

MEMO# 16830

December 3, 2003

INFORMATION ON THE IMPLEMENTATION OF THE SIMPLIFIED PROSPECTUS REQUIREMENT FOR UCITS IN THE EU MEMBER STATES

[16830] December 3, 2003 TO: INTERNATIONAL COMMITTEE No. 80-03 RE: INFORMATION ON THE IMPLEMENTATION OF THE SIMPLIFIED PROSPECTUS REQUIREMENT FOR UCITS IN THE EU MEMBER STATES Under the UCITS amendments adopted by the European Union in 2002, Member States are required to adopt national laws to implement the amendments by August 13, 2003 and to apply the new national laws no later than February 13, 2004. There has been a question of when existing funds would have to comply with the requirement to provide a simplified prospectus. Because the UCITS amendments do not provide an explicit transition period for this requirement, it appears that some Member States are requiring funds that do not have to comply with the new amendments under home state regulations until 2007 (including passported funds) to provide a simplified prospectus from February 13, 2004. Attached for your information is a table prepared by outside counsel on the position being taken by Member State regulators on the simplified prospectus requirement. The table provides answers to two questions: (1) by when must a simplified prospectus be used for domestic funds and for passported funds and (2) will any other documents have to be provided to investors. The information provided by counsel is based, in part, on informal discussions with local regulators. Member State positions may change as a number of countries continue to amend their national laws and discussions continue in the UCITS Contact Committee on implementation issues. We will advise you if agreement is reached on an EU-level plan for a uniform implementation of the simplified prospectus. Jennifer S. Choi Associate Counsel Attachment (in .pdf format)