**Report on infringement Form**

Should you wish to report a potential or actual infringement of national provisions transposing the UCITS Directive[[1]](#footnote-1), please fill in this form. Information on potential and actual infringements communicated to ESMA will be used only to help ESMA understand the issues at hand and for the performance of ESMA’s tasks in accordance with ESMA’s founding Regulation[[2]](#footnote-2).

We can best consider your report if we receive detailed and complete information.

The completed form should be sent to UCITSinfringments@esma.europa.eu. In the email subject line, you should include “Report about infringement of the UCITS Directive”.

If you cannot send this complaint form by email, please send it in paper format to the following address and mark “Confidential” on the envelope:

European Securities and Markets Authority

Investors and Issuers Department, Investment Management Team Leader

CS 60747

103, Rue de Grenelle

75345 Paris Cedex 07 – France

Upon the receipt of your report, we will send you an acknowledgement of receipt with a number assigned to your report. Please keep this reference number for further contacts with ESMA. ESMA may contact you if additional information is needed.

Please note that all information that is acquired by ESMA in this report will in principle be considered confidential, except where such disclosure is required by national law in the context of further investigations or subsequent judicial proceedings. ESMA is also entitled to exchange information with certain other public authorities.

The information provided by you might be added to ESMA’s file and at a later date access to this file may be given to those parties entitled to such access, subject to the legitimate interest of other persons in the protection of their business secrets. The right of access to the file does not extend to confidential information affecting third parties.

For this purpose, if you consider any information in your report to be confidential or to constitute business secrets, please mark it clearly in your report form.

The more detailed the information you provide in this form, the better ESMA may be in a position to consider it and process your report effectively. However, ESMA acknowledges that you may not wish to disclose you identity and/or the identity of the firm on behalf of which you are submitting this form, if any. In this respect, please note that **sections 1), 2), 3), and 7)** below are **optional** and you are not obliged to fill in the information required therein. Section 4) is mandatory only if you have filled in either of sections 1) or 2).

Any personal data processed in this report form will be handled in compliance with the rules on data protection in Regulation (EC) No 45/2001. The processing of the personal data is performed on the basis of Article 5 (a) of Regulation (EC) No 45/2001, and ESMA is the data controller. For any information on the processing of your personal data please contact the Data Protection Officer (dpo@esma.europa.eu).

1. **Your Name, title and contact details: [[3]](#footnote-3)**

Name and title:

E-mail:

1. **Name and address of the organisation (e.g. firm) on behalf of which you submit this report, if any:**

Name:

Address:

1. **Main area in which you/your organisation works:**

[ ]  Asset management;

[ ]  Audit/Legal/Consultant;

[ ]  Banking;

[ ]  Insurance/Pension;

[ ]  Market infrastructure;

[ ]  Non-financial corporate;

[ ]  Public Authority;

[ ]  Retail investors’ representation;

[ ]  Institutional investors’ representation;

[ ]  Other: (*please specify*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Please indicate if you wish to keep confidential your identity and/or the identity of the organisation on behalf of which you are submitting the report[[4]](#footnote-4)**

[ ]  Do not disclose my identity to the relevant competent authority

[ ]  Do not disclose the identity of the organisation on behalf of which I am submitting the report to the relevant competent authority

1. **Type of entity alleged to have infringed the national provisions transposing the UCITS Directive:**

[ ]  Management company;

[ ]  Investment company;

[ ]  UCITS;

[ ]  Depositary;

[ ]  Auditor;

[ ]  Competent Authority;

[ ]  Other: (*please specify*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Name of the entity alleged to have infringed the national provisions transposing the UCITS Directive**
2. **Relationship with the entity alleged to have infringed the national provisions transposing the UCITS Directive, if any:**

[ ]  Investor of the UCITS/investment company;

[ ]  Shareholder of the management company, depositary or auditor;

[ ]  Employee;

[ ]  Other: (*please specify*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Subject matter:**
2. **The content of your report**:
3. **You can attach documents to your report, such as contracts, letters or other material to help us better understand your report.[[5]](#footnote-5) Please list the documents attached and mark the ones that you wish to keep confidential.**

|  |  |  |
| --- | --- | --- |
| **Document No.** | **Document title** | **Mark if to be treated as confidential** |
| **1** |  | [ ]  |
| **2** |  | [ ]  |
| **4** |  | [ ]  |
| **5** |  | [ ]  |

*(please add more lines to the table if needed)*

1. **Reporter acknowledgment**

[ ]  By ticking this box, I submit my report for ESMA’s consideration and I confirm that all the information that I have provided is true and accurate to the best of my knowledge.

1. Directive 2009/65/EC. [↑](#footnote-ref-1)
2. Regulation (EU) No 1095/2010. [↑](#footnote-ref-2)
3. Please note that your name and contact details will only be used by ESMA staff to communicate with you regarding your complaint. [↑](#footnote-ref-3)
4. If you do not require a confidential treatment, the identity of the organisation might be disclosed by ESMA to (i) the relevant competent authority of the entity alleged to have infringed the national provisions transposing the UCITS Directive and/or (ii) the relevant competent authority alleged to have infringed the national provisions transposing the UCITS Directive. [↑](#footnote-ref-4)
5. You should specify if you wish to keep the files attached confidential. If you do not require a confidential treatment, this information might be disclosed by ESMA to (i) the relevant competent authority of the entity alleged to have infringed the national provisions transposing the UCITS Directive and/or (ii) the relevant competent authority alleged to have infringed the national provisions transposing the UCITS Directive. [↑](#footnote-ref-5)