



ΕΠΙΤΡΟΠΗ
ΚΕΦΑΛΑΙΑΓΟΡΑΣ
ΚΥΠΡΟΥ

CYPRUS SECURITIES AND EXCHANGE COMMISSION

REPUBLIC OF CYPRUS:
BASIC FINANCIAL SERVICES LEGAL FRAMEWORK

PREPARED BY



CYPRUS
INTERNATIONAL
INSTITUTE OF
MANAGEMENT

AIM OF THE EXAMINATION

The object of the examination is to ensure candidates can apply a level of knowledge and understanding appropriate for individuals engaged in the reception, transmission and execution of client orders and in the marketing of Collective Investment Schemes.

ASSESSMENT STRUCTURE

A 1 hour examination consisting of 50 multiple choice questions.

Candidates sitting the exam by Computer Based Testing may have, in addition, up to 10% of additional questions as trial questions that will not be separately identified and do not contribute to the result. Candidates will be given proportionately more time to complete the test.

SYLLABUS STRUCTURE

The syllabus is divided into **elements** and the elements are made up of **learning objectives**.

Each learning objective begins with one of the following prefixes: **Know or Understand**. These words indicate the different levels of skill to be tested.

Learning objectives prefixed:

'Know' - require candidates to recall information such as facts, rules and principles.

'Understand' - require candidates to demonstrate comprehension of an issue, fact, rule or principle.

Where a learning objective refers to **main** or **basic**, this signifies that the candidate needs to be aware of the topic's key principles rather than possessing an in-depth grasp of the topic.

EXAMINATION SPECIFICATION

Each examination paper is constructed from a specification that determines the weightings that will be given to each element. The specification is given below.

It is important to note that the numbers quoted may vary slightly from examination to examination as there is some flexibility to ensure that each examination has a consistent level of difficulty. However, the number of questions tested in each element should not change by more than plus or minus 2.

		Questions
ELEMENT 1	INVESTMENT SERVICES AND ACTIVITIES AND REGULATED MARKETS LAWS	4
ELEMENT 2	CYPRLOT INVESTMENT FIRMS	15
ELEMENT 3	INSIDER DEALING AND MARKET MANIPULATION (MARKET ABUSE) LAW (2005)	8
ELEMENT 4	OPEN-ENDED UNDERTAKINGS FOR COLLECTIVE INVESTMENT LAW (2012)	5
ELEMENT 5	THE ALTERNATIVE INVESTMENT FUND MANAGERS LAW (2013)	6
ELEMENT 6	THE PREVENTION AND SUPPRESSION OF MONEY LAUNDERING AND TERRORIST FINANCING LAWS OF 2007 AND 2010	2
ELEMENT 7	CIFS AND BANKS	10
TOTAL		50

SUMMARY SYLLABUS

ELEMENT 1 INVESTMENT SERVICES AND ACTIVITIES AND REGULATED MARKETS LAWS

- 1.1 Scope and application
- 1.2 The Cyprus Securities and Exchange Commission
- 1.3 Offences

ELEMENT 2 CYPRIOT INVESTMENT FIRMS (CIF)

- 2.1 Authorisation
- 2.2 Conduct of business obligations
- 2.3 Best execution
- 2.4 General CIF obligations
- 2.5 Market transparency and integrity
- 2.6 Capital adequacy requirements
- 2.7 Regulated markets

ELEMENT 3 INSIDER DEALING AND MARKET MANIPULATION (MARKET ABUSE) LAW (2005)

- 3.1 Inside information
- 3.2 Provisions relating to issuers of financial instruments
- 3.3 Market manipulation
- 3.4 Provisions in relation to persons who professionally arrange transactions

ELEMENT 4 OPEN-ENDED UNDERTAKINGS FOR COLLECTIVE INVESTMENT LAW (2012)

- 4.1 Undertakings for collective investment in transferable securities (UCITS)
- 4.2 Obligations of UCITS
- 4.3 UCITS structures
- 4.4 Management companies

ELEMENT 5 THE ALTERNATIVE INVESTMENT FUND MANAGERS LAW (2013)

- 5.1 General requirements
- 5.2 Organisational requirements

ELEMENT 6 THE PREVENTION AND SUPPRESSION OF MONEY LAUNDERING AND TERRORIST FINANCING LAWS OF 2007 AND 2010

- 6.1 Special provisions in respect of financial and other business activities

ELEMENT 7 CIFS AND BANKS

- 7.1 Organisational requirements
- 7.2 Specific requirements
- 7.3 Conflicts of interest
- 7.4 Conduct of business requirements
- 7.5 Investor Compensation Funds
- 7.6 European Union

ELEMENT 1 INVESTMENT SERVICES AND ACTIVITIES AND REGULATED MARKETS LAWS

On completion, the candidate should:

1.1 Scope and application

1.1.1 *Know the scope and application of Law 144(I) 2007*

- Regulated markets and activities
- Cypriot Investment Firms (CIF)
- Banks
- Co-operative credit institutions
- Persons providing investment services

1.1.2 *Know the regulatory structure in the Republic*

- Cyprus Securities and Exchange Commission (the Commission)
- Central Bank of Cyprus (the Central Bank)
- Authority for the Supervision and Development of Co-operative Societies (ASDCS)
- Obligation of co-operation with other member states and the Commission's right to refuse

1.2 The Cyprus Securities and Exchange Commission

1.2.1 *Know the responsibilities of the Cyprus Securities and Exchange Commission (the Commission)*

1.2.2 *Know how the Commission co-operates with other authorities*

- Eligible authorities
- Conducting investigations on behalf of other authorities
- Exchanging information
- Circumstances where inside information may be shared

1.2.3 *Know the extent of the Commission's power to collect information and carry out inspections and investigations*

1.2.4 *Know the extent of the Commission's power to impose sanctions for non-compliance with a request from the Commission to:*

- Submit information
- Co-operate in an onsite inspection/investigation

1.3 Offences

1.3.1 *Know which violation constitutes both a criminal and an administrative offence*

ELEMENT 2 CYPRIOT INVESTMENT FIRMS (CIF)

2.1 Authorisation

2.1.1 *Know the conditions and procedures for granting CIF authorisation*

- General provisions
- Capital requirements
- Directors, shareholders and close links
- Organisational requirements

- Overseas branches
- Establishment of a branch in the Republic by a member state investment firm (IF)
- Establishment of a branch in the Republic by a third country IF
- Freedom for CIFs to provide investment and ancillary services abroad

2.1.2 *Know* the continuous CIF obligations

- Regular internal review
- Conflicts of interest

2.1.3 *Know* the circumstances under which CIF authorisation may be suspended or terminated

- Lapsed usage
- Renouncement
- Commission withdrawal
- Suspension

2.1.4 *Know* the rules relating to the amendment of CIF details

- Reduction of share capital
- Change of Directors
- Major shareowners and change of ownership

2.2 Conduct of business obligations

2.2.1 *Understand* how CIF should address the information requirements of potential and existing clients

- Information about the CIF, its services, proposed strategies, execution venues and cost
- Information about the client
- Professional client

2.2.2 *Know* the correct procedure for dealing with clients who have not communicated sufficient levels of knowledge and experience to the CIF

2.2.3 *Understand* how the provisions relating to client information are applied by CIF solely receiving and transmitting client orders

2.2.4 *Know* which party is responsible for the information requirements of clients when instructions are received via an authorised third party

2.3 Best execution

2.3.1 *Know* the obligations regarding best execution

2.3.2 *Understand* how client order handling rules are applied

2.4 General CIF obligations

2.4.1 *Understand* the obligations relating to the appointment and use of Tied Agents

- Public register
- Responsibility and monitoring

2.4.2 *Know* the rules relating to Eligible Counterparties

- Relevance of conduct of business obligations
- Scope
- Express confirmation

2.4.3 *Know* the purpose and scope of CIF employee certification

2.5 Market transparency and integrity

2.5.1 *Know* the CIF record keeping requirements

2.5.2 *Know* the CIF transaction reporting requirements

2.5.3 *Understand* compliance monitoring requirements relating to the operation of a Multilateral Trading Facility (MTF)

2.5.4 *Understand* obligations related to Systematic Internalisers

- Liquid and Illiquid markets
- Pre-trade transparency requirements
- Quotation size
- Price obligations to retail and professional clients
- Withdrawing and restricting quotes

2.5.5 *Know* post trade reporting requirements for MTFs

2.6 Capital adequacy requirements

2.6.1 *Know* the basic application of the capital adequacy requirements

- CIF own funds
- CIF exposures

2.7 Regulated markets

2.7.1 *Know* how the obligations apply to regulated markets

- Application and authorisation process
- Capital requirements
- Senior management requirements
- Organisational requirements
- Suspension and withdrawal of regulated market authorisation

2.7.2 *Understand* rules relating to the admission of financial instruments to trading

2.7.3 *Understand* the obligation of a regulated market to maintain transparent and non-discriminatory rules

2.7.4 *Know* how regulated markets monitor compliance

2.7.5 *Know* how transparency requirements apply to regulated markets

- Pre-trade
- Post-trade

ELEMENT 3 INSIDER DEALING AND MARKET MANIPULATION (MARKET ABUSE) LAW (2005)

3.1 Inside information

- 3.1.1 *Understand* the definition of inside information
- 3.1.2 *Know* which persons are in possession of inside information
- 3.1.3 *Know* when information may be considered to be “public”
- 3.1.4 *Understand* the prohibitions for those in possession of inside information

3.2 Provisions relating to issuers of financial instruments

- 3.2.1 *Know* how issuers of financial instruments should manage inside information
- 3.2.2 *Understand* the circumstances in which publication of inside information might be justifiably delayed
- 3.2.3 *Know* the importance of keeping an updated insiders list
- 3.2.4 *Know* the reasons and circumstances when a manager must report his/her transactions

3.3 Market manipulation

- 3.3.1 *Know* which acts are considered to constitute market manipulation
- 3.3.2 *Understand* how market operators help to detect and prevent market manipulation
- 3.3.3 *Know* accepted market practices

3.4 Provisions in relation to persons who professionally arrange transactions

- 3.4.1 *Know* how a suspicious transaction should be reported
 - Obligations
 - Content and manner of report
 - Liability and professional secrecy

ELEMENT 4 OPEN-ENDED UNDERTAKINGS FOR COLLECTIVE INVESTMENT LAW (2012)

4.1 Undertakings for collective investment in transferable securities (UCITS)

- 4.1.1 *Know* the definition and types of UCITS
- 4.1.2 *Know* provisions commonly applicable to the operation of UCITS
- 4.1.3 *Know* provisions applicable to specific types of UCITS
 - Common funds
 - Variable capital investment companies

4.2 Obligations of UCITS

4.2.1 *Know* the obligations of UCITS concerning investor information

- Prospectus, periodical reports and summarised statements
- Key investor information
- UCITS communications
- Redemption and purchase of units

4.2.2 *Know* the special provisions applicable to UCITS that market their units abroad

- UCITS established in the Republic marketing units to other member states
- UCITS from other member states marketing units in the Republic

4.3 UCITS structures

4.3.1 *Know* the main obligations that apply to Master-Feeder UCITS structures

- Investment policy
- General operating obligations
- Specific obligations of the feeder UCITS
- Specific obligations of the master UCITS

4.4 Management companies

4.4.1 *Know* the obligations that apply to the operation of management companies

- Permitted activities
- Share capital
- Conditions for granting an operation licence
- Conditions for the exercise of activities
- Financial submissions
- Delegation arrangements
- Changes to the management company including revocation of operating licence
- Code of conduct
- Complaints handling

4.4.2 *Know* the obligations that apply to the cross border provision of services by a management company

ELEMENT 5 THE ALTERNATIVE INVESTMENT FUND MANAGERS LAW (2013)

5.1 General requirements

5.1.1 *Know* the conditions and process of authorisation for Alternative Investment Fund Managers (AIFM)

5.1.2 *Know* the “General principles” for AIFM

5.1.3 *Know* the AIFM requirements regarding remuneration

5.1.4 *Know* the AIFM requirements regarding conflicts of interest

- 5.1.5 *Know* the AIFM requirements regarding risk management
- 5.1.6 *Know* the AIFM requirements regarding liquidity management
- 5.1.7 *Understand* the transparency requirements for AIFM

5.2 Organisational requirements

- 5.2.1 *Know* the procedures, arrangements and mechanisms that AIFM must implement
- 5.2.2 *Understand* the rules regarding the marketing of AIFs to retail investors in the Republic

ELEMENT 6 THE PREVENTION AND SUPPRESSION OF MONEY LAUNDERING AND TERRORIST FINANCING LAWS OF 2007 AND 2010

6.1 Special provisions in respect of financial and other business activities

- 6.1.1 *Understand* the provision for financial services companies to apply adequate and appropriate systems and procedures
 - Customer identification and due diligence
 - Record keeping
 - Reporting procedures
 - Internal control and risk management
 - Transaction analysis
 - Employee training
 - Penalties for non-compliance
- 6.1.2 *Know* when simple or enhanced customer due diligence measures may be applied
- 6.1.3 *Know* examples of:
 - Suspicious transactions
 - Activities related to money laundering and terrorist financing

ELEMENT 7 CIFS AND BANKS

7.1 Organisational requirements

- 7.1.1 *Know* the general organisational requirements for CIFS and Banks
 - Clear operating structure
 - Control mechanisms
 - Personnel
 - Internal reporting
 - Record keeping
 - Apportionment of responsibilities
 - Information safeguards
 - Business continuity
 - Accounting policies and procedures
 - Complaints handling
 - Internal operation manual

7.2 Specific requirements

- 7.2.1 *Understand* the requirements relating to personal transactions
- 7.2.2 *Understand* the requirements regarding outsourcing
- 7.2.3 *Know* the requirements regarding the safeguarding of client assets

7.3 Conflicts of interest

- 7.3.1 *Know* examples where a conflict of interest may occur
- 7.3.2 *Know* the requirements relating to conflicts of interest

7.4 Conduct of business requirements

- 7.4.1 *Understand* the requirements regarding inducements
- 7.4.2 *Know* the requirements regarding the provision of fair and clear information
- 7.4.3 *Know* the following requirements regarding the provision of information:
 - Client categorisation
 - Current and prospective clients
 - Services provided
 - Financial instruments
 - Safeguarding retail client assets
 - Costs and associated charges
 - UCITS law

7.4.4 *Understand* how CIFs and Banks should assess the suitability and appropriateness of a course of action

7.4.5 *Understand* best execution criteria

7.4.6 *Know* the general principles relating to the execution of client orders

7.4.7 *Know* the reporting obligations in respect of executed orders

7.5 Investor Compensation Funds

7.5.1 *Know* the object, scope and application of the Investor Compensation Funds

7.5.2 *Know* what information is provided to investors by members of the Investor Compensation Funds

7.6 European Union

7.6.1 Understand the main provisions of regulation (EU) No 648/2012 of the European Parliament and of the Council.