

Application for Derivatives Exchange License

Part 1: Applicant Information

1. Submission Date:
2. Applicant's Name, Head Office Address, Telephone Number and Facsimile Number:
.....
3. Registered Capital:
 - 3.1 The registered capital is divided into:
 - 3.1.1ordinary shares at the value of.....per share, totaling.....Baht, equaling to.....percent of the total number of shares having voting right;
 - 3.1.2preference shares at the value of.....per share, totaling.....Baht, equaling to.....percent of the total number of shares having voting right;
 - 3.2 Paid-up registered capital
 - 3.2.1ordinary shares at the value of.....per share, totaling.....Baht, equaling to.....percent of the total number of shares having voting right;
 - 3.2.2preference shares at the value of.....per share, totaling.....Baht, equaling to.....percent of the total number of shares having voting right.

Remark: The conditions of the preference shares must be specified.

4. Shareholding structure: identify the names of the shareholders, the number of share(s) held by each shareholder and the percentage of such share(s) compared with the total number of shares. In case of any shareholder holding more than 5 percent of the total shares of the derivatives exchange, the document on requesting the waiver thereof under the Derivatives Law must be presented.

Part 2: Details Supporting the Consideration

1. The operational plans such as system selection and procurement, business estimation, funding, relevant regulation announcement, public announcement of products to be traded on the exchange, administration structure, manpower plan and scope of responsibilities of business units;
2. The amount, source and form of fund as well as the explicit time when the applicant shall obtain such fund, including the documents and evidence showing the fund in possession at the amount, and according to the time, as specified in the operational plans proposed to the SEC Office;
3. The cost estimation possibly incurred from operating the derivatives exchange with regard to both investment cost and operating expenditures for the first six months;
4. The name and location of the derivatives clearing house and documents showing that the derivatives clearing house which will provide clearing services for the derivatives exchange to be established has already obtained a derivatives clearing house license or is applying for one with the SEC Board;
5. Derivatives trading system:
 - 5.1 Derivatives trading system to be implemented, estimated trading volume, maximum trading volume capacity and guidelines for system capacity expansion to support possible increase of trading volume in the future;
 - 5.2 The content of the trading rules, including collection of bid-and-offer data, order arrangement of bids and offers, matching of trading orders and processes of trading execution.
6. Information recording system for both pre-trade and post-trade information;
7. Monitoring and market surveillance:
 - 7.1 Information storage system capable of identifying the unique identification of the clients and the beneficiaries of their trading activities;
 - 7.2 Processing system for derivatives position of each member and client;
 - 7.3 Monitoring and reporting system for the information on derivatives position of members and clients whose derivatives position reaches the level specified by the derivatives exchange as a large trader, and changes in the derivatives position of such persons;
 - 7.4 Market surveillance system which is capable of retrieving real-time and historical data;

7.5 Data storage system related to activities under Item 7.2 – 7.4.

8. Measures for preventing and prohibiting unfair practices and trading abuse with respect to derivatives:

8.1 The content of the rule authorizing the derivatives exchange to take actions on trading activities of which the member executed for member itself and for its clients, i.e., order to suspend trading, close out position, limit position, and trading;

8.2 The content of the rule requiring a member to obtain a letter of consent from a client who appoints the member to be his or her derivatives broker whereby:

a. the client agrees to notify and give information to the member regarding the client's identification and the beneficiary of his or her trading activities;

b. the client agrees for the member to temporarily suspend trading services, close the trading account, limit position or trading volume and close out derivatives position to comply with the order of the derivatives exchange.

8.3 The content of the rule permitting the derivatives exchange to exchange information with other agencies with regard to derivatives trading, members, members' commission of offenses and penalties, including any other information received from the operation of derivatives exchange business.

9. Information recording and dissemination system capable of showing trading information on each derivatives contract including bidding and trading volume, matched price, trading volume and outstanding derivatives position (open interest);

10. The contingency plan for the circumstances possibly having an impact on the derivatives trading or the payment obligation according to the derivatives, which clearly and comprehensively specifies the emergency events or circumstances as well as the procedures and the responsible person in each case;

11. System for handling complaints or disputes arising from trading activities on the derivatives exchange or services arranged by the derivatives exchange;

12. The content of the rules applicable to the members, including membership admission, rights and duties of the members, member regulations, member supervision, member penalties and member's appeal of penalties;

13. The measures for preventing the employees or executives from unduly seeking benefits from the information received through the course of duty performance and the confidentiality measures for the members and clients;

14. Names, positions, educational backgrounds and work experiences of the executives as well as the scope of power of such persons to act on behalf of the juristic person. In this regard, the directors of the derivatives exchange shall be proportional and possess full qualifications and none of the prohibited characteristics under the Derivatives Law;

15. Other additional details the applicant wishes to inform.

Part 3: Warranty and Consent of the Applicant

1. Our directors are in proportion and possess full qualifications and none of the prohibited characteristics under the Derivatives Law;
2. The statements in the application for the license and its supplementary documentation attached herewith are complete, correct and true in all respects.

Signature:..... Authorized person with binding power

Position:.....

Date:.....

Signature:..... Authorized person with binding power

Position:.....

Date:.....

SEAL Affixed (if any)

Attachments

1. Certificate of Registration;
2. Copy of the company’s memorandum of association certified by the Partnership and Company Registrar, Ministry of Commerce;
3. Copy of the company’s articles of association certified by the Partnership and Company Registrar, Ministry of Commerce;
4. Copy of the name list of shareholders certified by the Partnership and Company Registrar, Ministry of Commerce;
5. Organizational chart and the name list of executives;
6. Educational evidence and work experiences of the executives;
7. Others (specify).

Remarks

1. “*executive*” means a director, executive director, manager, deputy manager, assistant manager, departmental director or a person holding an equivalent position called otherwise, including the person who has entered into a contract to have management power in whole or in part;
2. The applicant may print a new application form with the full pattern and content in accordance with this Application Form;
3. The original application and supplementary evidence shall be signed on every page by the director who has the power to bind the juristic person applying for the registration, and all document copies must be certified on every page.

Two contact persons of the applicant for the SEC Office:	
1 Name:	Position:
Telephone No:	Facsimile No:
Email address:.....	
2 Name:	Position:
Telephone No:	Facsimile No:
Email address:	