

While this translation was carried out by a professional translation agency, the text is to be regarded as an unofficial translation based on the latest official Executive Order no. 598 of 12 June 2013. Only the Danish document has legal validity.

Executive Order on the Form and Content of Documents containing Significant Investor Information for Alternative Investment Funds

Executive Order no. 598 of 12 June 2013

Pursuant to section 5(7) of Act no. 598 of 12 June 2013 on Alternative Investment Fund Managers, etc., the following is established:

Part 1

Scope and definitions

- 1.-(1)** Parts 2–10, 12 and 13 of this Executive Order apply to alternative investment fund managers authorised to market themselves to retail investors as alternative investment funds which mainly invest in financial assets.
- (2)** Parts 11–13 of this Executive Order apply to alternative investment fund managers authorised to market themselves to retail investors as alternative investment funds which mainly invest in other assets.
- (3)** For the purpose of this Executive Order, "alternative investment fund managers authorised to market themselves to retail investors as alternative investment funds which mainly invest in financial assets" is understood to mean alternative investment funds that are defined as such in their authorisation for marketing to retail investors, cf. section 3(5) of the Executive Order on the Marketing of Alternative Investment Funds to Retail Investors.
- (4)** For the purpose of this Executive Order, "alternative investment fund managers authorised to market themselves to retail investors as alternative investment funds which mainly invest in other assets" is understood to mean alternative funds that are defined as such in their authorisation for marketing to retail investors, cf. section 3(5) of the Executive Order on the Marketing of Alternative Investment Funds to Retail Investors.
- (5)** For the purpose of this Executive Order, "structured alternative investment funds" is understood to mean alternative investment funds that, on certain predetermined dates, pay an algorithm-based return to investors linked to the results, price changes or other factors that apply to financial assets, indices or benchmark portfolios or alternative investment funds with similar characteristics.
- (6)** For the purpose of this Executive Order, "financial assets" is understood to mean mortgage deeds, foreign-exchange spot transactions for investment purposes in order to secure a profit in connection with changes in the exchange rate, and financial instruments as defined in rules implementing Annex 1 C of Directive 2004/39/EC of 21 April on markets in financial instruments.
- (7)** For the purpose of this Executive Order, "other assets" means all assets that are not financial assets.

Part 2

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Alternative investment funds based on securities with several sub-funds or share classes

2.-(1) If the alternative investment fund consists of one or more sub-funds, a separate document must be prepared containing significant investor information, cf. section 4(1), about the individual sub-funds.

3.-(1) If the alternative investment fund consists of one or more share classes, a separate document is prepared containing significant investor information about the individual share classes.

(2) Significant investor information relevant to two or more classes in the same alternative investment fund may be compiled in a single document containing significant investor information, provided that the final document meets all the requirements of sections 6–7, including the requirement on length.

(3) The alternative investment fund may choose to have one class represent one or more other classes in the fund, provided that the choice is honest, clear and not misleading to potential investors in the other classes. In such cases, the "Risk/return profile" section in the document containing significant investor information must include a description of significant risk that applies to all represented classes. A document containing significant investor information based on the representative class may be supplied to investors in the other classes.

(4) Different classes cannot be collated in a combined representative class, cf. subsection (3).

(5) The alternative investment fund retains information about the other classes covered by the representative class in subsection (3), and on the rationale for this choice.

(6) The "Practical information" section of the significant investor information document is supplemented, if relevant, with a specification of the class that was chosen to be representative, making use of the term used to denote it in the alternative investment fund prospectus. This section also indicates where investors can obtain information on the other classes in the alternative investment fund which are marketed in their own Member State.

Part 3

Principles concerning documents containing significant investor information for alternative investment funds based on securities

4.-(1) Parts 3–11 of the Executive Order provide an exhaustive description of the form and content of the document containing significant investor information for alternative funds based on securities (hereinafter referred to as "the significant investor information document"). Unless otherwise stated in this Executive Order, other information and statements are not included.

(2) Significant investor information must be honest and clear and must not be misleading.

(3) The significant investor information document is supplied in such a way that investors can distinguish between the document and other material. In particular, it must not be available or supplied in such a way that investors may be expected to regard it as less important than other information about the alternative investment fund and the risks and benefits of the alternative investment fund.

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5.-(1) The content of the significant investor information document is presented in the order specified in subsections (2)–(11).

(2) The title, "Significant Investor Information", is placed clearly at the top of the first page of the significant investor information document.

(3) Immediately below the title is an explanation, which reads as follows: "This document contains significant investor information about this alternative investment fund. The document is not marketing material. The information is required by law and is intended to make it easier to understand the structure of the alternative investment fund and the risks associated with investing in the alternative investment fund. You are advised to read the document in order to make a qualified decision about any potential investment."

(4) The identification of the alternative investment fund, including share class or sub-fund thereof, is stated clearly. In the case of sub-funds or share classes, the name of the alternative investment fund is provided after the name of the sub-fund or share class. Any code numbers that identify the alternative investment fund, sub-fund or share class are included as part of the identification of the alternative investment fund.

(5) The manager's name is provided.

(6) If, for legal, administrative or marketing reasons, the manager is part of a group, the name of the relevant group may also be provided. Corporate branding can be included, provided that it does not prevent investors from understanding the key aspects of the investment or limit the possibility of comparing investment products.

(7) The section entitled "Objectives and investment policy" in the significant investor information document contains the information covered in Part 4 of this Executive Order.

(8) The section entitled "Risk/return profile" in the significant investor information document contains the information covered in Part 5 of this Executive Order.

(9) The section entitled "Costs" in the significant investor information document contains the information covered in Part 6 of this Executive Order.

(10) The section entitled "Previous results" in the significant investor information document contains the information covered in Part 7 of this Executive Order.

(11) The section entitled "Practical information" in the significant investor information document contains the information covered in Part 8 of this Executive Order.

(12) The information on publication must correspond to the following declaration: "This significant investor information is correct as of [date of publication]."

6.-(1) A significant investor information document must:

1) Be drawn up in Danish.

2) Be presented and set out in such a way that it is easy to read with the use of easily legible character sizes.

3) Exist in writing and be clearly worded so as to facilitate the investor's understanding of the information provided, in particular:

a) using clear, concise and easy-to-understand phrases,

b) without technical jargon, and

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c) without technical terms when these can be replaced by ordinary words.

4) Focus on the significant information that the investor needs.

(2) The use of colour must not make the information less easy to understand if the significant investor information document is printed or photocopied in black and white.

(3) The use of corporate branding for the manager or the group to which it belongs must not distract the investor or obscure the text.

7.-(1) The significant investor information document must not exceed two A4 pages when printed.

Part 4

Objectives and investment policy

8.-(1) The "Objectives and investment policy" section of the significant investor information document covers the main features of the alternative investment fund which the investor should be informed about, even if they are not included in the prospectus under objectives and investment policy, including:

1) The main categories of financial instruments that can be invested in.

2) Whether the investor can redeem units in the alternative investment fund on demand, and if so, a specification of the frequency with which units are traded.

3) Whether the alternative investment fund has a specific objective in respect of any industrial, geographical or other market-specific sectors or in relation to specific categories of assets.

4) Whether the alternative investment fund allows for discretionary choices in connection with the specific investments that are to be made, and whether this method includes or presupposes a reference to a benchmark, and if so, which. The extent to which flexibility is possible in relation to the relevant benchmark must also be stated. If the alternative investment fund has set an index-based objective, this must be stated.

5) Whether dividends are paid out or reinvested.

(2) The description in subsection (1) must include the following information, if relevant:

1) If the alternative investment fund invests in bonds, an indication of whether the bonds are issued by companies, the government or other entities, and, if applicable, any minimum rating requirements.

2) If the alternative investment fund is a structured fund, a brief overview of all the aspects that are required in order to gain a correct understanding of the return and of the factors that are expected to be decisive for the result, including, if necessary, references to details in the prospectus about the algorithm and how it operates.

3) If the choice of assets is governed by certain criteria, a review of these criteria, e.g. "growth", "value" or "high yield".

4) If wealth management techniques are used, e.g. hedging, arbitrage or borrowing, a brief review of the factors that are expected to be decisive for the results of the alternative investment fund.

5) If the costs of portfolio transactions can be expected to have a significant impact on the return as a result of the strategy adopted by the alternative investment fund, an indication that this is the case, while emphasising that

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costs of portfolio transactions are borne by the alternative investment fund or the assets of the fund in addition to the fees referred to in Part 6.

6) If an open-ended fund indicates a recommended minimum period for holding units in the alternative investment fund either in the prospectus or in any marketing material, or if it is stated that a minimum period is an important aspect of the investment strategy, a statement must be worded as follows: "Recommendation: This alternative investment fund may not be suitable for investors who intend to withdraw their money before [time period]."

(3) The "Objectives and investment policy" section of the significant investor information document may contain information other than that specified in subsection (2), including a description of the alternative investment fund's investment strategy, if this information is required in order to provide an appropriate description of the alternative investment fund's objectives and investment strategy.

Part 5

Risk/return profile

9.-(1) The "Risk/return profile" section of the significant investor information document includes a synthetic indicator supplemented by:

- 1) A description in words of the indicator and its main limitations.
- 2) A description in words of risks that are significant for the alternative investment fund but which the synthetic indicator does not take adequately into account.

(2) The synthetic indicator in subsection (1) consists of a number of categories on a numerical scale, where the alternative investment fund is linked to one of the categories. The description of the synthetic indicator must comply with the requirements in Annex 1.

(3) The calculation of the synthetic indicator and any later changes are documented adequately. The manager must keep records of these calculations for a period of at least five years. The period is extended to five years after maturity in connection with structured alternative investment funds.

(4) The description in words pursuant to subsection (1), no. 1, must include the following information:

- 1) A declaration that historical data such as those used to calculate the synthetic indicator do not necessarily provide a reliable picture of the future risk profile of the alternative investment fund.
- 2) A declaration that the specified risk/return category will not necessarily remain unchanged, and that the classification of the alternative investment fund may change over time.
- 3) A declaration, where relevant, that the lowest category is not synonymous with a risk-free investment.
- 4) A brief explanation as to why the alternative investment fund falls into a particular category.
- 5) Further details on the nature, timing and extent of any capital guarantee or capital protection offered by the alternative investment fund, including the potential effects if units are redeemed outside the guarantee or protection period.

(5) The description in words pursuant to subsection (1), no. 2, must include the following information:

- 1) Credit risk if a significant part of the investment includes bonds.

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2) Liquidity risk if a significant part of the investment comprises financial instruments that are in themselves sufficiently liquid, but which, in certain circumstances, may have a relatively low level of liquidity, which has an impact on the alternative investment fund's liquidity risk level as a whole.

3) Counterparty risk if an alternative investment fund is covered by a guarantee from a third party, or if the investment exposure has been obtained to a significant extent through one or more agreements with third parties.

4) Operational risks and risks associated with the storage of assets.

10.-(1) The risks referred to in section 9, subsection (1), no. 1, are identified and described in accordance with the internal process that the manager has introduced in order to identify, measure and supervise risks. If the manager manages more than one alternative investment fund, or also one or more UCITS, the risks provided are identified and described in a consistent manner.

Part 6

Costs

11.-(1) The "Costs" section in the significant investor information document must contain a presentation of costs in the form of a table, cf. Annex 2.

(2) The table in Annex 2 is completed in accordance with the following requirements:

1) The entry and exit costs each correspond to the maximum amount expressed as a percentage which can be deducted from the investor's capital undertaking in respect of the alternative investment fund.

2) A single figure shows the costs incurred by the alternative investment fund over a year, i.e. the "running costs", which correspond to all annual costs and other payments incurred by the assets of the alternative investment fund during the defined period, and are based on the amounts from the previous year.

3) The table lists and describes any costs that the alternative investment fund incurs in certain special circumstances, the calculation basis of the cost and when the cost applies.

12.-(1) The "Costs" section must include a description in words of all the costs listed in the table, including:

1) Regarding entry and exit costs:

a) It must be clear that the costs are always maximum amounts, because in some cases the investor may pay less.

b) A statement is added to the effect that the investor may find out the actual entry and exit costs by contacting the investor's financial adviser or distributor, if entry and exit are possible.

2) On "Running costs", where a statement is added to the effect that the running costs are based on the previous years' expenses, i.e. for the year ending in [month/year] and that the amount may therefore vary from one year to the next.

(2) The section on "Costs" must include a statement on the impact of the costs, clearly stating that the costs paid for by the investor are used to cover the running costs of the alternative investment fund, including costs relating

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to the marketing and distribution of the alternative investment fund, and that these costs limit the potential growth of the investment.

13.-(1) All parts of the cost structure must be presented as clearly as possible so that the investor can assess the overall impact of the costs.

(2) If the costs of portfolio transactions can be expected to have a significant impact on the return as a result of the strategy adopted by the alternative investment fund, this is stated in the "Objectives and investment policy" section, cf. section 8(2), no. 5.

(3) Performance-related fees are disclosed in accordance with section 11(2), no. 3. Performance-related fees paid by the alternative investment fund in the previous financial year are stated as a percentage.

14.-(1) If a new alternative investment fund cannot meet the requirements in section 11(2), no. 2, and section 12(1), no. 2, the running costs are estimated on the basis of the overall expected costs.

(2) Subsection (1) does not apply in the following cases:

1) For alternative investment funds that charge a fixed overall cost and when the amount in question is stated instead.

2) For alternative investment funds that set a cap or maximum for the amount that can be charged, and the amount in question is stated here instead, provided that the manager undertakes to respect the published amount and to defray any costs that would otherwise cause this amount to be exceeded.

15.-(1) The "Costs" section must, where applicable, include cross-references to those parts of the alternative investment fund's prospectus in which further details of costs, including performance-related fees and their calculation, can be found.

Part 7

Previous results

16.-(1) The previous results of the alternative investment fund should be presented in a bar chart showing the results of the alternative investment fund over the past ten years. The bar chart must be of a size such that it is easy to read, but may under no circumstances take up more than half a page of the significant investor information document.

(2) Alternative investment funds which have fewer than five full calendar years of previous results must only present the results for the past five years.

(3) Years for which no data are available are displayed as empty fields containing the date only.

(4) If the alternative investment fund does not yet have data on previous results for an entire calendar year, insert an explanation to the effect that there is insufficient data to provide the investor with useful information on previous results.

(5) The bar chart is supplemented with clear remarks, such as:

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- 1) A warning that the chart has limited value as an indicator of future results,
 - 2) briefly showing which charges and fees are included in or excluded from the calculation of previous results,
 - 3) indicating the year in which the alternative investment fund was set up, and
 - 4) indicating the currency in which the previous results were calculated.
- (6) The requirements in subsection (5), no. 2, do not apply to alternative investment funds that do not charge entry and exit fees.
- (7) The significant investor information document must not contain information on previous results for parts of the current calendar year.

17.-(1) Previous results are calculated on the basis of the net value of the assets of the alternative investment fund and on the assumption that the alternative investment fund has reinvested any earnings that can be distributed.

18.-(1) Even if significant changes have been made in the alternative investment fund's objectives and investment policy during the period covered by the bar chart in section 16, the bar chart must still show the alternative investment fund's previous results prior to the significant changes in question.

(2) The period prior to the significant changes, cf. subsection (1), is shown in the bar chart with a clear warning that the results were achieved in circumstances that no longer apply.

19.-(1) If a benchmark is referred to in the "Objectives and investment policy" section of the significant investor information document, a bar containing the previous results of the relevant benchmark is inserted in the chart next to each bar containing the previous results of the alternative investment fund.

(2) Alternative investment funds that do not have data on previous results for the requisite five or ten years do not insert a benchmark for those years in which the alternative investment fund did not exist.

20.-(1) Simulated results for the period before data were available are only allowed in the following situations, provided they are used in an honest, clear and non-misleading manner. An existing alternative investment fund or an existing sub-fund may simulate the performance for a new share class using the performance of another class, provided that the two classes do not differ significantly in the extent to which they participate in the assets of the alternative investment fund.

(2) If the results are simulated as referred to in subsection (1), this must be indicated clearly in the bar chart.

(3) If an alternative investment fund changes its legal status but remains established in the same Member State, results data remain unchanged if the competent authority of the Member State is reasonably certain that the changed status does not affect the results of the alternative investment fund.

(4) In the event of a merger, only the data relating to the previous results of the continuing investment fund or sub-fund will be retained in the significant investor information document.

21.-(1) Sections 16–20 do not apply to close-ended funds.

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Practical information and cross-references

22.-(1) The section on "Practical information" in the significant investor information document must include the following information that is relevant to retail investors:

- 1) The name of the depositary.
- 2) Where and how further information about the fund can be obtained, copies of the prospectus, if any, and the most recent annual report and subsequent half-yearly report, including the language or languages in which the documents are available and can be requested free of charge.
- 3) Where and how other practical information can be obtained, including where the latest unit prices can be found.
- 4) A statement to the effect that the tax legislation in the alternative investment fund's home Member State may affect the investor's personal tax position.
- 5) The following statement: "[Name of alternative investment fund manager] shall only be held liable for information contained in this document if it is misleading, inaccurate or inconsistent with the relevant parts of the prospectus for the alternative investment fund."

(2) If the significant investor information document concerns a single sub-fund, cf. section 2, the section on "Practical information" must provide information on the following:

- 1) That the significant investor information document contains a description of a sub-fund of an alternative investment fund and, if so, that the prospectus and the periodic reports are prepared for the entire alternative investment fund mentioned at the beginning of the significant investor information document.
- 2) Whether the assets and liabilities of the individual sub-funds are separated by law, and the potential consequences of this for the investor.
- 3) Whether the investor has the right to exchange their investment in units in one sub-fund for units in another sub-fund and, if applicable, where information can be obtained on how to exercise this right.
- 4) If the manager sets a fee that the investor must pay to exchange their investment, cf. no. 3, and the fee in question differs from the standard fee for the purchase and sale of units, the fee is stated separately in the "Costs" section in the significant investor information document.

(3) The section on "Practical information" in the significant investor information document must, if relevant, contain the information on share classes required in section 3.

23.-(1) Cross-references to other sources of information, including the prospectus and annual report, may be included in the significant investor information document, provided that all information that is material to the investors' understanding of the significant aspects of the investment is included in the significant investor information document itself. Cross-references to the website of the alternative investment fund or the manager are permitted, including to that part of said website which contains the prospectus and the periodic calculations.

(2) The cross-references in subsection (1) must guide the investor to the specific section in the relevant source of information. Several different cross-references can be used in the significant investor information document, but they must be kept to a minimum.

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Part 9

Fund of funds

24.-(1) If an alternative investment fund invests a significant proportion of its assets in alternative investment funds or UCITS, the description of the investment undertaking's objectives and investment policy in the significant investor information document must include a brief description of how the other alternative investment funds or UCITS are selected on an ongoing basis.

25.-(1) In the description in words of risk factors, cf. section 9(1), no. 2, the risks associated with the individual underlying alternative investment funds or UCITS are taken into account to the extent that they can be expected to be material to the alternative investment fund.

26.-(1) The description of costs takes into account any costs that the alternative investment fund itself incurs as an investor in the underlying alternative investment funds or UCITS. In particular, any entry and exit costs as well as running costs charged by the underlying alternative investment funds or UCITS must be reflected in the alternative investment fund's calculation of its own running costs.

Part 10

Structured alternative investment funds

27.-(1) The significant investor information document for structured alternative investment funds does not include the section on "Previous results".

(2) The "Objectives and investment policy" section in the significant investor information document for structured alternative investment funds includes a description of how the formula works and how the return is used.

(3) The description in subsection (2) is accompanied by an illustration showing at least three scenarios for the potential results of the alternative investment fund. Appropriate scenarios are selected to show the circumstances in which the formula could generate a low, medium or high return, including, if applicable, a negative return for the investor.

(4) The scenarios in subsection (3) must enable the investor to fully understand all the effects of the calculation mechanism built into the formula. They must be presented in a manner that is honest, clear and not misleading and in a way that can be expected to be understood by an ordinary retail investor. In particular, they must not exaggerate the extent of the final results of the alternative investment fund.

(5) The scenarios in subsection (3) must be based on reasonable and prudent assumptions about future market conditions and price changes. If the formula implies that the investor may be exposed to significant losses, for example in connection with a capital guarantee which works only in specific circumstances, however, the losses must be illustrated appropriately, even if there is little likelihood of the corresponding market conditions arising.

(6) The scenarios in subsection (3) are accompanied by a statement to the effect that they are examples illustrating the formula and not forecasts of the future. It must be made clear that the scenarios are not equally probable.

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28.-(1) The significant investor information document for structured alternative investment funds must not exceed three A4 pages when printed.

Part 11

Significant investor information document for alternative investment funds based on other assets

29.-(1) Managers of alternative investment funds based on other assets must prepare a document containing significant investor information about the alternative fund or funds based on other assets managed by this manager (hereinafter referred to as the "significant investor information document").

(2) Significant investor information must be honest and clear and must not be misleading.

(3) The significant investor information document is supplied in such a way that investors can distinguish between the document and other material. In particular, it must not be available or supplied in such a way that investors may be expected to regard it as less important than other information about the alternative investment fund and the risks and benefits of the alternative investment fund.

30.-(1) The content of the significant investor information document is presented in the order specified in subsections (2)–(7).

(2) The title, "Significant Investor Information", is placed clearly at the top of the first page of the significant investor information document.

(3) Immediately below the title is an explanation, which reads as follows: "This document contains significant investor information about this alternative investment fund. The document is not marketing material. The information is required by law and is intended to make it easier to understand the structure of the alternative investment fund and the risks associated with investing in the alternative investment fund. You are advised to read the document in order to make a qualified decision about any potential investment."

(4) The identification of the alternative investment fund, including share class or sub-fund thereof. In the case of sub-funds or share classes, the name of the alternative investment fund is provided after the name of the sub-fund or share class. Any code numbers that identify the alternative investment fund, sub-fund or share class are included as part of the identification of the alternative investment fund.

(5) The manager's name is provided.

(6) A general description is provided of

1) the assets that the fund invests,

2) the fund's investment strategy,

3) the risks associated with the chosen investment strategy,

4) the costs associated with investing in the fund, including costs of entering and exiting the fund, and

5) practical information, including information on where and how to obtain further information on the alternative investment fund, copies of the prospectus, if any, and the most recent annual report, if available, along with where the latest unit prices may be found.

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31.-(1) A significant investor information document must:

- 1) Be drawn up in Danish.
 - 2) Be presented and set out in such a way that it is easy to read with the use of easily legible character sizes.
 - 3) Exist in writing and be clearly worded so as to facilitate the investor's understanding of the information provided, in particular:
 - a) using clear, concise and easy-to-understand phrases,
 - b) without technical jargon, and
 - c) without technical terms when these can be replaced by ordinary words.
 - 4) Focus on the significant information that the investor needs.
- (2)** The use of colour must not make the information less easy to understand if the significant investor information document is printed or photocopied in black and white.
- (3)** The use of corporate branding for the manager or the group to which it belongs must not distract the investor or obscure the text.

32.-(1) The significant investor information document for alternative investment funds based on other assets must not exceed two A4 pages when printed.

Part 12

Reviewing and auditing significant investor information documents

33.-(1) The manager must ensure that a significant investor information document is reviewed at least once every twelve months.

- (2)** The information is reviewed prior to proposals to amend the prospectus, if one is to be drawn up, or the alternative investment fund's articles of association or fund rules, if the changes are not reviewed as specified in subsection (1).
- (3)** The information is reviewed before or after changes that are regarded as material in relation to the information included in the significant investor information document.
- (4)** The manager of a close-ended fund, however, must only review the document in connection with the fund offering the option of issuance or redemption.

34.-(1) If a review as mentioned in section 33 shows that changes need to be made to the significant investor information document, the revised version must be made available immediately.

- (2)** If changes are expected to be made to the significant investor information document as a result of a decision made by the manager, including changes to the prospectus, if one is to be drawn up, or the alternative investment fund's articles of association or fund rules, the revised version must be made available before the changes take effect.
- (3)** Significant investor information documents that cover a duly audited presentation of the previous results of the alternative investment fund are made available no later than 35 working days after 31 December each year.

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35.-(1) Information about costs must provide an accurate picture of any changes in the cost structure which will lead to an increase in the maximum amount allowed for non-recurring costs borne directly by the investor.

(2) If the "running costs" as calculated in accordance with section 11(2), no. 2 are no longer reliable, the manager instead determines an estimated figure for "running costs" which can reasonably be regarded as being indicative of the amount that the alternative investment fund can be expected to pay in future. Information about the change in the basis is provided by means of the following statement: "The figure for running costs is an estimate [insert a brief description of why an estimate has been used rather than an ex-post figure]."

Part 13

Durable medium

36.-(1) If a significant investor information document or the prospectus for the alternative investment fund, if one is to be drawn up, is to be supplied to investors on a durable medium other than paper, the following conditions must be met:

1) The significant investor information document or the prospectus on a durable medium other than paper must be supplied in a manner that is appropriate in relation to how the transactions between the manager and the investor are to be effected.

2) The person to whom the significant investor information document or the prospectus is supplied must specifically choose this other medium when the person in question is given the choice between the information on paper or on this other durable medium.

(2) If the significant investor information document or prospectus is to be supplied via a website and the information in question is not addressed personally to the investor, the following conditions must also be met:

1) The information on the medium in question must be supplied in a manner that is appropriate in relation to how transactions between the manager and the investor are or will be effected.

2) The investor must specifically agree to have the information supplied in the form in question.

3) The investor must be informed electronically of the website address and the page where the information is accessed.

4) The information must be kept up-to-date.

5) The investor must have uninterrupted access to the information via the website for as long as is reasonable.

(3) For the purpose of this provision, the supply of information by way of electronic communication must be deemed to have taken place in a manner appropriate to the way in which transactions between the manager and the investor are or will be effected, if there is proof that the investor has access to the internet on a regular basis. If the investor provides an email address for the purpose of the transactions in question, this is regarded as such documentation.

Part 14

While this translation was carried out by a professional translation agency, the text is to be regarded as an unofficial translation based on the latest official Executive Order no. 598 of 12 June 2013. Only the Danish document has legal validity.

Entry into force

37.-(1) This Executive Order enters into force on 22 July 2013.

Ministry of Industry, Business and Financial Affairs, 28 June 2013

Annette Vilhelmsen

/Hans Høj

Annex 1

Requirements concerning the description of the synthetic indicator

- 1) The synthetic indicator must place the alternative investment fund on a scale of 1–7 based on the volatility to date.
- 2) The scale must consist of a number of categories, denoted by whole numbers in ascending order from 1 to 7 and from left to right, corresponding to risk/return levels, from the lowest to the highest.
- 3) It must be clear from the scale that a lower risk potentially implies a lower return and that a higher risk potentially implies a higher return.
- 4) The category to which the alternative investment fund belongs is clear.
- 5) Colours must not be used to distinguish between the information on the scale.

Annex 2

Presentation of costs

The costs must be presented in a table that is designed as follows:

Non-recurring costs before or after investment	
Entry cost	[] per cent
Exit cost	[] per cent

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The maximum amount that can be deducted [before the funds are invested] [before the investment proceeds are paid out], expressed as a percentage	
Costs incurred by the alternative investment fund over the course of one year	
Running costs	[] per cent
Costs incurred by the alternative investment fund in specific circumstances	
Performance-related fees	[] per cent per year of any return that the alternative investment fund achieves beyond the fee benchmark, i.e. [insert name of benchmark]

All costs are stated as a percentage.

Any performance-related fees incurred by the alternative investment fund in the previous financial year are stated as a percentage.

Annex 3

Presentation of information on previous results

The bar chart showing previous results meets the following criteria:

- 1) The scale on the Y axis of the bar chart is linear, not logarithmic.
- 2) The scale is adapted to the span of the columns, and must not press the columns together so that it becomes more difficult to detect fluctuations in return.
- 3) The X axis starts at results of 0 per cent.
- 4) All the columns include an indication of the percentage return achieved.
- 5) The figures for previous results are rounded to one decimal place.