

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

- 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

- 8) Does the investment policy and investment strategy of the foreign ETF comply with the Notification of the Capital Market Supervisory Board concerning Investment of Funds (the same rule applies to Thai ETF)?

☐ Yes ☐ No

If “Yes”, please specify type of strategy:

- ☐ Passively managed (please, go to question 9)
- ☐ Actively managed
- ☐ Leveraged and Inverse managed (please, go to question 9)

- 9) Is underly index is acceptable index?

☐ Yes ☐ No

If “Yes”, please specify criteria of acceptable index (*please tick where applicable*):

- ☐ The index is recognized by a member of the World Federation of Exchange and the index constituents are eligible assets according to the Notification of the Capital Market Supervisory Board concerning Investment of Funds.
- ☐ The index is in accordance with the principle-based guidelines (having a clearly defined objective, being broadly based, having index components that qualify as eligible assets for investment, and being transparent and published appropriately).
- ☐ Gold price

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.)