



AIFMD review

FOCUS

Updated in March 2022



SOCIETE GENERALE
Securities Services

REGULATORY EVOLUTION

- Review of AIFMD Level 1 by the European Commission (EC) should have started by July 2017. Due to the European's focus on competing priorities such as Brexit, this process has been delayed
- The European Commission has mandated KPMG to carry out a survey on the functioning of AIFMD to assess:
 - how the AIFMD has worked in practice
 - and to what extent the AIFMD objectives have been achieved and have provided added value

FOCAL POINTS

- The survey seeks for the view of stakeholders in particular on:
 - AIFMD's impact on the information provided to investors before they invest
 - Whether retail investors are affected by AIFMD
 - Whether other regulation has assisted or hindered the achievement of the AIFMD's objectives

2018

Feb. to May 2018
KPMG survey
mandated by the
EC

2019

January 2019
EC released
KPMG report
on AIFMD

2020

June 2020
Report from the EC
July 2020
ESMA letter to the
EC
October 2020
EC consultation

2021

Jan. 2021
Answer to the EC
consultation
Nov. 2021
**Proposal from
the EC** review
of AIFMD and
UCITSD

2022

EC proposal
under review of
Parliament and
Council early
2022. Then,
once adopted,
Members
States will have
24 months for
transposition

Updated on 8 March 2022

STATEMENT

- ❑ On February 2018 KPMG published a survey among the stakeholders most affected by AIFMD (Asset Managers, local regulators, depositaries ...) and conducted in May 2018 interviews with trade associations
- ❑ Main message from European and French depositaries in response to KPMG survey: AIFMD is functioning satisfactorily
- ❑ 10 January 2019: publication by the Commission of KPMG Report on the Operation of the AIFMD - first step in the process review
- ❑ Key findings of in this report:
 - AIFMD has significantly contributed to creating a single market for AIFs by establishing an harmonized regulatory framework
 - Most of the AIFMD provisions are assessed as having achieved their objectives
 - Some areas require further analysis: NCAs diverging interpretations of rules, overlaps in reporting requirements with other European rules
- ❑ 10 June 2020: Commission published its own [report](#) on the review of the AIFMD and confirmed that AIFMD objectives have been achieved.
- ❑ 18 August 2020: ESMA sent [a letter](#) to the Commission regarding the AIFMD review to highlight recommendations for changes in areas such as: the harmonization of AIFMD and UCITS regimes, delegation and substance, liquidity management tools, leverage, the AIFMD reporting regime and data use, the harmonization of supervision of cross-border entities and the study of a depositary passport

FOR YOUR CONSIDERATION

- ❑ 29 January 2021: Answers by the industry to the [consultation](#) launched by the Commission on AIFMD review in October 2020
- ❑ **25 November 2021: Commission published its legislative [proposal](#) on the Review of AIFMD and UCITS Directive**
- ❑ **Next steps: the Commission proposal is under review of the European Council and Parliament. Once adopted by the EU co-legislators, Member States will have 24 months for transposition in local law.**

Contact SGSS/CAO/REG:

marie-claire.de-saint-exupery@sgss.socgen.comIf you want to know more, refer to
Fiche AIFMD to know more

"This document is for informational purposes only. Under no circumstance should it, in whole or in part, be considered as an offer to enter into a transaction. This document is not intended to have an advisory character or intended to represent an investment recommendation or a recommendation regarding a certain strategy, product or service. Although information contained herein is from sources believed to be reliable, Société Générale makes no representation or warranty regarding the accuracy of any information and is not responsible for errors of any kind. Any reproduction, disclosure or dissemination of these materials is prohibited. The products and services described within this document are not suitable for everyone. This document is not intended for use by or targeted at retail customers. All of the products and/or services described may not be available in all jurisdictions"