

TRANSLATED VERSION

As of April 9, 2015

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. KorJor. 7/2558

Re: Additional Types of Securities

(No. 9)

By virtue of Section 4, Section 14 and Section 33 of the *Securities and Exchange Act B.E. 2535 (1992)* as amended by the *Securities and Exchange Act (No. 4) B.E. 2551 (2008)*, the Securities and Exchange Commission hereby issues the following regulations:

Clause 1 The following Notifications shall be repealed:

- (1) *Notification of the Securities and Exchange Commission No. KorJor. 12/2552 Re: Additional Types of Securities (No. 6) dated 3 August B.E. 2552 (2009);*
- (2) *Notification of the Securities and Exchange Commission No. KorJor. 4/2553 Re: Additional Types of Securities (No. 7) dated 1 April B.E. 2553 (2010).*

Clause 2 The following instruments shall be deemed as securities in accordance with Section 4 of the *Securities and Exchange Act B.E. 2535 (1992)*:

- (1) derivative warrant under Clause 3;
- (2) certificate representing interest from underlying securities (CRI) under Clause 4;
- (3) depositary receipt under Clause 5.

Clause 3 Derivative warrant means a unitized instrument having terms and conditions equally determined in advance for each unit and entitling the holder any of the following rights:

- (1) the right to buy underlying securities, issued by any entity which is not the derivative warrant issuer, at a specific time or within a specific period;
- (2) the right to sell underlying securities, issued by any entity which is not the derivative warrant issuer, at a specific time or within a specific period;
- (3) the right to receive cash settled between the price of the underlying securities issued by any entity which is not the derivative warrant issuer, at a specific

time or during a specific period, and the price determined by the instrument;

(4) the right to receive cash or near-cash assets which is calculated between the underlying securities index at a specific time or within a specific period, and securities index determined by the instrument.

Clause 4 Certificate representing interest from underlying securities (CRI) means a certificate that entitles any holder the right to receive financial benefits equivalent to or in reference to the received financial benefit from the underlying securities held or being held by the issuer of such certificate. In this regard, the certificate thereof shall exclude investment unit, derivative warrant, or other securities similar to the unit or warrant as prescribed by the SEC Office.

Clause 5 Depository receipt means a unitized instrument having the same terms and conditions for each unit, and issued by a custodian for the purpose of representing the right of any holder to claim for the deposited asset subject to the deposit agreement, or other rights as described by the custodian in the instrument. In this regard, the deposited asset shall be any of the following assets:

- (1) securities traded on a foreign exchange;
- (2) other securities, instruments or assets as prescribed by the Securities and Exchange Commission.

Clause 6 Offers for sale of derivative warrants, CRIs, and depository receipts are prohibited under Section 33 [of the *Securities and Exchange Act B.E. 2535 (1992)*] except an offer conforming to the requirements as specified in such Section.

Clause 7 The Notifications of the Office of the Securities and Exchange Commission, orders and circulars issued or directing the practicality under the *Notification of the Securities and Exchange Commission No. KorJor. 12/2552 Re: Additional Types of Securities (No. 6) dated 3 August 2009* and the *Notification of the Securities and Exchange Commission No. KorJor. 4/2553 Re: Additional Types of Securities (No. 7) dated 1 April 2010* which have been applicable before this Notification comes into force shall remain in full force to the extent that they are neither inconsistent with nor contrary to the provisions of this Notification until Notifications [of the SEC Office], orders and circulars issued by virtue of this Notification become applicable.

Clause 8 Any reference made in any other Notifications to the *Notification of the Securities and Exchange Commission No. KorJor. 12/2552 Re: Additional Types of Securities (No. 6) dated 3 August 2009* and the *Notification of the Securities and Exchange Commission No. KorJor. 4/2553 Re: Additional Types of Securities (No. 7) dated 1 April 2010* shall mean reference to this Notification.

Clause 9 This Notification shall come into force as from 16 May 2015.

Notified this 9th day of April 2015

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(Achporn Charuchinda)

Chairman

Securities and Exchange Commission

Note: The contents added in [...] have been provided for clarity in the English version only.