AIF.

The deadline for the submission of the “AIF RC RR identification form” and “AIF AML/CFT Questionnaire 2021” is always mentioned in the received invitation letter.

### **Question 2: If the AIF has not received the invitation letter yet, is it subject to any obligations?**

The AIF that has not received the invitation yet is not in the obligation to transmit the required documents to the AED, but an invitation will be sent out to all the remaining AIFs in the near future. However, those AIFs that did not receive an invitation yet, should anticipate the transmission.



The AIF should **proactively** complete the documents to be able to transmit said documents when requested. These AIFs may also decide to proactively **complete and submit** the documents in advance to the AED, in order to **anticipate and manage** approaching deadlines.

**Question 3: If the Alternative Investment Fund Manager, General Partner or any other stakeholders related to the AIF are already supervised by any other Luxembourg supervisory authority, is the AIF still subject to the AED supervision?**

The Registration Duty, Estate and VAT Authority (“AED”), as the supervisory authority of the other financial institutions (autres établissements financiers) according to the articles 2-1 (8), 1 (3a) e) and 2 (1) 7 of the Law of 12 November 2004 on the fight against money laundering and financing of terrorism, as amended (“AML/CFT Law”), has under its AML/CFT supervision the **Luxembourg alternative investment funds (AIFs)**, being unregulated and not supervised financial vehicles by any other Luxembourg supervisory authority. In conclusion, independent on the fact that other stakeholders are already under the supervision of any other supervision authority, the AIFs have to comply with the **obligations issued by the AED**.