



**ASIC**  
Australian Securities &  
Investments Commission

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## **ASIC Corporations (OVHcloud Employee Share Scheme Disclosure) Instrument 2023/826**

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I, Amanda Zeller, delegate of the Australian Securities and Investments Commission, make the following notifiable instrument.

Date 6 November 2023

Amanda Zeller

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## Contents

<b>Part 1—Preliminary</b>	<b>3</b>
1 Name of notifiable instrument .....	3
2 Commencement .....	3
3 Authority .....	3
4 Definitions .....	3
<b>Part 2—Declaration</b>	<b>5</b>
5 Modified definition of ESS interest .....	5
<b>Part 3—Repeal</b>	<b>5</b>
6 Repeal .....	5

## Part 1—Preliminary

### 1 Name of notifiable instrument

This is the *ASIC Corporations (OVHcloud Employee Share Scheme Disclosure) Instrument 2023/826*.

### 2 Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

Note: The register may be accessed at [www.legislation.gov.au](http://www.legislation.gov.au).

### 3 Authority

This instrument is made under subsection 1100ZK(2) of the *Corporations Act 2001*.

### 4 Definitions

In this instrument:

*Act* means the *Corporations Act 2001*.

*FCPE* means a collective employee investment vehicle known as a ‘*fonds commun de placement d’entreprise*’ that is approved by the *Autorité des Marchés Financiers* in France as a vehicle to make offers of financial products to certain employee participants (including any *fonds commun de placement d’entreprise* that is formed on a temporary basis).

*FCPE OVHcloud Shares* means the FCPE:

- (a) that holds or will hold shares in OVHcloud; and
- (b) units in which are offered to OVHcloud Group employees within the framework of the OVH Group International Savings Plan or any other plan established by OVHcloud that allows the subscription of units of the FCPE OVHcloud Shares;

and includes any ‘*fonds commun de placement d’entreprise*’ that is formed on a temporary basis in relation to the FCPE OVHcloud Shares which will merge with FCPE OVHcloud Shares.

*OVHcloud* means OVH Groupe SA, a company incorporated in France with registration number 537 407 926 RCS Lille Métropole and listed on the Euronext Paris exchange.

**OVHcloud Group** means OVHcloud and all subsidiaries of OVHcloud which are controlled by OVHcloud and included in the scope of consolidation of OVHcloud's financial statements.

**OVH Group International Savings Plan** means the group savings plan established by OVHcloud which provides for the framework of offerings and conditions of holding of units of the FCPE OVHcloud Shares.

## Part 2—Declaration

### 5 Modified definition of ESS interest

Division 1A of Part 7.12 of the Act applies in relation to:

- (a) OVH Group SA; and
- (b) subsidiaries of OVH Group SA as at the date of this instrument; and
- (c) CACEIS BANK a French *Société Anonyme* registered in France under number 692 024 722 (the custodian of the FCPE OVHcloud Shares); and
- (d) AMUNDI ASSET MANAGEMENT a French *Société par Actions Simplifiée* registered in France under number 437 574 452 (the manager of the FCPE OVHcloud Shares); and
- (e) AMUNDI ESR a French *Société Anonyme* registered in France under number 433 221 074 (the administrator of the FCPE OVHcloud Shares unitholders' accounts, referred to as an account holder in France, which arranges the issue and redemption of units in that FCPE);

in relation to the FCPE OVHcloud Shares as if subsection 1100M(1) of the Act were modified or varied by inserting after paragraph (a):

“(ab) a unit in a FCPE (as defined in *ASIC Corporations (OVHcloud Employee Share Scheme Disclosure) Instrument 2023/826*), where:

- (i) substantially all of the assets of the FCPE are fully paid shares in the body corporate and the body corporate is included in the official list of a financial market covered by section 1100K; and
- (ii) those shares are in a class that is able to be traded on the financial market;”.

## Part 3—Repeal

### 6 Repeal

This instrument is repealed at the start of 6 November 2033.