

UNOFFICIAL TRANSLATION

Readers should be aware that only the original Thai text has legal force and that this English translation is strictly for reference.

Notification of the Securities and Exchange Commission
No. Kor Thor. 8/2549
Re: Preparation and Disclosure of Financial Statements of
Derivatives Business Operators

By virtue of Section 9 and Section 28 of the *Derivatives Act B.E. 2546 (2003)*, which contains certain provisions related to the restriction of rights and liberty of persons, which Section 29 in conjunction with Section 35, Section 36, Section 39, Section 48 and Section 50 of the *Constitution of the Kingdom of Thailand* so permit by virtue of law, the Securities and Exchange Commission hereby issues the following regulations:

Clause 1 In this Notification:

“*derivatives business operator*” means a person obtaining the derivatives business license in the category of derivatives broker or derivatives fund manager, but not including derivatives fund managers being a financial institution regulated by other agencies;

“*electronic data*” means data that are created, sent, received, stored or processed through electronic procedures;

“*derivatives business operator reporting system*” means an *electronic data* interchange provided by the SEC Office for filing reports with the SEC Office.

Clause 2 A *derivatives business operator* shall prepare and submit the financial statements for the accounting periods of six months and one year, which have been audited and given the auditor’s opinion, to the SEC Office, and shall proceed as follows:

(1) disclosing the balance sheet, income statement and the auditor’s report at the office of the derivatives business operator;

(2) announcing the balance sheet, earnings statement and the auditor’s report in at least one local daily newspaper and delivering a copy of the newspaper in which the said announcement has been published to the SEC Office.

The proceedings under Paragraph 1 regarding the financial statements for the first six months of the financial year shall be completed within three months from the end of each accounting period, while the financial statements for each financial year shall be completed within twenty-one days from the date of approval by the general meeting of the shareholders but not later than four months from the end of such financial year, unless otherwise specified by the SEC office.

Clause 3 A *derivatives business operator* shall prepare the financial statements as prescribed in the Form attached to the *Notification of the Office of the Securities and Exchange Commission concerning Forms for Financial Statements of Securities Companies*, issued by virtue of the *Securities and Exchange Act B.E. 2535 (1992)* and shall proceed according to the explanations as attached thereunder.

Clause 4 In the case a *derivatives business operator* intends to submit the financial statements under Clause 3 to the SEC Office in an *electronic* form, the *derivatives business operator* shall submit the financial statements through the derivatives business operator reporting system following the Office of the Securities and Exchange Commission's rule on the *electronic data* interchange.

Clause 5 In the case where a *derivatives business operator* is a securities company having the duty to prepare and disclose the financial statements in accordance with the *Securities and Exchange Act B.E. 2535 (1992)*, if the *derivatives business operator* has complied with the rules prescribed by such Law and notifications issued by virtue of such Law, the *derivatives business operator* shall be deemed to have already complied with this Notification.

Clause 6 This Notification shall apply in preparing and disclosing financial statements for the accounting period ending 31 March 2006.

Notified this 1st day of March 2006.

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Mr. Thanong Bidaya
Minister of Finance
Chairman
Securities and Exchange Commission