

Bank of Thailand Regulation on BAHTNET Services

B.E. 2549*

1. Referential Criteria

By virtue of Articles 5, 28, and 40 of the Bank of Thailand Act B.E. 2485, in conjunction with Royal Decree Regulating the Affairs of the Bank of Thailand B.E. 2485 Articles 12 (2) (16) (17) and (19).

2. Annulment / Amendment

The Bank of Thailand Regulation on BAHTNET Services B.E.2544

3. Rationale and Necessities

In consultation with BAHTNET users, the BOT deems it appropriate to amend the Bank of Thailand Regulation on BAHTNET Services to facilitate all kinds of services available therein so as to ensure common understanding among all concerned towards the operational process. A clear procedure will be mapped out to cover the rights, roles, duties and responsibilities of the BOT, as the service provider under the BAHTNET system and all institutions as users. The uniform rules and regulations, that meet international standard, will be enforced, thereby leading to annulment of the Bank of Thailand Regulation on BAHTNET Services B.E.2544

4. Definitions

In this regulation

“BOT” means the Bank of Thailand

“BAHTNET” means a system established by the BOT to receive and transmit messages between the BOT and service users via BAHTNET Host Computer, BAHTNET Workstation Subsystems and communication equipment using the messaging format as specified by the BOT.

“BAHTNET Host Computer” means the BOT’s BAHTNET computer system.

“BAHTNET Workstation Subsystems” mean service users’ BAHTNET computer systems which connect to the BAHTNET system for S.W.I.F.T messaging or Electronic financial Services and also refer to other computer

systems being connected for host-to-host data transmission with BAHTNET Host Computer.

“BOT’s application programs” mean computer software which the BOT has provided for the service users to install in the BAHTNET Workstation Subsystems that transmit messages via Electronic Financial Services.

“S.W.I.F.T.” means the S.W.I.F.T. network system (Society for Worldwide Interbank Financial Telecommunication)

“EFS Services” mean services according to the Bank of Thailand Regulation on Electronic Financial Services.

“Closed User Group : CUG” means Service User Groups which the BOT establishes to provide BAHTNET services, with the BOT acting as the CUG Administrator. Closed User Group must be S.W.I.F.T. members and must be approved by the BOT.

“Security procedures for the receipt and transmission of messages” mean the safe procedures for transactions via S.W.I.F.T. or Electronic Financial Services or other computer systems being connected for host-to-host data transmission with BAHTNET Host Computer which the BOT uses in BAHTNET to:

(1) affirm that a message which the BOT or a service user transmits via BAHTNET is the authentic message of the BOT or of the service user, in which the sender cannot repudiate.

(2) affirm that the message which the BOT or a service user receives via BAHTNET is the message originally transmitted by the service user or the BOT.

(3) authenticate and confirm that all officers have been authorized to operate the BAHTNET system.

(4) verify the messages transmitted via BAHTNET for completeness.

(5) prevent unauthorized persons from gaining access to the information contained in the original message transmitted between the BAHTNET Host Computer and BAHTNET Workstation Subsystems.

(6) ensure complete system log of transmitted messages.

“Security measures” mean measures taken to prevent an unauthorized person from using the BAHTNET Workstation Subsystems.

“User’s manual” means a BAHTNET Workstation Subsystem’s operation manual provided by the BOT.

“Service user” means

(1) Any person having received the BOT’s permission for BAHTNET services’ usage as in Article 4.

(2) Associated service user having received the BOT’s permission for BAHTNET services’ usage via other Service User’s BAHTNET Workstation Subsystem.

“Funds transferring institution” means a service user which transmits a funds transfer order.

“Funds receiving institution” means a service user which receives a funds transfer.

“Deposit account” means a current account or a settlement account.

“Debit advice confirmation” means a confirmation notice that informs a debit of a deposit account at the BOT.

“Credit advice confirmation” means a confirmation notice that informs a credit of a deposit account at the BOT.

“Queued funds transfer order” means a funds transfer order submitted by a funds transferring institution which cannot be settled because insufficient balance in the deposit account of the funds transferring institution at the BOT.

“Intraday Liquidity Facilities (ILF)” means the funds provided by the BOT to service users for liquidity management under the BAHTNET system. All service users received these funds must act in accordance with the Bank of Thailand Regulations on Purchase of Debt Instruments under Repurchase Contract for Intraday Liquidity Facilities.

“BAHTNET Help Desk” means a team established by the BOT to provide primary advice on use and solutions for problems facing BAHTNET users.

“Contingency Plan” means a plan developed by the BOT to cope with any emergency events that may impact the normal payment system.

5. Content

Title 1

General Provisions

Article 1 BAHTNET services include:

- (1) Transmitting a message which is a funds transfer order denominated in Baht term among service users
- (2) Transmitting a message which is a funds transfer order denominated in Baht term among service users' own accounts
- (3) Transmitting a message which is a funds transfer order denominated in Baht term among service users for a third party
- (4) Transmitting an inquiry message concerning service user's own deposit account
- (5) Transmitting an inquiry message concerning the status of orders and the rearrangements of order priority or cancel unprocessed orders
- (6) Receiving and transmitting messages among service users
- (7) Requesting the BOT to initiate a message broadcast to all service users
- (8) Other services as the BOT may provide

Types of BAHTNET Services

Article 2 The general settlement system is associated with financial risk, which stems from late or unsuccessful settlement, when counterparties are unable to settle debt obligations on due, thereby generating credit risk to funds receiving institutions. Credit Risk occurs when a counterparty defaults in carrying out obligations resulting to Funds Receiving Institution cannot receive debt payment in full, which will also subsequently impact Funds Receiving Institution unsuccessful settlement with other counterparties and widespread liquidity problems and financial effects may follow. These risks can be reduced by using the BAHTNET system which settles funds transfer transaction one by one and settlement will be finality and irrevocable under Real Time Gross Settlement (RTGS) system. However, the BAHTNET system

Risks in the Payment System

still requires liquidity for facilitating continuously and smoothly funds transfer orders' settlement throughout the daily operation hours and the usage of The BAHTNET system may lead to liquidity risk, as a result, the system has been equipped with the queuing and Gridlock Resolution Mechanism in order to accommodate insufficient balance by any service users at any period of time, or to eliminate gridlock in the queuing system, which will reduce liquidity demand in the system. Liquidity Risk will be reduced, subsequently. Besides, the BOT has stipulated the service users to maintain debt instruments according to the Bank of Thailand Regulation on Purchase of Debt Instruments under Repurchase Contract for Intraday Liquidity Facilities and also set the rule for sending funds transfer orders to smooth the services.

Title 2

BAHTNET Access Criteria

Article 3 BAHTNET users must have any of the following qualifications:

(1) be a financial institution holding a current deposit account at the BOT

(2) be a government agency, state enterprise, or an internal department of the BOT, or a juristic person established under a special law, transferring or receiving a high value of funds transfer, and holding a current account at the BOT, or opening settlement account under BOT's permission for funds transfer via the BAHTNET system

(3) be other juristic persons as specified by the BOT

Article 4 Any BAHTNET users must submit a Letter of Agreement for Use of BAHTNET services to the BOT, using the forms as specified under this regulation, and prior permission by BOT is required before using BAHTNET services.

**Qualifications of
Service Users**

**Procedures for
requesting to be a
service user**

Title 3

Rights and Duties of BOT

Article 5 The BOT will provide the BOT's application program and user's manual for all service users. Request for reception of the application program should follow the procedures and conditions specified by the BOT.

**The BOT will
provide application
program and user's
manual for all
service users.**

Article 6 The BOT will stipulate the operating hours of BAHTNET and may change the hours as it deems appropriate, and the BOT will notify service users of such changes in due course.

Reference to time will be the times as shown on the BAHTNET Host Computer.

Time table of the operating hours of the BAHTNET system and all involved systems will be specified in attached document under this regulation.

Article 7 The BOT will collect fees or fine service users according to the criteria and rates as specified by the BOT, as below:

(1) A monthly fee and transaction fee, collected by the BOT to compensate for the development cost of equipment and program under the BAHTNET system, initiated by the BOT as the infrastructure to serve large-valued funds transfer, and to support the cost of the BOT's system services, e.g. , management and operating costs.

(2) The fees collected from service users' request for extension of the normal service hours of the BAHTNET system in order to urge the users to adhere to the designated service hours.

(3) Fines to be collected from any service user who does not follow these regulations or the proviso set forth pursuant to the regulations, or conducts himself/herself in a potentially damaging manner and affects other service users or system services in total.

The BOT will deduct funds from accounts of BAHTNET service users for fees of fines on a monthly basis as designated by the BOT. Service users can view the statement of fees or fines in advance, through EFS services, at least one day before funds deduction by the BOT. The service users' objection can be made within 15 days from the date of deduction by the BOT.

The BOT will stipulate the BAHTNET System's operating hours.

Rules for fee calculations or fines

Article 8 The BOT will accept orders for BAHTNET services being transmitted via S.W.I.F.T. or EFS services during business hours of the BAHTNET system only. If an order has been sent to S.W.I.F.T., but the BOT has not yet received the order, it shall be regarded as an order for the following day.

The BOT will receive BAHTNET orders only within the BAHTNET 's operation hours.

Article 9 Should BAHTNET orders be submitted to the BOT later than the time specified in the order, the BOT will inform the rejection of that orders to the service users, using the procedure as in Article 37.

The BOT will reject the orders that arrived later than the time specified in the orders.

Article 10 In any necessary event, the BOT will be able to take the following actions:

The BOT's procedures in case of necessity.

- (1) Cancel funds transfer order of service user
- (2) Suspend funds transfer order of service user
- (3) Suspend debiting of funds from service user's account
- (4) Freeze account movement of service user

Article 11 The BOT will take responsibility of any damages arisen from normal operations of the BOT, except any of the following events, singly or severally, i.e.,

The BOT's responsibilities

- (1) Damages from special events, or
- (2) Damages from any technical disruption in BAHTNET Host Computer, or
- (3) Damages from anything or system out of BOT's control, or
- (4) *Force Majeure*

Title 4

Rights and Obligations of the BAHTNET Service Users

Article 12 Before each service user starts using BAHTNET service according to this regulation, service users must:

Procedures for service users before starting to use BAHTNET Service

(1) Provide the following documents for applying to be a service user according to this regulation, using the forms as specified under this regulation:

(1.1) Power of Attorney according to the BOT Regulation on BAHTNET service

(1.2) Letter of Appointment of Authorized Persons for the BAHTNET Access Rights Manager Appointment (who must also be the Certifier for the EFS services).

(1.3) Letter of Rights Manager Appointment for BAHTNET Web Service by the entrusted person as in (1.2)

(1.4) Letter of Rights Assignment for BAHTNET Web Service by Rights Manager in (1.3) for granting the access rights to service users, but the Manager cannot grant access rights to himself/herself.

(1.5) Other documents (if any), such as the Notification letter for changing settlement accounts of Funds Transfer through BAHTNET.

(2) Provide documents according to the BOT Regulation on Electronic Financial Services and the amendment using the forms as annexed to this regulation, i.e., the appointment of a Certifier to appoint an Officer.

(3) Request for S.W.I.F.T. BIC Code, in case where service user wants to transmit messages via S.W.I.F.T., by exchanging S.W.I.F.T. key, as designated by the BOT before using BAHTNET service.

(4) Request for Non-S.W.I.F.T. BIC Code from S.W.I.F.T via the BOT in case where service users want to use EFS services for data transmission.

Service users must submit the above documents or notify said codes to the BOT.

Article 13 Service users must notify basic information of BAHTNET service users according to the BOT's specified form, identifying account detail and intent on receiving MT 900, MT 910 and MT 950 via S.W.I.F.T, as specified document annexed to this regulation, which will facilitate BOT 's preparation for BAHTNET usage.

Service users must notify the basic information of themselves.

Article 14 Service users must provide computer system along with installed equipments and application programs for BAHTNET usage, in a location, which is difficult for unauthorized persons to access. in order to

Service users must provide computer system along with

facilitate EFS and BAHTNET services at the standard no less than the BOT's specified document annexed to this regulation, for both actual and contingent operations, comprising:

- (1) A micro computer as the BAHTNET Workstation Subsystem with equipment and program for EFS and BAHTNET services
- (2) Necessary equipment for security maintenance in data transmission, such as Smart Card and Smart Card Reader
- (3) Connection equipment with the BAHTNET Host Computer and communications with the BOT, such as telephone lines and Router, under the BOT specified standard, in a sufficient amount for smooth operations
- (4) Any message transmission through S.W.I.F.T. must be operated from a computer at specified standard of S.W.I.F.T.
- (5) Any other necessary System, under BOT's permission for direct data transmission in a host-to-host linkage.

Article 15 Under Article 62, Service user must acquire BAHTNET Workstation Subsystem, comprising:

- (1) Connect the BAHTNET Workstation Subsystem with the BAHTNET Host Computer in order to continuously receive and transmit information with the BOT during working hours as stipulated by the BOT
- (2) Ensure that the BAHTNET Workstation Subsystem is functional at all times
- (3) Provide the BAHTNET Workstation Subsystem with an effective protection system against computer virus

For these matters, the BOT may stipulate standards which it deems appropriate.

Article 16 Service users must be trained for BAHTNET usage as courses stipulated by the BOT.

**installed equipments
and application
programs for
BAHTNET usage.**

**Service users must
acquire BAHTNET
Workstation
Subsystem.**

**Service users must be
trained for
BAHTNET usage**

Article 17 Service users must be responsible for testing the system in the following events:

- (1) Be a new user
- (2) System upgrading by the BOT
- (3) Enhancement of service users' internal system related to BAHTNET system
- (4) Upon request by the BOT

Article 18 Service users must follow the procedures, user's manual and operating guidelines as stipulated by the BOT. In the event of a conflict or a discrepancy of the procedure or user's manual against these regulations, these regulations will prevail.

Article 19 Service users who transmit messages via S.W.I.F.T. must transmit funds transfer orders via S.W.I.F.T. only, except under permission by the BOT, service users may use some or all BAHTNET services via EFS services in accordance with the rules, procedures, and conditions as prescribed by the BOT.

Sending funds transfer order by EFS services as in first paragraph, BAHTNET service users must be ready in operations to avoid impacts on BAHTNET users in general.

Article 20 In case a service user cannot communicate host-to-host with the BAHTNET Host Computer, service user must follow the criteria, procedures and conditions as prescribed by the BOT.

Article 21 Service users must be held liable to prevent long pending transactions in queue, which may impact other service users.

Service users must be responsible for testing system

Service users must follow the procedures, user's manual and other operating guidelines.

Service Usage via EFS in case where the service users are not able to perform via SWIFT services

Services usage in case of the failure of Host-to-Host communication

Service users must be held liable to prevent long pending transactions in queue.

Article 22 Service users must take measures to ensure that their security and internal controls comply with generally accepted standards.

Service users must provide measures for their security and internal controls.

Article 23 Service users must accept the performance, capabilities, and limitations of the security procedures in receiving and transmitting messages and accept that BAHTNET has adequate measures to prevent mistakes and various types of fraud.

Service users must accept the performance, capabilities, and limitations of the security procedures.

Article 24 Service users must maintain confidentiality regarding security procedures used in receiving and transmitting messages, media containing information concerning the security procedures, the BOT's application programs, and user's manual, except the disclosure only as necessary for the use of BAHTNET.

Service users must maintain confidentiality regarding security procedures used in receiving and transmitting messages.

Service users must protect against loss of the information pertaining to the security procedures involved in the receiving and transmitting of messages, and user's manual.

In the event of disclosure or loss, the service user must inform the BOT without delay.

Article 25 A service user may request for the BOT's new application programs, and user's manual in accordance with the rules, procedures, and conditions as prescribed by the BOT. In brief:

Service users may be able to request for the BOT's new application programs and user's manual.

(1) Service users must submit a Letter of Intent, clarifying reasons and necessities for requesting new application programs, and/or user's manual at the Payment Systems Department, BOT.

(2) The BOT will prepare the new application programs, and/or user's manual, and notify service users for acknowledgement.

(3) Service users can receive the new application programs, and/or user's manual at the Payment Systems Department, of the BOT. Only the authorized

person, or proxy, can receive the new application programs, and/or user's manual.

(4) The application programs and user's manual shall be regarded as confidential, solely under copyright of the BOT. Any reproduction, alteration or dissemination of said data to other unauthorized persons shall be strictly prohibited.

Article 26 A service user who transmit messages via S.W.I.F.T. must be a member of the Closed User Group (CUG), who is certified by the BOT.

Article 27 Service users must consent to, and facilitate BOT officers in auditing the Workstation Subsystem and other related application systems, security standard, internal control system, and any other relating documents, as the BOT deems appropriate.

Article 28 Service users must keep documents pertaining to BAHTNET service usage for audits as prescribed by the BOT, and must clarify or deliver documents or other evidences certified by authorized persons for audits by the BOT upon request.

Service users shall be a CUG member BOT Officers' inspection powers

Service users must keep the evidence of BAHTNET service usage for audit.

Title 5

Services at the Beginning and End of the Day

Article 29 At the beginning of the day, the BOT will start the payment systems pertaining to the BAHTNET system, and at the end of the day, the BOT will stop the payment systems as specified under this regulation.

BOT's procedures at the beginning and end of day.

Article 30 At the beginning and end of the day, service users are obliged to take actions concerning the related payment systems, as specified in documents under this regulation.

Service users' procedures at the beginning and end of day.

Article 31 In case where service users request the BOT to extend the BAHTNET service hours, they must make a telephone call to inform the BAHTNET Help Desk in advance by no less than 30 minutes before the closing hour. Reasons and necessities for the extension of the normal service hours must be clarified. Then, they must submit message via General Messaging or the letter requesting the extension of the normal service hours,

Service users must inform the BOT of requesting for BAHTNET service hour extension.

using the forms as specified under this regulation, with certifying signature of the authorized person by facsimile, in order to confirm the request for the extension of the normal service hours of the BAHTNET system.

Following the submission of document by facsimile as in first paragraph, service users must send the original letter to BOT on the next business day.

Article 32 The BOT will consider extending the normal service hours as in Article 31, upon acknowledging of some justifiable reasons and necessities, i.e.,

(1) Any service users lack sufficient liquidity, or wait for funds transfer from other users, or

(2) Disruption in any users, resulting in some unprocessed transactions, or

(3) Service users must submit funds transfer order on a particular day in order to avoid impacts on the funds receiving institution.

The BOT will consider as the first paragraph for the extension of the normal service hours of the BAHTNET system as it deems appropriate or may disapprove the request to avoid impacts on the rest of service users. The consideration result will be notified to all involved parties.

Article 33 The BOT will reserve its right to collect service fees from the service user requesting extension of the normal service hours, according to specified criteria, procedures and conditions.

The BOT' s consideration for extending the BAHTNET service hours.

The BOT will reserve its right to charge service users for the BAHTNET service hour extension.

Title 6

Funds Transfer by BAHTNET

Part 1

General Clauses

Article 34 Service users can transmit funds transfer orders as in (1) by any of the following systems:

(1) S.W.I.F.T.

(2) EFS Services

Service users can transmit funds transfer orders via S.W.I.F.T. or EFS

This has to be in accordance with the procedures and formats prescribed in the BOT's user's manual.

Article 35 Service users who transmit funds transfer orders via S.W.I.F.T. must follow the respective security procedures .

Article 36 Service users who transmit funds transfer orders via EFS services must follow the Bank of Thailand Regulation on Electronic Financial Services.

Article 37 Service users can monitor, inquire, or print the status or documents relating to the funds transfer, according to the following procedures:

(1) Service users who transmit transfer orders via S.W.I.F.T. will receive documents via S.W.I.F.T., or can inquire and print the status or the above-mentioned documents via EFS services.

(2) Service users who transmit transfer orders via EFS services can inquire and print the status or the above-mentioned documents via EFS services only.

(3) Use of other procedures as specified by the BOT.

The monitoring, inquiring, or printing of the status or the documents relating to the transfers via EFS Services can be done whenever the service users are connected to the BAHTNET to ensure that users are aware of the status and can use it as a basis for further proceeding. A service user who cannot monitor or print the above-mentioned documents via EFS services must notify the BOT immediately and the BOT will inform service users of the status of that particular transfer order.

In case where there is funds transfer order between the periods in which service users has disconnected the network prior to the official BAHTNET closing time, or lost connection to the BAHTNET Host Computer due to

services

Transmitting funds transfer order via S.W.I.F.T. must follow S.W.I.F.T.'s security procedures.

Transmitting funds transfer order via EFS must follow the EFS' regulation.

Monitoring, inquiring, or printing of the status or documents relating to the debt instrument transfer

unavoidable causes, the said service users will receive the documentation according to the procedures specified in (1), (2) or (3) after the network connection is re-established.

Article 38 Service users are obliged to print confirmation document showing funds transfer order via BAHTNET through EFS services in order to inspect and confirm funds transfer order by signing the confirmation document and returning it to the BOT within the prescribed time.

Service users are obliged to print and certify confirmation document of Funds Transfer order.

Part 2

Transfer of funds among service users

Article 39 The funds transferring institution may revoke the transfer order after transmitting the order to the BOT, provided that the funds receiving institution has consented to the revocation. The revocation is only possible if the BOT has not credited the funds into the account of the funds receiving institution, in accordance with the rules, procedures, and conditions as prescribed by the BOT.

Revocation of Incomplete Funds Transfer order

Article 40 Funds transfer via BAHTNET will be completed when the BOT has debited funds from an account of a funds transferring institution and has credited funds to an account of a funds receiving institution in the amount stated on the funds transfer order.

Completeness of Funds Transfer

Article 41 When funds transfer via BAHTNET is completed, the funds transferring institution cannot revoke the funds transfer. The funds transferring institution will receive a debit advice confirmation, and the receiving institution will receive a credit advice confirmation according to the procedures specified in Article 37.

Complete funds transfer transaction is irrevocable and receiving of documents signifies completeness of funds transfer.

Both the funds transferring institution and the funds receiving institution will receive debit advice confirmation and credit advice confirmation via S.W.I.F.T., if they have expressed their intention to receive the specified document via S.W.I.F.T.

Article 42 If a funds transferring institution discovers that the information on the debit advice confirmation differs from its own funds

Actions in case where information in debit

transfer order, that institution shall notify the funds receiving institution to return the funds as soon as possible, and also inform the BOT of the incident.

Article 43 In the event that a funds transfer is not completed, for example, a funds transfer order with incomplete information, as prescribed in the BOT's user's manual; or because of any other reason which prevents the funds transfer pursuant to the order, BAHTNET will reject that particular funds transfer order, and the funds transferring institution will receive a rejection message according to the procedures specified in Article 37.

Article 44 If the funds transferring institution transmits a funds transfer order when the available balance is insufficient, the funds transfer order will be stored in BAHTNET system for later execution as soon as the available balance becomes sufficient – in accordance with the rules, procedures, and conditions as prescribed by the BOT.

If the stored funds transfer order cannot be executed until the BAHTNET closing time, the funds transferring institution will either receive a rejection message or will be able to inquire about the rejection message according to the procedures specified in Article 37.

Article 45 After transmitting a funds transfer order via BAHTNET, if the funds transferring institution does not receive the documents pursuant to Articles 41 or 43, the funds transferring institution must notify the BOT immediately, so that the BOT will inform the institution as to whether or not the transfer is complete.

Article 46 For funds transfer between a service user's own deposit accounts at the BOT, the provisions of this section will be applicable *mutatis mutandis* and the service users will be recognized as both the funds transferring institution and the funds receiving institution.

advice confirmation differs from funds transfer order. Incompleteness of Funds Transfer

Actions of the BOT in case of insufficient funds in the account.

Actions in case where funds transferring institution does not receive debit advice confirmation.

Provisions of this section will be applicable for book transfer of deposited accounts at the BOT.

Part 3

Funds transfer orders of the BOT

Article 47 The BOT may transmit a funds transfer order via BAHTNET to:

- (1) credit funds to a service user's deposit account
- (2) debit funds from a service user's deposit account, as previously

agreed

Article 48 When the BOT has acted in accordance with Article 47, the service users concerned will be able to inquire and print a debit or credit advice confirmation accordingly, via the procedures specified in Article 37.

Article 49 The service users are obliged to inspect the documents in accordance with the provisions of Article 48 and to keep the documents for inspection.

Objectives of the BOT's funds transfer order

Inquiry and print of debit or credit advice confirmation.

Service users are obliged to inspect and keep the documents.

Part 4

Funds transfer for a third party

Article 50 In this section, and Title 8,

“Third party funds transfer” means

(1) A process where an originator orders a funds transferring institution to transmit a funds transfer order via BAHTNET for a funds receiving institution; or

(2) A process where an originator orders a funds transferring institution to transmit a funds transfer order via BAHTNET in order to instruct a funds receiving institution to credit the funds to an account of a beneficiary; or

(3) A process where a funds transferring institution transmits a funds transfer order via BAHTNET in order to instruct a funds receiving institution to credit the funds to an account of a beneficiary.

“Originator” means a person who orders service users to transfer funds for a beneficiary.

“Beneficiary” means a person who receives funds from a funds transferring institution.

Definitions of “third party funds transfer”, “originator” and “beneficiary”

Article 51 A funds transferring institution must arrange for an originator to state the details of the funds transfer order, which must have the following details, at the minimum:

- (1) name and/or account number of an originator
- (2) name and/or account number of the intermediary institution (if any)
- (3) name and/or account number of the funds receiving institution
- (4) account number of the beneficiary
- (5) name of the beneficiary
- (6) the amount that the originator wishes to transfer to the beneficiary
- (7) the date that the funds should be credited to the beneficiary's account,

as specified by the originator

In crediting funds to the beneficiary's account, when the funds receiving institution has credit funds to account number as specified in the funds transfer orders, it will be assumed that the funds receiving institution has processed according to the funds transfer order correctly.

Title 7

Other BAHTNET Services

Article 52 A service user can inquire about and print information on deposit account service users via EFS services, and can inquire and print the historical information according to BOT's specified timeframe.

Any information received by a service user pursuant to the previous paragraph should only be considered as preliminary information; the service users must verify the completeness and correctness before proceeding further. If there are errors, the service users must notify the BOT immediately.

Details of third party funds transfer that the originator must specify.

A service user can inquire and print the account balance and movements.

Article 53 A service user may receive and transmit messages and request the BOT to initiate a message broadcast, according to BOT's specified procedures.

A service user may receive/send messages and request the BOT to initiate a message broadcast.

Article 54 A service user can only transmit messages pertaining to the normal conducts of the business. The service user transmitting a message must be responsible for what it transmits via BAHTNET. The service user cannot transmit encoded messages, or messages which are considered illegal or against social order or good moral values of the people.

A service user can only transmit messages pertaining to the normal conducts of the business

Article 55 In requesting the BOT to initiate a message broadcast to all BAHTNET service users, the service user must act in accordance with the BOT's specified procedures.

In requesting the message broadcast, the service user must act in accordance with the provisions of the BOT.

The service user is responsible for the message requested for the broadcast. The BOT reserves the right to broadcast at any time it deems appropriate, or not to do so if it deems inappropriate.

Article 56 Transmission of messages via S.W.I.F.T. among S.W.I.F.T. members, which were not sent via BAHTNET, will not be considered as part of the service according to this regulation.

Transmission of messages via SWIFT without passing through BAHTNET will not be considered as part of BAHTNET service.

Title 8

Claims and compensations

Article 57 Upon receiving an order for funds transfer to a third party, the funds transferring institution must transmit the funds transfer order to BAHTNET system completely by the time as specified by the BOT and by the

Transmission of third party funds transfer order

Cut-off time as agreed among BAHTNET service users. The funds receiving institution must transfer funds to the beneficiary by the time as specified by the BOT, mainly for the benefit of the third party.

Article 58 In an event where a funds receiving institution is unable to process in accordance with the third party funds transfer order, the funds receiving institution must immediately notify the funds transferring institution by phone, or facsimile; or send a general message via the BAHTNET system to the funds transferring institution as soon as the problem has been recognized. The funds must be returned to funds transferring institution as soon as possible, or at least on the same date the problem has been found.

Article 59 Compensation and damage cost stemming from the event where the funds receiving institution is unable to return funds to funds transferring institution within the date when the problem has been found, due to error committed by the funds receiving institution, will be in accordance with the agreements among BAHTNET service users.

Article 60 In case where the funds transferring institution discovers some errors in the funds transferring order, and demands the funds be returned by the funds receiving institution, the funds transferring institution must immediately notify the funds receiving institution and also send General Message to notify details of the returned funds, together with reasons. Return of the funds must be conducted by the following procedures:

(1) In case where the funds receiving institution has not credited the funds to the beneficiary 's account, the funds receiving institution will consider seeking consent by the beneficiary, and return the funds by the notification date, or at least on the next business day. If the above cannot be processed, the funds receiving institution must immediately notify the funds transferring institution.

(2) In case where the funds receiving institution has credited funds to the

through BAHTNET and Deposit of funds in beneficiary's account

Funds receiving institution must notify funds transferring institution if unable to deposit funds in beneficiary's account.

Compensation and damage cost will be in accordance with the agreements among BAHTNET service users.

In case where the funds transferring institution discovers some errors in its funds transferring order and demands the return of funds, the funds transferring institution must immediately notify the funds receiving

beneficiary's account, the funds receiving institution must seek consent by the beneficiary for account debiting, and return the funds to the funds transferring institution immediately.

(3) In case where the funds receiving institution has credited funds to the beneficiary's account, but has been unable to debit funds from the beneficiary's account, due to insufficient balance or any other reasons, the funds receiving institution must immediately notify the funds transferring institution of the problems.

When the funds receiving institution has returned funds as requested by the funds transferring institution completely, the funds receiving institution may charge fees for returned funds services as agreed between the counter-party.

Returned funds service fees as in second paragraph shall be as agreed between funds receiving and transferring institutions.

Article 61 In the event that a funds transferring institution is unable to process the third party funds transfer order to the funds receiving institution via the BAHTNET by the time as agreed under Article 57, the funds transferring institution must seek prior consent by the funds receiving institution before transferring funds as said.

Should there be funds transfer without consent by the funds receiving institution as in first paragraph, the funds receiving institution will be able to reject the funds transfer order, and return the funds to the transferring institution. The funds transferring cost will be as agreed between the funds transferring and receiving institution.

Article 62 Service user must be responsible for the third party funds transfer order, in case where the service user has disconnected from the BAHTNET system before the official closing time.

institution.

The funds transferring institution must seek prior consent by the funds receiving institution in case of third party funds transfer after cut-off time.

Service user must be responsible for the disconnection before the official closing time.

Title 9

BAHTNET risk management

Part 1

Queue management

Article 63 In case where funds transfer orders are transmitted to the BAHTNET System but there is temporary insufficient balance on the service user's account. The system will keep the funds transfer orders in queue, and will immediately settle the funds transfer orders as soon as there is sufficient balance on the account.

Article 64 The BAHTNET system will queue the funds transfer orders according to the priority as set by the funds transferring institutions and follow by system received time. The setting of priority will determine the order of transfer orders getting into queue, high-priority transfer orders will stay in queue before lower priority. Any transfer orders with equal priority will be settled under a First In-First Out (FIFO) procedure.

Article 65 The BAHTNET system will debit funds from the funds transferring institutions' accounts, starting from the orders with top priority. Should there be any orders unable to settled as in Article 63, the system will search the following orders in queue, which have sufficient balances and fit for settlement (FIFO with bypass).

Article 66 Should there be many transfer orders submitted in queue, which may not be settled individually because of the insufficient balance, the BAHTNET system will settle the orders in group through the Gridlock Resolution Mechanism.

Article 67 Service users can set any funds transfer order as urgent at a certain period of time. The system will not take any action for other transfer

If the funds transferring institution has insufficient funds, the funds transfer order will be kept in queue.

Queue of funds transfer order in queue will be sorted by priority and received time.

Mechanism of funds transfer order in queue is FIFO with bypass

BAHTNET system uses gridlock resolution for searching and settling concurrently funds transfer orders in group.

The service users can set priority of

order in the next priorities, until there is sufficient balance for settling this urgent order. Service users can set or unset the urgent order through EFS services, based on the procedure as given by the BOT in the user's manual.

transaction in queue to be urgent or unset it via EFS services.

Article 68 Service users can notify the BOT to suspend or cancel their funds transfer orders in queue, according to the criteria, procedures and conditions as prescribed by the BOT.

Service users can notify the BOT to suspend or cancel transaction in queue.

Article 69 Service users can transmit funds transfer order in advance for settlement during the time as prescribed by the BOT. They can also notify the BOT to cancel their advance orders in queue, according to the criteria, procedures and conditions as prescribed by the BOT.

Service users can transmit forward funds transfer order.

Article 70 Service users can inquire the status of all transactions in queue, both the transmitted and received orders by the BAHTNET system, and change the priority of transactions in queue by themselves through EFS services, according to the procedures, as prescribed by the BOT, in the user's manual.

Service users can inquire the status and change the priority of transaction in queue via EFS services.

Part 2

Maintenance of Intraday Liquidity Facilities

Article 71 To facilitate BAHTNET service usage and ensure smooth settlement of the BAHTNET System, all service users must maintain debt instruments according to the Bank of Thailand Regulation on Purchase of Debt Instruments under Repurchase Contract for Intraday Liquidity Facilities in the amount or proportion prescribed by the BOT, unless a waiver of this requirement is permitted by the BOT.

Service users must hold the debt instruments for intraday liquidity facility in the amounts or proportion according to the BOT's stipulation.

Service users will receive information of an approximate amount of Intraday liquidity facilities in each fortnight to be maintained by each service user as in first paragraph, by inquiring a notification report on funds transfer criteria through BAHTNET system via EFS services. In case where service users find any errors in the report, they can make an objection within 15 days

from the end of the first business day of each fortnight period.

Days 8-22 of each month must be considered as the first fortnight period, and Days 23 - Day 7 of the following month must be considered as the second fortnight period.

Article 72 Service users can manage the Intraday Liquidity Facilities, by selling or repurchase of debt instruments reserved as the Intraday Liquidity Facilities during the day via intraday liquidity facilities system, according to Bank of Thailand Regulation on Debt Instruments Repurchase Contract for Intraday Liquidity Facilities.

Service users can sell or repurchase debt instruments reserved as intraday liquidity facilities during the day via intraday liquidity facilities system.

Part 3

Funds transfer order

Article 73 Service users can transmit messages, mainly funds transfer orders via BAHTNET system in the amounts or in the proportion prescribed by the BOT, unless a waiver of this requirement is permitted by the BOT.

Service users shall send funds transfer order in the amounts or proportion as the BOT's stipulation.

Service users can obtain information on the projected value of funds transfer orders as in first paragraph, by inquiring a notification report on funds transfer criteria through BAHTNET system via EFS services. In case where service users find any errors in the report, they can make an objection within 15 days from the end of the first business day of each fortnight period.

Days 8-22 of each month must be considered as the first fortnight period, and Days 23- Day 7 of the following month must be considered as the second fortnight period.

Title 10

Emergency management

Article 74 Service users must have generally acceptable contingency plans ready in case where there are circumstances preventing the normal operation of the BAHTNET system.

Service users must organize a drill of the contingency plan at least once a year, and submit a report on the drilling results, signed by authorized person, to the BOT for acknowledgement. Also, there should be a drill, to be jointly organized with other BAHTNET users, as specified by the BOT.

Article 75 In case a service user cannot communicate with the BAHTNET Host Computer due to unavoidable causes, that service user must notify the BOT of the disruption as soon as possible.

Article 76 In case where the BAHTNET Workstation Subsystems relating to EFS services are unable to transmit messages, all service users must transmit transactions via the backup system of each institution, being connected with EFS services.

Article 77 In the event of disruption at the BAHTNET Host Computer, the BOT will notify all service users. They can transfer funds via any of the following procedures, according to the criteria, procedures and conditions as prescribed by the BOT.

- (1) Interbank settlement procedure
- (2) Issue of funds transfer order 's letter

Service users must provide and rehearse contingency plans.

Service user must notify the disruption to the BOT in case of lost communication with the BAHTNET Host Computer.

The usage of backup BAHTNET Workstation Subsystems in case of the failure of primary BAHTNET Workstation Subsystems

The BOT shall notify all service users in case of BAHTNET Host computer's disruption.

(3) Telephone order

(4) Any other procedures as prescribed by the BOT

Article 78 In the event of disruption in the link between the BAHTNET Host Computer and BAHTNET Workstation Subsystems, the BOT reserves the right to consider minimizing impacts and risks to the system, such as changes in service hours, or instruction for opening/closing of the system, etc.

The BOT reserves the management right in case of the disruption of link to service users.

Article 79 In the event of disaster or emergency preventing the BAHTNET system to function as normal, the BOT will announce the use of the contingency plan, and act in accordance with the steps as specified in the documents under this regulation.

Announcement of contingency plan usage in case of having a disaster or an emergency.

Title 11

Coordination

Article 80 Service users must notify the list of coordinating officers for communication in various aspects, by providing details as required in the format specified by the BOT under this regulation. Should there be a change in the list or any other information pertaining to the BAHTNET coordinating officers, service users must notify the change, by filling out new information using the same format, and notify the BOT in advance before the change takes effect at least 7 business days.

Service users must notify the list of coordinating officers relating to BAHTNET.

Article 81 The BOT has established BAHTNET Help Desk to supervise and provide BAHTNET services, including any emergencies, in which service users are unable to continue using BAHTNET services, per details as specified under this regulation.

The BOT has established BAHTNET help desk to supervise and provide BAHTNET services.

Article 82 The BOT will notify all BAHTNET coordinating officers and the BOT coordinating officers by listing the names on EFS services and BOT Website for searching during both normal and emergency cases of the BAHTNET system.

The BOT will notify the names of coordinating officers on EFS Services and BOT Website.

Title 12

Termination of Services

Article 83 Services will be terminated when:

- (1) Request for termination by service users
- (2) Termination by the BOT

Reasons of service termination.

Article 84 In the event where service users want to terminate BAHTNET services, either temporarily or permanently, the service users must notify the BOT at least 30 days in advance, using the forms as specified under this regulation.

Service users who intend to terminate services must notify the BOT in advance.

The service users must bear responsibility of earlier messages transmitted to the BOT before service termination.

The BOT will consider request for termination of services, either temporarily or permanently, according to the reasons and necessities given by the users.

Article 85 The BOT may consider terminating BAHTNET services for any user temporarily, due to any of the following causes:

- (1) Inability to comply with the Bank of Thailand regulations, or actions that bear some impacts on BAHTNET service usage.
- (2) Frequent disruptions in BAHTNET Workstation Subsystems or equipment linking to BAHTNET system bearing impacts on other service users
- (3) Inappropriate security system in the BAHTNET Workstation Subsystems, being prone to risks of threats by unauthorized persons, which the service users are unable to rectify the deficiencies as recommended by the BOT within 1 month
- (4) Inability to maintain debt instruments as Intraday Liquidity Facilities, according to the Bank of Thailand Regulation on Purchase of Debt Instruments

Reasons that the BOT may consider temporarily terminating service users' services

under Repurchase Contract for Intraday Liquidity Facilities, everyday, in continuation for 14 consecutive days

(5) Inability to transfer funds by the specified amount or proportion to the value of funds transfer, according to the criteria as prescribed by the BOT, everyday, in continuation for 14 consecutive days

(6) Under complete custodianship under ruling by Thai or foreign court

Article 86 The BOT may revoke BAHTNET services to any user due to the following causes:

(1) The BOT instructs temporary termination of services under reasons as in Article 85 (1), or (2), or (3). Neither does the service user rectify the deficiencies nor propose a clear rectification plan within 1 month, from the date of service termination by the BOT.

(2) Service users lack qualifications of service users as specified under this regulation.

(3) Being a bankruptcy under court ruling

(4) Committed to actions likely to incur damages to BAHTNET Service usage or stability of Financial system in general

Article 87 The BOT will notify other users of the list of users with service terminated by the BOT, temporarily or permanently.

Article 88 When the BOT terminates services according to the Bank of Thailand Regulation on Electronic Financial Services, to any service users, it is assumed that BAHTNET services via EFS for that particular service user is also terminated.

Article 89 In the event that any service user is revoked from BAHTNET services, a service user must:

(1) Deliver the BOT's application programs, user's manual, and other

Reasons for the BOT may consider revoking services from service users.

The BOT will notify the list of terminated service users.

Termination of EFS Services must also terminate of BAHTNET services via EFS

Service user's actions in case of service termination

documents as prescribed by the BOT to the BOT.

(2) Eliminate the BOT's application programs in the service user's Workstation Subsystem.

(3) Maintain confidentiality pertaining to the use of BAHTNET despite the termination of the service

If a service user is a S.W.I.F.T. member, whenever there is a termination of all services of BAHTNET, that service user's membership of the CUG will also be terminated.

When there is a termination of all BAHTNET services, for service users which uses BAHTNET service via EFS services – it is assumed that only BAHTNET services via EFS services according to the Bank of Thailand Regulation on Electronic Financial Services, are terminated.

Article 90 Should any service user, with the BAHTNET services terminated by the BOT, want to reapply for BAHTNET services, they must reapply for BAHTNET services, according to the conditions and procedures as specified in Title 2 of this regulation.

Service user whose services are terminated can reapply to be a service user.

Title 13

Arbitration

Article 91 In an event of a dispute among service users or between a service user and the BOT, the matter will be submitted to the arbitrators. Consideration and resolution of the dispute will proceed according to the law on arbitration.

Dispute Resolution

Article 92 Each party will appoint one arbitrator, and the two arbitrators will together appoint an outsider as a neutral arbitrator.

Appointment of arbitrators

Title 14

Miscellany

Article 93 Service users are prohibited from altering the BOT's application programs.

Application programs,

The BOT's application programs, user's manual, and operating

user's manual, and

instructions are properties of the BOT. Service users must avoid violating the right, except under consent in writing by the BOT, for instance:

- (1) Duplication or alteration
- (2) Transfer, sale, rent or permission for use by unauthorized persons
- (3) Use for other purposes than BAHTNET services as specified under this regulation

(4) Permission for or consent to unauthorized persons access to the program

Article 94 The BOT reserves the right to amend, append or change this regulation, announcement or document pertaining to this regulation, i.e.,

- (1) Increase/decrease in types of services
- (2) Change in service hours/fees/relating procedures
- (3) Change in procedures for security in message transmission
- (4) Other changes as deemed appropriate

The BOT will properly inform service users in advance.

Article 95 If there are any interpretation problems of this regulation or related notifications, the BOT reserves the right to have the final decision.

Article 96 It is assumed that service users agree to abide by and follow this regulation, other related procedures which are issued according to this regulation, including the BOT's judgments according to Article 95 and the Arbitrators' decision.

The BOT's judgments according to Article 95 also bind the arbitrators, being unable to decide against the BOT's judgments. Service users agree to accept this arrangement and must inform the arbitrators prior to their decision-making.

**operating
instructions
are properties of the
BOT.**

**The BOT reserves
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append or change
this regulation.**

**The BOT reserves to
have
the final decision in
case of interpretation
problems.**

**Service users agree
to abide by and
follow this
regulation, the
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judgments, or the
Arbitrators' decision**

6. Provisional Clauses

Access right to the BAHTNET system, according to the Appointment of Access Rights Manager for transactions on BAHTNET Web Service, submitted to the BOT according to the Bank of Thailand Regulation on BAHTNET Service B.E. 2544 shall remain valid, binding all service users, until notification of change is made otherwise to the BOT according to specified procedures by the BOT.

Effective Date From 15 May B.E. 2549

Announcement Date 12 April B.E. 2549

Signed by

(M.R. Pridiyathorn Devakula)

Governor

Bank of Thailand