

Book III - Service providers

Title II - Other service providers

Chapter V - Financial investment advisers

General regulation of the AMF

Article 325-1-A into force since 08 February 2020

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Article 325-1-A

I. For the purposes of this chapter, a “durable medium” is an instrument allowing:

- 1 • A client to store information addressed personally to that client in a way that affords easy access for future reference for a period of time adequate for the purposes of the information; and
- 2 • Which allows the unchanged reproduction of the information stored.

II. - Where information has to be provided by a financial investment adviser on a durable medium, this information may be published on a durable medium other than paper only if:

- 1 • The provision of that information in that medium is appropriate to the context in which the business between the financial investment adviser and the client is, or is to be, carried on; and
- 2 • The person to whom the information is to be provided, when offered the choice between information on paper or in that other durable medium, specifically chooses the provision of the information in that other medium.

III. - Where a financial investment adviser provides information to a client by means of a website and that information is not

addressed personally to the client, the financial investment adviser shall ensure that the following conditions are satisfied:

- a) The provision of that information in that medium is appropriate to the context in which the business between the financial investment adviser and the client is, or is to be, carried on;
- b) The client must specifically consent to the provision of that information in that form;
- c) The client must be notified electronically of the address of the website and the place on the website where the information may be accessed;
- d) The information must be up to date;
- e) The information must be accessible continuously by means of that website for such period of time as the client may reasonably need to inspect it.

IV. - For the purposes of this article, the provision of information by means of electronic communications is deemed to be appropriate to the context in which the business between the financial investment adviser and the client is, or is to be, carried on where there is evidence that the client has regular access to the Internet. The provision by the client of an e-mail address for the purpose of conducting that business shall be construed as evidence of such regular access.

✚ **Version into force since 8 February 2020**

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