

# Professional Mobility

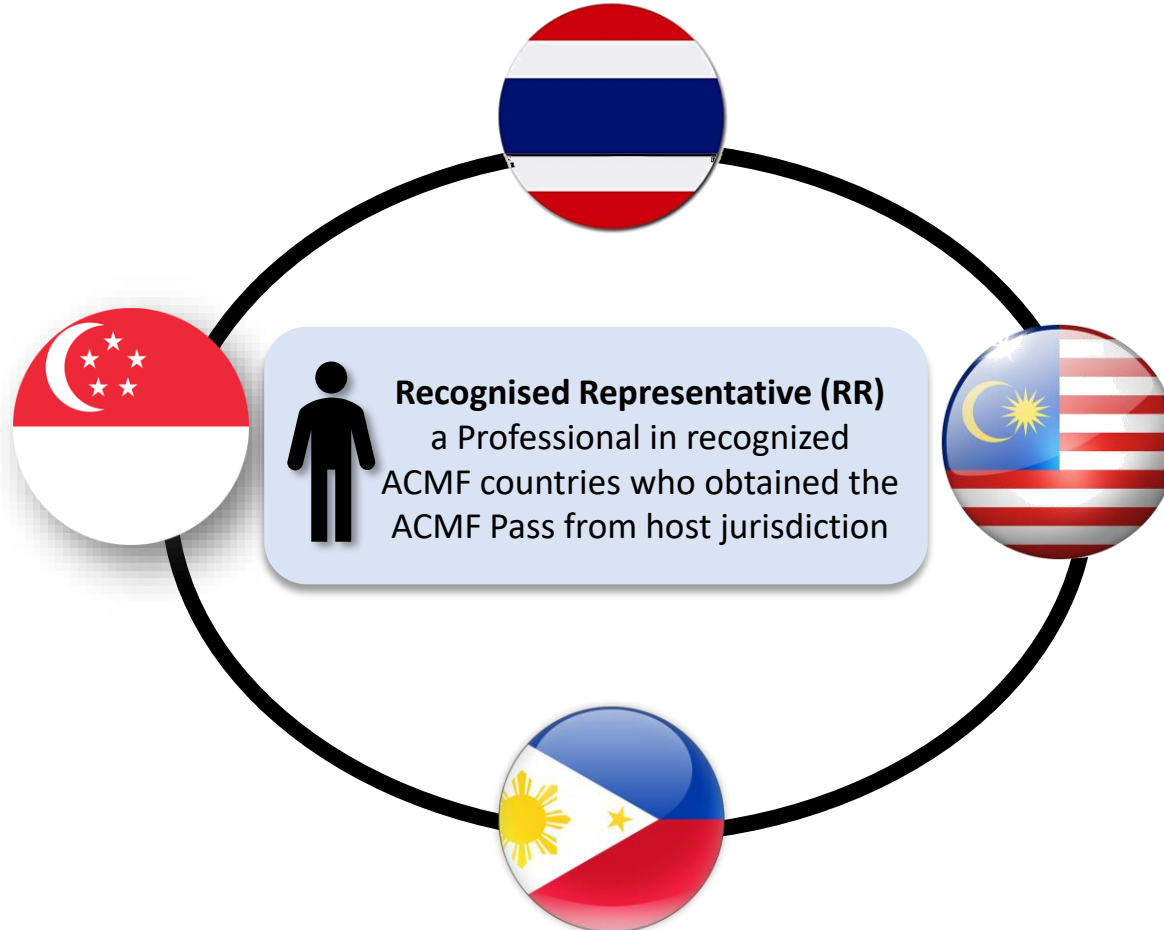
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# ACMF Pass framework

## Permitted activities

- issuing or promulgating research analysis or research reports
- giving general advice to investors



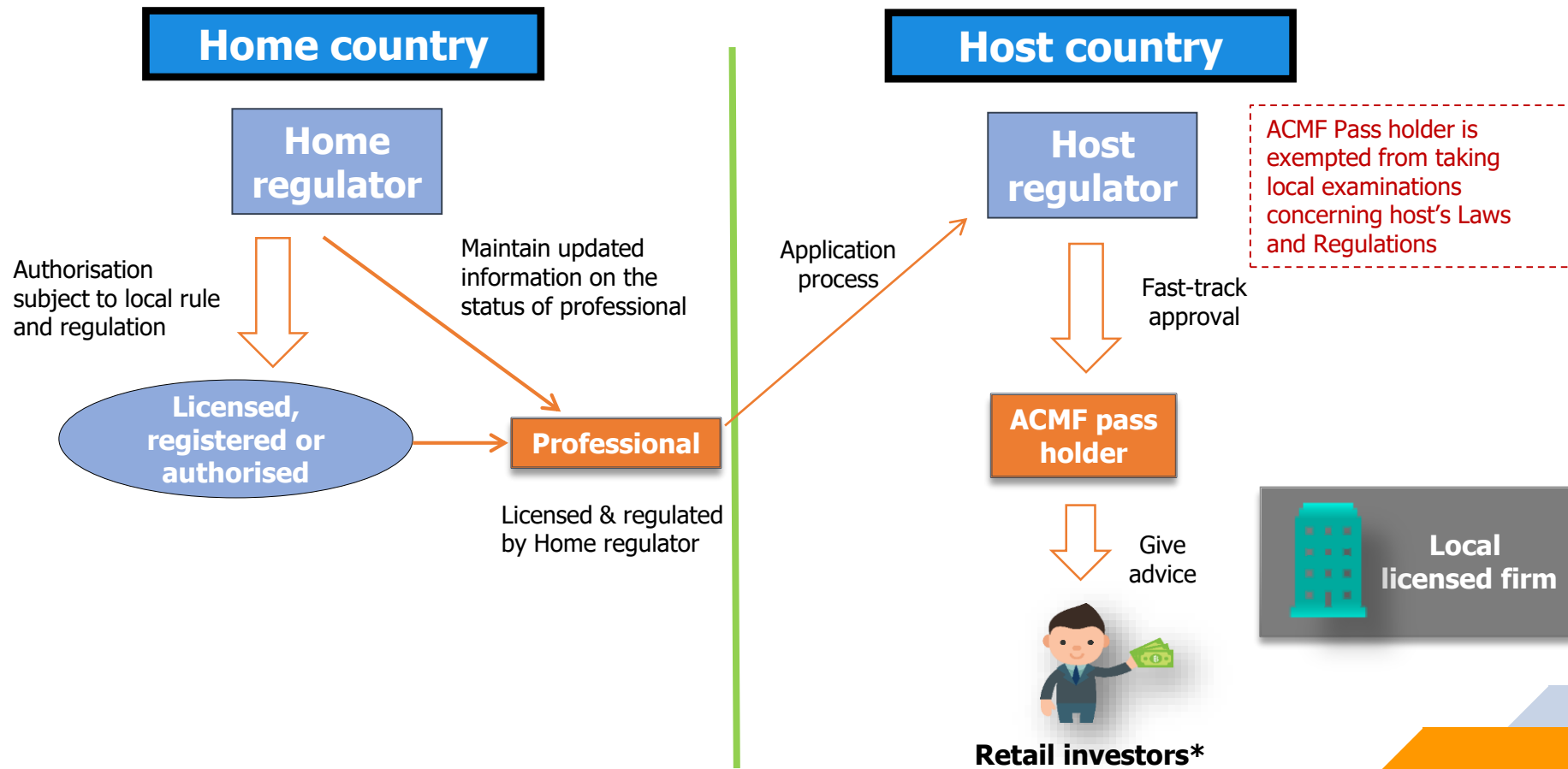
## Not permitted activities

- giving advice to investors by considering investor's investment objective, financial situation and particular needs
- soliciting for sales of capital market products

**Products** : shares, bonds, units of collective investment scheme including units of real estate investment trust, and units of infrastructure trust

# ACMF Pass framework

## Mobility of Professional



\* For giving advice to non-retail investors, attachment is subject to host's Laws and Regulations.

Information on the laws and regulations relevant to performing duty as Recognised Representative in ACMF member countries



# SEC Thailand



## Types of professional

1. ASEAN Investment Analyst
2. ASEAN Investment Consultant

## Professional Eligibility

1. licensed or registered or approved or authorised by the home regulator
2. does not possess any prohibited characteristics

## Application



Host licensed firm submits application form with following documents:

1. copy of applicant's passport
2. other documents (if any)

Fee Waived



## Validity period

2 calendar years<sup>1</sup> (renewable)



**Condition for conducting activity**  
must be attached with host licensed firm



## Professionals on-going obligations

1. remain professional eligibility
2. comply with the relevant rules and regulations



## Host licensed firms on-going obligations

1. ensure that the applicant is qualified with no prohibited characteristics
2. monitor to comply with rules and regulations
3. notify to SEC within 7 days<sup>2</sup> as from commence or cessation or the date the firm is aware of prohibited or unqualified characteristics

<sup>1</sup> as prescribed by related notification

<sup>2</sup> business days

## REGISTRATION



An eligible professional from a Recognised ACMF member country, who wishes to undertake capital market activity as specified in the SC's Licensing Handbook on ACMF Pass under ASEAN Capital Market Professional Mobility Framework in Malaysia, must be attached with a Capital Markets Services Licence ("CMSL") holder and registered with the SC under subsection 76(2) of the Capital Markets and Services Act 2007 ("CMSA") as a **Recognised Representative ("RR")**.

## ELIGIBLE PROFESSIONAL

- Licensed, registered, approved or authorized by the Home Regulator in a Recognised ACMF member country to undertake, including but not limited to, the regulated activity specified in this Handbook.
- Comply with the fit and proper criteria.

## VALIDITY PERIOD

2 years (Renewable)

## ONGOING OBLIGATIONS

- A CMSL holder is accountable and responsible to monitor its RR and must comply with the requirements and conditions as prescribe by the SC including reporting requirements, to have proper compliance and oversight framework in place, and to notify the SC of any occurrence of the non-compliance and any other events that have a material adverse impact on investors.
- RRs must at all time satisfy the conditions as prescribe by the SC including remain Licensed, registered, approved or authorized by the Home Regulator and comply with the relevant rules and regulations.

## ENFORCEMENT

- The SC may withdraw a registration if the RR or CMSL holder failed to comply with or has breached:
  - any terms or conditions imposed by the SC;
  - any requirements in this handbook or direction issued by the SC; or
  - any other requirements under the securities laws or relevant SC guidelines.



# MAS Singapore

- For the purpose of the ACMF Professional Mobility Framework, MAS may exempt a foreign company and its representatives from licensing requirements under the Financial Advisers Act to conduct permitted financial advisory services in Singapore, pursuant to an MAS approved arrangement between the foreign company and a Singapore entity
- In approving an arrangement, MAS will take into consideration the ability of the foreign company to meet the following criteria and assess on a case-by-case basis:
  - ✓ is licensed or otherwise authorised to conduct the relevant financial advisory services in a participating ASEAN country, and is subject to supervision by the regulatory authority in that country
  - ✓ possesses a minimum track record of five years in the specific financial advisory services that it is proposing to effect under the arrangement
  - ✓ is financially sound and has discharged its functions in an efficient, honest and fair manner



# MAS Singapore (Cont.)

- The Singapore entity should ensure **representatives of the foreign company** who conduct permitted financial advisory services in Singapore meet the following criteria:
  - ✓ is licensed or otherwise authorised to conduct the relevant financial advisory services by the regulatory authority in the home jurisdiction
  - ✓ be at least 21 years old
  - ✓ satisfies the fit and proper criteria set out under MAS' guidelines
- Interested persons may refer to the applicable regulatory requirements, application procedures and application form (See Appendix 2)





# SEC Philippines

## Qualified Professionals in the Philippines

The following professionals may, under their respective licenses issued by PH SEC, prepare research analysis or research reports and give advice to others concerning financial products :

1. Salesman of a Broker Dealer and/or Investment House;
2. Certified Investment Solicitor (salesman for shares or units of Investment Companies);
3. Key officer/s of Fund Managers (Investment Company Advisers) involved in the management of the Fund and licensed by the Commission as Certified Investment Solicitor;
4. Other professionals which the Commission may, in the future, determine as eligible to apply.

## Eligibility Requirements for Professionals from other Signatory Countries

1. He/she is licensed or registered or approved or authorised by the Home Regulator.
2. He/she has no pending disciplinary action or has not been censured, reprimanded or fined by a professional or regulatory body for negligence, incompetence, mismanagement, dereliction of duty or violation of law or regulation.
3. He/she has not been convicted by a competent judicial or administrative body of an offense involving moral turpitude, fraud, embezzlement, counterfeiting, theft, misappropriation, forgery, bribery, false oath, perjury, or a violation of securities, commodities, banking, real estate or insurance laws.

## How to Apply for the ACMF Pass

- a. The attached firm of the foreign applicant shall manually submit the application of said foreign applicant, together with the supporting documents, to the Markets and Securities Regulation Department (MSRD) of the Commission.
- b. Applications shall be filed with the Commission anytime during business hours of any business day.
- c. The following documents are required as supporting documents for the application for the issuance of the ACMF Pass:
  - i. Copy of the certificate of registration, license or authority of the Recognized Representative issued by the Home Regulator;
  - ii. Certificate of good standing issued by the Home Regulator;
  - iii. Proof issued by the Attached Licensed Firm in the Home Jurisdiction authorizing its Professional to apply for ACMF Pass in the Philippines;
  - iv. Endorsement by the attached Licensed Firm for the issuance of the ACMF Pass in favor of the Recognized Representative.
- d. The Commission shall, within thirty (30) days after the filing of application for the issuance of ACMF PASS:
  - i. grant ACMF PASS if it determines that the eligibility requirements and supporting documents have been satisfied and complied with; or
  - ii. deny the application stating the reason/s for the denial.



# SEC Philippines

## Renewal

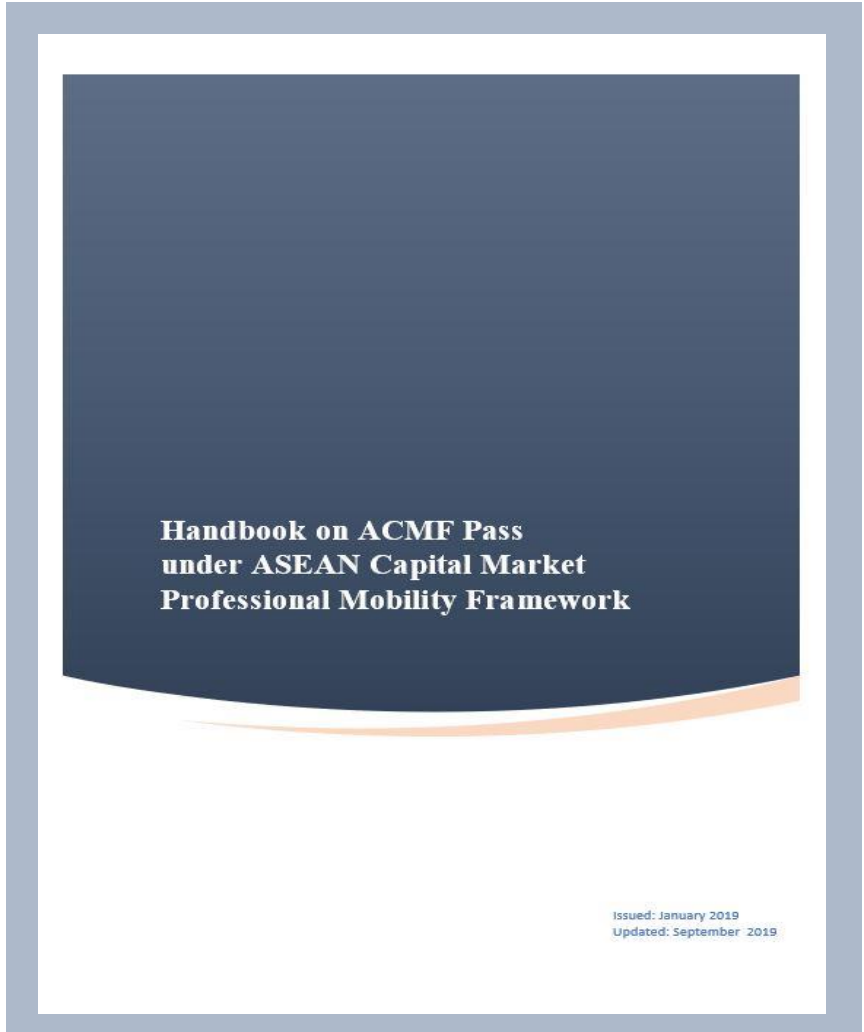
- The ACMF Pass of the Recognised Representative in the Philippines may be renewed provided that he is still compliant with the eligibility requirements and has no pending complaint filed against him/her in the Host Jurisdiction.
- The same supporting documents in the initial application should be submitted for the renewal of the ACMF Pass excluding the proof of authorization.
- The renewed ACMF Pass will be valid for one (1) year and may be renewed yearly.
- The attached Licensed Firm of the Recognized Representative shall submit the application for renewal of the ACMF Pass not later than thirty (30) days before it expires to the MSRDR manually and be officially received during office hours.

## Criteria and Related Requirements

Every registered Person/Professional, in the conduct of his business, shall:

- Observe high standard of commercial honor and just and equitable principles of trade based on honesty, fairness, diligence, capabilities, etc;
- Has no disciplinary history for the past ten (10) years;
- Has not been dismissed or requested to resign from any position or office;
- Has not caused the suspension of its license for failure to pay the required annual fee.

# Appendix 1: Handbook on ACMF Pass under ASEAN Capital Market Professional Mobility Framework



- Provide better understanding in the implementation of the ACMF Pass
- Provide operational guidance on how to obtain ACMF Pass

# Appendix 2: More information on the applicable regulatory requirements



## SEC Thailand

- ✓ Notification of the Capital Market Supervisory Board No. TorLorThor. 8/2557 Re: Rules on Personnel in the Capital Market Business
- ✓ Thailand section of Appendix 2 of the Handbook issued by the ACMF



## SC Malaysia

- ✓ Capital Markets and Services Act 2007
- ✓ Securities Malaysia's Licensing Handbook
- ✓ Malaysia section of Appendix 2 of the Handbook issued by the ACMF



## MAS Singapore

- ✓ Financial Advisers Act
- ✓ Financial Advisers Regulations
- ✓ MAS' Guidelines on Applications for Approval of Arrangements under Regulation 32CB of the Financial Advisers Regulations (Rg 2)
- ✓ MAS' Guidelines on Fit and Proper Criteria
- ✓ Singapore section of Appendix 2 of the Handbook issued by the ACMF



## SEC Philippines

- ✓ Securities Regulation Code (SRC) and its Implementing Rules and Regulations
- ✓ Investment Company Act and its Implementing Rules and Regulations
- ✓ The Handbook on ACMF PASS
- ✓ SEC Memorandum Circular No. 5, series of 2019 (Guidelines on the Implementation of the ACMF PASS under the ASEAN Professional Mobility Framework)
- ✓ Philippines section of Appendix 2 of the Handbook issued by the ACMF