



Consultation Paper

AFSA-P-CE-2022-0001

Proposed Amendments to AIFC Fees Rules

Unrestricted

March 29, 2022

Introduction

Why are we issuing this Consultation Paper (CP)?

1. The Astana Financial Services Authority (AFSA) has issued this Consultation Paper to seek suggestions from the market on the proposed amendments to AIFC Fees Rules.

Who should read this CP?

2. The proposals in this paper will be of interest to current and potential AIFC participants who are interested in exercising business activities in or from the AIFC.

Terminology

3. Defined terms have the initial letter of the word capitalised, or of each word in a phrase. Definitions are set out in the Glossary Rules ([GLO](#)). Unless the context otherwise requires, where capitalisation of the initial letter is not used, the expression has its natural meaning.

What are the next steps?

4. We invite comments from interested stakeholders on the proposed framework. All comments should be in writing and sent to the address or email specified below. If sending your comments by email, please use “Consultation Paper AFSA-P-CE-2022-0001” in the subject line. You may, if relevant, identify the organisation you represent when providing your comments. The AFSA reserves the right to publish, including on its website, any comments you provide, unless you expressly request otherwise. Comments supported by reasoning and evidence will be given more weight by the AFSA.
5. The deadline for providing comments on the proposed framework is **29 April 2022**. Once we receive your comments, we shall consider if any refinements are required to this proposal.
6. Comments to be addressed by post:
Policy and Strategy Division
Astana Financial Services Authority (AFSA)
55/17 Mangilik EI, building C3.2, Kazakhstan

or emailed to: consultation@afsa.kz

Structure of this CP

Part I – Background;
Part II – Key proposals;
Part III – Questions in this consultation paper;
Annex 1 – Draft Amendments to AIFC Fees Rules.

Part I - Background

1. Following a 3-years waiver period, AFSA commenced to charge application fees for authorisation as well as the fees for recognition of Non-AIFC Market Institutions (RNAMIs) and Non-AIFC Members (RNAMs) in 2021.
2. Introduction of fees for supervision, modifications and key individuals stipulated under AIFC Fees Rules (FEES) was followed by a 4-years grace period in order to allow firms in the AIFC to properly commence their operations.
3. At present, according to the existing FEES, AFSA does not charge for:
 - annual supervision fees;
 - application for Approval of Individuals;
 - application for modification of a Licence or Approved Individual's registration;
 - activities in FinTech Lab;
 - recognition of foreign fund managers;
 - registration and notification of funds in the AIFC; and
 - late filings to AFSA.
4. With the focus on the development stage of the AIFC, it is proposed to introduce amendments to FEES by including the above types of fees and other related fees.

Part II - Key proposals

Annual supervision fees – starting from 01 May 2022

5. Annual supervision fees are proposed to be paid from the date of the commencement of operations, not from the date of authorisation as it is currently drafted in FEES. This will establish fair treatment for all businesses, since most AIFC licensed firms must meet several risk mitigation conditions prior to commencement of their operations. It is proposed that the annual supervision fee be low relative to the peer financial centers (DIFC, ADGM, QFC). It is proposed to commence the application of annual supervision fees starting from 01 May 2022.
6. In relation to the Market Activity of the Operator of a Digital Asset Trading Facility, following the jurisdictional analysis, it is proposed to increase the authorisation fee to 70 000 USD instead of 5 000 USD. AFSA considers these fees to be commensurate with the scope of the activities and jurisdictional comparisons.

Application fees for Approval of Individuals and their modifications and modification of a Licence – starting from 01 May 2022

7. It is proposed to introduce the application fees for Approved Individual status for those undertaking Controlled Functions within the AIFC firms in the amount of 200 USD starting from 01 May 2022. For modification of this status and obtaining additional approvals for new key personnel, it is also proposed to set a fee at 200 USD starting from 01 May 2022.

8. At supervision stage, some firms may apply to change the scope of their Licence by adding and/or removing some financial or ancillary services. It is proposed to introduce the following modification fee starting from 01 May 2022, which is the difference between:
- the application fee which would be payable under application fees for authorisation if it were an applicant for a Licence in terms of currently being sought; and
 - the application fee which would be payable under application fees for authorisation if it were an applicant for a Licence in terms of that currently held.

FinTech Lab fees – starting from 01 January 2023

9. It is proposed to introduce pre-application, authorisation and supervision fees, as well as fees for migration to full authorisation regime since 01 January 2023. The application fees for Approved Individuals and their modifications are proposed to be set at 50 USD starting from the commencement date of the amended rules.
10. Pre-application fee by the AFSA FinTech Lab applicants to Test and/or Develop FinTech Activities is proposed to be set in the amount of 100 USD. The pre-application fee must be paid prior to commencing any eligibility assessment.
11. In relation to FinTech Lab applicants, it is proposed to charge only 10% of the application fees for Regulated and Market Activities currently applied to full Licence applicants. Thus, in FinTech Lab, these firms will have an opportunity to test and develop their innovative technology and experience a reduced charge for a FinTech Lab Licence.
12. Upon successful graduation from FinTech Lab, some firms will be able to migrate to full authorisation and supervision regime and comply with all applicable regulatory requirements. Such firms are proposed pay the difference between the AFSA's full authorisation fee and the reduced application fee paid by FinTech Lab Participant. This is in line with an objective of a fair treatment of all AIFC participants. The same deduction approach is proposed for Approved Individual applications since the corresponding fee in FinTech Lab (50 USD) is lower than in the full authorisation regime (200 USD).
13. For supervision purposes, it is proposed to divide FinTech Lab Participants into 2 groups: (i) firms carrying out Market Activities; and (ii) firms carrying out Regulated Activities. The supervision fee is proposed to comprise of fixed and variable elements depending on the type of activity. Thus, firms authorised to conduct Market Activities will be subject to fixed and variable fees, whereas firms authorised to conduct Regulated Activities will be subject to fixed supervision fee only, as set out in the table below:

Type of activity	Type of Fee (fixed vs variable)	Fee (USD)
Market Activities	Fixed and Variable* *Trading levy of 0,001% of the daily trading value	10% of AFSA supervision fees for Market Activities (Fixed element) + Trading levy (Variable element)
Regulated Activities	Fixed	20% of AFSA supervision fees for Regulated Activities (Fixed element)

14. A fee deferral is a temporary postponement of the payment of the fees due. Such arrangements shall be reviewed on a case-by-case basis. The need for fee deferral may arise when AFSA FinTech Lab applicant/Participant cannot for reasonable reasons make the required payment by the deadline.

Office of the Registrar of Companies revised fees to administrative services – starting from 01 January 2023

15. There is a choice for a firm to file the documents to the Office of the Registrar online or in paper for the services which are available at this moment. Thus, it is proposed to distinguish online and paper-based post-registration forms and processing inquiries and introduce different fees as follows starting from 01 January 2023:
- Processing inquiries (USD): online – 20 and on paper – 40;
 - Post-registration fees (USD): online – 50 and on paper – 100.

Fees in relation to Funds – starting from 01 May 2022

16. The fees in relation to Funds and recognition of Foreign Fund Managers are proposed to commence starting from 01 May 2022.
17. According to CIS rules, a Foreign Fund Manager that is either: (i) authorised as a Fund Manager by the AFSA; or (ii) a Foreign Fund Manager that is authorised by a Financial Services Regulator: (1) in a Recognised Jurisdiction; or (2) in a jurisdiction that is otherwise acceptable to the AFSA may register a Fund in the AIFC.
18. In line with recognition process for RNAMs and RNAMIs residing outside of AIFC jurisdiction, it is proposed to set a recognition fee in the amount of 2000 USD for Foreign Fund Managers willing to establish a Fund in the AIFC.
19. It is proposed that a Domestic Fund Manager that intends to manage a Domestic Fund and a Foreign Fund Manager that intends to manage a Domestic Fund which is an Exempt Fund must pay to the AFSA the following fees:
- Domestic Fund Manager to manage a Non-Exempt Fund - \$2,000;
 - Domestic Fund Manager to manage an Exempt Fund - \$1,000;
 - Foreign Fund Manager to manage an Exempt Fund - \$1,000.

Late fees payable to the AFSA – starting from 01 May 2022

20. It is proposed to introduce late fees starting from 01 May 2022 for the following cases:
- for failure to provide notification, report or return: in the amount of 300 USD after the 3-business day period the contravention occurs. If a late fee is not paid in full by the due date (within 30 calendar days), the non-payment incurs a further late payment fee equal to 10% of the late fee due; and
 - for failure to comply with direction issued by the AFSA: in the amount of 300 USD after the 3-business day period the contravention occurs. If a late fee is not paid in full by the due date (within 30 calendar days), the non-payment incurs a further late payment fee equal to 10% of the late fee due.

Part III - Questions in this consultation paper

1. Do you have any concerns related to the proposed annual supervision fees? If so, what are they, and how should they be addressed?
2. Do you have any concerns related to the proposed application fees for Approval of Individuals and their modifications and modification of a Licence? If so, what are they, and how should they be addressed?
3. Do you have any concerns related to the proposed FinTech Lab fees? If so, what are they, and how should they be addressed?
4. Do you have any concerns related to the revised fees to administrative services by the Office of the Registrar of Companies? If so, what are they, and how should they be addressed?
5. Do you have any concerns related to the proposed fees in relation to Funds? If so, what are they, and how should they be addressed?
6. Do you have any concerns related to the proposed late fees? If so, what are they, and how should they be addressed?
7. Do you agree with the proposed amendments to AIFC Fees Rules as set out in Annex 1? If not, what are your concerns, and how should they be addressed?

PROPOSED AMENDMENTS TO THE AIFC FEES RULES

In this document, underlining indicates a new text and strikethrough indicates a removed text

Guidance:

Purpose of this rulebook The purpose of this rulebook, “FEES”, is to set out the framework for entities to pay fees in order to apply to operate within the jurisdiction of the AIFC and, in some cases, they may pay annual supervision fees to continue operating in this way. In addition, where such entities fail to comply with legal and regulatory requirements, they may also be liable to pay a late fee and/or fine as set out in FEES.

1. APPLICATION FEES PAYABLE TO THE AFSA

1.1. Application

This Chapter applies to:

- (a) an Authorised Firm, or a Person applying for Authorised Firm status;
- (b) an Authorised Market Institution, or a Person applying for Authorised Market Institution status;
- (c) an Ancillary Service Provider, or a Person applying for Ancillary Service Provider status; ~~and~~
- (d) a Recognised Non-AIFC Market Institution or Recognised Non-AIFC Member, or a Person applying for Recognised Non-AIFC Market Institution or Recognised Non-AIFC Member status;;
- (e) a Centre Participant or Person applying for waivers and/or modifications under AIFC Financial Services Framework Regulations;
- (f) a Centre Participant or Person applying for no-action letter under AIFC Financial Services Framework Regulations;;
- (g) a Domestic Fund Manager that intends to manage an Exempt or Non-Exempt Fund; and
- (h) a Foreign Fund Manager that intends to manage an Exempt Fund.

1.2. Application fees

(...)

Guidance

REC 1.1.1 states that a Person that operates an investment exchange or clearing house outside the AIFC may apply to the AFSA to become a Recognised Non-AIFC Market Institution by providing specified information and records, and by paying the fee prescribed in FEES.

REC 2.1.1 states that a Person located in a jurisdiction other than the AIFC may apply to the AFSA to become a Recognised Non-AIFC Member by completing an application, providing information required, and by paying the fee prescribed in FEES.

CIS 4.3 states that the AFSA will register a Fund if the Fund Manager is either: (i) authorised as a Fund Manager by the AFSA; or (ii) a Foreign Fund Manager that is authorised by a Financial Services Regulator: (1) in a Recognised Jurisdiction; or (2) in a jurisdiction that is otherwise acceptable to the AFSA pursuant to CIS Schedule 3.

1.2.4. Application fees payable in respect of a Recognised Non-AIFC Market Institution, ~~or~~ Recognised Non-AIFC Member or Foreign Fund Manager

An applicant seeking recognition as a Recognised Non-AIFC Market Institution, ~~or~~ Recognised Non-AIFC Member or Foreign Fund Manager must pay:

- (a) the application fees specified in Schedule 4; and
- (b) any supplementary fee required by the AFSA in accordance with FEES 6.

(...)

1.3. Approved Individuals

Fees are payable in respect of any application for an Approved Individual as specified in Schedules 1, 2, ~~3 or 4~~, or 6 depending on the nature of the entity on whose behalf the Approved Individual is acting.

(...)

3.1.2. When annual supervision fees must be paid – initial annual fee

The initial annual supervision fee must be paid in full to the AFSA within 21 days of the date of ~~authorisation~~ the commencement of operations.

3.1.4. Initial annual supervision fee

- (a) An initial annual supervision fee must be paid for the initial period of regulation after the grant of licensed status and the commencement of operations.
- (b) The initial annual supervision fee is calculated as the ~~fee which was payable at the time of application for authorisation~~ annual supervision fee, pro-rated over the whole months remaining between the date of ~~authorisation~~ the commencement of operations and the end of the year.

3.1.5. Subsequent annual supervision fees

- (a) A standard annual supervision fee must be paid for any period of regulation after the period described in FEES 4.1.4, 3.1.4.
- (b) The standard annual supervision fee is:
 - (i) the highest of the fees specified in the fees table corresponding to the activities which the relevant entity is licensed to carry on; and
 - (ii) an amount ~~as may be determined by the AFSA~~ for each Approved Individual employed by the relevant entity at 30 September in the previous year, or on the date of ~~the grant of authorisation~~ the commencement of operations, whichever is the later.

(...)

4. FEES FOR EXTRACTS OF INFORMATION

4.1. Fee for extracts from information held by the Registrar of Companies

(...)

4.1.2. Charges to be specified

The Registrar of Companies may determine the amount of the fee specified in FEES 4.1.1 at a later date.

Guidance

Section 189(3)(b) of the Companies Regulations specifies that the Registrar of Companies may charge a fee for the inspection of documents or other material held by the Registrar under the Companies Regulations, the Rules or any other Legislation administered by the Registrar.

~~Section 7(2)(c) of the Rules on Registration and Recognition of the AIFC Participants states that the Registrar's powers include, upon application and payment of a prescribed fee, producing a certificate of incorporation of a Private Company or a certificate of recognition of a Recognised Company, the Commercial Licences or any document filed with the Registrar of Companies.~~

(...)

7. LATE FEES AND FINES PAYABLE TO THE AFSA AND COMPANIES REGISTRAR OF COMPANIES

7.1. Fines Late fees for failure to provide notification, report or return

(...)

7.1.3. Fines Late fees payable to the AFSA

A Person falling within FEES 7.1 shall pay to the AFSA ~~such~~ the fine late fee specified in Schedule 10 ~~as the AFSA may at its discretion determine.~~

(...)

7.3. Fines for breaches of the AFSA AIFC Rules administered by the AFSA

7.3.1. General

If the AFSA is satisfied that a Person has contravened a provision in the AFSA AIFC Rules administered by the AFSA, that Person shall be liable to pay a fine.

7.3.2. Fines payable to the AFSA

Subject to any amounts prescribed and/or limits on fees specified in the AFSA AIFC Rules administered by the AFSA, the AFSA may determine at its discretion the amount payable for a fine falling within FEES 7.3.1.

(...)

7.4. Fines Late fees for failure to comply with direction issued by the AFSA

(...)

7.4.3. Fines Late fees payable to the AFSA

Subject to any amounts prescribed and/or limits on fees specified in the AFSA AIFC-Rules administered by the AFSA, a Person falling within FEES 7.4 shall pay to the AFSA the late fee specified in Schedule 10 ~~the AFSA may determine at its discretion the amount payable for a fine falling within FEES 7.4.~~

7.5 Other action not prevented

Nothing in this Chapter prevents the AFSA taking any action or exercising any of its powers under AIFC Financial Services Framework Regulations, including Part 8 and 9, or any other applicable AIFC acts in relation to a contravention to which this Chapter applies.

8. FINTECH LAB FEES

8.1 Application and other fees payable to the AFSA by the FinTech Lab firms

8.1.1 Pre-application fee to the FinTech Lab

A Person seeking to Test and/or Develop the FinTech Activities within the FinTech Lab must pay to the AFSA the pre-application fee specified in Schedule 8 prior to commencing any eligibility assessment in accordance with FINTECH 2.4.2.

8.1.2 Application fees to the FinTech Lab

In accordance with FINTECH 2.4.3, once the AFSA is satisfied that the Person meets the eligibility criteria, a Person seeking to Test and/or Develop the FinTech Activities within the FinTech Lab must pay to the AFSA the application fees specified in Schedule 8.

8.1.3 Migration fees to full authorisation

In accordance with FINTECH 2.8.3, a FinTech Lab Participant, which intends to migrate to the full authorisation and supervisory regime under the AIFC regulatory framework and deploy its FinTech Activities on a broader scale, must pay to the AFSA the migration fees specified in Schedule 8.

8.2 Supervision fees payable to the AFSA by the FinTech Lab Participants

A FinTech Lab Participant must pay to the AFSA the supervision fee specified in Schedule 8.

8.3 Possibility of fee deferral

The Chief FinTech Officer may defer the time for payment of a fee on a case-by-case basis if an applicant or FinTech Lab Participant cannot make the required payment within the prescribed period on reasonable grounds.

9. OTHER FEES

9.1 Application to register a Non-Exempt Fund or provide notification for an Exempt Fund

9.1.1 A Domestic Fund Manager or the Person proposing to be the Domestic Fund Manager of a Domestic Fund which is a Non-Exempt Fund, who is applying to register the Non-Exempt Fund in accordance with CIS 4.2, must pay to the AFSA:

- (a) the application fee specified in Schedule 9; and
- (b) any supplementary fee required by the AFSA in accordance with FEES 6.

9.1.2 A Domestic Fund Manager or the Person proposing to be the Domestic Fund Manager of a Domestic Fund which is an Exempt Fund in accordance with CIS 4.7 must pay to the AFSA:

- (a) the notification fee specified in Schedule 9; and
- (b) any supplementary fee required by the AFSA in accordance with FEES 6.

9.2 Management of a Domestic Fund by a Foreign Fund Manager

A Foreign Fund Manager providing a declaration to the AFSA of its intention to manage a Domestic Fund which is an Exempt Fund in accordance with CIS 4.2 must pay to the AFSA:

- (a) the application fee specified in Schedule 9; and
- (b) any supplementary fee required by the AFSA in accordance with FEES 6.

SCHEDULE 1: APPLICATION FEES PAYABLE TO THE AFSA FOR REGULATED ACTIVITIES

(...)

1.2 Application fees for modification or and withdrawal of a Licence or Approved Individual's registration

Application to Modify or Withdraw	Fee (USD)*	
Modification or withdrawal of an Authorised Firm's Licence	<p>At present, the AFSA does not intend to charge an application fee for these activities. Any such application fee shall be determined by the AFSA at a later date.</p>	<p><u>An application fee equal to the difference between:</u></p> <ul style="list-style-type: none"> (a) <u>the application fee which would be payable under table 1.1 of Schedule 1 of FEES if it were an applicant for a Licence in terms of currently being sought; and</u> (b) <u>the application fee which would be payable under table 1.1 of Schedule 1 of FEES if it were an applicant for a Licence in terms of that currently held.</u>
Modification or withdrawal of an Approved Individual's registration		200

* Application fees for modification of a Licence or Approved Individual's registration prescribed herein are applied from 1 May 2022. Before 1 May 2022, these fees are not applied.

Application to Withdraw	Fee (USD)
<u>Withdrawal of an Authorised Firm's Licence</u>	<p><u>At present, the AFSA does not intend to charge an application fee for these activities. Any such application fee shall be determined by the AFSA at a later date.</u></p>

<u>Withdrawal of an Approved Individual's registration</u>	
--	--

Notes

Fees for initial application—firm to conduct one or more Regulated Activities

An applicant seeking authorisation to conduct one or more Regulated Activities specified in the fees table must pay:

- (a) the fee specified for the Regulated Activity in the table above (or, if the applicant intends to carry on more than one Regulated Activity, the highest fee specified in the table for any of those Regulated Activities); and
- (b) the amount of 200 USD, ~~which shall be specified by the AFSA at a later date~~, for each individual for whom Approved Individual status is sought.

Application fee for Approval of Individuals

An Authorised Firm submitting applications on behalf of additional individuals seeking Approved Individual status must pay an application fee in the amount of 200 USD in respect of each additional Approved Individual application. ~~At present, the AFSA does not intend to charge an application fee for these activities. Any such application fee shall be determined by the AFSA at a later date.~~

Fees for application to modify ~~or~~ and withdraw

An Authorised Firm or Approved Individual applying to the AFSA to change the scope of its Licence or Approved Individual status, to have a condition or restriction varied or withdrawn, or to have its Licence or Approved Individual status withdrawn, must pay the prescribed fee set out in the table above.

SCHEDULE 2: APPLICATION FEES PAYABLE TO THE AFSA FOR MARKET ACTIVITIES

1.1 Application fees for applying for Licence to carry on Market Activities

Application fees are determined by the Market Activities the Authorised Person conducts or intends to conduct, as set out below:

Application fee by activities	Fee (USD)
(...)	
Operator of a Digital Asset Trading Facility	5 000 <u>70 000</u>
(...)	

1.2 Application fees for modification ~~or~~ and withdrawal of a Licence or Approved Individual's registration

Application to Modify or Withdraw	Fee (USD)*
Modification or withdrawal of an Authorised Market Institution's Licence	<p>At present, the AFSA does not intend to charge an application fee for these activities. Any such application fee shall be determined by the AFSA at a later date.</p> <p>An application fee equal to the difference between:</p> <ul style="list-style-type: none"> (a) <u>the application fee which would be payable under table 1.1 of Schedule 2 of FEES if it were an applicant for a Licence in terms of currently being sought; and</u> (b) <u>the application fee which would be payable under table 1.1 of Schedule 2 of FEES if it were an applicant for a Licence in terms of that currently held.</u>

Modification or withdrawal of an Approved Individual's registration		<u>200</u>
--	--	------------

* Application fees for modification of a Licence or Approved Individual's registration prescribed herein are applied from 1 May 2022. Before 1 May 2022, these fees are not applied.

<u>Application to Withdraw</u>	<u>Fee (USD)</u>
<u>Withdrawal of an Authorised Market Institution's Licence</u>	<u>At present, the AFSA does not intend to charge an application fee for these activities. Any such application fee shall be determined by the AFSA at a later date.</u>
<u>Withdrawal of an Approved Individual's registration</u>	

Notes

Fees for initial application—firm to conduct one or more Market Activities

An applicant seeking authorisation to conduct one or more Market Activities specified in the fees table must pay:

- the fee specified for the Market Activity in the table above (or, if the applicant intends to carry on more than one Market Activity, the highest fee specified in the table for any of those ~~regulated activities~~ Market Activities); and
- the amount of 200 USD, which shall be specified by the AFSA at a later date, for each individual for whom Approved Individual status is sought.

Application fee for Approval of Individuals

An Authorised Market Institution submitting applications on behalf of additional individuals seeking Approved Individual status must pay an application fee in the amount of 200 USD in respect of each additional Approved Individual application. ~~At present, the AFSA does not intend to charge an application fee for these activities. Any such application fee shall be determined by the AFSA at a later date.~~

Fees for application to modify ~~or~~ and withdraw

An Authorised Market Institution or Approved Individual applying to the AFSA to change the scope of its Licence or Approved Individual status, to have a condition or restriction varied or withdrawn, or to have its Licence or Approved Individual status withdrawn, must pay the prescribed fee set out in the table above.

SCHEDULE 3: APPLICATION FEES PAYABLE TO THE AFSA FOR ANCILLARY SERVICES

(...)

1.2 Fees for modification or withdrawal of a Licence

Application to Modify or Withdraw a Licence	Fee (USD)*	
Modification or withdrawal of an Ancillary Service Provider's Licence	<p>At present, the AFSA does not intend to charge an application fee for these activities. Any such application fee shall be determined by the AFSA at a later date.</p>	<p><u>An application fee equal to the difference between:</u></p> <p>(a) <u>the application fee which would be payable under table 1.1 of Schedule 3 of FEES if it were an applicant for a Licence in terms of currently being sought; and</u></p> <p>(b) <u>the application fee which would be payable under table 1.1 of Schedule 3 of FEES if it were an applicant for a Licence in terms of that currently held.</u></p>
<u>Withdrawal of an Ancillary Service Provider's Licence</u>	<p><u>At present, the AFSA does not intend to charge an application fee for these activities. Any such application fee shall be determined by the AFSA at a later date.</u></p>	

* Application fee for modification of a Licence prescribed herein is applied from 1 May 2022. Before 1 May 2022, this fee is not applied.

Applications to modify or withdraw an ~~Authorised Firm's or Authorised Market Institution's Licence to carry on Regulated Activities~~

An Ancillary Service Provider applying to the AFSA to change the scope of its Licence, to have a condition or restriction varied or withdrawn, or to have its Licence withdrawn must pay the prescribed fee set out in the table at 1.2 above.

SCHEDULE 4: APPLICATION FEES PAYABLE TO AFSA FOR RECOGNISED NON-AIFC MARKET INSTITUTION, ~~AND~~ RECOGNISED NON-AIFC MEMBERS AND FOREIGN FUND MANAGERS

1.1 Application fees for ~~applying for~~ recognition as a Recognised Non-AIFC Market Institution, and Recognised Non-AIFC Member status and Foreign Fund Manager

Application fee	Fee (USD)
Recognised Non-AIFC Market Institution	2 000
Recognised Non-AIFC Member	2 000
<u>Foreign Fund Manager</u>	<u>2 000</u>

Fees for applications for Recognised Non-AIFC Market Institution and Recognised Non-AIFC Member status and recognition as a Foreign Fund Manager

An applicant seeking to ~~apply for~~ recognition as a Recognised Non-AIFC Market Institution, ~~and~~ Recognised Non-AIFC Member status or Foreign Fund Manager must pay to the AFSA the application fee set out in the table at 1.1 above.

1.2 Application fees for modification or withdrawal

Application to Modify or Withdraw	Fee (USD)
Modification or withdrawal of a Recognised Non-AIFC Market Institution status	At present, the AFSA does not intend to charge an application fee for these activities. Any such application fee shall be determined by the AFSA at a later date.
Modification or withdrawal of Recognised Non-AIFC Member status	
<u>Modification or withdrawal of Foreign Fund Manager status</u>	

Fees for application to modify or withdraw

A Recognised Non-AIFC Market Institution, ~~or~~ Recognised Non-AIFC Member or Foreign Fund Manager applying to the AFSA to change the scope of its status, or to have its status withdrawn, must pay the prescribed fee set out in the table at 1.2 above.

(...)

SCHEDULE 5-1: ADMINISTRATIVE SERVICES FEES PAYABLE TO THE REGISTRAR OF COMPANIES *

An AIFC Participant must pay the following administrative services fees to the Registrar of Companies:

Administrative Services	Fee (USD)	
	<u>online**</u>	<u>paper</u>
Processing inquiries	20	<u>40</u>
Post-registration procedures	50	<u>100</u>

~~* Fees listed herein do not apply to processing of changes in registered address for 3 months from the commencement of the amendments.~~

*Fees for paper-based administrative services listed herein are applied from 1 January 2023. Before 1 January 2023, the processing inquiries fee is 20 USD, post-registration fee is 50 USD regardless of the submission method.

** Online means submission through the AIFC approved digital systems (excluding email).

SCHEDULE 6: ANNUAL SUPERVISION FEES PAYABLE TO THE AFSA

~~At present, the AFSA does not intend to charge an annual supervision fee. Any such annual fee shall be determined by the AFSA at a later date.~~

6.1 Annual supervision fees for Regulated Activities

Annual supervision fees for Regulated Activities are determined by the activities the Authorised Firm conducts as set out below:

<u>Regulated Activities</u>	<u>Fee (USD)*</u>
<u>Operating a Representative Office</u>	<u>1 000</u>
<u>Managing a Collective Investment Scheme</u>	<u>3 000</u>
<u>Arranging Custody</u>	<u>3 000</u>
<u>Providing Fund Administration</u>	<u>2 000</u>
<u>Advising on Investments</u>	<u>1 000</u>
<u>Arranging Deals in Investments</u>	<u>1 000</u>
<u>Insurance Intermediation</u>	<u>1 000</u>
<u>Managing Investments</u>	<u>3 000</u>
<u>Providing Custody</u>	<u>3 000</u>
<u>Providing Trust Services</u>	<u>2 000</u>
<u>Acting as the Trustee of a Fund</u>	<u>2 000</u>
<u>Dealing in Investments as Agent</u>	<u>7 000</u>

<u>Dealing in Investments as Principal</u>	<u>8 000 except as a matched principal;</u> <u>5 000 as a matched principal</u>
<u>Managing a Restricted Profit Sharing Investment Account</u>	<u>7 000</u>
<u>Islamic Banking Business</u>	<u>n/a</u>
<u>Providing Islamic Financing</u>	<u>n/a</u>
<u>Accepting Deposits</u>	<u>10 000</u>
<u>Providing Credit</u>	<u>7 000</u>
<u>Advising on a Credit Facility</u>	<u>1 000</u>
<u>Arranging a Credit Facility</u>	<u>1 000</u>
<u>Providing Money Services</u>	<u>3 000</u>
<u>Conducting Insurance Business</u>	<u>7 000</u>
<u>Conducting Takaful Business</u>	<u>n/a</u>
<u>Conducting Captive Insurance Business through a Protected Cell Company</u>	<u>3 500 plus 700 for each cell</u>
<u>Conducting Captive Insurance Business other than through a Protected Cell Company</u>	<u>3 000</u>
<u>Conducting Captive Takaful Business through a Protected Cell Company</u>	<u>n/a</u>
<u>Conducting Captive Takaful Business other than through a Protected Cell Company</u>	<u>n/a</u>
<u>Providing Insurance Management</u>	<u>1 000</u>
<u>Opening and Operating Bank Accounts</u>	<u>3 000</u>
<u>Operation of a Payment System</u>	<u>3 000</u>
<u>Operating a Multilateral Trading Facility</u>	<u>3 000</u>

<u>Operating an Organised Trading Facility</u>	<u>3 000</u>
--	--------------

*Supervision fees prescribed herein are applied from 1 May 2022. Before 1 May 2022, these fees are not applied.

6.2 Annual supervision fees for Market Activities

Annual supervision fees for Market Activities are determined by the activities the Authorised Market Institution conducts as set out below:

<u>Market Activities</u>	<u>Fee (USD)**</u>
<u>Operator of an Investment Exchange</u>	<u>62 500</u>
<u>Operator of a Clearing House</u>	<u>62 500</u>
<u>Operator of a Digital Asset Trading Facility</u>	<u>35 000</u>
<u>Operator of a Crowdfunding Platform</u>	<u>3 000</u>
<u>Operating a Private Financing Platform</u>	<u>3 000</u>

**Supervision fees prescribed herein are applied from 1 May 2022. Before 1 May 2022, these fees are not applied.

6.3 Annual supervision fees for Ancillary Services

Annual supervision fees for Ancillary Services are determined by the activities the Ancillary Service Provider conducts as set out below:

<u>Ancillary Services</u>	<u>Fee (USD)***</u>
<u>Providing Legal Services</u>	<u>1 500</u>
	<u>2 000</u>

<u>Providing Audit Services</u>	
<u>Providing Accountancy Services</u>	<u>1 500</u>
<u>Providing Consulting Services</u>	<u>1 000 excluding Company service provider activity</u>
	<u>2 000 including Company service provider activity</u>
<u>Providing Credit Rating Services</u>	<u>1 000</u>

***Supervision fees prescribed herein are applied from 1 May 2022. Before 1 May 2022, these fees are not applied.

(...)

SCHEDULE 8: FINTECH LAB FEES

8.1 Pre-application fee*

A Person seeking to Test and/or Develop the FinTech Activities within the FinTech Lab must pay to the AFSA the pre-application fee in the amount of 100 USD prior to commencing any eligibility assessment.

*Pre-application fee prescribed herein is applied from 1 January 2023. Before 1 January 2023, the pre-application fee is not applied.

8.2 Application fees

Application fees payable to the AFSA by a Person seeking to Test and/or Develop the FinTech Activities within the FinTech Lab are determined by the activities the applicant conducts or intends to conduct as set out below:

<u>Activities within the FinTech Lab</u>	<u>Fee (USD)**</u>
<u>Regulated Activities</u>	<u>10% of the application fees under table 1.1 of Schedule 1 of FEES</u>
<u>Market Activities</u>	<u>10% of the application fees under table 1.1 of Schedule 2 of FEES</u>

**Application fees prescribed herein are applied from 1 January 2023. Before 1 January 2023, the application fees are not applied.

Notes

Fees for initial application—firm to conduct one or more activities within the FinTech Lab

An applicant seeking authorisation to conduct one or more activities specified in the fees table must pay:

- (a) the fee specified for the activity in the table above (or, if the applicant intends to carry on more than one activity, the highest fee specified in the table for any of those activities); and

(b) the amount of 50 USD for each individual for whom Approved Individual status is sought.

Application fee for Approval of Individuals

An applicant submitting applications on behalf of additional individuals seeking Approved Individual status must pay an application fee in the amount of 50 USD in respect of each additional Approved Individual application.

Fees for application to modify or withdraw

Approved Individual applying to the AFSA to change the scope of his/her Approved Individual status, to have a condition or restriction varied or withdrawn must pay the fee in the amount of 50 USD.

8.3 Migration fees to full authorisation

Migration fees payable to the AFSA by FinTech Lab Participants are determined by the activities the FinTech Lab Participant conducts as set out below:

<u>Applications</u>	<u>Fee (USD)***</u>
<u>Regulated Activities</u>	<p>A migration fee equal to the difference between:</p> <ul style="list-style-type: none"> (a) <u>the application fee which would be payable under table 1.1 of Schedule 1 of FEES if it were an applicant for a full Licence; and</u> (b) <u>the application fee under table 8.2 of Schedule 8 of FEES.</u>
<u>Market Activities</u>	<p>A migration fee equal to the difference between:</p> <ul style="list-style-type: none"> (a) <u>the application fee which would be payable under table 1.1 of Schedule 2 of FEES if it were an applicant for a full Licence; and</u> (b) <u>the application fee under table 8.2 of Schedule 8 of FEES.</u>
<u>Approved Individual's registration</u>	<p>A migration fee equal to the difference between:</p> <ul style="list-style-type: none"> (a) <u>the application fee which would be payable under Schedule 1 or 2 of FEES if it were an applicant for a full Licence; and</u>

	(b) <u>the application fee under Schedule 8 of FEES.</u>
--	--

***Migration fees prescribed herein are applied from 1 January 2023. Before 1 January 2023, the migration fees are not applied.

8.4 Supervision fees payable to the AFSA by FinTech Lab Participants

Supervision fees payable to the AFSA by FinTech Lab Participants are determined by the activities the FinTech Lab Participant conducts as set out below:

<u>Activities within the FinTech Lab</u>	<u>Fee type</u>	<u>Fee (USD)****</u>
<u>Regulated Activities</u>	<u>Fixed</u>	<u>20% of the supervision fees under table 6.1 of Schedule 6 of FEES</u>
<u>Market Activities</u>	<u>Fixed and Variable</u>	<u>10% of the supervision fees under table 6.2 of Schedule 6 of FEES plus trading levy of 0,001% of the daily trading value</u>

****Supervision fees prescribed herein are applied from 1 January 2023. Before 1 January 2023, the supervision fees are not applied.

SCHEDULE 9: OTHER FEES

Application to register a Non-Exempt Fund and Exempt Fund or provide notification for an Exempt Fund

A Domestic Fund Manager that intends to manage a Domestic Fund which is a Non-Exempt or Exempt Fund and a Foreign Fund Manager that intends to manage a Domestic Fund which is an Exempt Fund must pay to the AFSA the following fees:

<u>Application types</u>	<u>Fee (USD)*</u>
<u>Domestic Fund Manager that intends to manage a Non-Exempt Fund</u>	<u>2 000</u>
<u>Domestic Fund Manager that intends to manage an Exempt Fund</u>	<u>1 000</u>
<u>Foreign Fund Manager that intends to manage an Exempt Fund</u>	<u>1 000</u>

*Application fees prescribed herein are applied from 1 May 2022. Before 1 May 2022, these fees are not applied.

SCHEDULE 10: LATE FEES PAYABLE TO THE AFSA*

10.1 Late fees for failure to provide notification, report or return

A Person falling within FEES 7.1 must pay to the AFSA a late fee in the amount of 300 USD after the 3-business day period the contravention occurs.

If a late fee referred above is not paid in full by the due date (within 30 calendar days), the non-payment incurs a further late payment fee equal to 10% of the late fee due.

10.2 Late fees for failure to comply with direction issued by the AFSA

A Person falling within FEES 7.4 must pay to the AFSA a late fee in the amount of 300 USD after the 3-business day period the contravention occurs.

If a late fee referred above is not paid in full by the due date (within 30 calendar days), the non-payment incurs a further late payment fee equal to 10% of the late fee due.

*Late fees prescribed herein are applied from 1 May 2022. Before 1 May 2022, these late fees are not applied.