

(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 Mor. 24/2562
Re: Determination of Fees for Undertaking Businesses
According to Licenses

By virtue of Section 14(2) of the *Securities and Exchange Act B.E. 2535 (1992)*, and Section 9(2) 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Clause 1 The following notifications shall be repealed: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. Kor Mor. 10/2559 Re: Determination of Fees for Undertaking Businesses according to Licenses* dated 7 November 2016;
- (2) *Notification of the Securities and Exchange Commission No. Kor Mor. 13/2560 Re: Determination of Fees for Undertaking Businesses according to Licenses (No. 2)* dated 20 February 2017;
- (3) *Notification of the Securities and Exchange Commission No. Kor Mor. 19/2560 Re: Determination of Fees for Undertaking Businesses according to Licenses (No. 3)* dated 24 April 2017;
- (4) *Notification of the Securities and Exchange Commission No. Kor Mor. 30/2560 Re: Determination of Fees for Undertaking Businesses according to Licenses (No. 4)* dated 14 December 2017;
- (5) *Notification of the Securities and Exchange Commission No. Kor Mor. 14/2561 Re: Determination of Fees for Undertaking Businesses according to Licenses (No. 5)* dated 3 July 2018;
- (6) *Notification of the Securities and Exchange Commission No. Kor Mor. 11/2559 Re: Determination of Fees for Undertaking Businesses as Derivatives Business Operator* dated 7 November 2016;
- (7) *Notification of the Securities and Exchange Commission No. Kor Mor. 31/2560 Re: Determination of Fees for Undertaking Businesses as Derivatives Business Operator (No. 2)* dated 14 December 2017;

Clause 2 In this Notification:

“*licensee*” means:

- (1) person licensed to undertake securities business, excluding the following businesses:
- (a) securities borrowing and lending business;
 - (b) mutual fund management for foreign investors.
- (2) person licensed to undertake derivatives business in the category of derivatives agent;
- (3) person licensed to provide services as securities registrar, excluding persons licensed to provide services as securities registrar under the *Notification of the Securities and Exchange Commission concerning Rules, Conditions and Procedures for Application of Licenses and Granting of Licenses for Operating Business as Securities Clearing House, Securities Depository and Securities Registrar under the Innovation Development Program to Support Provision of Capital Market Services* [regulatory sandbox].

“*fee*” means a fee for undertaking business according to license;

“*Exchange*” means the Stock Exchange of Thailand;

“*investment unit*” means:

- (1) The investment unit specified under the *Law on Securities and Exchange*;
- (2) A financial instrument or certificate representing the right of the holder as the owner or beneficiary of a collective investment scheme established under foreign law, either in the form of company, trust or any other form.

Clause 3 A *licensee* shall pay to the SEC Office a fee according to the obtained license at a fixed rate or a rate based on business volume, as the case may be, as specified in this Notification.

The *licensee* shall pay only the fee for the license that has been activated. In the case where a *licensee* has obtained more than one license, the *licensee* shall pay the total *fees* of all activated licenses collectively at the same time.

Clause 4 The *licensees* of the following licenses shall pay a fixed rate fee:

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|-------------------------------------|-----------------------|
| (1) securities financing | 500,000 baht per year |
| (2) inter-dealer brokerage | 50,000 baht per year |
| (3) venture capital fund management | 50,000 baht per year |
| (4) securities registrar | 50,000 baht per year |
| (5) investment advisory | 25,000 baht per year |

In the case where the *licensee* has not operated business to the full calendar year, the fee shall be paid at a fixed rate in proportion to the operating months (monthly pro-rate).

Clause 5 The *licensees* of the following licenses shall pay a varying fee based on the business volume at the rate specified for each type of business:

- (1) securities brokerage;
- (2) securities dealing;
- (3) securities underwriting;
- (4) mutual fund management;
- (5) private fund management;
- (6) derivatives broker.

Clause 6 The total *fees* required to be paid by any *licensee* in accordance with this Notification shall not be less than 25,000 baht per year and shall not exceed 10 million baht per year, except that the *licensees* under Clause 5(6) shall pay a separate *fee* as derivatives selling agent at an amount not less than 25,000 baht per year and not more than 1 million baht per year.

In the case where a *licensee* has suspended the operation of all types of securities businesses throughout any calendar year, the *licensee* shall pay only the minimum *fee* as specified under Paragraph 1, except that the *licensees* in the category of debt securities dealer shall pay the minimum annual *fee* of 50,000 baht.

Clause 7 A securities brokerage *licensee* shall pay the *fee* according to the following criteria:

(1) the license *fee* for securities brokers on the *Exchange* or foreign exchange shall be at the rate of 0.001 percent of the trading value, calculated according to the following methods:

(a) in case of *licensees* being members of the *Exchange* or foreign exchange, the *fee* shall be calculated from the trading value deducted by the trading transactions of securities brokerage *licensees* who are not members of the *Exchange* or foreign exchange (sub-broker), as the case may be;

(b) in case of *licensees* being non-members of the *Exchange* or foreign exchange, the *fee* shall be calculated from the the trading value derived from the trading transactions of the *licensees* who are members of the *Exchange* or foreign exchange, as the case may be.

(2) the license *fee* for securities brokerage outside the Exchange or foreign exchange shall be at the rate of 0.001 percent of the trading value of such securities, excluding *investment units*.

The trading value under Paragraph 1 shall include the securities trading for the clients' accounts and the proprietary account.

Clause 8 A *licensee* in the category of securities brokerage outside the Exchange or foreign exchange, securities dealing or securities underwriting of *investment*

units shall pay the *fee* at the rate of 0.001 percent of the trading value, excluding the sale of *investment units* through automatic switching to money market funds, as specified in the mutual fund scheme.

In the case where the *licensee* under Paragraph 1 appoints another *licensee* to be a selling agent of *investment units*, the sale value of the *licensee* shall be deducted by the sale value of the selling agent.

Clause 9 A securities dealing *licensee* shall pay the *fee* according to the following criteria:

(1) *fee* on securities dealing, excluding debt securities or *investment units*, shall be at the rate of 0.001 percent of the dealing value, excluding debt securities or *investment units*;

(2) *fee* on debt securities dealing shall be at a rate according to the dealing value as follows:

(a) less than 10 billion baht	50,000 baht per year
(b) from 10 billion to less than 100 billion baht	200,000 baht per year
(c) from 100 billion to less than 1 trillion baht	2,000,000 baht per year
(d) from 1 trillion baht onwards	3,000,000 baht per year

Clause 10 A securities underwriting *licensee* shall pay a *fee* at the rate of 0.001 percent of the securities underwriting value, excluding *investment units*.

Clause 11 A mutual fund management *licensee* shall pay a *fee* according to the following criteria:

(1) the mutual fund management *fee* shall be paid according to the following criteria:

(a) the *fee* rate shall be 0.001 percent of the net asset value under management during any calendar year, calculated from the average of the total net asset value at the end of the last business day of each month;

(b) in the case where a mutual fund management *licensee* invests in or holds *investment units* of other funds under its management as an asset of the mutual fund proprietary asset, the *fee* rate shall be 0.001 percent of the net asset value under management during any calendar year, calculated from the total net asset value under management deducted by the net asset value of the investment in or holding of *investment units* of other funds under its management. In this regard, such net asset value shall be calculated from the average of the total net asset value under management at the end of the last business day of each month.

In the case where the net asset value as of the end of the last business day of each month cannot be calculated, the net asset value as announced during any calendar year shall be averaged out according to the number of announcements instead.

(2) the unit selling *fee* shall be at the rate of 0.001 percent of the unit selling value sold by the *licensee* directly, excluding the sale from automatic switching to money market funds, as specified in the mutual fund scheme.

Clause 12 A private fund management *licensee* shall pay the *fee* at the rate of 0.001 percent of the net asset value under its management during any calendar year, calculated by averaging out the net asset value under its management as of the end of the last business day of each month.

In the case where the net asset value as of the end of the last business day of each month cannot be calculated, the net asset value as of the last day of each month shall be averaged out instead.

Clause 13 A derivatives selling agent *licensee* shall pay a *fee* at the rate of 10 satang per contract, calculated from the number of contracts under the *licensee*'s service on the Derivatives Exchange. In case of single stock futures at the price not exceeding 100 baht, the *licensee* shall pay the *fee* at the rate of 1 satang per contract.

In any case, the calculation of *fee* based on the number of derivatives contracts under Paragraph 1 shall exclude derivatives with agricultural product underlying.

Clause 14 *Licensees* shall pay the *fees* within the 31st day of January of the following year. In case of termination of business or revocation of license, the *licensees* shall pay the unpaid *fee* or the remaining *fee* within thirty days from the date when the Minister or the Securities and Exchange Commission approves the termination of business or revocation of license, as the case may be.

Clause 15 *Licensees* shall prepare and submit a report on *fee* payment for business undertaking according to the licenses to the SEC Office via the forms and procedures available on the website of the SEC Office.

The report on the *fee* payment and related evidentiary documents under Paragraph 1 shall be certified with the signature of the authorized person of the *licensees*.

Clause 16 A securities company licensed to undertake securities business under the *Ministerial Regulation No. 5 B.E. 2539 (1996)* promulgated under the *Securities and Exchange Act B.E. 2535 (1992)*, who obtains an exemption of *fee* for undertaking business according to the *Notification of the Securities and Exchange Commission No. Kor Thor/Nor/Yor. 47/2546 Re: Determination of Fees for the Operation of Licensed Business* dated 30 December 2003, and the *Notification of the Securities and Exchange Commission No. Kor Thor/Khor/Dor/Nor. 16/2553 Re: Determination of Fees for Undertaking Businesses according to Licenses* dated 1 December 2010, and the *Notification of the Securities and Exchange Commission No. Kor Mor. 10/2559 Re: Determination of Fees for Undertaking*

Businesses according to Licenses dated 7 November 2016 shall be exempted from the *fees* specified under this Notification from the year 2020 until the year where the SEC Office is unable to deduct the *fee* for undertaking business at the rate of 5,000,000 baht per year or the *fee* for undertaking business calculated according to rules prescribed herein, whichever amount is higher.

Clause 17 Any *licensee* who has not paid the total *fee* or the remaining *fee* based on business volume under the *Notification of the Securities and Exchange Commission No. Kor Mor. 10/2559 Re: Determination of Fees for Undertaking Businesses according to Licenses* dated 7 November 2016 and the *Notification of the Securities and Exchange Commission No. Kor Mor. 11/2559 Re: Determination of Fees for Undertaking Business as Derivatives Business Operator* dated 7 November 2016 shall make the payment according to the calculation and timeframe specified under such Notifications until the *fees* are completely paid in full.

Clause 18 This Notification shall come into force from 1 January 2020.

Notified this 12th day of November 2019.

-Signature-

(Mr. Voravidh Champeeratana)
Chairman
Securities and Exchange Commission