

**KREDITILSYNET
NORWAY**

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This translation is for information purposes only. Legal authenticity remains with the original Norwegian version as published in "Norsk Lovtidend".

Regulations on Marketing of Securities Funds

Laid down by the Ministry of Finance on 8 July 2002 pursuant to Act No. 52 of 12 June 1981 on Securities Funds section 6-13 first paragraph no. 1, section 6-14 first paragraph no. 3 and section 6-15, cf. the EEA Agreement Article 36 and 40 and Annex IX point 30 (Council Directive 85/611/EEC as subsequently amended).

Chapter 1 – UCITS funds

Section 1-1 *Scope*

This chapter applies to foreign investment undertakings embraced by the Securities Funds Act section 6-14.

Section 1-2 *Duty of notification*

The fund manager of an investment undertaking shall give Kredittilsynet (the Banking, Insurance and Securities Commission of Norway) the following information before it offers units of securities funds in Norway:

1. A statement from the authorities in the investment undertaking's home state confirming that the undertaking meets the requirements of Council Directive 85/611/EEC.
2. The investment undertaking's instruments of incorporation and prospectus.
3. The investment undertaking's latest annual report and accounts and interim report if the latter was prepared later than the annual report and accounts.
4. Guidelines for the investment undertaking's sale and redemption of units of securities funds in Norway, including marketing plans. The guidelines shall contain a list of names of firms that are entitled to sell units of the securities fund in Norway and that are entitled to receive legally binding requests for redemption on behalf of the investment undertaking.
5. Information on what steps the fund manager of the investment undertaking will take in Norway to protect the unit-holders':
 - right to payment of dividend,
 - right to request that units be redeemed, including information about who is entitled to receive legally binding requests for redemption on behalf of the investment undertaking,

- access to such information as the fund manager of the investment undertaking is required to keep generally available.

Any changes in the guidelines for sale of units of securities funds in Norway pursuant to the Securities Funds Act section 6-14 and in the provisions of this chapter shall be notified to Kredittilsynet.

Section 1-3 *Sanctions*

Kredittilsynet may order the fund manager of an investment undertaking embraced by the Securities Funds Act section 6-14 to rectify the situation or to cease marketing the undertaking if the requirements of section 6-14, first paragraph, no. 4-7, are no longer met.

Chapter 2 – Other foreign investment undertakings

Section 2-1 *Scope*

This chapter applies to foreign investment undertakings embraced by the Securities Funds Act section 6-13.

Section 2-2 *Application for authorisation*

In the case of applications for authorisation to market units of foreign investment undertakings that are not embraced by Council Directive 85/611/EEC, the fund manager shall give Kredittilsynet the following information:

1. A statement from the competent authorities of the home state of the fund manager of the investment undertaking confirming that the undertaking and its fund manager are subject to supervision, and that the undertaking and its fund manager meet the requirements set for carrying on the business in the home state.
2. Information about the rules applying to the organisation and operation of the investment undertaking.
3. The investment undertaking's instruments of incorporation and prospectus.
4. The investment undertaking's latest annual report and accounts and interim report if the latter was prepared later than the annual report and accounts.
5. Guidelines for the investment undertaking's sale and redemption of units of securities funds in Norway, including marketing plans. The guidelines shall contain a list of names of firms that are entitled to sell units of the securities fund in Norway and that are entitled to receive legally binding requests for redemption on behalf of the investment undertaking. The guidelines shall also contain information about costs involved in investing in the undertaking, including costs that will be charged for subscription for and redemption of units, and current management fees.
6. Information on what steps the fund manager will take in Norway to protect the unit-holders':
 - right to payment of dividend,

- right to request that units be redeemed, including information about who is entitled to receive legally binding requests for redemption on behalf of the investment undertaking,
- access to information about costs involved in investing in the undertaking, including costs that will be charged for subscription for and redemption of units, and current management fees,
- access to any other information that the investment undertaking's fund manager is required to keep generally available.

Any changes in the guidelines for sales of units of the investment undertaking in Norway pursuant to the Securities Funds Act section 6-13 and in the provisions of this chapter shall be notified to Kredittilsynet.

Section 2-3 *Sanctions*

Kredittilsynet may revoke the licence of the fund manager of an investment undertaking embraced by the Securities Funds Act section 6-13 to market securities funds units in Norway or to rectify the situation where:

1. the requirements of the Securities Funds Act section 6-13 first paragraph no. 4, 5 or 6 are no longer met,
2. conditions set pursuant to the Securities Funds Act section 6-13 first paragraph have been contravened,
3. rules laid down pursuant to section 6-15 have not been complied with, or
4. requirements of section 7-4 concerning language have not been complied with.

Chapter 3 – Common rules

Section 3-1 *Scope*

This chapter applies to investment undertakings embraced by the Securities Funds Act sections 6-13 and 6-14.

Section 3-2 *Generic name*

The investment undertaking's fund manager may employ the same generic name for the fund and the manager of the fund in its marketing in Norway as that employed in the home state. In cases where there is a risk of confusion, Kredittilsynet may require an explanatory note to be attached to the name.

Section 3-3 *Duty to provide information*

Information that the investment undertaking's fund manager is required pursuant to the law of his home state to offer unit subscribers and to keep generally available shall be similarly offered to unit subscribers and be kept generally available in Norway.

The fund manager of the investment undertaking shall calculate and publish unit values in Norway at least twice a month and more often if the instruments of incorporation so provide.

When assessing whether the duty to provide information pursuant to the first and second paragraph is met, any other method and channels by which the units of the investment undertaking are marketed shall be taken into consideration.

Section 3-4 *Notice of sanctions*

Kredittilsynet shall notify the competent authority of the home state of the investment undertaking's fund manager of notified and implemented sanctions.

Section 3-5 *Commencement and transitional rules*

These regulations come into force immediately. Regulations no. 662 of 30 June 1994 on foreign investment undertakings' right to offer units of securities funds in Norway are simultaneously repealed.

Investment undertakings notified in conformity with Regulations no. 662 of 30 June 1994 are deemed to be notified for the purpose of these regulations.

Investment undertakings embraced by the Securities Funds Act section 6-13 and marketed via investment firms in Norway upon the commencement of these regulations may, notwithstanding these regulations, continue such marketing provided an application in conformity with section 6-13 is sent to the competent authority not later than three months after the commencement of these regulations. The same applies to investment undertakings embraced by section 6-14 that have marketed units via investment firms without prior registration in accordance with Regulations no. 662 of 30 June 1994.