

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. KorThor. 26/2560
Re. Determination of Paid-Up Registered Capital of
Licensed Operators to Undertake Derivatives Business

By virtue of Section 9 and Section 49 of the *Derivatives Act B.E. 2546* (2003), 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Clause 1 The following Notifications shall be repealed: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. KorThor. 26/2558 Re: Determination of Paid-Up Registered Capital of Derivatives Business Operators* dated 2 December 2015;

(2) *Notification of the Securities and Exchange Commission No. KorThor. 15/2560 Re: Determination of Paid-Up Registered Capital of Derivatives Business Operators (No. 2)* dated 5 April 2017.

Clause 2 Licensed operators which undertake derivatives business shall have paid-up registered capital of no less than the following amounts:

(1) one hundred million baht for undertaking of derivatives business, which is not the undertaking of agricultural futures business, with price settlement and contract delivery obligations;

(2) fifty million baht for undertaking of agricultural futures business with price settlement and contract delivery obligations, but not in Clause 2(3);

(3) twenty-five million baht for undertaking the following businesses without price settlement and contract delivery obligations:

(a) Undertaking derivatives business with custody of customers' assets.

(b) Undertaking derivatives business in the category of derivatives fund manager providing services for general investors.

(4) ten million baht for undertaking derivatives business in the category of derivatives fund manager providing services for mutual funds, according to the securities and exchange law, without price settlement and contract delivery obligations or custody of customers' assets.

(5) one million baht for undertaking derivatives business which is not in line with Clause 2(1), (2), (3) or (4).

Clause 3 In the case that a licensed agricultural futures business operator, which undertakes business with price settlement and contract delivery obligations, uses qualifications for undertaking futures business in the category of futures brokerage following the *Agricultural Futures Trading Act B.E. 2542 (1999)* to obtain the license, such licensed operator shall have the paid-up registered capital of no less than the following amounts:

(1) twenty-five million baht from the effective date of this Notification to 31 December 2018;

(2) thirty-five million baht from 1 January 2019 to 31 December 2021;

(3) fifty million baht from 1 January 2022 onward.

In the case that the licensed agricultural derivatives business operator in the first paragraph submits for the license after 1 November 2016, such licensed operator shall have the paid-up registered capital of no less than 50 million baht from the date of the shareholding structure in which one or several existing shareholders hold combined shares less than twenty-five percent of the company's shares eligible for voting rights as of the date of the Cabinet resolution dated 30 December 2014 on the guidelines for the integration of agricultural futures markets.

The existing shareholders in Paragraph 2 means shareholders as appearing in the licensed operator's list of shareholders submitted to the Ministry of Commerce.

Clause 4 This Notification shall come into force from 1 December 2017.

Notified this 31st day of October 2017.

(Mr. Voravidh Champeeratana)
Chairman
Securities and Exchange Commission