

We hereby irrevocably undertake and warrant to you, Malayan Banking Berhad, that:-

1. Any information given to you in this Foreign Currency Payment Instruction (“Instruction”) is true and correct and complies with the relevant laws and regulations including but not limited to Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (“AMLATFPUAA”) and the Foreign Exchange Administration Rules (“FEA Rules”) issued by Bank Negara Malaysia (“BNM”). We shall be fully responsible and liable for any information provided herein and all consequences arising therefrom and you shall not be required to verify the authenticity, accuracy or completeness of the information provided herein. We also authorise you to make the information available to BNM in compliance with the applicable laws. We acknowledge that you reserve the right to reject any payment pursuant to the Instruction that is not in full compliance with the FEA Rules and AMLATFPUAA or where such payment does not carry the prior approval from BNM.

2. Any payment transactions pursuant to the Instruction between residents of Malaysia and involves foreign currency is in compliance with Notice 4 of the FEA Rules and is limited only for the following purposes:

- a) A transaction between the resident and a licensed investment bank, a licensed international takaful operator or an international currency business unit of a licensed takaful operator in carrying out its business, as the case may be;
- b) The settlement of any security, Islamic security, financial instrument or Islamic financial instrument denominated in foreign currency approved by BNM;
- c) The settlement of a derivative denominated in foreign currency, other than exchange rate derivatives, transacted on a Specified Exchange stipulated under the Capital Markets and Services Act 2007(Act 671) between the residents and a resident futures broker;
- d) The settlement of a commodity murabahah transaction between resident participants undertaken through a resident commodity trading service provider; or
- e) The settlement for education or employment overseas.

3. With regards to an Instruction for the purpose of Investment Abroad* (as defined hereunder), we confirm that:

- a. we do not have any domestic ringgit borrowing financing** from any source (other than one personal housing loan financing, one vehicle loan financing and credit charge card, OR
- b. we have domestic ringgit borrowing/ financing**, AND we further confirm that our investment abroad* including this Instruction complies with the following thresholds:

For resident*** individual sole proprietor/general partnership

- i) Up to RM10 million equivalent in aggregate of foreign currency borrowing financing obtained by the resident from a licenced onshore bank or a non-resident;
- ii) Up to RM 1 million equivalent in aggregate per calendar year using foreign currency funds sourced from conversion of Ringgit or through the swapping of financial assets;
- iii) Any amount using currency funds sourced from Investment Foreign Currency Account (“Investment FCA”).

For resident company on a corporate group basis

- i) Up to the amount of approved foreign currency borrowing/financing obtained from a non-resident as set out in Part A of FEA-Notice 2 of the FEA Rules;
 - ii) Up to the amount of the proceeds sourced from the listing of shares through an initial Public Offering on the Main Market of Bursa;
 - iii) Up to RM50 million equivalent in aggregate per calendar year using foreign currency funds sourced from conversion of Ringgit, using foreign currency borrowing/financing obtained from a licenced onshore bank for purpose other than direct investment abroad^{***}, or through the swapping of financial assets;
 - iv) Any amount using currency funds sourced from Investment FCA.
4. This Instruction is not for the purpose of ~~or in~~ any form of derivatives investments in foreign currency.
5. This Instruction is not related to any foreign exchange activities not approved by BNM.

Important Notice: BNM's prior approval must be obtained by the customer before execution of this-Instruction if the total aggregate amount per calendar year exceeds the above threshold limit.

DEFINITIONS

*Investment Abroad means

a) Making any payment for-

- Purchase of foreign currency-denominated asset in Malaysia offered by a non-resident including Labuan entity;
- Purchase of foreign currency-denominated asset offered outside Malaysia;
- Lending in foreign currency to a non-resident;
- Administrative expenses, working capital arising from the set-up of any business arrangement including a joint venture project where no entity is created or established outside Malaysia;
- Purchase of foreign currency denominated financial instrument or Islamic financial instrument without firm commitment other than exchange rate derivative, offered on an overseas Specified Exchange under the Capital Markets and Services Act 2007 (Act 671) undertaken by a resident through a resident future broker;
- Placement of funds sourced from Trade Foreign Currency Account (“Trade FCA”) into Investment FCA in Malaysia as specified in Notice 3 of the FEA Rules;
- Placement into foreign currency account overseas other than for education or employment abroad; or

b) Swapping of a financial asset in Malaysia for a financial asset outside Malaysia.

**Domestic ringgit borrowing/financial means borrowing/financial in ringgit obtained by a resident from another resident in the form of credit facility, trade guarantee or guarantee for payment of goods, redeemable preference share, Islamic redeemable preference share, private debt security or Islamic debt security other than;

- a) Trade credit terms extended by a supplier for all types of good or services;
- b) Forward contract with a licenced onshore bank excluding a contract that involves

- the exchanging or swapping of Ringgit or foreign currency debt obligation with another foreign currency debt obligation; or
- the exchanging or swapping of foreign currency debt obligation with a Ringgit debt obligation;
- c) performance guarantee or financial guarantee;
- d) operational leasing facility;
- e) factoring facility without recourse;
- f) a credit facility or financing facility obtained by a resident individual from a resident to purchase one residential property and one vehicle;
- g) credit card and charge card facility obtained by a resident individual from a resident.

***Direct investment abroad means-

- a) Investment Abroad resulting in at least 10% equity ownership or control of a non-resident entity;
- b) Inter-company lending to a non-resident entity within its group of entities; or
- c) Capital expenditure in unincorporated entities or projects by agreement with no establishment created where a resident investor-
 - contribute capital of at least 10% of project cost;
 - is entitled to at least 10% of profits from the unincorporated entity or project or has management control of the unincorporated entity or project.

Note: For more information on the FEA Rules, kindly refer to the official website of Bank Negara Malaysia at www.bnm.gov.my