AUTORITÉ
DES MARCHÉS FINANCIERS

Book III - Service providers

Title I - Investment services providers

Chapter III - Financial instrument governance requirements

Section 1 - Financial instrument governance obligations for manufacturers

General regulation of the AMF

Article 313-11 into force since 22 November 2022

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Article 313-11

The manufacturer shall define in sufficient detail the potential target market for each financial instrument and specify the type(s) of client(s) that have needs, characteristics and objectives, including possibly sustainability objectives, with which the financial instrument is compatible.

As part of this process, it shall define any group(s) of clients that have needs, characteristics and objectives that are not compatible with this instrument. However, if this instrument takes into account sustainability factors within the meaning of by Point 24 of Article 2 of Regulation (EU) 2019/2088 of the European Parliament and of the Council, these shall not in any way be considered as incompatible.

Where manufacturers or one manufacturer and one or several other persons referred to in Article 313-1 (II) collaborate to manufacture a financial instrument, only one target market needs to be identified.

Where the manufacturer is not also the distributor of a financial instrument, and where the financial instrument is distributed through one or several distributors, the manufacturer shall determine the financial instrument's compatibility with the needs and characteristics of clients based on:

1 • their theoretical knowledge of and past experience with:

a • the financial instrument or similar financial instruments; and

b • financial markets; and

2 • the needs, characteristics and objectives of potential end clients.

↘ **Version into force since 22 November 2022**

↘ Version into force from 3 January 2018 to 21 November 2022