

Update: Report and Disclosure Requirements for Real Estate Investment Trusts (REITs) in Thailand

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Introduction

The following is a brief description of recent regulatory changes in connection with Real Estate Investment Trusts (“REITs”), specifically focused on updated disclosure and reporting requirements.

The Securities and Exchange Commission of Thailand (“SEC”) has, generally, set regulations for REITs similar to those governing listed companies, though such regulations have not traditionally been as stringent. The Notification of the Capital Market Supervisory Board No. TorJor. 20/2561 Re: Rules, Conditions and Procedures for Reporting and Disclosure of the Fund and REITs or Infrastructure Trusts (the “Notification”) was issued on 19 February 2018 and will become effective on 1 July 2018.

Report and Disclosure Requirements

This Notification applies to the following:

- (1) Property Funds;
- (2) Infrastructure Funds;
- (3) Real Estate Investment Trusts (“REITs”); and
- (4) Infrastructure Trusts.

(Numbers (1) and (2) collectively are referred to as a “Fund” and Numbers (3) and (4) collectively are referred to as a “Trust”)

Management companies are responsible for the preparation and disclosure of the required information for Funds, and REIT managers are responsible for the required preparation and disclosure of information for Trusts.

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The information required to be reported and disclosed for Funds and Trusts includes: (i) a report showing the financial position and performance of the Fund or Trust, which includes financial statements, the results of interim management discussions and analysis, annual registration statements (Form 56-REIT1), and annual reports (Form 56-REIT2); and (ii) a report showing Funds or Trusts' total asset values, unit values, and progress of the development of main assets (in the case of investment in a brown field project). Details of the timeline for each report and disclosure are appended to the Notification, which is in line with the timeline for reporting and disclosure of listed companies.

Reporting and disclosure must be prepared in Thai. However, there is no prohibition on preparing such reports in English, as long as the English version is accurately translated from the Thai report, and all material aspects of both the Thai and English versions are the same.

This publication is intended to highlight an overview of key issues for ease of understanding, and not for the provision of legal advice. If you have any questions about this publication, please contact your regular contact persons at Mori Hamada & Matsumoto or Chandler MHM Limited, or any of the Key Contacts listed to the right above.