ÖSTERREICHISCHE FMA · FINANZMARKTAUFSICHT

REGULATION OF THE FINANCIAL MARKET AUTHORITY (FMA) ON THE FORMAT OF THE WARNING NOTICE FOR ALTERNATIVE INVESTMENT FUNDS (AIF-WARNHINWEISVERORDNUNG)

AIF WARNING NOTICE REGULATION

Federal Law Gazette II No. 224/2013

Based on Article 49 para. 5 of the Alternative Investment Fund Managers Act (*AIFMG; Alternative Investmentfonds Manager-Gesetz*), published in Federal Law Gazette I no. 135/2013, the following shall be ordered by means of a Regulation:

SCOPE OF APPLICATION

Article 1. This Regulation shall apply to warning notices pursuant to Article 49 para. 4 AIFMG.

FORMAT OF THE WARNING NOTICE

Article 2. (1) A warning notice in relation to an alternative investment fund (AIF), that is authorised to be marketed to retail clients in Austria pursuant to Article 49 AIFMG, shall be required to be in German, clearly visible, clearly recognisable and easily readable, and shall fulfil the requirements set out in Article 3.

(2) The warning notice pursuant to para. 1 shall already be included in the customer information document (*KID; Kundeninformationsdokument*) or the simplified prospectus at the time of submission of the notification pursuant to Article 49 para. 2 AIFMG.

(3) The warning notice pursuant to para. 1 shall also be included in all publicity documents pertaining to the AIF or of the alternative investment fund manager (AIFM) that are used for marketing in Austria. Where marketing material does not permit a warning notice in writing, then the content of the warning notice shall be required to be conveyed in another suitable manner. A general reference about where the warning notice may be found is not sufficient in this case.

WORDING

Article 3. The warning notice shall read as follows:

"Weder der [Name des AIF] noch die [Name des AIFM] unterliegt einer Aufsicht der Finanzmarktaufsichtsbehörde (FMA) oder einer sonstigen österreichischen Behörde. Die Aufsicht obliegt ausschließlich der [Name der Herkunftsstaatsbehörde oder der zuständigen Behörde des Referenzmitgliedstaats des AIFM]. Weder ein etwaiger Prospekt noch ein Kundeninformationsdokument (KID) oder ein Vereinfachter Prospekt wurden von der FMA oder einer sonstigen österreichischen Behörde geprüft. Die FMA oder eine sonstige österreichische Behörde haften nicht für die Richtigkeit oder Vollständigkeit der Vertriebsunterlagen."

English Translation of above text (for information purposes - not for use)

“Neither the [Name of the AIF] nor the [Name of the AIFM] is subject to supervision by the Austrian Financial Market Authority (FMA) or another authority in Austria. Supervision shall be exclusively conducted by the [Name of the home supervisory authority or the competent authority in the AIFM’s reference member state]. Neither any existing prospectus, nor a customer information document (*KID; Kundeninformationsdokument*) or a simplified prospectus have been scrutinised by the FMA or another authority in Austria. The FMA or another authority in Austria shall not be liable for the correctness or completeness of the marketing documents."

ENTRY INTO FORCE

Article 4. This Regulation shall enter into force at the end of the day of its promulgation.