
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Long-term Investment Funds
(Amendment) (EU Exit) Regulations 2019**

PART 3

Amendment of Regulation (EU) 2015/760

Definitions

5.—(1) Article 2 (definitions) is amended as follows.

(2) In point (2), for the words from “considered” to the end substitute “a professional client as defined in point (8) of Article 2(1) of the markets in financial instruments regulation”.

(3) In point (6), omit “Union”.

(4) In point (7)—

(a) in points (a), (b), (c), (d), (e), (f) and (g), at the end insert “, as it forms part of EU law and as modified by EU law from time to time”;

(b) after point (b) insert—

“(ba) an investment firm as defined in Article 2(1A) of the markets in financial instruments regulation;”;

(c) after point (c) insert—

“(ca) an insurance undertaking as defined in section 417(1) of FSMA;”;

(d) after point (d) insert—

“(da) a financial holding company as defined in point (20) of Article 4(1) of Regulation (EU) No 575/2013, as it forms part of the law of the United Kingdom and as modified by domestic law from time to time;”;

(e) after point (e) insert—

“(ea) a mixed activity holding company as defined in point (22) of Article 4(1) of Regulation (EU) No 575/2013, as it forms part of the law of the United Kingdom and as modified by domestic law from time to time;”;

(f) after point (f) insert—

“(fa) a management company as defined in section 237(2) of FSMA;”;

(g) after point (g) insert—

“(ga) an AIFM as defined in regulation 4(1) of the AIFM Regulations.”.

(5) After point (7) insert—

“(7A) ‘UK AIF’ has the meaning given in regulation 2(1) of the AIFM Regulations;

(7B) ‘UK AIFM’ has the meaning given in regulation 2(1) of the AIFM Regulations;

- (7C) ‘AIFM Regulations’ means the Alternative Investment Fund Managers Regulations 2013⁽¹⁾, as amended from time to time;
- (7D) ‘Long-term Investment Fund (LTIF)’ means a UK AIF that—
- (a) is authorised as an LTIF under Article 6 of this Regulation; or
 - (b) immediately before exit day was authorised by the FCA as an ELTIF under Article 6 of Regulation (EU) 2015/760 of the European Parliament and of the Council of 29 April 2015 on European long-term investment funds⁽²⁾, as that Regulation had effect immediately before exit day;
- (7E) ‘European Long-term Investment Fund (ELTIF)’ means an EU AIF that—
- (a) is authorised as an ELTIF under Article 6 of Regulation (EU) 2015/760 of the European Parliament and of the Council of 29 April 2015 on European long-term investment funds, as that Regulation has effect in EU law; or
 - (b) immediately before exit day was authorised by a competent authority other than the FCA as an ELTIF under Article 6 of Regulation (EU) 2015/760 of the European Parliament and of the Council of 29 April 2015 on European long-term investment funds, as that Regulation had effect immediately before exit day;”.
- (6) Omit points (9) to (11).
- (7) In point (12), for the definition of ‘manager of the ELTIF’, substitute—
- “‘manager of the LTIF’ means the UK AIFM approved by the FCA under Article 6 to manage the LTIF;”.
- (8) Omit point (13).
- (9) For point (16) substitute—
- “(16) ‘financial instrument’ has the meaning given in Article 2(1) of the markets in financial instruments regulation;”.
- (10) For point (18), substitute—
- “(18A) ‘UK regulated market’ has the meaning given in point (13A) of Article 2(1) of the markets in financial instruments regulation;
- (18B) ‘EU regulated market’ has the meaning given in point (13B) of Article 2(1) of that Regulation;”.
- (11) For point (19), substitute—
- “(19A) ‘UK multilateral trading facility’ has the meaning given in point (14A) of Article 2(1) of the markets in financial instruments regulation;
- (19B) ‘EU multilateral trading facility’ has the meaning given in point (14B) of Article 2(1) of the markets in financial instruments regulation;”.
- (12) At the end insert—
- “(20) ‘the FCA’ means the Financial Conduct Authority;
- (21) ‘FSMA’ means the Financial Services and Markets Act 2000⁽³⁾;
- (22) ‘the markets in financial instruments regulation’ means Regulation (EU) No. 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012, as amended from time to time;

(1) S.I. 2013/1773.

(2) OJ L 123/98.

(3) 2000 c. 8.

(23) ‘European Venture Capital Fund (EuVECA)’ means a European venture capital fund registered under Article 14a of Regulation (EU) No 345/2013 of the European Parliament and of the Council of 17 April 2013 on European venture capital funds⁽⁴⁾, as that Regulation has effect in EU law;

(24) ‘Registered Venture Capital Fund (RVECA)’ means a venture capital fund which is registered by the FCA in accordance with Article 14a of Regulation (EU) No 345/2013 of the European Parliament and of the Council of 17 April 2013 on European venture capital funds, as amended from time to time;

(25) ‘European Social Entrepreneurship Fund (EuSEF)’ means a European social entrepreneurship fund registered under Article 15a of Regulation (EU) No 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship funds⁽⁵⁾, as that Regulation has effect in EU law;

(26) ‘Social Entrepreneurship Fund (SEF)’ means a social entrepreneurship fund which is registered by the FCA in accordance with Article 15a of Regulation (EU) No 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship funds, as amended from time to time;

(27) Any reference in this Regulation to a sourcebook is a reference to a sourcebook made under FSMA by the FCA, as in force on exit day.”

(4) OJ No L 115, 25.4.2013, p.1, as amended by Regulation (EU) No. 2017/1991 of the European Parliament and of the Council of 25 October 2017 amending Regulation (EU) No 345/2013 on European venture capital funds and Regulation (EU) No 346/2013 on European social entrepreneurship funds (OJ L 293, 10.11.2017).

(5) OJ No L 115, 25.4.2013, p.18, as amended by Regulation (EU) No. 2017/1991 of the European Parliament and of the Council of 25 October 2017 amending Regulation (EU) No 345/2013 on European venture capital funds and Regulation (EU) No 346/2013 on European social entrepreneurship funds (OJ L 293, 10.11.2017).