

## Decision to Prosecute

The Chief Prosecutor at ØKOKRIM (The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime) hereby prosecutes

Ola Rollén, b 28 April 1965, at Oslo Tingsrett (Oslo District Court),

### **The Securities Trading Act § 17 - 3 first paragraph 3-3**

for violation of the rule stating that persons possessing inside information may neither directly nor indirectly, for own or third party account, subscribe, purchase, sell or exchange financial instruments or incite others to carry out such transactions.

### **Reasons for prosecution**

Negotiations between the Oslo Stock Exchange listed company NEXT Biometrics Group ASA (Next), Ecomnex Holding AS (Ecomnex), Ngoc Minh Dinh and the Cypriot company Iskossala Ltd. (Iskossala) controlled by Rollén, took place between the last of August 2015 up to and including Thursday 8 October 2015. The result of the negotiations was the entering into of the following agreements on Thursday 8 October 2015:

- 1) Agreement on a share issue directed to Iskossala comprising 2 000 000 new shares at a price of NOK 60 per share.
- 2) Agreement on a divestment of 333 333 shares in Next from Ecomnex (wholly owned by Ngoc Minh Dinh) to Iskossala at NOK 60 per share.
- 3) A supplementary agreement terminating the royalty agreement between Next and Ngoc Minh Dinh.

Through participation in, and with the knowledge about these negotiations, it was known to him that Next was willing to direct an issue comprising a substantial number of shares to Iskossala at a price of NOK 60 per share and/or that Ecomnex had negotiated about divesting shares at a price of NOK 60 per share and/or the agreement terminating the royalty agreement between Next and Ngoc Minh Dinh.

and/or

he was, in the course of the negotiations described above, given information by the Managing Director of Next Tore Idsøe, about an expected rise of the share price at the public announcement of a “tier-1” customer.

Despite the above he bought 284 341 shares in Next on Tuesday 6 October 2015 and on Wednesday 7 October 2015 through Iskossala which used a nominee account with Skandinaviska Enskilda Banken S.A. (Luxembourg).

In stock exchange releases from Next on Friday 9 October at 08.15 a.m. and 08.44 a.m., the agreements entered into were made public. After the announcements, the closing price of the Next share increased from NOK 48.50 on Thursday 8 October 2015 to a closing price of NOK 89.00 on Friday 9 October 2015, representing a share price increase of 83.5 per cent.

We reserve the right to claim for forfeiture according to The Criminal Law § 67.

ØKOKRIM 15 March 2017

Marianne Bender

Chief Prosecutor