

**RULE NUMBER IV.A.1 : APPLICATION PROCEDURES FOR
OBTAINING A BUSINESS LICENSE AS AN
INVESTMENT FUND IN CORPORATE FORM**

Attachment :
Decision of the Chairman of Bapepam
Number : Kep-17/PM/1996
Date : January 17, 1996
Substitute Prior Decision
Number : Kep-169/PM/1991
Date : December 16, 1991

1. An application for obtaining a business license as a corporate Investment Fund must be submitted in the following manner:
 - a. completing a business license application with the form and content of Form IV.A.1-1, attachment 1 of this rule;
 - b. enclosing the following documents:
 - 1) articles of association of the Investment Fund, that have been approved by the Minister of Justice;
 - 2) Investment Fund management contract;
 - 3) contracts between the Investment Fund and a Custodian Bank;
 - 4) appointment of the Legal Consultants; and
 - 5) appointment of Accountants;
 - c. enclosing the following documents regarding members of the Investment Fund's board of directors:
 - 1) curriculum vitae;
 - 2) proof of citizenship; and
 - 3) copies of the last diplomas;
 - d. enclosing documents regarding the Investment Manager that contain:
 - 1) the marketing and operating plan;
 - 2) the organizational structure;
 - 3) experience as an Investment Manager;
 - 4) a copy of the individual licenses of persons appointed as Investment Manager Representatives; and
 - 5) a copy of the Business License of the Investment Manager;
 - e. enclosing documents regarding the Custodian Bank that contain:
 - 1) the operational plan with respect to the Fund; and
 - 2) the name and telephone number of the person who is responsible for the Custodian Bank;

- f. enclosing the beginning balance sheet.
- 2. The application specified in item 1 of this rule shall be submitted to Bapepam in 4 (four) copies.
- 3. When the application for a business license specified in item 1 of this rule does not meet the requirements, Bapepam shall notify the applicant stating that:
 - a. the application is incomplete, using Form Number IV.A.1-2, attachment 2 of this rule; or
 - b. the application is rejected, using Form Number IV.A.1-3, attachment 3 of this rule.
- 4. When the application for a business license as specified in item 1 of this rule meets the requirements, Bapepam will issue a business license to the applicant using Form Number IV.A.1-4, attachment 4 of this rule.
- 5. The business license of a corporate Investment Fund may be revoked, using Form Number IV.A.1-5, attachment 5 of this rule.
- 6. A corporate Investment Fund must submit a Registration Statement to make a Public Offering within 6 (six) months after obtaining a business license from Bapepam.

FORM NUMBER: IV.A.1-1

Attachment : 1
 Rule Number : IV.A.1

Number : 19...

Enclosure : ---

Subject : Application for a corporate Investment Fund license.

To
 Chairman of Bapepam
 in
 Jakarta

We hereby submit our application for a Corporate Investment Fund license. To support this application, we submit the following data:

1. Name of the Applicant :
2. Address of the Applicant :
 (Street and Number) -□□□□□
 (City & ZIP Code)
3. Name of the Investment Fund :
4. Address of the Investment Fund :
 (Street and Number) -□□□□□
 (City & ZIP Code)
5. Phone Number of the Investment Fund :
6. Tax Registration Number :
 □□□□□ □□□ - □□ □
7. Members of the Investment Fund's board of directors :

| | Name | Citizenship | Address |
|----|------|-------------|---------|
| a. | | | |
| b. | | | |
| c. | | | |
| d. | | | |
| e. | | | |

8. a. Number and the date of the establishment deed and amendments of the articles of association:

b. Number and date of authorization and approval from Minister of Justice :

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9. State whether the Investment Fund is open-end or closed-end :

.....

10. Capital Structure :

a. authorized capital :

.....

b. paid in capital :

.....

11. type of shares issued:

.....

12 We have appointed :

.....

a. Investment Manager

1) N a m e :

.....

2) Address :

.....

3) Tax registration number of the company :

.....

4) Members of the board of directors and board of Commissioners :

.....

| | Name | Citizenship | Address |
|----|------|-------------|---------|
| a. | | | |
| b. | | | |
| c. | | | |
| d. | | | |
| e. | | | |

b. Custodian Bank

1) N a m e :

.....

2) Address :

.....

3) Tax registration number of the company :

.....

4) Members of the board of directors and board of Commissioners :

.....

| | Name | Citizenship | Address |
|----|------|-------------|---------|
| a. | | | |
| b. | | | |
| c. | | | |
| d. | | | |
| e. | | | |

- c. Accountant
 - 1) N a m e :
 - 2) Address :
 - 3) Tax registration number :
 - 4) Registration Number in Bapepam :
- d. Legal Consultant
 - 1) N a m e :
 - 2) Address :
 - 3) Tax registration number :
 - 4) Registration Number in Bapepam :

In order to complete the application, we attach the following documents:

- a. the Investment Fund’s Articles of Association authorized and approved by the Minister of Justice;
- b. the Investment Fund management contract;
- c. the contract between the Investment Fund and a Bank Custodian;
- d. appointed Legal Consultant;
- e. appointed Accountant;
- g. documents regarding members of the Investment Fund’s board of directors:
 - 1) curriculum vitae;
 - 2) proof of citizenship; and
 - 3) copy of diplomas.
- h. documents regarding the Investment Manager:
 - 1) marketing and operational plans;
 - 2) organizational structure;
 - 3) Investment Manager Representatives;
 - 4) a copy of the Investment Manager Representative licenses; and
 - 5) a copy of the Investment Manager license;
- i. documents regarding the Custodian Bank:
 - 1) the operational plan with regard to the Investment Fund;
 - 2) a copy of an approval letter from Bapepam;
 - 3) the name and phone number of the person in charge of the Custodian Bank;
- j. answers to the questions in attachment 1 (Question List) and attachment 2 of this form consisting of affiliations with directors and Persons who control the company (Schedule A) and attachment 3 of this form which contains explanations of “yes” answers (Schedule B);
- k. the beginning balance sheet.

Thank you for your attention.

Bapepam Rulebook

Applicant,

stamp duty

.....
(full name)

FORM NUMBER: IV.A.1-2

Attachment : 2

Number : S- /PM/19... Jakarta, ... 19..

Enclosure : ---

Subject : Notification of Missing Data in an Application for an Investment Fund
License.

To

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in

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Referring to your letter Number: dated subject, We hereby notify you that your application is incomplete because it does not contain for the following:

1

2

3

With respect to the matters above, we hereby inform you that your application to obtain an Investment Fund Business License could not completely be processed. Your application will not be further considered until you supply the information referred to above.

Please be advised accordingly,

CAPITAL MARKET
SUPERVISORY AGENCY
Chairman,

.....
NIP.

cc:

1. Secretary of Bapepam;
2. Heads of Bapepam Bureaus.

FORM NUMBER: IV.A.1-3

Attachment : 3
Rule Number : IV.A.1

Number : S- /PM/19... Jakarta, 19..

Enclosure : ---

Subject : Rejection of an Investment Fund Business License Application.

To

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in

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Referring to your letter Number: dated, subject, You are hereby notified that your application is rejected for the reasons stated below:

1.
2.
3.

Please be advised accordingly,

CAPITAL MARKET
SUPERVISORY AGENCY
Chairman,

.....
NIP.

cc:

1. Secretary of Bapepam
2. Heads of Bapepam Bureaus.

UMBER : IV.A.1-1

Attachment : 1

LIST OF QUESTIONS**I. INSTRUCTION FOR ANSWERING THE QUESTIONS:**

1. All of the questions must be answered by the each member of the board of directors and control Persons of the company.
2. Put a ✓ mark in the box in front of the word “yes”, if your answer is “Yes”, or put a ✓ mark in the box in front of the word “no” if the answer to the following question is “no“

For each “yes”, each member of the board of directors or control Person of the company shall provide a clear and detailed answer in Schedule B, Form Number IV.A.1-1 to include:

- a. the company and other related Persons;
- b. cases and dates of the action taken;
- c. the court or institution taking the action; and
- d. the action taken and sanction imposed.

II. INTEGRITY OF EACH MEMBER OF THE BOARD OF DIRECTORS AND ANY PERSONS WHO CONTROL THE COMPANY.**Definition:**

Investment is any activity pertaining to Securities, banking, insurance, or real estate, and includes activities directly or indirectly related to Securities Companies, Investment Advisors, banks, or other financial institutions.

Please answer the following questions:

1. In the past ten years has the respondent been convicted of or pleaded guilty or nolo contendere (no contest) to:
 - a. a felony or misdemeanor involving investments or an investment related business, fraud, false statements or embezzlement, or bribery, counterfeiting or extortion?

| | |
|------------------------------|-----------------------------|
| <input type="checkbox"/> yes | <input type="checkbox"/> no |
|------------------------------|-----------------------------|
 - b. any other crime?

| | |
|------------------------------|-----------------------------|
| <input type="checkbox"/> yes | <input type="checkbox"/> no |
|------------------------------|-----------------------------|
2. Has any court:
 - a. ever declared the respondent to be bankrupt?

| | |
|------------------------------|-----------------------------|
| <input type="checkbox"/> yes | <input type="checkbox"/> no |
|------------------------------|-----------------------------|
 - b. in the past ten years enjoined the respondent in connection with any investment activity?

| | |
|------------------------------|-----------------------------|
| <input type="checkbox"/> yes | <input type="checkbox"/> no |
|------------------------------|-----------------------------|

- c. found the respondent to have been a cause of an investment-related business having its license or authorization to do business denied, suspended, revoked, or restricted?
- yes no
- 3 Has Bapepam ever:
- a. found the respondent to have made a false statement or omission?
- yes no
- b. found the respondent to have been involved in a violation of applicable investment regulations, decrees or statutes?
- yes no
- c. found the respondent to have been the cause of an investment-related business having its license or authorization to do business denied, suspended, revoked, or restricted?
- yes no
- d. denied, suspended, or revoked the respondent's business license, approval or registration, or otherwise sanctioned him or her or by restricting his or her activities?
- yes no
4. Has any other authorized institution in Indonesia or in another country:
- a. ever found the respondent to have made a false or misleading statement or to have been dishonest, unfair, or unethical?
- yes no
- b. ever found the respondent to have been involved in a violation of applicable investment regulations, decrees or statutes?
- yes no
5. Has any Securities Exchange ever:
- a. found that the respondent made a false statement or did not provide required facts?
- yes no
- b. found the respondent to have been involved in a violation of applicable rules, decrees and statutes?
- yes no
- c. found the respondent caused an Investment Fund related business to have its license or business authorization, suspended, revoked or restricted?
- yes no
- d. disciplined the respondent by expelling or suspending him or her from membership, by barring or suspending his or her association with other members, or by otherwise restricting his or her activities?
- yes no
6. Has any foreign government court, regulatory agency, or Securities Exchange ever entered an order against the respondent related to investments or fraud?
- yes no
7. Is the respondent involved in any court proceedings?
- yes no

8. Has any insurance company ever refused to pay compensation or revoked the respondent's insurance?

- yes no

9. Does the respondent have any liabilities based on a court decision or other commitments made with other Persons which he could not meet?

- yes no

10. Has the respondent ever been a director, a commissioner, an individual Investment Advisor or control Person of a Securities Company that has been declared bankrupt?

- yes no

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Respondent

.....
(Full Name)