

Chapter 13

Preparing product information

13.1 The obligation to prepare product information

Non-PRIIP packaged products, cash-deposit ISAs and cash-deposit CTFs

13.1.1

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A firm must prepare:

- (1) a key features document for each non-PRIIP packaged product, cash-deposit ISA, cash-only lifetime ISA and cash-deposit CTF it produces; and
- (2) a key features illustration for each non-PRIIP packaged product it produces;

in good time before those documents have to be provided.

PRIIPs

13.1.1A

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- (1) The PRIIPs Regulation requires the manufacturer of a PRIIP to draw up a key information document in accordance with the PRIIPs Regulation before that PRIIP is made available to retail investors (as defined in the PRIIPs Regulation).

[Note: article 5 of the PRIIPs Regulation]

- (2) Since the PRIIPs Regulation imposes directly applicable requirements in relation to the preparation of product information for PRIIPs, the rules in ■ COBS 13.1 to ■ COBS 13.4 do not apply to a firm in relation to the manufacture of a PRIIP (except where applicable to Solvency II Directive information). ■ COBS 13.5 and ■ COBS 13.6 continue to apply where relevant.

Application of the PRIIPs regulation to funds

13.1.1B

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- (1) A UCITS management company is exempt from the PRIIPs Regulation until 31 December 2019 (see article 32(1) of the PRIIPs Regulation). These firms should continue to publish a key investor information document until that date (see ■ COLL 4.7).
- (2) (a) A manager of a fund offered to retail investors, other than a UCITS, is able to benefit from this exemption where a Member State applies rules on the format and content of the key investor information document in articles 78 to 81 of the UCITS Directive to that fund (see article 32(2) of the PRIIPs Regulation).

- (b) The FCA has made rules for authorised fund managers of non-UCITS retail schemes to give them the choice of benefiting from this exemption (see ■ COLL 4.7).
- (c) An authorised fund manager of a non-UCITS retail scheme offered to retail clients may, until 31 December 2019, draw up either:
 - (i) a key information document in accordance with the PRIIPs Regulation; or
 - (ii) a NURS-KII document.

Information on life policies

13.1.2 **R** A firm must prepare the Solvency II Directive information for each life policy it effects:

- (1) in a clear and accurate manner and in writing; and
- (2) in an official language of the State of the commitment, or in another language if the policyholder so requests and the law of the State of the commitment so permits or the policyholder is free to choose the law applicable;

in good time before that information has to be provided.

[Note: article 185(1) and (6) of the Solvency II Directive]

13.1.2A **G** A firm that effects life policies which are also PRIIPs should consider whether it is also required to draw up a key information document in respect of those life policies in accordance with the requirements of the PRIIPs Regulation.

Exceptions

13.1.3 **R** A firm is not required to prepare:

- (1) a document, if another firm has agreed to prepare it; or
- (2) a key features document for:
 - (a) a unit in a regulated collective investment scheme; or
 - (b) [deleted]
 - (c) [deleted]
 - (d) a stakeholder pension scheme, or personal pension scheme that is not a personal pension policy, if the information appears with due prominence in another document; or
 - (e) an interest in an investment trust savings scheme; or
- (3) a key features illustration:
 - (a) for a unit in a regulated collective investment scheme; or
 - (b) [deleted]
 - (c) if it includes the information from the key features illustration in a key features document; or

(d) [deleted]

(e) for an interest in an *investment trust savings scheme*.

(4) [deleted]

13.1.4 **R** [deleted]