



HELLENIC REPUBLIC
CAPITAL MARKET COMMISSION

UNOFFICIAL TRANSLATION

HCMC CIRCULAR 38

SUBJECT: Guidance regarding the implementation of HCMC decision 1/485/23.9.2008

1. Article 1 refers exclusively to transactions executed in the cash equity market of the Athens Exchange.
2. The net short position referred to in article 3 of HCMC decision 1/485/23.9.2008 shall be calculated on a daily basis and corresponds to the total position held by investors (natural or legal persons), including any position taken before the date HCMC's Decision took effect.
3. The calculation of the net short position of article 3, shall take into account positions taken in all financial instruments (equities, options, futures, swaps, CFDs, etc) through transactions executed in regulated markets and MTFs operating in Greece or abroad, as well as through OTC trades.
4. If the reported net short position remains unchanged no further report shall be required. If the reported net short position increases or decreases, the reporting obligation applies as long as the position exceeds the 0.10% threshold. If an investor's net short position falls below the threshold of 0.10%, the reporting of the downside crossing of the threshold shall be required.
5. When two categories of shares (common and preferred) exist for the same issuer the net short position shall be calculated per category of share.
6. For positions held in derivative financial instruments, the calculation of the net short position shall be based on the delta factor.
7. In the case of group of companies, the calculation and disclosure of the net short position shall be made at the group level.
8. In the case of collective investment schemes, irrespective of legal form or categorization (UCITS, hedge funds), the fund manager shall comply with the reporting obligations of art. 3 on an aggregate basis. In the case of short positions created in the course of provision of the investment service of portfolio management, the investment firm or credit institution fulfils the reporting obligation by aggregating all of its clients' positions on a per share basis.
9. The obligation of art. 3 applies to the end investor of the net short position, regardless of whether this position is held in on end investor accounts or on omnibus accounts.