



## Book III - Service providers

### Title II - Other service providers

#### Chapter V bis - Crowdfunding investment advisers

##### Section 2 - Conduct of business rules

### General regulation of the AMF

#### Article 325-37 into force from 01 October 2014 to 07 June 2018

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The user will be redirected to the European regulations as initially published in the Official Journal of the European Union and to the subsequent corrigenda, if any. The AMF does not guarantee the completeness of the redirections to these European regulations and corrigenda.

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#### Article 325-37

The crowdfunding investment adviser shall be regarded as acting honestly, fairly and professionally in accordance with the best interests of a client if, in relation to the provision of advice to such client, it pays or is paid any fee or commission, or provides or is provided with any of the following non-monetary benefits:

- 1 • A fee, commission or non-monetary benefit paid or provided to or by the client or a person on behalf of the client;
- 2 • A fee, commission or non-monetary benefit paid or provided to or by a third party or a person acting on behalf of a third party, where the following conditions are satisfied:
  - a • The existence, nature and amount of the fee, commission or benefit, or, where the amount cannot be ascertained, the method of calculating that amount, must be clearly disclosed to the client, in a manner that is comprehensive, accurate and understandable, prior to provision of the advisory service. The crowdfunding investment adviser may disclose the essential terms of the agreements relating to the fee, commission or non-monetary benefit in summary form, provided that it undertakes to disclose further details at the request of the client and provided that it honours that undertaking;
  - b • Payment of the fee or commission, or provision of the non-monetary benefit, is intended to enhance the quality of the

advisory service to the client and does not impair compliance with the crowdfunding investment adviser's duty to act in the best interests of the client;

- 3 • Appropriate fees allowing the crowdfunding investment adviser to provide the service or necessary for said service to be provided and which, by their nature, cannot come into conflict with the obligation of the crowdfunding investment adviser to act towards its clients honestly, fairly and professionally in accordance with their best interests.

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✎ Version into force since 8 February 2020

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✎ Version into force from 8 June 2018 to 7 February 2020

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✎ **Version into force from 1 October 2014 to 7 June 2018**