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Setting up redemption gates mechanisms: the AMF publishes a new instruction and adjusts its existing policy

In addition to the amendments to its General Regulation, the Autorité des marchés financiers (AMF) is issuing a new instruction (DOC-2017-05) and adapts its policy to incorporate the terms and conditions for setting up redemption gates mechanisms in open ended funds.

The "Sapin 2" law and the AMF General Regulation allow UCITS, retail investment fund (FIVGs), private equity funds (FCPR, FCPI and FIP), professional private equity funds and employee investment schemes to provide for the possibility to cap redemptions temporarily, in case of exceptional circumstances and to protect the interests of the unit holders.

To clarify the practical arrangements for setting up these gating mechanisms in open ended funds, the AMF is issuing a new instruction, referenced as DOC-2017-05.

Existing amended policy documents are, in particular, instructions on procedures for approving or declaring the various investment funds concerned by these new redemption gates, as well as the standard prospectuses, rules and articles of association of UCITS and AIFs which constitute the annexes of these instructions. These policy documents are listed in the table below:

| Legal value | Référence | Title |
|-------------------------|--|---|
| Instruction | DOC-2011-19 and annexes XIV, XV and XVI | Authorisation procedures, preparation of a KIID and a prospectus and periodic reporting for French and foreign UCITS marketed in France |
| Instruction | DOC-2011-20 and annexes XIV, XV and XVI | Authorisation processes, preparation of a KIID and a prospectus and periodic reporting for retail investment funds, funds of alternative funds and professional retail investment funds |
| Instruction | DOC-2011-21 and annexes XIII and XIV | Authorisation procedures, preparation of a KIID and a prospectus, and reporting for employee investment undertakings |
| Instruction | DOC-2011-22 and annex VII | Approval and establishment procedures for KIID and prospectus and periodic information for private equity funds |
| Instruction | DOC-2011-23 and annexes X, XI and XII | Approval and establishment procedures for KIID and prospectus and periodic information for professional real estate funds and specialized professional funds. |
| Instruction | DOC-2012-06 and annex IV | Procedures for making disclosures and introducing changes, preparation of a prospectus and reporting for specialised professional funds and professional private equity funds |
| Position—recommendation | DOC-2011-25 | A guide to the monitoring of collective investment schemes |

Keywords

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**Legal information:**

Head of publications: The Executive Director of AMF Communication Directorate. Contact:
Communication Directorate – Autorité des marchés financiers 17 place de la Bourse – 75082 Paris cedex 02