



## Legal Update

# Central Bank updates AIFMD Q&A

The Central Bank of Ireland (the “Central Bank”) has recently issued an updated edition to its AIFMD Questions and Answers document (the “AIFMD Q&A”). The updated version of the AIFMD Q&A is the 49<sup>th</sup> edition of this document and this version was issued on 27<sup>th</sup> November 2023. The new Q&As address the filing requirements pertaining to PRIIPs KIDs and investments by a RIAIF or QIAIF through subsidiaries.

### Background

The Central Bank maintains and periodically updates various different question and answers (“Q&A”) documents on regulatory topics, including in relation to the AIFMD. These documents typically address practical matters such as filing obligations as well as clarifying the interpretation of the Central Bank regarding topical issues. The information contained in these Q&A documents, including the AIFMD Q&A constitute guidance.

### PRIIPs KIDs

The Central Bank has clarified in an updated Q&A ID 1126 that where an AIF is required to produce a PRIIPs KID this should be filed through the Portal in accordance with the guidance of the Central Bank on the filing of a PRIIPs KID.

### Use of Subsidiaries

The Central Bank has issued three new Q&As regarding the use by regulated AIFs, being RIAIFs and QIAIFs, of subsidiaries for investment purposes. These are Q&As IDs 1157, 1158 and 1159 respectively.

**Q&A ID 1157** clarifies that entities established prior to the authorisation of the relevant AIF with the intention of being used for its investments can be considered to have been established by it.

**Q&A ID 1158** clarifies that subsidiary entities may in turn establish their own further subsidiaries.

**Q&A ID 1159** addresses co-investment vehicles that include third party investors and clarifies that these are permissible provided they reflect the economic interests of the investors and the rationale for the use of the vehicle is documented by the AIFM’s Board and approved by the Depositary in writing.



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