

CROWDFUNDING: PERFORMANCE BY BANKS AND INVESTMENT FIRMS OF THE WORK OF MANAGING ONLINE PORTALS – COMMUNICATION

With Communication No. 0066128 of 1 August 2013, the Commission provided clarifications on the subject of the rules governing the performance by banks and investment firms (so-called "managers by right") of the work of managing online portals to collect capital for innovative start ups ("equity crowdfunding").

Taking into account that the work of managing online portals means providing investment services, the Communication notes that banks and investment firms are required to observe the pertinent rules laid down in the Consolidated Law on Finance and in the related implementing regulations; application of the rules of conduct may be graduated on the basis of the investment services effectively provided to customers and of the type of investors.

In order to ensure adequate investor protection and considering, also, the specific characteristics of equity crowdfunding activity, Consob reminded brokers of the need to pay particular attention to transparent procedures in customer relations, including with reference to the rules laid down in Arts 14, 15, 16 of Regulation No. 18592 of 26 June 2013 regarding the so-called "managers not by right".

The Communication also reaffirms the applicability of the special rules on offers promoted through online portals laid down in Art. 100 ter of the Consolidated Law on Finance and in the related implementing regulations.