**FORM e78-2012-08**

**INFORMATION AND DOCUMENTS SUBMITTED BY A VARIABLE CAPITAL INVESTMENT COMPANY APPLYING FOR EXEMPTION FROM THE OBLIGATION TO DESIGNATE A DEPOSITARY IN ACCORDANCE WITH ARTICLE 35 OF THE LAW**

**Please tick Χ at the relevant point.**

|  |  |
| --- | --- |
| The exemption from the obligation to appoint a Depositary will fall under the scope of Article **35 (1)** of the Law. | The exemption from the obligation to appoint a Depositary will fall under the scope of Article **35 (4)** of the Law. |
| |  | | --- | |  | | |  | | --- | |  | |

The documents below shall accompany the application for granting an operation license in accordance with the statement above.

**I. VARIABLE CAPITAL INVESTMENT COMPANY APPLYING FOR EXEMPTION FROM THE OBLIGATION TO APPOINT A DEPOSITARY IN ACCORDANCE WITH ARTICLE 35 (1) OF THE LAW**

|  |  |  |  |
| --- | --- | --- | --- |
| **Accompanying documents of the application** | **Form number** | **Submitted (√)**  **Not applicable (N/A)** | **For official use only** |
| **1.** Confirmation by the stock exchange that an application for admission of the Shares of the Variable Capital Investment Company for marketing has been submitted. | ………….. | …………… | ……… |
| **2.** Declaration by the Management Company or the Variable Capital Investment Company, if a Management Company has not been appointed, as well as from the auditor of the Variable Capital Investment Company that: a) at least 80% of its shares will be marketed through a stock exchange in accordance with Art. 35 (1) of the Law b) the OTC transactions to be performed by the Variable Capital Investment Company will take place only at prices of the stock exchange, at which they will be admitted for marketing. | ………….. | …………… | ……… |
| **3.** The details of the auditor (business name/name and surname, professional capacity, date of appointment) that will be performing the duties of Art. 35 (3) of the Law and of Paragraph 12 of the Directive DI78-2012-07. |  |  |  |
| **4.** Description of the measures and procedures for ensuring compliance with the obligation of marketing the shares of the Variable Capital Investment Company through the stock exchange, at which they will be admitted for trading at a percentage of 80% and of conducting the OTC transactions of the shares of the Variable Capital Investment Company only at prices of the stock exchange, at which such shares will be admitted for trading. |  |  |  |
| **5.** In case of a Variable Capital Investment Company having appointed a Management Company established in a member state other than the Republic, the written agreement provided under Paragraph 12(5) of the Directive DI78-2012-07. |  |  |  |
| 6. The details of the persons/entities at which the assets of the Variable Capital Investment Company will be entrusted for safe-keeping (the details to be provided are those stated at points Β1, Β2 and Β3 of Part Β of Form F78-2012-06 or at Paragraphs 9.4.1, 9.4.2 and 9.4.3 of Form F78-2012-07, respectively). |  |  |  |
| **7.** The agreement between the Variable Capital Investment Company and the special trader in accordance with Paragraph 15 of Directive DI78-2012-07. |  |  |  |

**IΙ. VARIABLE CAPITAL INVESTMENT COMPANY APPLYING FOR EXEMPTION FROM THE OBLIGATION TO APPOINT A DEPOSITARY IN ACCORDANCE WITH ARTICLE 35 (4) OF THE LAW**

|  |  |  |  |
| --- | --- | --- | --- |
| **Accompanying documents of the application** | **Form number** | **Submitted (√)**  **Not applicable (N/A)** | **For official use only** |
| **1.** Confirmation by the stock exchange that an application for admission of the Shares of the Variable Capital Investment Company for marketing has been submitted. | ………….. | …………… | ……… |
| **2.** Declaration by the Management Company or the Variable Capital Investment Company, if a Management Company has not been appointed, as well as from the auditor of the Variable Capital Investment Company that its shares will be marketed through a stock exchange only in accordance with article 35 (4) of the Law. | ………….. | …………… | ……… |
| **3.** The details of the auditor (business name/name and surname, professional capacity, date of appointment) that will be performing the duties of Art. 35 (3) of the Law and of Paragraph 12 of the Directive DI78-2012-07. |  |  |  |
| **4.** Description of the measures and procedures for ensuring compliance with the obligation of marketing the whole of the shares of the Variable Capital Investment Company through the stock exchange, at which such shares will be admitted for trading. |  |  |  |
| **5.** In case of a Variable Capital Investment Company having appointed a Management Company established in a member state other than the Republic, the written agreement provided under Paragraph 12(5) of the Directive DI78-2012-07. |  |  |  |
| 6. The details of the persons/entities at which the assets of the Variable Capital Investment Company will be entrusted for safe-keeping (the details to be provided are those stated at points Β1, Β2 and Β3 of Part Β of Form F78-2012-06 or at Paragraphs 9.4.1, 9.4.2 and 9.4.3 of Form F78-2012-07, respectively). |  |  |  |
| **7.** The agreement between the Variable Capital Investment Company and the special trader in accordance with Paragraph 15 of Directive DI78-2012-07. |  |  |  |