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The AMF updates its investigation and inspection charters

The AMF has published a new version of its investigation and inspection charters to take account of the format of SPOT inspections, changes to practices, and the dematerialisation of communication. The purpose of these documents is educational and they are given to persons contacted during an investigation or inspection initiated by the AMF.

The main changes made to the investigation and inspection charters are as follows:

- the increased dematerialisation of communication in the conduct of investigations and inspections (for example, sending of the mission order in electronic form, delivery of the charter by e-mail or sending of documents via secure electronic messaging),
- the procedures for summoning persons for interviews have been extended to allow them to be sent not only by letter with acknowledgement of receipt or by hand delivery against a receipt or bailiff's certificate, but also by any other means that ensures they are duly received,
- electronic messaging media collected during an investigation or inspection will be destroyed and no longer returned to the person solicited, with the exception of messaging media seized during home visits, which will still be returned,



- persons who have been interviewed about matters that might be held against them personally during an investigation or inspection will be informed that no proceedings are to be taken against them once the Board has made its decision, rather than after the Enforcement Committee has announced its decision. It should be noted, however, that the rapporteur appointed by the chairman of the Enforcement Committee to conduct the investigative procedure may refer the matter to the Board if he or she believes that a notice of complaints is likely to be served to one or more persons other than those under investigation,
- clarifications have been provided regarding the expected cooperation with the AMF: documents sent to the AMF must be complete, undistorted and consistent, and responses must be provided as soon as possible.

The inspection charter also takes all existing inspection formats into account, including SPOT inspections (short thematic inspections), which means that inspectors can now transmit just a single document when opening an inspection.

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