FONDBOLAGENS
FÖRENING

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Committee of European Securities Regulators (CESR)

11-13 Avenue de Friedland

75008 PARIS FRANCE

Comments on CESR:s advice on possible implementing measures of the Transparency Directive

The Swedish Investment Fund Association[1] (below referred to as SIFA) has been given the opportunity to comment on the above-mentioned CESR consultation and would like to make the following comments.

Comments on questions and proposed positions in Section 6

Q 17 We agree with the "second view" as set out in section 190 for the reasons described by CESR as well as for administrative reasons. A management company might manage funds authorised under the UCITS Directive along with non-UCITS and it would be complicated if the requirements were not the same

Q 18 No. As CESR states under the heading "Discussion", part A, management companies and investment funds are already subject to a comprehensive set of regulations through which they maintain their independence from their parent undertaking.

Q 19 and 20 No. There should be (and are) different ways in which a parent company could demonstrate independence. It should be left to the competent supervisory authority to decide how this could be done, according to the supervisory culture of the member state.

Q 21 The description of "indirect instructions" is too vague and could include for instance statements by the parent company made to the press. The definition should clarify that only statements made to the management company by the parent company is intended to be included.

Q 22 It is not quite clear whether the declaration is to be given in each separate case where the thresholds are crossed or be of a general nature. We strongly suggest that a "general" declaration would be satisfactory. Such a declaration could be given by the parent company "once and for all" with the intention to make clear that the parent company undertakes not to interfere in any way in the exercise of the voting rights held by the management company. We object to any suggestion that the parent company has to give a declaration in each particular case. Normally the parent

[1] The Swedish Investment Fund Association consist of 31 fund management companies representing app. 95 percent of the Swedish fund market. Our members manage around EUR 110 Billion in fund assets.

company does not have, and should not have, the knowledge of the current composition of the portfolio managed by the management company and such an obligation would be difficult to fulfil.

SWEDISH INVESTMENT FUND ASSOCIATION

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