

Introduction to Funds & Investment Management

UGRA_016228

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| Departments | Department of International, European Union and Comparative Law |
| Teaching Languages | English |
| ECTS | 6 |
| Teacher responsible | Aina Gomez Picanyol - aina.gomez@esade.edu |

Course Goals

The objective of this course is to give students a general and practical overview of the most important aspects of private investment funds. Through reading materials and course discussions, students will gain insight into the perspective of private investment funds, its managers, the organisation, operations and investments of such funds and the relationship with investors, as well as those who regulate the fund industry.

Teaching methodology

Attendance to at least 80% of the sessions is compulsory. Participation in class and the preparation of the paperwork is very important and it will be taken into account by the professor at the time of the evaluation.

Bibliography

- , Alabaster, Tom (2024), Global Investment Funds - A Practical Guide to Structuring, Raising and Managing Funds, 2nd Ed., Globe Law and Business. (Book)
- , Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers. (Document)
- , Law 22/2014, of November 12, 2014, regulating venture capital entities, other closed-ended type collective investment entities and the management companies of closed-ended type collective investment entities, and amending Law 35/2003, of November 4, 2003. (Document)
- , Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainabilityrelated disclosures in the financial services sector. (Document)
- , Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088. (Document)
- , Hudson, Matthew (2014), "Funds: Private Equity, Hedge and All Core Structures", Wiley. (Book)
- , Spangler, Timothy (2018), "The Law of Private Investment Funds", 3rd Ed. Oxford University Press. (Book)

Content

| # | Topic |
|---|--|
| 1 | 1. Introduction to Funds / 1.1 What is a fund? / 1.2 Categories of funds and customary structures / 1.3 Open-ended and closed-ended fund structures / 1.4 Alternative Investment Fund Managers; AIFMD / 1.5 Life cycle of the fund |
| 2 | 2. Establishment of the fund / 2.1 Legal documentation: main documents / 2.2 Process / 2.3 Supervisory activity / |
| 3 | 3. Key terms in private funds' structures / 3.1 Governance / 3.2 Investor protections / 3.3 Other key terms |
| 4 | 4. Fund economics / 4.1 Distribution waterfall: European vs. US waterfall / 4.2 Carried interest, escrow and clawback / 4.3 Management fees / 4.4 Other fees and expenses |
| 5 | 5. Fund-raising process 5.1 Marketing considerations 5.2 Investor negotiations 5.3 MFN / Side Letters |
| 6 | 6. Investments / 6.1 Investment policy (investment strategy, period and restrictions) / 6.2 Fund borrowing / 6.3 Direct investments, co-investments, secondary transactions |
| 7 | 7. Integrating ESG into the Fund |

Assessment

| Tool | Assessment tool | Category | Weight % |
|-------|-----------------|---------------------------|----------|
| Other | | Retake and ordinary round | |

PROGRAMS

113-Law Exchange Program (Undergraduates: Law)
113 Year 1 (Optative)

DD05-Double Degree Program (exchange) (Undergraduates: Law)
DD05 Year 1 (Optative)