

UNOFFICIAL TRANSLATION

Application for Derivatives Clearing House License

Part 1 : Applicant Information

1. Date of Application Submission.....
2. Applicant’s Name, Principle 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 condition of preference shares is required to be specified.
4. Shareholding Structure, by specifying the names of shareholders, number of share(s) held by each shareholder and the percentage of such share(s) held compared with the total number of shares.

Part 2 : Details Supporting the Consideration

1. The operational plans such as system selection and procurement, business estimation, funding, relevant regulation announcement, administration structure, manpower plan and scope of responsibilities of business units;
2. Amount, source and form of fund, as well as, explicit time that the applicant shall obtain such fund, including the documents/evidences 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. Cost estimation possibly incurred in operating the derivatives clearing house, both of investment cost and operating expenditures for the first six months;
4. The content of the clearing rules, including duty of clearing house as a central counter party, default procedures which provide the action, duty, and responsibility of clearinghouse and its members in case of member default or bankruptcy
5. The system and procedures for the payment obligation in relation to or resulting from derivatives trading in brief;
6. The measures for risk monitoring and management in relation to the payment obligation according to the derivatives;
 - 6.1 The system for call for or pledge of collateral in accordance with the international standard showing:
 - a. Calculation of collateral value which is required to be daily maintained pursuant to the price fluctuation and the derivatives position of the member and client (volatility-based margining);
 - b. Call for the collateral to be deposited by the member in advance for handling loss possibly arising from the derivatives position, without offsetting the derivatives position of the member and clients, or offsetting positions between different clients (gross margining);
 - c. Intra-day margining in case of the derivatives price fluctuation;
 - d. Adjustment of the current market value for deposited collateral (daily mark to market);
 - e. Calculation and demanding the member to pay for the loss from derivatives position on a daily basis to prevent accumulated loss;
 - 6.2 The content of the rule requiring the member to call for the collateral from the client not less than that the collateral derivatives clearing house calls from the member;
 - 6.3 Type of assets deposited as collateral for the performance of obligation in relation to or resulting from derivatives trading;

- 6.4 Names, educational background, work experience, as well as, the powers and duties of risk management committee;
- 6.5 Other measures for risk monitoring and management;
7. The content of the rules applicable to the member, including membership admission, rights and duties of the member, member regulations, member supervision, member punishment and member's appeal of punishment;
8. The system for supervising and examining the financial status and the derivatives position of the member and client;
 - 8.1 The assessment and monitoring for the member's financial status, financial stability and risk management system, as well as, measure of action to ensure that the member's financial status and risk management system shall be in accordance with the derivatives clearing house rules;
 - 8.2 The information storage related to the derivatives position of each member and client;
 - 8.3 The content of the rule enabling the derivatives clearing house to exchange the information related to the derivatives position with any other working bodies;
9. The contingency plan for the circumstance which possibly has the impact on the payment obligation according to the derivatives, by clearly specifying the emergency events or circumstances in comprehensive, as well as, the process, procedures and the responsible person in each case;
10. The measure for preventing the employees, directors or executives from unduly seeking benefit from the information received by performance of duty and the confidentiality measures for the member and client;
11. Names, position, educational background and work experience of the directors and executives, as well as, the scope of power of such persons to act on behalf of the juristic person. In this regard, the appointment of the director of derivatives clearing house shall possess full qualification and not have the prohibited characteristics in accordance with the derivatives law;
12. Other details in which the applicant wishes to additionally inform.

Part 3 : Warranty and Consent of the Applicant

1. Our directors possess full qualification and not have the prohibited characteristics in accordance with the derivatives law;
2. The statements in the application for the license and its supplementary documentation attached herewith are fully complete and correct in all respects.

Signature:..... The Person who has the power to bind

Title:.....

Date:.....

Signature:..... The Person who has the power to bind

Title:.....

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 article of association certified by the Partnership and Company Registrar, Ministry of Commerce;
4. Copy of list of shareholders' names certified by the Partnership and Company Registrar, Ministry of Commerce;
5. Organization chart and list of directors and executives’ names;
6. Educational evidence and work experience of the directors, executives and risk management committee;
7. Others (specify)

Remarks

1. “*executive*” means executive committee, manager, deputy manager, assistant manager, department director or a person holding equivalent position called otherwise, and 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 signature in the original application and supplementary evidence shall be affixed in every page by the director who has the power to bind the juristic person requesting for the registration. In case of copy of the document, the signature must be affixed for certifying in every page.

Two contact persons of the applicant for the SEC Office:

1....., Position.....,
Telephone No....., Facsimile No.....,
Email address.....

2....., Position.....,
Telephone No....., Facsimile No.....,
Email address.....