**Application Form for Recognition of Non-AIFC Members**

This form must be submitted by a person wishing to apply to the AFSA for an order declaring a Person[[1]](#footnote-2) to be a Recognised Non-AIFC Member, who operates in a jurisdiction other than the AIFC.

Before making an order, the AFSA will need to be satisfied that the applicant meets the requirements for recognition in section 91 of the AIFC Financial Services Framework Regulations.

In some cases, the AFSA may require additional information in order to complete the processing of this application. If this is necessary, the AFSA will contact the person identified as the company’s relevant contact to obtain such additional information.

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| **Notes for completing this form** |

The term “applicant” refers to the entity for which Recognised Non-AIFC Member status is being sought.

Prior to completion of this form applicant should read the relevant sections of the AIFC Financial Services Framework Regulations and AIFC Recognition Rules (REC) applying to Recognised Non-AIFC Member.

We[[2]](#footnote-3) occasionally refer to various Rules, sections, or chapters which make up the AIFC Regulations and Rules. However, these references are provided only as a guide and are not an exhaustive list of the Rules that may be applicable to your situation. It is your responsibility to research any Rules that might be pertinent to your application.

Do not leave any response-cells empty. If it is more appropriate to answer certain questions in an attachment, then indicate in the cell that this is the case. If you are confident that you have answered a particular question in another form or attachment, then make an unequivocal reference to that response.

Annex 1 of the application, the “Strategic Fit Questionnaire,” must be completed by all applicants. However, Annex 2 is only required for applicants that are incorporated and authorised in jurisdictions in relation to which an equivalency assessment has not yet been conducted pursuant to section 91(3) of the AIFC Financial Services Framework Regulations. A list of jurisdictions deemed equivalent for the purpose of applying for Recognised Non-AIFC Member status is available on the AFSA website. Alternatively, applicants may submit and the AFSA is entitled to additionally request a legal opinion on the equivalency assessment between jurisdictions, provided by a law firm that is either an Ancillary Service Provider authorised to Provide Legal Services or recognised by Chambers Global, Legal 500, IFLR 1000. These annexes are deemed an integral part of this application.

As a matter of good practice, and to avoid any confusion, words and terms that are defined in the AIFC Glossary should have their first letter in upper-case.

Ensure that that you are using the latest version of this application form. The AFSA will only accept out-of-date forms if they are submitted within one month of the latest version available on our website.

You are advised to retain a copy of the form and all relevant attachments for the records.

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| 1. **Declaration by the applicant** |

* 1. I declare that, to the best of my knowledge and belief, having made due inquiry, the information given in this form, the annexes and documents attached, as well as any applicable supporting documents, is complete and correct. I understand that it may be a breach of Section 119(e) of the AIFC Financial Services Framework Regulations to provide to the AFSA any information which is deceptive, misleading or dishonest.
  2. I declare my understanding that the AFSA may request more detailed information (including but not limited to, personal, educational, employment, financial information, unequivocal references to the applicable legislation, confirmation of jurisdiction’s compliance with the recommendations of relevant standard-setting organisations (e.g. FATF) should it be deemed necessary to adequately assess the fitness and propriety of the applicant or any person connected to the applicant. I consent to the AFSA contacting the Financial Services Regulator(s) overseeing the applicant, any previous employers, educational institutions, professional organisations or any other organisation, to verify any information contained in this form.
  3. I confirm that I have the authority to make this application, to declare as specified above and sign this form for, or on behalf of, the applicant. I also confirm that I have authority to give the consent specified above.
  4. I confirm that the applicant has thoroughly reviewed the AIFC Regulations and Rules, as well as the requirements applicable to entities seeking authorisation in the AIFC to trade on and/or use the facilities of an Authorised Investment Exchange, and/or an Authorised Clearing House, and/or a Multilateral Trading Facility, and/or an Organised Trading Facility, and/or a Digital Asset Trading Facility. Additionally, I confirm that the information provided in Annex 2, along with the references to the applicable laws or regulations governing the applicant under the supervision of the Financial Services Regulator(s) in a jurisdiction outside the AIFC, is sufficient to assess the equivalency of the jurisdiction for the purposes of section 91(3) of the AIFC Financial Services Framework Regulations.
  5. I understand that any personal data provided to the AFSA will be used to discharge its regulatory functions under the AIFC Data Protection Regulations, and other relevant legislation and may be disclosed to third parties for those purposes.
  6. I confirm that all documents submitted as part of this application, whether physical or electronic, become property of the AFSA.

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Signature of Director/Partner of the applicant Date

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| Enter the name and position or title of the above signed Director/Partner of the applicant: |
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| 1. **Contact details of the applicant** |

* 1. Provide the following contact details for the individual from the applicant who is the principal for this application:[[3]](#footnote-4)

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| Name: |  |
| Designation: |  |
| Contact number: |  |
| E-mail address: |  |

* 1. Provide the following contact details for the individual from the applicant who is a backup person for this application:

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| Name: |  |
| Designation: |  |
| Contact number: |  |
| E-mail address: |  |

* 1. Provide the name, scope of services and contact details of any professional adviser(s) that may be assisting the applicant[[4]](#footnote-5) with this application.

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| Name: |  |
| Designation: |  |
| Precise scope of the service(s) being provided: |  |
| Contact number: |  |
| E-mail address: |  |

* 1. Would you like us to copy in your adviser identified above on any correspondence?

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| 1. **Information about the applicant** |

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|  | Name of the applicant (if the applicant changed its name, please indicate all previous names) |  |
|  | Please give details of any trading name(s) (if different from the name above) which the applicant proposes to use for the purpose of, or in connection with, any business carried on by it on the Authorised Market Institution/Multilateral Trading Facility/Organised Trading Facility/Digital Asset Trading Facility for which Recognised Member status is being sought |  |
|  | Legal nature of the applicant (e.g. company, partnership, etc.) |  |
|  | Applicant's registered or head office in its home jurisdiction |  |
|  | Applicant's place of business outside the AIFC from which its proposed activities on Authorised Market Institution/Multilateral Trading Facility/Organised Trading Facility/Digital Asset Trading Facility will take place, if different from the address above |  |
|  | Main telephone number of address in 3.5 (including country and area codes) |  |
|  | Applicant’s website (if any) |  |
|  | Please indicate what types of Investments will be the subject of this application. Provide as many details as possible. The definition of Investments can be found in AIFC Glossary. |  |
|  | Please list any exchanges and clearing houses on which the applicant is currently carrying on one or more financial services. |  |
|  | Please list the financial instruments the applicant currently trades in the facilities specified in section 3.9. |  |
|  | Please provide information on size of the applicant (if necessary, these data can be compiled into an attachment): | |
| * volume of transactions made on the exchanges where the applicant is currently carrying on one or more financial services over the past 3 years; |  |
| * number of clients for the specified period (broken down by the type of client: Professional/Retail); |  |
| * volume of the applicant comparing with the companies conducting similar business (please provide extracts from the Regulator or Stock Exchange rankings). |  |
|  | If the applicant uses prime brokers, please indicate them. |  |
|  | Rationale for obtaining RNAM status  (e.g., to become a trading member at an Authorised Investment Exchange, a Multilateral Trading Facility etc.) |  |
|  | Are there any restrictions imposed by the Financial Services Regulator overseeing the entity on cross-border financial services? |  |
|  | Are there any restrictions imposed by the Financial Services Regulator overseeing the applicant on the types of customers the applicant can serve (e.g., retail, professional)? |  |
|  | Are there any restrictions imposed by the Financial Services Regulator overseeing the applicant on the types of financial instruments the applicant is authorised to trade in its home jurisdiction or offer as part of its financial services? |  |
|  | Are there any potential challenges the applicant foresees in maintaining compliance with the applicable AIFC Regulations and Rules? |  |
|  | Are there any additional factors that the AFSA should consider in assessing your application? |  |

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| 1. **Information about the Financial Services Regulator** |

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|  | Please provide details below of your Financial Services Regulator in your home jurisdiction: | | | | |
| Name of the Financial Services Regulator |  | | | |
| Address of the Financial Services Regulator |  | | | |
| Name of the contact or supervisor at the Financial Services Regulator |  | | | |
| Telephone number of the above contact or supervisor |  | | | |
| Email of the above contact or supervisor |  | | | |
| Scope of the permitted financial services |  | | | |
| Financial year end in your home jurisdiction |  | | | |
| The last day to submit annual reports to your Financial Services Regulator in your home jurisdiction |  | | | |
| A copy of a licence or other evidence confirming a licence has been issued and remains current is attached to this application. | | | [Yes/No] | |
|  | If applicable, please provide the details below of any additional Financial Services Regulator(s) which regulate(s) the activities in relation to the Investments specified in question 3.8 not covered by the regulator in 4.1 above (where there are more than 1 please attach additional information on a separate sheet): | | | | |
| Name of the additional Financial Services Regulator (if applicable) |  | | | |
| Address of the additional Financial Services Regulator |  | | | |
| Name of the contact or supervisor at the additional Financial Services Regulator |  | | | |
| Telephone number of the above contact or supervisor |  | | | |
| Email of the above contact or supervisor |  | | | |
| Scope of the permitted financial services |  | | | |
| A copy of a licence or other evidence confirming a licence has been issued and remains current is attached to this application (if applicable). | | [Yes/No] | |

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| 1. **Documentation Checklist** |

* 1. The documents must be attached with this application. Mark the appropriate response-cells with an “**X**” to confirm that these attachments form part of this submission:

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|  | **Verify that the following required documents are attached with this application submission:** | **Yes** | **No** | **N/a** |
|  | Copies of all licences held by the applicant |  |  |  |
|  | A shareholding chart up to the applicant’s ultimate Beneficial Owner that depicts:   * how the applicant is related to each of its shareholders and to its related entities, Subsidiaries, and head office/Branch, as applicable; * percentage held by each shareholder. |  |  |  |
|  | Identification documents for natural persons and incorporation certificates for legal entities being shareholders of the applicant |  |  |  |
|  | Composition of the Governing Body |  |  |  |
|  | Identification documents for natural persons being members of the Governing Body: |  |  |  |
|  | Signed version of the Recognised Non-AIFC Member – AFSA Agreement |  |  |  |

* 1. If you responded “No” in any of the cells above provide an explanation:

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| 1. **Disclosure to Astana International Exchange** |

This section applies, if the intention of the applicant is to become a trading member of Astana International Exchange Limited (AIX) as specified in 3.12. By signing this application, you agree that the following information and documents can be disclosed by the AFSA to AIX for the purpose of assisting the exercise by AIX of its regulatory functions, in each case on or after the date stipulated:

1. The fact of filing this application, together with the name of applicant, on or after the date of filing with the AFSA;
2. A decision by the AFSA to approve this application, and whether or not approval is or will be subject to pre-conditions, on or after the date of that decision; and
3. The attachments, documents and any information related to or in connection with this application submitted or communicated by you to any unit of the AFSA.

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| 1. **Submitting your application to the AFSA** |

Once you are satisfied that this form with the necessary signatures in place and all other supporting forms and documents necessary for your completed application have been finalised, you can then proceed to arrange an application submission meeting with your authorisation contact at the AFSA.

We will undertake an initial review of it to ensure that your submission appears to be materially complete, and all the necessary attachments are included. We will formally acknowledge receipt of the application once we ascertain that it is materially complete.

For your submission we will require hardcopies of one set of application forms, supplemental forms, and purpose-written, attachment documents, as well as the same on electronic format.

Firms are advised to retain a copy of this form, any supplements, and all attachments for their records.

*Annex 1 to the Application form for Recognition of Non-AIFC Members*

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| **Strategic Fit Questionnaire** |

1. Is the applicant or are any of the applicant’s Connected Parties[[5]](#footnote-6) or other Related Parties[[6]](#footnote-7) currently targeted by sanctions administered by any government or international organisations?

☐ Yes ☐ No

*If YES, please provide an overview below, including the sanctioned party’s name, location, sanctioned regime targeting them, connection to the applicant, whether any sanctions licence or legal advice is relied upon for continuing the connection.*

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1. Does the applicant, or any of the applicant’s Connected Partiesor other Related Parties, have any offices, transactions, investments, activities or planned activities in jurisdictions currently targeted by sanctions administered by any government or international organisations?

☐ Yes ☐ No

*If YES, please provide an overview below, including the sanctioned party’s name, location, sanctioned regime targeting them, connection to the applicant, whether any sanctions licence or legal advice is relied upon for continuing the connection, details of how transactions are made, activities carried on or planned to be carried on between the company and sanctioned party.*

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1. Does the applicant, or any of the applicant’s Connected Parties or other Related Parties, have any transactions, investments, activities or planned activities with (or in):

* any person, including individual, or entity located in jurisdictions currently targeted by sanctions administered by any government or international organisations?

☐ Yes ☐ No

*If YES, please provide an overview below, including the sanctioned party’s name, location, sanctioned regime targeting them, connection to the applicant, whether any sanctions licence or legal advice is relied upon for continuing the connection, details of how transactions are made, activities carried on or planned to be carried on between the company and sanctioned party.*

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* any entity owned or controlled by any individual or entity located in jurisdictions currently targeted by sanctions administered by any government or international organisations?

☐ Yes ☐ No

*If YES, please provide an overview below, including the sanctioned party’s name, location, sanctioned regime targeting them, connection to the applicant, whether any sanctions licence or legal advice is relied upon for continuing the connection.*

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1. Does the applicant plan to take any practical steps to achieve sufficient awareness of the individuals and organisations the applicant cooperate with, and that they do not fall under the sanctions administered by any government or international organisations?

☐ Yes ☐ No

*If YES, please provide an overview below.*

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1. Does the applicant plan to have any internal oversight and verification controls to mitigate the sanctions risk exposure?

☐ Yes ☐ No

*If YES, please provide an overview below*

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*Annex 2 to the Application form for Recognition of Non-AIFC Members[[7]](#footnote-8)*

**Questionnaire for the recognition of jurisdictions as broadly equivalent to the AFSA’s regulatory regime for the purposes of applications for Recognised Non-AIFC Member status**

**Section 1: Authorisation & Regulatory Oversight[[8]](#footnote-9)**

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|  | Describe the applicant’s approach to capital adequacy and liquidity management. This should include information on minimum capital requirements, liquid asset requirements, reporting and notification provisions in respect of prudential requirements etc. | [Please describe approach, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | Please confirm applicant’s compliance with prudential requirements set by the Financial Services Regulator overseeing the applicant for the latest 12 months, and extra 2 years before that | [Please provide written confirmation of compliance with prudential requirements from the Financial Services Regulator] |
|  | Please describe the requirements for applicant’s systems and controls enabling the applicant to calculate and comply with prudential requirements set by the Financial Services Regulator overseeing the applicant | [Please describe and add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | Describe the requirements for auditing the financial statements and indicate the financial year end date | [Please describe and provide the latest available audited financial statement. If the recent year have not ended yet, please provide the latest unaudited financial statements as well] |
|  | Regulatory reporting (types and regularity of reports, brief content, reviewing authority, if different from Financial Services Regulator overseeing the applicant) | [Please describe and provide the list of regulatory reports and add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | Provide details of any regulatory enforcement actions taken against the applicant in the last 10 years | [Please provide the details, outcomes and current status on the imposed regulatory actions] |
|  | Provide the list of the applicable laws (primary and secondary laws, including the exact provisions) setting out the obligations and requirements with which the applicant is required to comply |  |

**Section 2: Market Conduct & Risk Management[[9]](#footnote-10)**

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|  | Describe the investor protection measures under laws and regulations of your home jurisdiction | [Please list the applicable laws and regulations under which investors are afforded protection equivalent to that which they would be afforded if the applicant were required to comply with the relevant requirements for the authorisation as an Authorised Firm in the AIFC. Describe measures, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | What measures does the applicant have in place to prevent market abuse, insider trading, and financial crime? | [Please describe measures, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | How does the applicant ensure compliance with anti-money laundering (AML) and counter-terrorist financing (CTF) regulations? | [Please provide responses to the questions below] |
| 10.1. | Describe if the applicant’s home jurisdiction Financial Services Regulator requires the applicant to comply with AML/CFT requirements with reference to the legal act | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
| 10.2. | Describe if the applicant’s home jurisdiction adheres to FATF standards | [Please provide details] |
| 10.3. | Describe the requirements for developing internal systems and controls that help the applicant to comply with AML/CFT requirements | [Please describe what measures are in place to ensure compliance with AML/CFT requirements with reference to specific laws and regulations and provide links where those laws and regulations are published] |
| 10.4. | Describe if the requirements for assessing and mitigating ML/TF risks using a Risk-Based Approach (RBA) | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
| 10.5. | Describe the requirements for the staff responsible for AML/CTF compliance within the applicant, and how does senior management oversee compliance efforts | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published.] |
| 10.6. | Describe the requirements in home jurisdiction of the applicant concerning customer due diligence (CDD) procedures, including onboarding, verification, and ongoing monitoring | [Provide detailed information on the requirements to identify and verify beneficial owners (UBOs) and what Enhanced Due Diligence (EDD) measures are applied to high-risk clients (e.g., PEPs, high-risk countries). Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published.] |
| 10.7. | Describe the requirements for processing and identifying and reporting suspicious transactions (STRs) to the relevant financial intelligence unit (FIU) | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published.] |
| 10.8. | Describe the requirements to ensure compliance with global and local sanctions regimes, including UN, EU, US, UK, and Kazakhstan’s FIU? | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published. Describe (if applicable) the requirements in relation to systems to screen customers and transactions against sanctions lists] |
| 10.9. | Describe the requirements in home jurisdiction of the applicant for ensuring adequate AML/CTF training of the staff? | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published. |
| 10.10. | Please describe if the home jurisdiction Financial Services Regulator requires the Firm to conduct independent audits of its AML program with reference to its regularity (annual, biannual, etc.) and if audit findings shall be incorporated into AML policies. | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | Describe client classification rules  (categories and classification processes, record keeping) | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | Describe product governance rules  (internal processes and controls for designing, approving, marketing, selling, and assessing suitability and appropriateness of products throughout the lifecycle; identifying complex, illiquid, high-risk products, communication standard between provider of financial services and customer) | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | Describe financial promotion requirements  (requirement for providers of financial services to establish adequate policies and procedures on promotion/ distribution and whether actual practices conform to such policies and procedures; risk disclosure and ongoing disclosure requirements) | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | Describe the requirements for protection of Client Assets (Money and Investments)  (are Client funds and assets segregated from the applicant’s own funds and assets; how is the protection of Client Assets ensured in case of insolvency or inability to fulfil obligations) | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | Describe the standard of client service concerning commissions and other applicable fees (including information about privileges, if applicable). | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | Describe order execution requirements  (best execution; client order handling; reporting to clients) | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | Describe complaints handling requirements | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | What mechanisms exist in your jurisdiction to compensate investors in case of broker insolvency or misconduct? | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | What procedures are in place in your jurisdiction to manage the winding-down or insolvency of brokers/ investment firms? | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | Describe requirements on personal data protection and record keeping  (data loss prevention, access controls, incident response (e.g., ransomware attacks), cybersecurity; transaction records; periodic statements; periods for data storage, etc.) | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | What are the regulatory requirements concerning the mandatory appointments for senior management functions seeking approval of the Financial Services regulator and the Governing Body of the applicant?  (the arrangements to control nomination of competent individuals to mandatory functions, how the collective decision making, necessary independence in the Governing Body is ensured) | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | What are the requirements for risk management system in home jurisdiction and whether these requirements are aligned with key provisions of the risk management framework for securities market brokers-dealers recommended by IOSCO[[10]](#footnote-11)? | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published] |
|  | What are the requirements for outsourcing arrangements set by the Financial Services Regulator of the applicant? | [Please provide details, add reference to specific laws and regulations and provide links where those laws and regulations are published] |

1. Terms defined in the AIFC Glossary or the glossary sections in the Rules are identified by the capitalisation of the initial letter of a word or of each word in a phrase, unless the context otherwise requires the word to have its natural meaning. [↑](#footnote-ref-2)
2. The terms “you” and “your” as used throughout are not implied in the personal sense but rather refer to the applicant. The terms “we” and “our” refer to the AFSA. [↑](#footnote-ref-3)
3. This person named will be responsible for the application during the recognition process. He or she must be a representative of the applicant. [↑](#footnote-ref-4)
4. The terms “firm” and “applicant” are used interchangeably in this form. [↑](#footnote-ref-5)
5. Connected Parties include but are not limited to, Beneficial owners, Controllers, trustees, settlors/grantors/founders, protectors and beneficiaries. [↑](#footnote-ref-6)
6. Other Related Parties include parties who may support or provide advice to the applicant, but who sit out outside of the ownership structure. This may include syndicate lending deals, arrangers in SPVs, insurance manager in captive insurance and distributors. [↑](#footnote-ref-7)
7. This annex is mandatory for applicants that are incorporated and authorised in jurisdictions in relation to which an equivalency assessment has not yet been conducted pursuant to section 91(3) of the AIFC Financial Services Framework Regulations [↑](#footnote-ref-8)
8. In responding to the question, please include a reference to the relevant law or regulation that outlines the requirements for the applicant as established by the Financial Services Regulator overseeing the applicant [↑](#footnote-ref-9)
9. In responding to the question, please include a reference to the relevant law or regulation that outlines the requirements for the applicant as established by the Financial Services Regulator overseeing the applicant [↑](#footnote-ref-10)
10. Risk Management and Control Guidance for Securities Firms and their Supervisors, A Report by the Technical Committee of the International Organization of Securities Commissions [↑](#footnote-ref-11)