

# THE FINANCIAL SUPERVISORY AUTHORITY

## **Regulation no. 15/2018 on the Public Register of the Financial Supervisory Authority**

*In accordance with Article 1(2), Article 2(1) letters a) and d), Article 6(2) and Article 7(2) of Government Emergency Ordinance no. 93/2012 on the establishment, organization and functioning of the Financial Supervisory Authority, approved with amendments and completions by Law no. 113/2013, as subsequently amended and supplemented,*

*under Law no. 297/2004 regarding the capital market, as subsequently amended and supplemented, Law no. 31/2006 on the securitization of receivables, Government Emergency Ordinance no. 32/2012 on undertakings for collective investment in transferable securities and investment management companies, as well as for amending and completing the Law no. 297/2004 regarding the capital market, approved with amendments and completions by Law no. 10/2015, as subsequently amended and supplemented, Law no. 74/2015 regarding alternative investment fund managers, as subsequently amended and supplemented, Law no. 24/2017 on Issuers of Financial Instruments and Market Operations, Law no. 126/2018 on the markets for financial instruments,*

*according to the deliberations of the Board of the Financial Supervisory Authority of the meeting of December 3<sup>rd</sup>, 2018,*

*The Financial Supervisory Authority shall issue the following regulation:*

Article 1 - (1) This regulation establishes the establishment and functioning of the Public Register of the Financial Supervisory Authority, hereinafter referred to as the A.S.F. Register, according to the provisions of Law no. 297/2004 regarding the capital market, as subsequently amended and supplemented, Law no. 31/2006 on the securitization of receivables, Government Emergency Ordinance no. 32/2012 on undertakings for collective investment in transferable securities and investment management companies, as well as for amending and completing the

Law no. 297/2004 regarding the capital market, approved with amendments and completions by Law no. 10/2015, as subsequently amended and supplemented, Law no. 74/2015 regarding alternative investment fund managers, as subsequently amended and supplemented, Law no. 24/2017 on Issuers of Financial Instruments and Market Operations and Law no. 126/2018 on the financial instruments markets, hereinafter referred to as *Law no. 126/2018*.

(2) The terms and phrases used in this Regulation have the meaning provided in the legislation specific to the Financial Supervisory Authority - Financial Instruments and Investments Sector.

Article 2 - (1) Enrollment of entities in the A.S.F. Register is done chronologically.

(2) Enrollment in the A.S.F. Register is, where appropriate, based on:

- a) requesting the entity concerned;
- b) notifications sent by the competent authorities of Romania and Member States.

Article 3 - (1) The A.S.F. Register has a public character.

(2) The A.S.F. Register shall be kept in computerized system.

(3) The A.S.F. is made available to the public on the A.S.F. website.

Article 4 - (1) The A.S.F. Register is divided into numbered sections. The sections can be divided into subsections.

(2) In the A.S.F. Register there are entered the active entities corresponding to each section.

(3) The A.S.F. Register shall be updated whenever necessary.

Article 5 – The sections of the A.S.F. Register are:

**1. Section 1 - Entities providing investment services and activities in Romania:**

- a) Subsection 1 - S.S.I.F. (S.S.I.F.);
- b) Subsection 2 - Credit Institutions of Romania (INCR);
- c) Subsection 3 - Investment firms from other Member States operating directly in Romania (FISMD);
- d) Subsection 4 - Branches of Investment Firms from other Member States (SFIM);
- e) Subsection 5 - Branches of companies from third countries (SSTT);
- f) Subsection 6 - Credit institutions from other Member States (INCM);

- g) Subsection 7 - Branches of credit institutions from other Member States (SICM);
- h) Subsection 8 - Branches of credit institutions from third countries (SICT);
- i) Subsection 9 – Investment Consultants Natural Persons (CIPF);
- j) Subsection 10 - Investment Consultants Legal Persons (CIPJ);
- k) Subsection 11 - Natural persons providing investment services according to Article 7 of the Law no. 126/2018, other than private investment consultants (PFSI);
- l) Subsection 12 - Legal persons providing investment services according to Article 7 of the Law no. 126/2018, other than legal investment consultants (PJSI).

**2. Section 2 - Natural persons providing services and investment activities referred to in Point 5 of Section A of Annex no. 1 of the Law no. 126/2018 on behalf of a S.S.I.F. / Credit Institution (PFSC).**

**3. Section 3 - Delegated Agents:**

- a) Subsection 1 - Delegated Agents natural persons of S.S.I.F. (ADFA);
- b) Subsection 2 - Delegated Agents legal persons of S.S.I.F. (ADJA);
- c) Subsection 3 - Delegated Agents natural persons of credit institutions authorized by B.N.R. (ADFB);
- d) Subsection 4 - Delegated Agents legal persons of credit institutions authorized by B.N.R. (ADJB);
- e) Subsection 5 - Delegated Agents natural persons notified by the competent authorities of other Member States (ADFC);
- f) Subsection 6 - Delegated Agents legal persons notified by the competent authorities of other Member States (ADJC).

**4. Section 4 - Distribution agents natural persons of S.A.I. (ADIS)**

**5. Section 5 - Investment Management Companies:**

- a) Subsection 1 - Investment Management Companies in Romania (SAIR);
- b) Subsection 2 - Investment Management Companies from other Member States (SAIM);

- c) Subsection 3 - Branches of Investment Management Companies from other Member States (SSAM);
- (d) Subsection 4 - Branches of Investment Management Companies from third countries (SSAT).

**6. Section 6 – Open Investment Funds:**

- a) Subsection 1 - Open Investment Funds in Romania (FDIR);
- b) Subsection 2 - Open Investment Funds from other Member States whose units are distributed in Romania (FDIA);
- c) Subsection 3 - Open Investment Funds from Third Countries (FDIT).

**7. Section 7 - Investment companies:**

- a) Subsection 1 - Romanian Investment Companies (SINR);
- b) Subsection 2 - Investment companies from other Member States whose units are distributed in Romania (SISA);
- c) Subsection 3 - Investment companies from third countries (SIST).

**8. Section 8. - Alternative investment fund managers:**

- a) Subsection 1 - Alternative investment fund managers authorized by A.S.F. (AFIAA);
- b) Subsection 2 - Alternative investment fund managers registered with A.S.F. (AFIAI);
- c) Subsection 3 - Alternative investment fund managers from other Member States operating directly in Romania (AFIASMD);
- d) Subsection 4 - Branches of alternative investment fund managers from other Member States operating in Romania (AFIASMS);
- e) Subsection 5 - Alternative investment fund managers from third countries operating in Romania (AFIATTD).
- f) Subsection 6 - Branches of alternative investment fund managers from third countries operating in Romania (AFIATTS).

**9. Section 9 - Alternative investment funds:**

- a) Subsection 1 - Alternative investment funds in Romania (AOPC based on civil contract), registered with A.S.F. (FIAR);

- b) Subsection 2 - Alternative investment funds from other Member States whose units are distributed in Romania (FIAM);
- c) Subsection 3 - Alternative investment funds from a third country whose units are distributed in Romania (FIAT).

**10. Section 10 - Alternative / Closed Investment Companies:**

- a) Subsection 1 - Alternative investment companies in Romania (AOPC constituted by a constitutive act), registered with A.S.F. (SIIRS);
- b) Subsection 2 - Alternative investment companies from other Member States whose units are distributed in Romania (SIAM);
- c) Subsection 3 - Alternative Investment Companies from Third Countries (SIAT).

**11. Section 11 - Depositors:**

- a) Subsection 1 - Depositors in Romania (DEPR);
- b) Subsection 2 - Branches of credit institutions from other Member States endorsed by A.S.F. as depositors (SICD).

**12. Section 12 - Market Operators (OPPR):**

- a) Subsection 1 - Authorized Market Operators in Romania (OPRO);
- b) Subsection 2 - Market Operators from other Member States (OPSM);

**13. Section 13 - Trading Places (LOTR):**

- a) Subsection 1 - Regulated Markets (PREG);
- b) Subsection 2 - Multilateral Trading Systems (SMT);
- c) Subsection 3 - Organized Trading Systems (SOT).

**14. Section 14 - Compliance Officers / Staff acting as compliance function (RCCO).**

**15. Section 15 - Risk Management Function (FARA).**

**16. Section 16 - Evaluators:**

- a) Subsection 1 – Natural persons Evaluators (Enterprise Evaluation Specialization) (EVPF);
- b) Subsection 2 - Legal persons Evaluators (Enterprise Evaluation Specialization) (EVPJ);
- c) Subsection 3 - Natural persons Evaluators (Real Estate Specialization) (EIPF);
- d) Subsection 4 - Legal persons Evaluators (Real Estate Specialization) (EIPJ).

**17. Section 17 - Entities carrying out post-trade operations:**

- a) Subsection 1 - Central Counterparties (CCPC);
- b) Subsection 2 - Central Depositories (DPCN).

**18. Section 18 - Independent Operators:**

- a) Subsection 1 - Independent Operators in Romania (OINR);
- b) Subsection 2 - Independent Operators from other Member States (OISM).

**19. Section 19 - Investment vehicles:**

- a) Subsection 1 - Securitization Societies (VISS);
- b) Subsection 2 - Securitization Funds (VIFS).

**20. Section 20 - Investment vehicle management companies (SAVI).**

**21. Section 21 - IT Auditors:**

- a) Subsection 1 - IT auditors, natural persons in Romania (AITFR);
- b) Subsection 2 - IT auditors, natural persons from other states (AITFS);
- c) Subsection 3 - IT Auditors, Legal persons in Romania (AITJR);
- d) Subsection 4 - IT Auditors, Legal persons from Other States (AITJS).

**22. Section 22 - Distributors of OPC shareholdings (DIST).**

**23. Section 23 - Providers of data reporting services authorized by A.S.F.:**

- a) Subsection 1 - Approved Publication Mechanism (APA);
- b) Subsection 2 - Provider of Centralized Reporting Systems (CTP);

c) Subsection 3 - Approved Reporting Mechanism (ARM).

Article 6. - (1) If one of the entities registered in the Public Register withdraws the authorization / certificate / attestation, the individual act issued in this respect shall also mention the deletion of its enrollment number, which will be no longer assigned to another entity.

(2) Data about the radiated entities from the A.S.F. Register can be viewed by consulting the "Entities radiated from the A.S.F. Registry" heading

(3) If an entity is deleted from the A.S.F. Register and then re-enrolled, it receives a registration number different from the original one.

Article 7 - (1) The A.S.F. Register published on the A.S.F. website includes the following headings:

1. For legal entities, as appropriate:

a) the number and date of entry in the A.S.F Register;

b) the name of the entity;

c) the legal form of the entity;

d) codes (the tax identification number and registration number in the Trade Register or their equivalent for foreign persons);

e) the registered office;

f) telephone / fax, e-mail, website address;

g) the number and date of the individual authorization act, as the case may be;

h) the management company in the case of open investment funds, respectively alternative investment funds / securitization funds;

i) observations;

2. For natural persons, as appropriate:

a) the number and date of entry in the A.S.F. Register;

b) the name and surname of the person;

c) the number and date of the individual authorization act, as the case may be;

d) the address of the head office;

e) telephone / fax, e-mail, the address of the company's website where it operates;

f) the entity in whose name it operates;

g) observations.

(2) The "Observations" heading is active if the entity concerned has information on the sanctions applied to it by the A.S.F. and made known to the public, reorganization, liquidation, bankruptcy of the entity, merger, change of name, and other similar situations.

Article 8 - (1) The enrollment number<sup>1</sup> of the entities in the A.S.F. Register has the following alphanumeric structure:

a) type of person:

PJR - Romanian legal person;

PJM - legal person from another Member State;

PJT - legal person from a third country;

PFR - Romanian natural person;

PFM - foreign natural person from another Member State;

PFT - foreign natural person from a third country;

CSC - civil society contract;

b) the section number;

c) the section name or, if the section is divided into subsections, the name of the subsection. If a section is not initially divided into subsections and is divided into subsections afterwards, the subsection entities will be given the name of the subsection and the name of the subsection will be retained for those already entered;

d) for persons in Romania and branches of foreign legal entities, the character " / " followed by the statistical code of the county in which:

- the legal person has its registered office; or

- the branch is registered; or

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<sup>1</sup> Example:

Type - No. section - section / subsection name - country / county statistical code - serial no. from the A.S.F. Register

In the case of a Romanian natural person authorized as a delegated agent natural person of an S.S.I.F., the number of the entry in the register shall be:

PFR1) 032) ADFA3) / 434) 00275), where:

1) PFR - Romanian natural person;

2) 03 - section number;

3) ADFA - subsection name;

4) / 43 - statistical code of the county;

5) 0027 - the serial number.



- the natural person is domiciled; or
  - the investment fund's civil society contract has been registered;
- e) for foreign persons, except for branches, the code of the state in which:
- the legal person has its registered office; or
  - the natural person is domiciled; or
  - the investment fund's civil society contract has been registered;
- f) the serial number in the A.S.F. Register

(2) Within each section the serial number specified in paragraph (1) letter f) shall be allocated from 1.

(3) If the section is divided into subsections, the serial number shall be allocated within each subsection starting with 1.

(4) The serial number of the A.S.F. Register, mentioned in para. (1) letter f) is made up of 4 numeric characters.

Article 9 - (1) Entities authorized / approved by C.N.V.M./A.S.F. before the entry into force of this Regulation retains the serial number in the A.S.F. Register, allocated on the date of enrollment.

(2) Entities registered in the A.S.F. Register prior to the entry into force of this Regulation and belonging to the category of entities no longer covered by its provisions, shall be removed from the register.

Article 10 - Number and date of entry in the A.S.F. Register shall be specified by the entity registered in the A.S.F. Register in all official and correspondence documents, together with the identification data.

Article 11 - (1) This Regulation shall be published in the Official Gazette of Romania, Part I, in the A.S.F. newscast and on the A.S.F. website and it shall enter into force on the date of its publication in the Official Gazette of Romania, Part I.

(2) On the date of entry into force of this Regulation, the Order of the National Securities Commission no. 26/2009 for the approval of Regulation no. 4/2009 on the Public Register of the National Securities Commission, published in the Official Gazette of Romania, Part I, no. 343 of

May 22<sup>nd</sup>, 2009, as subsequently amended and supplemented, as well as any contrary provision provided in A.S.F. regulations shall be abrogated.

The Chairman of the Financial Supervisory Authority,  
Leonardo Badea

Bucharest, December 4<sup>th</sup>, 2018

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