



**APPLICATION FORM  
For Investment Companies**

**BANK VAN DE NEDERLANDSE ANTILLEN  
(CENTRAL BANK)  
Investment Institutions Supervision Department**

Date: .....

Name of Investment Company:  
.....

**I. CHECKLIST FOR INVESTMENT COMPANIES**

*For the implementation of article 3, paragraph 1 of the National Ordinance on the Supervision of Investment Institutions and Administrators (N.G. 2002, no.137), hereafter referred to as "National Ordinance".*

The application form guides the applicant through all the necessary documents and information to submit to the Bank to apply for a license as an investment company. All sections of the application form should be signed by the individuals submitting the application. The license will be processed after all the items listed below are received. Please indicate whether the documents and information listed have been included with your application by checking the corresponding box:

- Application form completed and signed by the authorized individuals.
- Extracts of Chamber of Commerce.
- Personal Questionnaires (notarized).
- Articles of Association.
- Constituting Documents Questionnaire.
- If applicable, Sample of Agreements and Deeds of appointments with third parties.
- Prospectus (two-fold).
- Prospectus Questionnaire.
- Audited annual accounts or Auditor's statement on Initial Equity.
- Audited annual accounts of the last three years or the most recent years (if the investment company has existed for less than three years) and the last semi-annual figures.
- If applicable, Certificate of safe-keeping from the depository.
- Proof of payment of nonrefundable application fee.
- Supplementary information.

Signatures: .....



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Investment Institutions Supervision Department**

Date: .....

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.....

*For the implementation of article 3, paragraph 1 of the National Ordinance on the Supervision of Investment Institutions and Administrators (N.G. 2002, no.137), hereafter referred to as "National Ordinance".*

**GENERAL NOTES**

All information supplied in this form is confidential and should be supplied, preferably typewritten in bold letters. If a question is not applicable or is answered with a "no", an explanation should be provided. If the information cannot be supplied in the available space, please provide the additional information on annex 12 with reference to the question on the application form. Furthermore, additional necessary documents should be attached to the application form with reference to the corresponding question or annex. Inadequate or inaccurate information may result in a delay in processing the application form.

**II. GENERAL INFORMATION**

**1. INVESTMENT COMPANY'S INFORMATION**

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1.1 Please provide the statutory name of the (proposed) investment company and the name(s) under which business will be conducted.  
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1.2 Please provide the following information on the (proposed) investment company:

Name .....

Full address .....

P.O. Box (if available) .....

Telephone number(s) .....

Telefax number(s) .....

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Investment Institutions Supervision Department**

E-mail address (if available) \_\_\_\_\_



**3. DEPOSITARY**

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3.1 Does the investment company have a depositary as defined in article 1, paragraph f of the National Ordinance, that is affiliated with the investment company? If yes, continue with 3.2. If no, continue with 5.1.

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3.2 Please provide the following information for the investment company's depositary:

- Name(s)
- Address(es)
- P.O. Box(es) (if available)
- Telephone number(s)
- Telefax number(s)
- E-mail address(es) (if available)

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3.3 Is the depositary a legal person whose business consists primarily of the safe-keeping and administration of investment objects on behalf of third parties?

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**4. DIRECTORS OF THE DEPOSITARY**

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4.1 Please provide the names of the directors of the depositary. Indicate if resident or non-resident of the Netherlands Antilles. If the depositary has a two-tier Board (consisting of a Managing Board and a Supervisory Board), please indicate if the director is a managing or supervisory director.

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4.2 The day-to-day policy of the depositary must be determined by at least two (2) persons. Please provide the names of the individuals listed under 4.1 who are responsible for the daily management of the depositary.

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4.3 Are there any (natural or legal) persons directly or indirectly authorized to appoint or dismiss the individuals listed under 4.1? If so, please provide their full names and function.

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4.4 Please provide the name(s) of the contact person(s) of the depositary, responsible for the safe-keeping of the assets of the investment company and reporting to the Central Bank.

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**5. THIRD PARTIES**

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5.1 Is there any agreement with a third party (ies) who is responsible for the administration, purchase, sale, and safe-keeping of the participating interests of the investment company?  
If yes, continue with 5.2  
If no, continue with 6.1

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5.2 Please provide the following information on third parties:

Name(s)

Address(es)

P.O. Box(es) (if available)

Telephone number(s)

Telefax number(s)

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5.3 Please describe briefly the duties and authority of the third parties.

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**6. INVESTMENT MANAGER/ADVISER**

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6.1 Please provide, if any, the following information on the investment manager/adviser:

Name(s)

Address(es)

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6.2 Please briefly describe the duties and authority of the investment manager/adviser.

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**7. EXTERNAL AUDITOR (ENGAGED SINCE ..... / ..... / ..... (MM/DD/YY))**

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7.1 Please provide the following information on the investment company's external auditor:

Name

Address

P.O. Box (if available)

Telephone number(s)

Telefax number(s)

E-mail (if available)

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7.2 Please provide the name of the  
engagement partner and engagement  
manager of the audit firm.

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**III. SPECIFIC INFORMATION**

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8. Please specify if the investment company is an “open-end” or “closed-end” type.

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9. Please indicate, in accordance with its investment policies, in which of the following financial instruments the investment company may invest: securities (with investment risk spread), securities (without investment risk spread), real estate, precious metals, derivatives, natural resources and others. If more than 10% of the assets are invested in “others”, please specify where they are being invested.

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10. Please indicate the statutory jurisdiction of domicile of the investment company.

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11. Please provide the jurisdiction(s) of registration of the investment company with the Chamber of Commerce.

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12. Please indicate if the investment company is associated by name, function, or in any other way with other investment institutions.

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13. Please provide the amount of the authorized capital of the investment company.

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14. Please provide the names of the countries in which the investment company offers or is intended to offer its participating interests.

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15. Please confirm if the participating interests of the investment company are officially (o)/non-officially (n.o.) listed on any securities exchange. If yes, please specify on which securities exchange(s).

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16. Please confirm, if any, the existence of preferred or priority shares and provide the names of the owners of these shares. Please confirm which percentage the preferred and/or priority represent of the total outstanding shares.

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17. Please provide the date of incorporation.

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18. Please provide the date of the (last amendments to the) articles of association.

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**APPLICATION FORM**  
**For Investment Companies**

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19. Please provide the date of the (last  
amendments to the) prospectus.

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The undersigned (directors of the investment company) declares that the information provided in this application form, including the annexes, is true, accurate, and complete.

Name: .....

Signature: .....

Title: .....

Name: .....

Signature: .....

Title: .....

Date: .....



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Investment Institutions Supervision Department**

Date: .....

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.....

Annex 1 Extracts of Chamber of Commerce

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Extract of Chamber of Commerce of the investment company  
(Extract to be attached to annex 1)

Date of Extract  
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**If Applicable**, Extract of Chamber of Commerce of directors of the investment company, which are legal persons  
(Extract to be attached to annex 1)

Date of Extract  
.....

**If Applicable**, Extract of Chamber of Commerce of the affiliated depository  
(Extract to be attached to annex 1)

Date of Extract  
.....

If the applicant cannot submit one of the (applicable) aforementioned extracts, the reason must be stated.

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Signatures:  
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.....

**Annex 2 Personal Questionnaires for officials to be approved by the Bank**

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Please specify the names of the persons for whom a personal questionnaire is submitted.

1. Name .....

Function .....

2. Name .....

Function .....

3. Name .....

Function .....

4. Name .....

Function .....

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**Note: The Personal Questionnaires should be duly notarized**

Signatures: .....



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.....

**Annex 3 Articles of Association**

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Please provide a copy of the notarized Articles of Association as indicated in article 1, sub c of the Bank's Directives on the Supervision of Investment Institutions and Administrators, hereafter referred to as "DSIIA", and amendments thereto.

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Date of Articles of Association .....

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Date of amendments .....

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Do the Articles of Association comply with the licensing admission requirements and regulations governing the supervision of investment companies?  Yes  No  
If no, please explain.

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If a director of the investment company is a legal person, please provide a copy of the notarized articles of association and amendments thereto of the legal person.

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Date of Articles of Association of legal person .....

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Date of amendments .....

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Signatures: .....



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**Annex 4 Constituting Documents Questionnaire**

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Pursuant to article 5, paragraph 1, of the DSIIA, the constituting documents should at least define what is stated in annex A belonging to the DSIIA.

According to article 1, sub c of the DSIIA, the constituting documents of an investment company may be the articles of association of the investment company, the agreement between the investment company and the depositary relating to the management and safe-keeping, as well as all other constituting documents of management and safe-keeping. Stated below are the relevant stipulations to be contained in the constituting documents as stated in annex A. In the space provided after the stipulation of annex A should be indicated to which article of the constituting documents it corresponds. In case a stipulation does not appear in the constituting documents or is formulated differently, this should be explained in the space provided at the end of this annex in caption 4, by stating the number of the respective stipulation.

**I. THE CONSTITUTING DOCUMENTS OF THE INVESTMENT COMPANY SHOULD CONTAIN THE FOLLOWING:**

<b>Stipulations of annex A, DSIIA</b>	<b>Article in the constituting documents</b>
1.1 The rules for the calculation of the issue, selling, purchasing, or redemption price of the participating interests.	..... .....
1.2 The rules applicable when purchasing and selling, as well as redemption of the participating interests by the investment company. In occurring cases, the rules applicable when the investment company by agreement entrusts a third party with the task of purchasing, selling, administration, or safe-keeping of participating interests issued by the investment company.	..... ..... ..... ..... ..... ..... ..... .....

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1.3 For investment companies obliged to purchase and redeem participating interests: the cases when in the interest of the participants the purchase of the participating interests or redemption of the value of the participating interests can be delayed or suspended.

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1.4 If applicable, the securities exchanges and other regulated, regularly operating, recognized open markets where securities are traded and wherein the investment company invests.

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1.5 The rules for asset valuation.

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1.6 a) Not Applicable;  
b) Nature of the costs charged to the investment company.

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1.7 The way to determine whether the profits of the investment company will be reinvested or paid out as dividends.

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1.8 The circumstances under which participants' meetings could or should be held, rules for the calling of these meetings, and the voting right policy of the company.

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1.9 The way in which changes could be made to the constituting documents of the investment company and to what extent the participants' meeting will be involved in such decisions.

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1.10 Not Applicable.

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1.11 The rules and conditions applicable when replacing the depositary of the investment company.

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**II. IN THE CONSTITUTING DOCUMENTS OF THE INVESTMENT COMPANY SHOULD BE INDICATED THAT:**

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2.1 Each participating interest of the same kind gives right to the same proportional share of equity in the investment company as far as the participants are entitled to these.

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2.2 For the investment company of which the participating interests, on request of the participants, are freely bought and sold, there should be sufficient guarantee to comply with this obligation. This should, however, not be in violation of any legal stipulation or in conflict with the cases mentioned under 1.3.

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2.3 Except in cases of free issuance, participating interests will only be emitted if the net issuance price is deposited in the investment company's equity within the stipulated period.

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2.4 If certificates of participating interests are issued, these certificates should be duly signed.

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2.5 Payment of dividends to participants, the composition of these dividends, and the way the payment will be effectuated should be made known at the address of each participant. If the address is unknown to the investment company, this information should be put on the company's website. Should the company not have a website, then this information should be published in the official pricing publication of the securities exchange on which the participating interests of the company are listed.

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2.6 Notification of participants' meetings should be sent to the address of each participant at least fourteen days prior to the meeting. If the address of the participant is unknown to the company, use can be made of the means mentioned under 2.5.

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2.7 Propositions to change or modify the constituting documents of the investment company should be made known to the address of each participant. For other ways to make this information known to the participant if his address is unknown to the company, refer to 2.5.

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2.8 Changes to the constituting documents can be made only with (fore)knowledge of the participants' meeting.

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2.9 Changes to the constituting documents that lessen the rights and securities of the participants or the imposing of certain expenses, will be in effect only three months after the Bank's approval of the proposed modifications. During this 3-month period, the participants should be allowed to cancel their participating interests under the usual terms and conditions.

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2.10 A proposal to discontinue the investment company should be, announced during the participants meeting.

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2.11 The participants must be informed if the investment company requests the Bank to withdraw its license. This information should be made known to the address of the participants. If addresses are unknown to the investment company, use can be made of the means mentioned under 2.5.

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2.12 Not Applicable

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2.13 Not Applicable.

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2.14 Not Applicable.

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**III. THE AGREEMENT BETWEEN THE INVESTMENT COMPANY AND THE DEPOSITARY SHOULD CONTAIN AT LEAST THE FOLLOWING STIPULATIONS:**

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3.1 In carrying out its duties, the depositary should act solely in the interest of the participants.

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3.2 The valuables given to the depositary for safe-keeping on behalf of the investment company can be disposed of only by the depositary and the investment company jointly.

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3.3 The valuables under safe-keeping can be released only by the depositary after receipt of a declaration of the investment company indicating that the release of such is necessary in connection with the practicing of its regular safe-keeping responsibilities.

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3.4 The depositary is liable to the investment company and its participants for any damages they suffered so far as these damages are the result of culpable non-compliance or poor fulfilment of its safe-keeping duties; this also will be the case if the depositary partially or completely entrusts the assets given to it for safe-keeping to a third party.

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3.5 Where certificates of participating interests (as referred to under 2.4) are issued, these also should be signed by the depositary.

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3.6 Not Applicable.

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3.7 Not Applicable.

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4 Please include in a separate annex an explanatory note on stipulations that do not appear or are formulated differently in the constituting documents. An explanation should be provided by mentioning the number of the respective caption.

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Signatures: .....

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Annex 5 Sample of Agreements and Deeds of Appointment with Third Parties

In case third parties, such as depositaries, administrators, investment managers/advisers, or representatives, are rendering services to the investment company, the respective agreements and where applicable, deeds of appointment should be submitted. Please mark which documents are being submitted.

- Administration Agreement
- Investment Manager/Adviser Agreement
- Representative Agreement
- Depositary Agreement
- Other Agreement, please specify: .....
- Deed of Appointment with respect to:
  - Administrator
  - Investment Manager/Adviser
  - Representative
  - Depositary
  - Other, please specify: .....

If one of the applicable agreements or deeds of appointment cannot be submitted, the reason must be stated.

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Signatures: .....

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.....

Annex 6 Prospectus

Pursuant to article 4, paragraph 1, sub d, of the National Ordinance, the prospectus of an investment company should contain all essential information necessary to help investors make well-considered decisions about the participating interests offered by the investment company.

Please provide two copies of the prospectus and eventual amendments thereto.

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Date of prospectus .....

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Date of amendments .....

Does the prospectus comply with the stipulations pursuant to article 8, paragraph 2 of the DSIIA?  Yes  No

If no, please explain.  
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Signatures: .....  
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.....

**Annex 7 Prospectus Questionnaire**

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Pursuant to article 8, paragraph 2 of the DSIIA, the prospectus should at least contain the information stated in annex B belonging to the DSIIA.

The most relevant stipulations of annex B are stated below. In the space provided after each stipulation indicate to which section of the prospectus it corresponds. If one of the stipulations does not appear in the prospectus or is formulated differently, this should be explained by stating the number of the respective formulation.

**I. INFORMATION CONCERNING THE PERSONS RESPONSIBLE FOR THE PROSPECTUS**

**Stipulations of annex B, DSIIA**

**Section in prospectus**

<p>1.1 The name and function of the natural person or name and domicile of the legal person(s) responsible for the prospectus or section(s) thereof; in the latter case, the section(s) should be specified. If a legal person is responsible for the prospectus or a section thereof, the names of the natural persons who determine the policy of this legal person should be provided.</p>	<p>..... ..... ..... ..... ..... ..... ..... ..... .....</p>
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<p>1.2 A statement by the responsible persons listed in 1.1 that, as far as reasonably known to them, information in the prospectus or sections thereof for which they are responsible are in accordance with reality, and that no information, mention of which would have changed the purpose of the prospectus, was omitted.</p>	<p>..... ..... ..... ..... ..... ..... ..... .....</p>
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**II. INFORMATION CONCERNING THE EXTERNAL AUDITOR**

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2.1 The name and address of the external auditor who audited the annual accounts of the investment company over the last book year.

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2.2 The auditor's report related to the annual accounts should be included in its entirety in the prospectus. If the report contains reservations or a disclaimer of opinion, the reasons should be stated in the report and included in their entirety in the prospectus.

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2.3 Any other information audited by the external auditor should be reported in the prospectus. Provide the name and office address of that auditor.

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2.4 A statement by the external auditor that the prospectus contains information that is in accordance with the stipulation in this annex (annex 7). The name and office address of the external auditor should be provided.

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**III. GENERAL INFORMATION ON THE INVESTMENT COMPANY**

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3.1 The name and legal form of the investment company, statutory domicile and address of the head office of the investment company, date of incorporation and the intended period of time for which the investment company was established in the event that it was not established for an indefinite period of time.

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3.2 A literal reproduction or thorough summary of the applicable text of the constituting document of the investment company as well as mention of the places where these documents and the annual accounts of the company, (if these documents are not attached to the prospectus) are available to the public.

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3.3 The total equity of the investment company.

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3.4 The names of managing, and if existing, supervisory directors of the investment company and the names of the natural persons who ultimately determine the company's policy as well as mention of the main activities exercised by the aforementioned persons outside the investment company's activities as far as these activities are associated with the activities of the investment company.

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3.5 The nature and primary characteristics of the participating interest of the investment company as well as the form in which and limitations under which they can be traded.

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3.6 The way in and conditions under which the issuance of participating interests takes place.

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3.7 The investment company that on demand of the participants are obliged to repurchase participating interests: the way in and conditions under which the purchase and the repayment of the value of participating interests takes place, as well as the circumstances under which, respectively, the purchase and repayment can be suspended.

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3.8 If applicable, determination of selling, purchase, and redemption price as well as the sales charge when repaying the value of the participating interests, specifically:

- the method and frequency of price calculation;
- the manner, location, and frequency of price publication;
- the expenses in connection with sale, emission, purchase, or redemption of the participating interests.

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3.9 A description of the asset valuation of the investment company and the frequency of these valuations as well as mention of the currency in which the net asset value of the investment company is calculated. The valuation of assets and liabilities must be conducted according to generally accepted practices.

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3.10 A specification of the total amount of all fees chargeable to the investment company or the participants, respectively, by the directors of the investment company. This relates to the managing, executive and/or supervisory bodies of the investment company as well as, if applicable, expenses payable or paid to the depositary or third parties. If these expenses or compensations are expressed in percentages, a specification and calculation basis hereof is required.

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3.11 A description of the investment objectives, including financial objectives, such as capital gain, investment portfolio, and investment policy.

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3.12 If limits are set to the investment activities, the manner in which these limits can be altered, as well as specification of the authority to borrow money as debtor should be stated.

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3.13 In occurring case, the specification of the exchanges or markets where the participating interests are traded or allowed to be listed.

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3.14 The reporting date of the annual accounts and semi-annual figures based upon the investment company's constituting documents or the NOSIIA; specification of the date and locations where these accounts and reports are available to the public.

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3.15 A description of the directives for profit determination and destination, as well as the method and frequency of profit distribution.

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3.16 If possible, the comparison of the equity as well as profits and loss position of the investment company over the last three years.

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3.17 A description of the manner in which the results will be determined and compared to preceding years, as well as the frequency with which these results will be made available to participants and the public.

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3.18 A short description of the applicable taxation scheme; whether income or capital gain taxes must be retained before distribution of dividends to participants, as well as other fiscal information important to participants.

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3.19 The circumstances under which participants' meetings could or should be held, rules for the calling of these meetings, and the voting rights policy of the investment company.

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3.20 A description of procedures and conditions for the discontinuance and termination of the investment company, particularly to protect the rights of the participants.

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3.21 The names of third parties to whom the investment company has delegated management activities, as well as the names of advisers and advisory companies whose services the investment company uses for its investments.

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3.22 The manner in which the investment company periodically provides information.

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3.23 The number of large investors and the total volume of the participations of the large investors in the investment company or its subsidiaries, as well as a reference to the semi-annual figures and other data for additional and more actual information relating to large investors; this does not apply to the total volume of participations of the large investors. If the investment company cannot comply with one of the above-mentioned information requirements, it should be stated in the prospectus.

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**IV. INFORMATION ON THE MANAGEMENT COMPANY OF THE INVESTMENT FUND**

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4.1 Not Applicable.

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4.2 Not Applicable.

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4.3 Not Applicable.

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4.4 Not Applicable.

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4.5 Not Applicable.

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4.6 Not Applicable.

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**V. ONLY IF A DEPOSITARY AS DEFINED IN ARTICLE 1 SUB F OF THE NOSIIA, IS ASSOCIATED WITH THE INVESTMENT COMPANY, SHOULD STIPULATIONS 5.1 THROUGH 5.7 BE DISCLOSED IN THE PROSPECTUS**

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5.1 The name, legal form, statutory domicile, and address of the head office of the depositary, if the latter differs from the address of the statutory domicile.

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5.2 The date of association and the intended period of time for which the legal person fulfilling the function of depositary was established if it was not established for an indefinite period of time.

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5.3 If the depositary is established under Netherlands Antillean law structure (NANV or NABV), provide the business registration number and the place of establishment.

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5.4 The name of the managing and, if existing, supervisory directors of the depositary, and the name of the natural persons who ultimately determine the policy of the depositary.

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5.5 The main activities of the persons mentioned under 5.4 outside the function they fulfil at the depositary as far as these activities are related to the activities of the depositary or the investment company with whom the depositary is associated.

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5.6 The statutory reporting date of the annual accounts of the depositary.

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5.7 A literal reproduction or thorough summary of the applicable text of the articles of association of the depositary as well as mention of the places where these documents and the annual accounts of the depositary, as far as they are not attached to the prospectus, are available to the public.

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6 Stipulations that do not appear or are formulated differently in the constituting documents should be explained mentioning the number of the respective formulation. Please state on a separate annex.

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Signatures: .....

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Date: .....

Name of Investment Company:  
.....

Annex 8 Audited Annual Accounts or Auditor's Statement on Initial Equity

- Please mark which document is submitted  A statement of an external auditor indicating that the investment company complies with the minimum capital requirement for investment companies of Naf. 500,000; or
- The audited annual accounts of the investment company of the last year, from which can be deduced that the investment company complies with the minimum capital requirement for investment companies of Naf. 500,000.

If the depositary is associated with the investment company:

- A statement of an external auditor stating that the depositary complies with the minimum capital requirements for associated depositaries of Naf. 250,000; or,
- The audited annual accounts of the depositary of the last year, from which can be deduced that the depositary complies with the minimum capital requirements for associated depositaries of Naf. 250,000.

If one of the above-mentioned documents cannot be submitted, the reason must be stated.

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Signatures: .....



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.....  
Date: .....

Name of Investment Company:  
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**Annex 9** Audited annual accounts of last three years or the most recent year(s) (if the investment company has existed for less than three years) and last semi-annual figures

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Each applicant should provide along with the request for a license:

Audited annual accounts of the last three years or the most recent year(s) (if the investment company has existed for less than three years)

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 The last semi-annual figures

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If one of the above-mentioned financial accounts cannot be submitted, the reason must be stated.

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Signatures: .....

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**APPLICATION FORM  
For Investment Companies**

**BANK VAN DE NEDERLANDSE ANTILLEN  
(CENTRAL BANK)  
Investment Institutions Supervision Department**

Date: .....

Name of Investment Company:  
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Annex 10 Certificate of safe-keeping from depositary

The Depositary, if associated with the investment company, should pursuant to article 3, paragraph 3 of the DSIIA, be insured against fire, money and valuable paper transportation, fraud, and theft.

- Certificate of insurance, showing enough coverage in case the depositary is held liable for the loss of money or valuables as a consequence of fire, theft, or fraud.
- No certificate could be submitted to verify that the depositary meets the requirements as stated in article 3, paragraph 3 of the DSIIA.

Reasons: .....  
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Signatures: .....  
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**APPLICATION FORM  
For Investment Companies**

**BANK VAN DE NEDERLANDSE ANTILLEN  
(CENTRAL BANK)  
Investment Institutions Supervision Department**

Date: .....

Name of Investment Company:

.....

Annex 11 Proof of payment of nonrefundable application fee

Please submit a proof of payment to the Central Bank of the nonrefundable application fee.

Signatures: .....

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**APPLICATION FORM  
For Investment Companies**

**BANK VAN DE NEDERLANDSE ANTILLEN  
(CENTRAL BANK)  
Investment Institutions Supervision Department**

Date: .....

Name of Investment Company:  
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Annex 12    Supplementary information

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With explicit reference to the questions on the application form, please provide any additional information that could not be supplied on the application form or provide any additional comments you wish to make. Additional pages could be added by numbering these annex 12: Page 2, 3, etc.

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Signatures: .....  
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