

## Checklist for Foreign Exchange-Traded Fund (ETF) Application Form

Name of foreign ETF: \_\_\_\_\_

Home Economy: \_\_\_\_\_

Home Exchange: \_\_\_\_\_

- 1. Form 69 - CIS full (*completed by CIS Operator*)
- 2. Evidence demonstrating that foreign ETF is legally established under the law of Home Regulator's jurisdiction (*issued by Home Regulator*)
- 3. Documents on establishment of foreign ETF:
  - (a) Memorandum of Association and the Articles of Association, or the Establishment of Company under the law of the jurisdiction where such foreign ETF is established - in case of foreign ETF established by an investment company; or
  - (b) Trust Instrument or Trust Agreement - in case of foreign ETF established as trust
- 4. Evidence on the appointment of a local representative in Thailand as the agent of CIS Operator (*issued by CIS Operator*)
- 5. Evidence on the appointment of an authorised person of CIS Operator (*issued by CIS Operator*)
- 6. Master fund's prospectus and fact sheet/ product highlight sheet (required only for an application of a feeder ETF)
- 7. A fee of THB100,000 (VAT exclusive) payable in the form of:
  - Bank draft / Corporate cheque / Cash
  - Receipt of money transfer
- 8. Other supporting documents (*please specify*)

Please print this checklist and include it as part of the package of this form

## Foreign Exchange-Traded Fund (ETF) Application Form

**To: Secretary-General  
Securities and Exchange Commission, Thailand**

**Re: Application to offer Foreign ETF in Thailand**

I/We \_\_\_\_\_ as an operator of  
*(name of the CIS Operator of the foreign ETF)*

\_\_\_\_\_ hereby notify the Securities and  
*(name of the foreign ETF)*

Exchange Commission, Thailand of our intention to offer the foreign ETF in Thailand.

In this regard, I/we have completed the application form and enclosed all relevant documents

in support of this application (if applicable).

### Part A: Foreign ETF Information

1) Name of Foreign ETF: \_\_\_\_\_

2) Home Economy: \_\_\_\_\_

3) Home Regulator: \_\_\_\_\_

4) Main/Home Exchange: \_\_\_\_\_

5) Legal Structure of Foreign ETF: \_\_\_\_\_

6) Is the foreign ETF subject to supervision of Home Regulator that is a member of International Organization of Securities Commissions (IOSCO)?

Yes

No

If "No", please specify

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7) Is the foreign ETF currently traded on any exchange that is a member of World Federation of Exchanges ("WFE")?

Yes                       No

If "Yes", please provide the following details:

The list of exchanges that foreign ETF is traded on

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8) The objective of the foreign ETF is to create returns for unitholders by directly invest in the following underlyings: *(please tick where applicable):*

- Index comprising basket of securities recognised by foreign exchange which is a member of WFE, providing that such index shall comprising only (i) securities listed on foreign exchange which is a member of WFE; or (ii) debt instruments with an organised secondary market;
- Gold price;
- Index comprising or relating to crude oil either wholly or partially; or
- Commodity index;

9) Is the foreign ETF a passively managed fund?

Yes                       No

If "Yes", please specify such passively-managed investment strategy

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**Part B: Information on the CIS Operator**

10) Name of CIS Operator: \_\_\_\_\_

11) Home Economy of CIS Operator: \_\_\_\_\_

12) Home Regulator of CIS Operator: \_\_\_\_\_

13) Address of principal place of business:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Company's website: \_\_\_\_\_

14) Details of contact person at the CIS Operator:

Name/Position (at least CEO or equivalent): \_\_\_\_\_

Email address: \_\_\_\_\_

Tel No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

15) Is the CIS Operator currently licensed or authorised to conduct fund management in the economy of its principal place of business?

Yes       No

If "No", please specify \_\_\_\_\_

\_\_\_\_\_

16) Number of years the CIS Operator has managed CISs: \_\_\_\_\_

Total assets under management (latest available figures):

in Home Economy \_\_\_\_\_

offered cross-border \_\_\_\_\_

**Total** \_\_\_\_\_

As at (date) \_\_\_\_\_

**Part C: Market Maker (MM) of Foreign ETF in Thailand**

17) Name of Market Maker:

\_\_\_\_\_

Address of registered office:

\_\_\_\_\_  
\_\_\_\_\_  
Email address: \_\_\_\_\_

Tel No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

(please use an enclosure if there is more than one market maker)

**Part D: Participating Dealer (PD) of Foreign ETF in Thailand**

18) Name of Participating Dealer:

\_\_\_\_\_

Address of registered office:

\_\_\_\_\_

\_\_\_\_\_

Email address: \_\_\_\_\_

Tel No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

(please use an enclosure if there is more than one participating dealer)

**Part E: Representative of the CIS Operator**

19) Name of proposed representative in Thailand:

\_\_\_\_\_

20) Is such representative regulated by or acceptable to the SEC Thailand?

Yes       No

Address of registered office:

\_\_\_\_\_

\_\_\_\_\_

21) Details of contact person:

Name/Position (at least CEO or equivalent): \_\_\_\_\_

Email address: \_\_\_\_\_

Tel No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

**Part F: Custody of Foreign ETF Assets**

22) Name of Custodian:

\_\_\_\_\_

Address of registered office:

\_\_\_\_\_

\_\_\_\_\_

Email address: \_\_\_\_\_

Tel No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

**Part G: Trustee/ Fund Supervisor**

Same as Custodian  No [if "No", please provide further information below]

23) Name of Trustee/ Fund Supervisor:

\_\_\_\_\_

Address of registered office:

\_\_\_\_\_

\_\_\_\_\_

Email address: \_\_\_\_\_

Tel No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

**Part H: Declaration**

I/We certify the following:

1. I/We am/are under supervision of Home Regulator which has the authority to impose sanctions or to order the CIS Operator to act or refrain from acting in case there is an action which may cause damages to the interest of the investors.

Yes  No

If "No", please specify \_\_\_\_\_

\_\_\_\_\_

2. I/We am/are not currently being subject to any suspension or revocation order or action by Home Regulator regarding the license or business activities.

Yes       No

If "No", please specify \_\_\_\_\_  
\_\_\_\_\_

3. I/We have not had any record of violation of the laws or regulations of Home Economy in matters relating to the disclosure of material information to investors or Home Regulator, and have not failed to submit such material information to investors or  Home Regulator.

Yes                      No

If "No", please specify \_\_\_\_\_  
\_\_\_\_\_

I/We have duly examined the information contained in this application form hereto and declare that to the best of our knowledge and belief all information given in this application form and the documents enclosed are true, accurate and complete. The text of each document is the same as that previously submitted to the Home Regulator, and is an accurate translation of that text (where applicable). In this regard, as evidence that each and every page of the documents is of the exact documents to which I/we have certified, I/we have also signed my/our initial or signature on each and every page of the documents and the amendments thereto. Accordingly, any document without my/our initial or signature shall not be regarded as the information to which I/we have certified.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Signature: \_\_\_\_\_

\_\_\_\_\_  
(full name)

\_\_\_\_\_  
(company)

(\* The application form shall be signed either by the CIS Operator of the Foreign ETF or an authorised person of the CIS Operator of the Foreign ETF. The person who signs shall state his/her full name and capacity, and shall ensure the declaration is dated.)