

ESMA's Conditions for using ESG terms in Funds' names

April 2024



Definitions of each condition used in the table below

80% Threshold

The minimum proportion of at least 80% of its investments that should be applied by the fund to meet the environmental and/or social characteristics or the sustainable investment objective in accordance with the binding elements of the investment strategy, as disclosed in the SFDR pre-contractual annexes.

Investments

Meaningful Sustainable To invest meaningfully in sustainable investments defined in Article 2(17) SFDR.

PAB Exclusion

The Paris-aligned Benchmark exclusions contained in Article 12(1)(a)-(g) of Commission Delegated Regulation (EU) 2020/1818, which include:

- (a) companies involved in any activities related to controversial weapons;
- (b) companies involved in the cultivation and production of tobacco;
- (c) companies that benchmark administrators find in violation of the United Nations Global Compact (UNGC) principles or the Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises;
- (d) companies that derive 1% or more of their revenues from exploration, mining, extraction, distribution or refining of hard coal and lignite;
- (e) companies that derive 10 % or more of their revenues from the exploration, extraction, distribution or refining of oil fuels;
- (f) companies that derive 50 % or more of their revenues from the exploration, extraction, manufacturing or distribution of gaseous
- (g) companies that derive 50 % or more of their revenues from electricity generation with a GHG intensity of more than 100 g CO2 e/ kWh.

For the purposes of point (a), controversial weapons shall mean controversial weapons as referred to in international treaties and conventions, United Nations principles and, where applicable, national legislation.

CTR Exclusion

The EU Climate Transition Benchmark exclusions contained in Article 12(1)(a)-(c) of Commission Delegated Regulation (EU) 2020/1818, which include:

- (a) companies involved in any activities related to controversial weapons;
- (b) companies involved in the cultivation and production of tobacco;
- (c) companies that benchmark administrators find in violation of the United Nations Global Compact (UNGC) principles or the Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises;

For the purposes of point (a), controversial weapons shall mean controversial weapons as referred to in international treaties and conventions, United Nations principles and, where applicable, national legislation.

Impact/Transition Condition

Investments under the minimum proportion of investments are made with the intention to generate positive, measurable social or environmental impact alongside a financial return (for funds with "impact-related" terms in their name) or are on a clear and measurable path to social or environmental transition (for funds with "transition-related" terms in their name).

Based on ESMA's Public Statement dated 14 December 2023

ESG-related fund name term	80% Threshold	Meaningful Sustainable Investments	PAB Exclusions	CTB Exclusions	Impact/Transition Condition
"Sustainability-related" terms	X	X	X	X	
2. "Transition-related" terms	X			X	X
3. "Impact-related" terms	X	X	X*	×	X
4. "Social or governance- related" terms	X			×	
5. "Environmentally-related" terms	X		X	X	
Combinations: 6. "Sustainability-related" terms + "Transition-related" terms	X	X	X	X	X
7. "Environmentally- related" terms, except "sustainability-related" terms + "Transition-related" terms	X			X	X

^{8.} Other combinations

Apply conditions cumulatively

Elvinger Hoss Prussen | April 2024

X: CTB Exclusions being a restricted version of PAB Exclusions, CTB Exclusions automatically apply when PAB Exclusions are applied.

^{*:} While the Public Statement does not clearly state it, we believe that funds with "impact-related" terms in their names are expected to comply with the PAB exclusions, but this will need to be confirmed by ESMA in the final guidelines.

For any questions please contact:



Thomas Göricke
Partner
thomasgoericke@elvingerhoss.lu
+352 4466445854

Visit our website at **www.elvingerhoss.lu**

