*ANNEX 21*

**GUARANTEES**

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| SECTION 1 | NATURE OF THE GUARANTEE | **Henvisning** | **Kommentar** |
|  | A description of any arrangement intended to ensure that any obligation material to the issue will be duly serviced, whether in the form of guarantee, surety, Keep well Agreement, Mono-line Insurance policy or other equivalent commitment (‘guarantees’) and their provider (‘guarantor’).Such arrangements encompass commitments, including those under conditions, to ensure that the obligations to repay non-equity securities and/or the payment of interest are fulfilled and their description shall set out how the arrangement is intended to ensure that the guaranteed payments will be duly serviced. |  |  |
| SECTION 2 | SCOPE OF THE GUARANTEE |  |  |
|  | Details shall be disclosed about the terms and conditions and scope of the guarantee. These details should cover any conditionality on the application of the guarantee in the event of any default under the terms of the security and the material terms of any Mono-line Insurance or Keep well Agreement between the issuer and the guarantor. Details must also be disclosed of any guarantor’s power of veto in relation to changes to the security holder’s rights, such as is often found in Mono-line Insurance. |  |  |
| SECTION 3 | INFORMATION TO BE DISCLOSED ABOUT THE GUARANTOR |  |  |
|  | The guarantor must disclose information about itself as if it were the issuer of that same type of security that is the subject of the guarantee. |  |  |
| SECTION 4 | DOCUMENTS AVAILABLE |  |  |
|  | Indication of the website where the public may have access to the material contracts and other documents relating to the guarantee. |  |  |

**Merk**: Etter Annex 21 pkt. 3 skal det inntas informasjon om garantisten "as if it were the issuer of that same type of security that is the subject of the guarantee". Dette innebærer at det må foretas en konkret vurdering av hvilke sjekklister som skal benyttes for garantisten, uavhengig av hvilke sjekklister som benyttes av utstederen som utarbeider det aktuelle prospektet. Det avgjørende blir hvilke sjekklister som ville vært påkrevet dersom garantisten skulle utstedt eller søkt om notering av tilsvarende type verdipapirer som verdipapirene som er gjenstand for garantien.

Eksempelvis kan ikke en garantist innta informasjon etter sjekklisten for sekundærutstedere dersom garantisten ikke oppfyller vilkårene for sekundærutsteder i prospektforordningen art. 14, selv om utsteder benytter sjekklistene for sekundærutstedere.