

A Business Guide to Thailand 2018



● The 20 Lowest per Capita Income Provinces

★ Special Economic Development Zones



Seaport



Deep Seaport



Domestic Airport



International Airport



Industrial Estate / Zone



A Business Guide to Thailand 2018

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CHAPTER 1

PROCEDURES FOR ESTABLISHING A COMPANY

CHAPTER 1: Procedures for Establishing a Company

1. Types of Business Organizations

Thailand recognizes 3 types of business organizations: partnerships, limited companies and other forms of corporate presence.

1.1 Partnerships

According to the Civil and Commercial Code (CCC), the partnerships can be divided into 2 types:

- (1) Ordinary Partnerships
- (2) Limited Partnerships

1.1.1 Ordinary Partnerships

In an ordinary partnership, all the partners are jointly and wholly liable for all obligations of the partnership. Ordinary partners may contribute money, other property, or labor to the partnership. These partnerships may be registered or unregistered. Therefore, an ordinary partnership can be divided into 2 types:

- (1) Non-registered Ordinary Partnership – has no status as a juristic person and is treated, for tax purposes, as an individual.
- (2) Registered Ordinary Partnership – is registered with the Commercial Registrar as a juristic person and is taxed as a corporate entity.

1.1.2 Limited Partnerships

The limited partnerships must have 2 kinds of partners as follows:

- (1) One or more partners whose individual liability is limited to the amount of capital contributed to the partnership, and
- (2) One or more partners who are jointly and unlimitedly liable for all the obligations of the partnership.

The limited partnerships must be registered and are taxed as a corporate entity.

1.1.3 Partnership Registration

When two or more people agree to invest in one of the aforementioned types of partnership, the appointed managing partner is responsible for registering the partnership with the commercial registration office of the province that the head office of the partnership is located in. Limited partnerships must be only managed by a partner with unlimited liability.

The fee for registering a partnership is 100 Baht per 100,000 Baht of registered capital. A fraction of 100,000 Baht is regarded as 100,000 Baht. The minimum fee is 1,000 Baht and the maximum fee is 5,000 Baht.

1.2 Limited Companies

There are 2 types of limited companies: private limited companies and public limited companies. The first is governed by the Civil and Commercial Code and the second is governed by the Public Limited Company Act.

1.2.1 Private Limited Companies

Private Limited Companies in Thailand have basic characteristics similar to those of Western corporations. A private limited company is formed through a process that leads to the registration of a Memorandum of Association (Articles of Incorporation) and Articles of Association (By-laws) as its constitutive documents.

The shareholders enjoy limited liability, i.e. limited to the remaining unpaid amount, if any, of the par value of their shares. The liability of the directors, however, may be unlimited if stipulated as such in the company's MOA.

The limited companies are managed by a board of directors in accordance with the company laws and its Articles of Association. In the board of directors' meeting, director's proxies and circular board resolution are not allowed.

All shares must be subscribed to, and at least 25% of the subscribed shares must be paid up. Thai law prohibits the issuance of shares with a par value of at least 5 Baht. Treasury shares are prohibited.

A minimum of 3 shareholders is required at all times. Under certain conditions, a private limited company may be wholly owned by foreigners. However, in those activities reserved for Thai nationals under the Foreign Business Act, foreigner participation is generally allowed up to a maximum of 49% capital shares. The registration fee for the MOA and establishing the company is 5,500 Baht per million Baht of registered capital.

The 49% capital shares limited in certain reserved businesses can be exceeded or exempted if a Foreign Business License is granted. If the desired business is unique, does not compete with Thai businesses, or involves dealings among members of an affiliated company, the chance of approval is more probable. Conditions, such as minimum capital, transfer of technology and reporting requirements, may be attached to Foreign Business Licenses.

1.2.2 Public Limited Companies

Subject to compliance with the prospectus, approval, and other requirements, public limited companies registered in Thailand may offer shares, debentures, and warrants to the public and may apply to have their securities listed on the Stock Exchange of Thailand (SET). Public limited companies are governed by the Public Limited Company Act B.E. 2535 (A.D. 1992), as amended by Public Limited Company Act No. 2 B.E. 2544 (A.D. 2001) and Public Limited Company Act No. 3 B.E. 2551 (A.D. 2008). The rules and regulations concerning the procedure of offering shares to the public is governed by the Securities and Exchange Act B.E. 2535 (A.D. 1992) and the amendments thereto, under the control of the Securities and Exchange Commission (SEC). All companies wishing to list their shares on the SET must obtain the approval of and file disclosure documents with the SEC, and then obtain SET approval to list their shares.

For public limited companies, there is no restriction on the transfer of shares (except to satisfy statutory or policy ceilings on foreign ownership); directors are elected by cumulative voting (unless the MOA provides otherwise) and the board of directors' meetings must be held at least once every 3 months.

A minimum of 15 promoters is required for the formation and registration of a public limited company, and the promoters must hold their shares for a minimum of 2 years before they can be transferred, except with the approval of the shareholders at a meeting of shareholders. The board of directors must have a minimum of 5 members, at least half of whom must have a domicile in Thailand. Each share of the company shall be equal to value and be fully paid up. Restrictions on share transfers are unlawful, with the exception of those protecting the rights and benefits of the company as allowed by law and those maintaining the Thai/foreigner shareholder ratio. Debentures may only be issued with the approval of 3 quarters of the voting shareholders. The company registration fee is 1,000 Baht per million Baht of registered capital.

The qualifications for independent directors of listed companies and securities companies that have initial public offerings were amended in April 2009, as follows:

- (1) At least one-third of the board's complement should be independent directors, and in any case, the number should not be fewer than 3. This will apply for listed companies' annual general shareholders' meetings from the year 2010 onwards. In the case of an IPO, the requirement for independent directors has to be complied with from 1 July 2008 onwards.
- (2) The independent director must not have any business or professional relationship with the head office, subsidiaries, associates, or jurist person in his own interest, whether directly or indirectly, as outlined in the Thai Securities and Exchange Commission Circular No. Kor Lor Tor Kor (Wor) 11/2552 Re: the Amendment of the Regulation regarding the independent director.

1.2.3 Scrutinization of Thai Shareholders in Limited Companies

In 2006, the Commercial Registrar prescribed new rules for the registration of the private limited companies. The rules require that sources of investment by Thai nationals in the following 2 categories of new companies be scrutinized:

- (1) A company in which the foreigners hold between 40% and 50% of the shares.
- (2) A company in which the foreigners hold less than 40% of the shares, but a foreigner is an authorized director of the company.

All Thai shareholders must disclose the source of their funds to the MOC.

An application for the incorporation of a limited company must now be accompanied by at least one of the following documents evidencing the source of funds of each Thai shareholder:

- Copies of deposit passbooks or bank statements disclosing transactions over the past 6 months;
- A letter issued by a bank certifying the financial position of the shareholder;
- Copies of other documents evidencing the source of funds (i.e. loan documentation). In addition, the MOC has issued internal guidelines in support of the rules, which set out the following matters:
 - The amounts shown in the documents of each Thai shareholder evidencing the source of funds must equal or exceed the amount of funds invested by that Thai shareholder.
 - The rules do not apply if a foreign national(s) has joint authority with a Thai national(s) to act on behalf of the limited company.
 - Copies of deposit passbooks or bank statements disclosing transactions that are less than 6 months old may be submitted to the MOC provided that entries on at least 1 day identify a balance that is equal to or exceeds the funds invested by the relevant shareholder.

Thai shareholders must provide evidence of their sources of funds regardless of the value of their shares.

1.3 Other Forms of Corporate Presence

1.3.1 Branches of Foreign Companies

Foreign companies may carry out certain business in Thailand through a branch office. Branch offices are required to maintain accounts only relating to the branch in Thailand. Having a branch office in Thailand, the foreign corporation could be exposed to civil, criminal and tax liability if the branch office violates any law in Thailand. The foreign head office must appoint at least one branch office manager to be in charge of operations in Thailand.

There is no special requirement for foreign companies to register their branches in order to do business in Thailand. However, most business activities fall within the scope of one or more laws or regulations that require special registration (e.g., VAT registration, taxpayer identification card, Commercial Registration Certificate, Foreign Business License, etc.), either before or after the commencement of activities. Therefore, foreign business establishment must follow generally accepted procedures.

It should be borne in mind that the branch is part of the parent company and therefore the parent retains legal liability for contracts, and for tortious acts done. For tax purposes, a branch is subject to Thai corporate income tax at the regular 20% rate on income derived from its business operations in Thailand. It is important to clarify beforehand what constitutes income that is subject to Thai tax because the Revenue Department may consider revenue directly earned by the foreign head office from sources within Thailand to be subject to Thai tax. Therefore, for tax purposes, a branch office is required to apply for a taxpayer identification card and VAT certificate (if applicable) and to file annual corporate income tax returns with the Revenue Department.

A branch office of a foreign entity cannot carry out any reserved business without a Foreign Business License. It must apply for a Foreign Business License with the MOC first, and can operate as a reserved business only after the License has been issued. If the desired business is unique, and does not compete with Thai businesses, or involves dealings among members of an affiliated company, the chance of approval is more probable. Conditions, such as minimum capital, transfer of technology and reporting requirements, may be attached to the Foreign Business License. The minimum investment capital must be greater than 25% of the estimated average annual operating expenses of the operation calculated over 3 years, but not less than 3 million Baht.

Conditions to be complied with by the Branch Office after Obtaining Permission for Operation

A Branch Office that is permitted to operate the business must comply with the following conditions:

1. There must be the minimum capital to be remitted to Thailand for the commencement of business operation as stipulated by law. Details of remitting the minimum capital are as follows:
 - (1) First 25% of minimum investment within first 3 months;
 - (2) Another 25% of minimum investment within first year;
 - (3) Another 25% of minimum investment within second year; and
 - (4) Last 25% of minimum investment within third year.
2. The total amount of loans utilized in the permitted business operation must not exceed 7 times the inward remitted funds for the permitted business operation;
 - Loans mean the total liabilities of the business, notwithstanding the liabilities incurred by any form of transaction but excluding trade liabilities occurred from the ordinary course of business, such as, trade creditors, accrued expenses.
3. At least one person out of the people responsible for operating the business in Thailand must have a domicile in Thailand;
 - Domicile means the contactable residence in Thailand which can be the place of business, excluding temporary residence such as hotels.
4. The document or evidence relating to the permitted business operation must be submitted when the official sends the summons or inquiry.
5. Their account and financial statements to be submitted to the Department of Business Development must be prepared.

Fees for Branch Office

Application fee (non-refundable) is 2,000 Baht. If the application is approved, the government fee will be set at the rate of 5 Baht for every 1,000 Baht or fraction there of the registered capital of the parent company, with a minimum of 20,000 Baht and a maximum of 250,000 Baht. A fraction of 1,000 Baht in capital is regarded as 1,000 Baht.

1.3.2 Representative Offices of Foreign Companies

The operation of Representative Office in Thailand in order to render the service to its head office or the affiliated company or the group company in foreign country is the operation of business under the business listed in List 3(21) attached to the Foreign Business Act B.E.2542 i.e. other Service Businesses. If the foreigner wishes to operate such a business, the permission by the Director-General, Business Development Department with the approval of the Foreign Business Committee is required.

The minimum investment capital must not be less than 25% of the estimated average annual operating expenses of the operation calculated over 3 years, but not less than 3 million Baht (same as branch office).

The Foreign Business Operation Committee has determined the guidelines for approval as follows:

Characteristic of the Representative Office

The Representative Office must have all 3 characteristics as follows:-

1. Be the juristic person established in accordance with the foreign law and has to have established an office in Thailand in order to operate the service business to the head office or the affiliated company or the group company in foreign country only;
2. Renders services to the head office, affiliated company or group company without receiving income from service, except for funds to cover the expenses of the Representative Office that are received from the head office;
3. The Representative Office has no authority to receive purchase orders or to offer for sale or to negotiate on business with any person or juristic person.

Scope of Service of the Representative Office

In operation of business as the Representative Office, the scope of service is permitted to be rendered in any or all of the following 5 categories, depending upon the objectives and business characteristics of the Representative Office:

- Finding sources of goods or services in Thailand for the head office.
- Checking and controlling the quality and quantity of goods purchased in Thailand by the head office.
- Providing advice and assistance concerning goods of the head office sold to agents or consumers in Thailand.
- Disseminating information concerning new goods or services of the head office.
- Reporting on business developments in Thailand to the head office

If the representative office engages in other activities for which permission is not granted, such as buying or selling goods on behalf of the head office, it will be regarded as doing business in Thailand and may be subject to Thai taxation on all income received from Thailand. Also, the representative office may not act on behalf of third persons. Any such business or income-earning activities could amount to a violation of the conditions of the license to establish and operate a representative office, which in turn could result in revocation of that license.

A representative office that undertakes one or more of the approved activities in Thailand without rendering any service to any other person, and which refrains from prohibited activities, is not subject to Thai taxation. Such a representative office is understood to be receiving a subsidy from the head office to meet its expenses in Thailand. Gross receipts or revenues received by a representative office from the head office are not characterized as revenue to be included in the computation of juristic person income tax.

Even though they are not subject to taxation in Thailand, all representative offices are still required to obtain a Corporate Tax Identification number and submit income tax returns and audited financial statements to the Revenue Department. They are also required to submit the same to the Department of Business Development.

Conditions to be complied with by the Representative Office after being granted Permission to Operate

A Representative Office that is permitted to operate a business must comply with the following conditions:

1. There must have the minimum capital to be remitted to Thailand for the commencement of business operations as stipulated by law. Details regarding the minimum capital are as follows:
 - (1) First 25% of minimum investment within first 3 months;
 - (2) Another 25% of minimum investment within first year;
 - (3) Another 25% of minimum investment within the second year; and
 - (4) Last 25% of minimum investment within the third year.
2. The total amount of loans utilized in the permitted business operation must not exceed seven times the inward remitted funds for the permitted business operation;
 - Loans mean the total liabilities of the business, notwithstanding the liabilities incurred by any form of transaction and excludes trade liabilities occurred from the ordinary course of business, such as, trade creditors, and accrued expenses.
3. At least one person out of the people responsible for operating the business in Thailand must have a domicile in Thailand;
 - Domicile means the contactable residence in Thailand which can be the place of business, excluding temporary residence such as hotels.
4. The document or evidence relating to the permitted business operation must be submitted when the official sends the summons or inquiry.
5. There account and financial statements to be submitted to the Department of Business Development must be prepared.

Fees for the Representative Office

Application fee (non-refundable) is 2,000 Baht. If the application is approved, the government fee will be set at the rate of 5 Baht for every 1,000 Baht or a fraction there of the registered capital of parent company, with a minimum of 20,000 Baht and a maximum of 250,000 Baht. A fraction of 1,000 Baht in capital is regarded as 1,000 Baht.

Tax Position of the Representative Office

The representative office is required to obtain a corporate tax identification number and submit income tax returns and balance sheets, even if nil. Individual aliens and all local staff are required to obtain taxpayer cards and pay personal income tax.

1.4 International Headquarters (IHQ) & International Trading Center (ITC)

On 1 May 2015, Thailand introduced an International Headquarters (IHQ) and International Trading Center (ITC) scheme to help boost Thailand's competitiveness and make Thailand the economic hub of Asia. The IHQ program replaces the Regional Operating Headquarters scheme that will expire on 15 November 2015.

Thailand defines an International Headquarters (IHQ) as a company incorporated under Thai laws that provides any of the following activities to its branches or “associated enterprises”, whether located in Thailand or overseas

- (1) Supporting services engaged in:
 - 1.1 General management, business planning, and business coordination
 - 1.2 Procurement of raw materials and parts
 - 1.3 Research and development of products
 - 1.4 Technical support
 - 1.5 Marketing and sales promotion
 - 1.6 Human resource management and training
 - 1.7 Financial advisory services
 - 1.8 Economic and investment analysis and research
 - 1.9 Credit management and control
 - 1.10 Any other supporting services stipulated by the Director-General of the Revenue Department
- (2) Financial management, including:
 - 2.1 Financial management by corporate treasury centers approved under the Exchange Control Law.
 - 2.2 Borrowing and lending in Thai Baht for the following cases:
 - 2.2.1 Financial management by corporate treasury centers approved under the Exchange Control Law.
 - 2.2.2 Borrowing and lending in Thai Baht for the following cases:
- (3) An International Trading Center (ITC) refers to a company incorporated under Thai laws that purchases and sells goods, raw materials and parts or that provides international trading-related services to juristic persons incorporated under foreign laws. International trading-related services include:
 - 3.1 Procurement of goods.
 - 3.2 Warehousing and inventory services prior to delivery.
 - 3.3 Packaging services.
 - 3.4 Transportation of goods.
 - 3.5 Insurance on goods.
 - 3.6 Advisory, technical and training services on goods.
 - 3.7 Any other services stipulated by the Director-General of the Revenue Department.

An associated enterprise is defined as follows:

- (1) A company or juristic partnership that is a direct or indirect shareholder in the International Headquarters with not less than 25% of total capital.
- (2) A company or juristic partnership in which the International Headquarters is directly or indirectly a shareholder or partner with not less than 25% of total capital.
- (3) A company or juristic partnership in which the company or juristic partnership specified in number 1 is a direct or indirect shareholder or partner with not less than 25% of total capital.
- (4) A company or juristic partnership which has power to control or supervise the operation and management of the International Headquarters.
- (5) A company or juristic partnership in which the International Headquarters has power to control or supervise the operation and management.
- (6) A company or juristic partnership in which the company or juristic partnership under number 4 has the power to control or supervise the operation and management.

International Headquarters (IHQ) receive the following incentives:

Incentives offered by the Board of Investment (BOI)

- Permission to bring in skilled personnel and experts into the Kingdom to work in investment promoted activities.
- Majority or 100% foreign ownership
- Permission to own land.
- Exemption of import duty on machinery (only machinery for R&D and training activities).
- Exemption of import duty on raw materials and parts used in the production for export.

Conditions to apply for privileges offered by the BOI

- Must supervise at least one branch or associated enterprise outside Thailand.
- Paid-up registered capital must be at least THB10 million.

Incentives offered by the Revenue Department (RD)

Corporate Income Tax (CIT) for 15 accounting periods from the date of approval by the Director-General of the Revenue Department

- (1) Revenue entitled to corporate income tax exemption:
 - 1.1 Income derived from managerial services or technical services, supporting services, or financial management services to associated enterprises incorporated under foreign laws.
 - 1.2 Royalties received from associated enterprises incorporated under foreign laws.
 - 1.3 Dividends received from associated enterprises incorporated under foreign laws.
 - 1.4 Capital gains received from the sales of shares in associated enterprises incorporated under foreign laws.
 - 1.5 Income derived from the purchase and sales of goods overseas on the condition that such goods must not be imported into Thailand, except for the purpose of transit or transshipment under Thai customs law, and income derived from providing international trading related services to juristic persons incorporated under foreign laws on the condition that such income must be received from or in foreign country.
- (2) Revenue entitled to 10% of the corporate income tax rate*
 - 2.1 Income derived from managerial services or technical services, supporting services or financial management services to associated enterprises established under Thai laws.
 - 2.2 Royalties received from associated enterprises established under Thai laws.

*Note: * The amount of revenue entitled to corporate income tax reduction must not be greater than revenue entitled to corporate income tax exemption according to item 1.1 and 1.2*

Personal Income Tax: The personal income tax rate for expatriates working in an IHQ is reduced to 15% on gross income and benefits derived from employment.

Specific Business Tax: Exemption for the gross receipts from lending to associated enterprises.

Final Tax Exemption for the following revenue:

- Dividends paid by the IHQ (dividends paid from revenue entitled to corporate income tax exemption) to a company or juristic partnership incorporated under foreign laws and has no operation in Thailand.
- Interest paid by the IHQ (interest from loans taken out by an IHQ to relend to associated enterprises under financial management) to a company or juristic partnership incorporated under foreign laws and has no operation in Thailand.

Conditions to apply for privileges offered by the Revenue Department:

- Must provide managerial services or technical services or supporting services or financial management to its associated enterprises incorporated under foreign laws.
- Paid-up capital must be at least THB10 million on the last day of each accounting period.
- Total operating expenses which are paid to recipients in Thailand (sales and administration expenses) must be at least THB15 million per accounting period.
- Receive the approval from the Director-General of the Revenue Department.
- Comply in accordance with form, rule, procedure and condition as prescribed by the Director-General.

Note: If the IHQ is unable to meet any of the specified conditions within an accounting period, the tax incentives in that accounting period will not be granted.

Thailand defines **an International Trading Center (ITC)** as a company incorporated under Thai laws that purchases and sells goods, raw materials and parts or that provides international trading related services to juristic persons incorporated under foreign laws.

International trading related services include:

- (1) Procurement of goods.
- (2) Warehousing and inventory services prior to delivery.
- (3) Packaging services.
- (4) Transportation of goods.
- (5) Insurance on goods.
- (6) Advisory, technical and training services on goods.
- (7) Any other services stipulated by the Director-General of the Revenue Department.

An International Trading Center (ITC) receives the following incentives:

Incentives offered by the Board of Investment (BOI)

- Permission to bring in skilled personnel and experts into the Kingdom to work in investment promoted activities.
- Majority or 100% foreign ownership
- Permission to own land.
- Exemption of import duty on machinery.
- Exemption of import duty on raw materials and parts used in the production for export.

Conditions to apply for privileges offered by the BOI

- An ITC must have paid-up registered capital of at least THB10 million.

Incentives offered by Revenue Department (RD)

Corporate Income Tax (CIT)

For 15 accounting periods from the date of approval by the Director-General of the Revenue Department, an ITC is entitled to corporate income tax exemption on:

- (1) Income derived from the purchase and sales of goods overseas on the condition that such goods must not be imported into Thailand, except for the purpose of transit or transshipment under Thai customs law.
- (2) Income derived from providing international trading related services to juristic persons established under foreign laws on the condition that such income must be received from or in foreign country.

Personal Income Tax: The personal income tax rate for expatriates working in an ITC is reduced to 15% on gross income and benefits derived from employment.

Final Tax: Exemption for dividends paid by the ITC (dividends paid from revenue entitled to corporate income tax exemption) to a company or juristic partnership under foreign laws, and has no operation in Thailand.

Conditions to apply for privileges offered by the Revenue Department:

- The paid-up capital must be at least THB10 million on the last day of each accounting period.
- ITC must have total operating expenses which are paid to recipients in Thailand (sales and administration expenses) of at least THB15 million per accounting period.
- Receive the approval from the Director-General of the Revenue Department.
- Comply in accordance with form, rule, procedure and condition as prescribed by the Director-General.

Note: If the ITC is unable to meet any of the specified conditions within an accounting period, the tax incentives in that accounting period will not be granted.

In addition, to facilitate IHQ/ITC registration for a foreign business certificate/license, the **Department of Business Development, Ministry of Commerce**, has reduced the timeframe as follows:

- From 30 days to 15 days for BOI-promoted companies
- From 60 days to 30 days for non-BOI promoted companies

The **Bank of Thailand** will also assist IHQ/ITC through a relaxation of foreign currency conditions.

Source: Department of Business Development, Ministry of Commerce, as of July 2017.

2. Forming a Company

2.1 Company Registration

2.1.1 Promoters

Company promoters are responsible for registering the company with the Ministry of Commerce (MOC). The promoters must be individuals (not juristic persons). They must be available to sign documentation during the registration process. There must be a minimum of 3 promoters for a private limited company and at least 15 promoters for a public limited company.

The promoters of a private limited company must be 12 years of age or older; for a public limited company, the promoters must be 20 years of age or older.

Each promoter of a private limited company is required to be among the company's initial shareholders immediately after the company's registration and is required to hold a minimum of one share upon the company's registration. They are generally free to transfer those shares to existing shareholders or third parties, thereafter, if they wish. It is not required for the individuals serving as promoters to reside in Thailand.

The promoters of a public limited company must also be among the company's initial shareholders immediately after the company's registration. All promoters must subscribe for shares, which must be paid up in an aggregate amount equal to not less than 5 percent of the registered capital. Said shares may not be transferred before the expiration of 2 years from the date of the company's registration, unless specifically approved at a meeting of shareholders. Nevertheless, it is required that one-half of the individuals serving as promoters have their domicile in the Kingdom of Thailand.

Promoters' potential legal liability is generally limited to the par value of the shares they will hold after registration is completed. The promoters are also responsible for paying expenses associated with the company's registration. After registration, however, the company may choose to reimburse the promoters for those expenses.

2.1.2 Timing

For Private Limited Company

The registration of the company can be accomplished on the same day as the registration of the Memorandum of Association provided that:

1. All registered shares have been subscribed for;
2. A statutory meeting is held to transact the business with the presence of all promoters and subscribers, and all promoters and subscribers have approved the transacted business;
3. The promoters have handed over the business to the directors; and
4. The payment of at least 25% of the total shares has been paid by the shareholders.

The company can apply for and obtain the company's tax ID card and register the Employer account under the Social Security Act with the MOC on the same day as the registration of the Company.

However, if the company does not wish to apply for the company's tax ID card or register the Employer account under the Social Security Act with the MOC on the same day as the registration of the Company, it can apply for the company's tax ID card and register the Employer account with the Revenue Department and the Social Security Office respectively later.

For Public Limited Company

A Public Company Limited is required to register its Memorandum of Association with the MOC first, and, thus the company's registration cannot be done on the same day, as is the case for a private limited company. After the Memorandum of Association has been registered, the promoters must offer shares for sale to the public or to any person in accordance with the law on securities and stock exchange.

The promoters must submit to the Registrar a copy of the documents relating to the offer of shares for sale to the public, which shall be prepared and submitted to authorities under the law on securities and stock exchange, within 15 days of the date of submission to such authorities, in accordance with the rules, procedures and conditions prescribed by the Registrar.

The promoters shall convene the statutory meeting when the number of subscribed shares reaches the number specified in the prospectus or a public meeting, which must be not less than fifty percent of the number of shares specified in the Memorandum of Association, within 2 months of the date on which the number of subscribed shares reached the specified number but not later than six months from the date on which the Memorandum of Association was registered.

In the event it is impossible to call the statutory meeting within the specified time, if the promoters of the company wish to proceed further, they must apply for an extension of the period by providing the reason for the delay to the Registrar not less than 7 days in advance of the expiry date of such period. If the Registrar deems it expedient, an extension of between one and three months from the date ending such period may be granted.

If the statutory meeting could not be concluded within the period, the Memorandum of Association shall become invalid upon the lapse of such period and, within 14 days from the date on which the Memorandum of Association become invalid, the promoters shall return the payment for share subscription to the share subscribers.

After having received the payment on shares up to the number of all subscribed shares, the Board of Directors must apply to register the company within three months of the date of conclusion of the statutory meeting. The application must provide the following particulars:

1. The paid-up capital, the total amount of which must be specified;
2. The total number of shares sold;
3. The names, dates of birth, nationalities, and addresses of the directors;
4. The names and number of directors authorized to affix signatures on behalf of the company and any power limitations on directors that have been specified in the Articles of Association;
5. The location of the head office and branch offices (if any).

The company cannot apply for and obtain the company's tax ID card and register the Employer account under the Social Security Act with the MOC like a private limited company. Consequently, the company must apply for the company's tax ID card with the Revenue Department and register the Employer account with the Social Security Office directly.

Note: If the registered company falls under the definition of "foreign" (as defined in the Foreign Business Act (FBA)), after registration of the company, it will normally be required to obtain Cabinet approval, a Foreign Business License, or a Foreign Business Certificate, as the case may be, prior to commencing operations.

2.1.3 Filings

For a private limited company, all documents associated with the company's registration must be submitted to the Registrar of the Department of Business Development (DBD) of the MOC; or, if the company's location is to be situated outside of Bangkok, it must be submitted to the Office of Provincial Business Development in the province in which the company's business will be situated. For a private limited company, all documents associated with the company's registration must be submitted to the Registrar of the Department of Business Development (DBD) of the MOC; or, if the company's location is to be outside of Bangkok, it must be submitted to the respective Office of Provincial Business Development in the province in which the company's business will be located. However, companies that are located in Bangkok or outside of Bangkok can also apply for their company registration through the DBD's e-Registration service (www.dbd.go.th).

The company registration procedure via the e-Registration service involves a one-time user authentication procedure to obtain a "digital signature" (username and password). The applicant must submit the application and appear in person or authorize a person to appear on their behalf at the DBD office for identity verification. The identity verification will be made available online only when the applicant is in possession of the Personal Certificate issued by the Certificate Authority. The applicant can file the application for pre-approval of the company's registration only after the user's account is activated. Once the pre-approval is issued, the applicant will need to endorse their digital signature along with a one-time password (OTP), which will be sent out to the registered mobile number. The fee payment for the registration can be made through different channels (ATM, Internet Banking, Mobile Internet, Counter Deposit). Upon receipt of payment, the DBD will send an updated company affidavit (and other documents requested by the applicant) by mail to the registered address or to any address as notified.

For a public limited company, all documents associated with the company's registration must be submitted to the Registrar of the Department of Business Development of the MOC at the Central Registration office, Bangkok only, regardless of company's location.

All documents associated with the registration of the company's tax ID card (in cases where the company does not apply for the company's tax ID card with the MOC when registering the Company) and VAT certificate must be submitted to the Filing Office of the Revenue Department in Bangkok; or, if the company's location is to be situated outside of Bangkok, to the Provincial Revenue Office where the company's location will be situated. However, the Company either locates in Bangkok or outside of Bangkok can also apply for the company's tax ID card and VAT certificate through the website of the Revenue Department.

All documents associated with the registration of the Employer account under the Social Security Act (in cases where the company does not apply for the Employer account under the Social Security Act when registering the Company) must be submitted to the Filing Office of the Social Security Office in Bangkok; or, if the company's office is to be located outside of Bangkok, to the Provincial Social Security Office in the province in which the company's business will be situated.

Source: Department of Business Development, Ministry of Commerce, as of July 2017.

2.2 Registration Process

2.2.1 Corporate Name Reservation

The first step of the company registration process is name reservation. To reserve a name, the company can either (1) submit a signed Name Reservation Form (one of the promoters is required to sign in such form) to the Department of Business Development of the MOC or (2) fill in a Name Reservation Form and submit it through the Department of Business Development's website (http://www.dbd.go.th/dbdweb_en). The promoter is required to supply the requested company name together with 2 alternative names. The registrar will then examine the application in order to ensure that:

1. No similar company names have previously been reserved; and
2. The names do not violate any ministerial rules.

If the applicant's intended name is in conflict with either of the above, that name will be rejected and the registrar will consider the alternative names submitted. This process can normally be completed within 2-3 working days. If all 3 names submitted are rejected, the applicant will be required to re-submit the form with 3 new names.

The registrar has considerable discretion with regard to the matter of company names. Many times, the first name or even the first 2 names are rejected due to the violation of 1 of the 2 rules stated above. Once the name is approved, the corporate name reservation is valid for 30 days, with no extensions. However, after the name has expired, the promoter can still re-apply for Name Reservation again and again if the name is still available.

2.2.2 Filing a Memorandum of Association

After the name reservation has been approved, the company must then submit its Memorandum of Association (MOA) to the Department of Business Development of the MOC. For a private limited company, the MOA must include the Company's name (the same as the name reserved); the location of head office (located at which province); (3) objective of the company; registered capital must be divided into each share with the same value (each share's value must be at least 5 Baht); the name, address, age, occupation and number of shares that persons who start up the company reserve to buy the shares); and the name, address, age of 2 witnesses. The capital information must include the number of shares and their par value. At the formation step, the authorized capital, although partly paid, must all be issued.

For a public limited company, the MOA must at least include the name of the company; the purpose of the company to offer shares for sale to the public; the objective of the company (which must specify clearly categories of business); the registered capital including the type, number and value of shares; the province where the company will be located; the names, dates of birth, nationalities, and addresses of the promoters and the number of shares for which each of them has subscribed.

The official fee for registration of the MOA for **a private limited company** is 50 Baht per 100,000 Baht of registered capital. A fraction of 100,000 Baht is regarded as 100,000 Baht. The minimum fee is 500 Baht and the maximum fee is 25,000 Baht.

For **a public limited company**, the official registration fee is 1,000 Baht per 1,000,000 Baht of registered capital. A fraction of 1,000,000 Baht is regarded as 1,000,000 Baht. The maximum fee is 50,000 Baht. Although there are no minimum capital requirements, the amount of capital should be respectable and adequate for the intended business operation.

However, if the company falls under the definition of “foreign” under the FBA, before commencing its business, the following rules shall be applied:

- If the company engages in activities specified in the FBA, its minimum registered capital would be greater than 25% of the estimated average annual operating expenses of the operation, calculated over 3 years, but not less than 3 million Baht.
- If the company does not engage in activities specified in the FBA, its minimum registered capital would be 2 million Baht.
- If the company intends to employ foreigners, other minimum registered capital requirements may also be applied.

2.2.3 Convening a Statutory Meeting

Once the share structure has been defined, a statutory meeting is called, during which the following are determined:

- (1) The adoption of the regulations of the company, if any;
- (2) The ratification of any contracts entered into and any expenses incurred by the promoters in promoting the company.
- (3) The fixing of the amount, if any, to be paid to the promoters;
- (4) The fixing of the number of preference shares, if any, to be issued, and the nature and extent of the preferential rights accruing to them;
- (5) The fixing of the number of ordinary shares or preference shares to be allotted as fully or partly paid-up otherwise than in money, if any, and the amount up to which they shall be considered as paid-up;
- (6) The appointment of the first directors and auditors and the fixing of their respective powers;

Note: No resolutions of the statutory meeting are valid unless passed by a majority including at least one half of the total number of subscribers entitled to vote, and representing at least one half of the total number of shares to such subscribers. After the statutory meeting is held, the promoters must hand over all businesses to the directors of the company.

2.2.4 Registration

Within 3 months of the date of the statutory meeting, the directors must submit the application to establish the company. If not registered within the specified period, the company’s statutory meeting shall be voided and if the company wishes to register again, the promoters shall arrange the meeting for persons who reserve to buy the shares again.

During the registration process, the promoters will be required to supply the name, license number, and remuneration of the auditor whom the company is planning to hire.

The company registration fee for a private limited company is 500 Baht per 100,000 Baht of registered capital. A fraction of 100,000 Baht is regarded as 100,000 Baht. The minimum fee is 5,000 Baht and the maximum fee is 250,000 Baht.

For **a public limited company**, the company registration fee is 1,000 Baht per 1,000,000 Baht of registered capital. A fraction of 1,000,000 Baht is regarded as 1,000,000 Baht. The maximum fee is 250,000 Baht.

For **a private limited company**, the directors shall then cause the promoters and subscribers to pay forthwith upon each share payable in money such amount, not less than 25%, as provided by the prospectus, notice, advertisement, or invitation.

For **a public limited company**, each promoter and subscriber must pay 100% of their subscribed shares.

The company is then registered as a legal entity (or juristic person).

2.2.5 Registering for Tax Documents

A company liable for corporate income tax must obtain a tax ID card and number from the Revenue Department within 60 days of its date of incorporation or, in the case of a foreign company, from the date it begins carrying on business in Thailand. Companies that have turnover in excess of 1.8 million Baht must also register for VAT with the Revenue Department within 30 days of the date the annual turnover exceeded that threshold.

2.2.6 Registering for Employer account under the Social Security Act

If the company has at least one employee, the company has a duty to register the Employer account under the Social Security Act with the Social Security Office within 30 days of the start of employment. The process for registration of the Employer account under the Social Security Act can normally be completed within 1 day provided that all required information and documents are fully submitted to the Social Security Office.

Source: Department of Business Development, Ministry of Commerce, as of July 2017.

3. Reporting Requirements

3.1 Books of Accounts and Statutory Records

Companies must keep books and follow accounting procedures as specified in the Civil and Commercial Code, the Revenue Code, and the Accounts Act. Documents may be prepared in any language, provided that a Thai translation is attached. All accounting entries should be written in ink, typewritten, or printed. Specifically, Section 12 of the Accounts Act of 2000 provides rules on how accounts should be maintained:

“In keeping accounts, the person with the duty to keep accounts must hand over the documents required for making accounting entries to the bookkeeper correctly and completely, in order that the accounts so kept may show the results of operations, financial position according to facts and accounting standards.”

3.2 Accounting Period

An accounting period must be 12 months. Unless the Articles of Association state otherwise, a newly established company should close accounts within 12 months of its registration. Thereafter, the accounts should be closed every 12 months. If a company wishes to change its accounting period, it must obtain written approval from the Director-General of the Revenue Department.

3.3 Reporting Requirements

All juristic companies, partnerships, branches of foreign companies, and joint ventures are required to prepare financial statements for each accounting period. The financial statement must be audited by and subjected to the opinion of a certified auditor, with the exception of the financial statement of a registered partnership established under Thai law, whose total capital, assets, and income are not more than that prescribed in Ministerial Regulations. The performance record is to be certified by the company's auditor, approved by shareholders, and filed with the Commercial Registration Department of the MOC and with the Revenue Department of the Ministry of Finance (MOF).

For a **private limited company**, the director is responsible for arranging the annual meeting of shareholders to approve the company's audited financial statement within 4 months of the end of the fiscal year, and filing the audited statement and supporting documents, including a list of shareholders on the date of the meeting, to the Registrar no later than 1 month after the date of the shareholder meeting.

For a **foreign company**, i.e. branch office, representative office or regional office, and excluding joint ventures, the Manager of the branch office must submit a copy of the financial statement to the Registrar no later than 150 days after the end of the fiscal year. Approval of the shareholder meeting is not required.

For a **public limited company**, the director is responsible for arranging the annual meeting of shareholders to approve the audited financial statements of a company within 4 months of the end of the fiscal year. A copy of the audited financial statement and annual report, together with a copy of the minutes of the shareholder meeting approving the financial statement, should be certified by the director and submitted to the Registrar, along with a list of shareholders on the date of the meeting, no later than 1 month after approval at the shareholder's meeting. In addition, the company is required to publish the balance sheet for public information in a newspaper for a period of at least 1 day within 1 month of the date it was approved at the shareholder's meeting.

3.4 Accounting Principles

In general, the basic accounting principles practiced in the United States are accepted in Thailand, as are accounting methods and conventions sanctioned by law. The Institute of Certified Accountants and Auditors of Thailand is the authoritative group promoting the application of generally accepted accounting principles.

Any accounting method adopted by a company must be used consistently and may be changed only with approval of the Revenue Department. Certain accounting practices of note include:

Depreciation: The Revenue Code permits the use of varying depreciation rates according to the nature of the asset, which has the effect of depreciating the asset over a period that may be shorter than its estimated useful life. These maximum depreciation rates are not mandatory. A company may use a lower rate that approximates the estimated useful life of the asset. If a lower rate is used in the books of the accounts, the same rate must be used in the income tax return.

Accounting for Pension Plans: Contributions to a pension or provident fund are not deductible for tax purposes unless they are actually paid out to the employees, or if the fund is approved by the Revenue Department and managed by a licensed fund manager.

Consolidation: Local companies with either foreign or local subsidiaries are not required to consolidate their financial statements for tax and other government reporting purposes, except for listed companies, which must submit consolidated financial statements to the Securities and Exchange Commission of Thailand.

Statutory Reserve: A statutory reserve of at least 5% of annual net profit arising from the business must be appropriated by the company at each distribution of dividends until the reserve reaches at least 10% of the company's authorized capital.

Stock Dividends: Stock dividends are taxable as ordinary dividends and may be declared only if there is an approved increase in authorized capital. The law requires the authorized capital to be subscribed in full by the shareholders.

3.5 Auditing Requirements and Standards

Audited financial statements of juristic entities (i.e. a limited company, registered partnership, branch, representative office, regional office of a foreign corporation, or joint venture) must be certified by an authorized auditor and be submitted to the Revenue Department and to the Commercial Registrar for each accounting year.

However, for a registered partnership with registered capital of less than 5 million Baht, total revenue of no more than 30 million Baht, and total assets of no more than 30 million Baht, the financial statement does not need to be certified by an authorized auditor.

Auditing practices conforming to international standards are, for the most part, recognized and practiced by authorized auditors in Thailand.



CHAPTER 2

TAXATION IN THAILAND

CHAPTER 2: Taxation in Thailand

The principal tax law in Thailand is the Revenue Code, which governs three main categories of taxation: corporate income tax, value added tax (or specific business tax), and personal income tax.

1. Corporate Income Tax

Corporate Income Tax (CIT) is a direct tax levied on a juristic company or partnership carrying on business in Thailand or not carrying on business in Thailand but deriving certain types of income from Thailand.

1.1 Taxable Persons

- 1.1.1 A company or a juristic partnership incorporated under Thai law.
 - Limited company.
 - Public company limited.
 - Limited partnership.
 - Registered partnership.
- 1.1.2 A company or a juristic partnership incorporated under foreign law
 - 1.1.2.1 A company or juristic partnership incorporated under foreign laws and carrying on business in Thailand.
 - 1.1.2.2 A company or juristic partnership incorporated under foreign laws and carrying on business in other places.
 - 1.1.2.3 A company or juristic partnership incorporated under foreign laws and carrying on business in other places including Thailand, in case of carriage of goods or carriage of passengers.
 - 1.1.2.4 A company or juristic partnership incorporated under foreign laws which has an employee, an agent or a go-between for carrying on business in Thailand and as a result receives income or profits in Thailand.
 - 1.1.2.5 A company or juristic partnership incorporated under foreign laws and not carrying on business in Thailand but receiving assessable income under Section 40 (2)(3)(4)(5) or (6) which is paid from or in Thailand.
- 1.1.3 A business operating in a commercial or profitable manner by a foreign government, organization of a foreign government or any other juristic person established under a foreign law.
- 1.1.4 Joint venture
- 1.1.5 A foundation or association carrying on revenue generating business, but does not include the foundation or association as prescribed by the Minister in accordance with Section 47 (7) (b) under Revenue Code

Source: The Revenue Department, as of July 2017.

1.2 File a Tax Return and Payment

Thai and foreign companies carrying on business in Thailand are required to file their tax returns (Form CIT 50) within 150 days from the closing date of their accounting periods. Tax payment must be submitted together with the tax returns. Any company disposing funds representing profits out of Thailand is also required to pay tax on the sum so disposed within 7 days from the disposal date (Form CIT 54).

In addition to the annual tax payment, any company subject to CIT on net profits is also required to make tax prepayment (Form CIT 51). A company is obliged to estimate its annual net profit as well as its tax liability and pay half of the estimated tax amount within 2 months after the end of the first 6 months of its accounting period. The prepaid tax is creditable against its annual tax liability. As regards to income paid to foreign company

not carrying on business in Thailand, the foreign company is subject to tax at a flat rate in which the payer shall withhold tax at source at the time of payment. The payer must file the return (Form CIT 54) and make the payment to the Revenue Department within 7 days of the following month in which the payment is made.

Source: Revenue Department, as of July 2017.

1.3 Accounting Period

An accounting period shall be 12 months except in the following cases where it may be less than 12 months:

- (1) A newly incorporated company or juristic partnership may elect to use the period from its incorporation date to any one date as the first accounting period.
- (2) A company or juristic partnership may file a request to the Director-General to change the last day of an accounting period. In such a case, the Director-General shall have the power to grant approval as he deems appropriate. Such an order shall be notified to the company or juristic partnership who files the request within a reasonable period of time and in the case where the Director-General grants the permission, the company or juristic partnership shall comply to the accounting period as prescribed by the Director-General.

Source: The Revenue Department, as of July 2017.

1.4 Tax Calculation

Regarding the calculation of the CIT of a company carrying on business in Thailand, this is calculated from the company's net profit on the accrual basis. A company shall take into account all revenue arising from or in consequence of the business carried on in an accounting period and deduct therefrom all expenses in accordance with the condition prescribed by the Revenue Code. As for dividend income, one-half of the dividends received by Thai companies from any other Thai companies may be excluded from the taxable income. However, the full amount may be excluded from the taxable income if the recipient is a company listed in the Stock Exchange of Thailand or the recipient owns at least 25% of the distributing company's capital interest, provided that the distributing company does not own a direct or indirect capital interest in the recipient company. The exclusion of dividends is applied only if the shares are acquired not less than 3 months before receiving the dividends and are not disposed of within 3 months after receiving the dividends. In calculating CIT, deductible expenses are as follows.

- (1) Ordinary and necessary expenses. However, the deductible amount regarding the following expenses is allowed at a special rate:
 - 200% deduction of Research and Development expense,
 - 200% deduction of job training expense,
 - 200% deduction of expenditure on the provision of equipment for the disabled;
- (2) Interest, except interest on capital reserves or funds of the company;
- (3) Taxes, except for CIT and Value Added Tax paid to the Thai government;
- (4) Net losses carried forward from the last five accounting periods;
- (5) Bad debts;
- (6) Wear and tear;
- (7) Donations of up to 2% of net profits;
- (8) Provident fund contributions;
- (9) Entertainment expenses up to 0.3% of gross receipts but not exceeding 10 million Baht;
- (10) Further tax deduction for donations made to public education institutions, and also for any expenses used for the maintenance of public parks, public playgrounds, and or sports grounds;

- (11) Depreciation: Provided that in no case shall the deduction exceed the following per centage of cost as shown below. However, if a company adopts an accounting method, which the depreciation rates vary from year to year, the company is allowed to do so provided that the number of years over which an asset depreciates shall not be less than 100 divided by the percentage prescribed below.

Types of	Depreciation
1. Building	
1.1 Durable building	5%
1.2 Temporary building	100%
2. Cost of acquisition of depleted natural resources	5%
3. Cost of acquisition of lease rights	
3.1 No written lease agreement	10%
3.2 Written lease agreement containing no renewal clause or containing renewal clause but with a definite duration of renewal periods	100% divided by the original and renewable lease periods
4. Cost of acquisition of the right in a process, formula, goodwill, trademark, business license, patent, copyright or any other rights:	
4.1 Unlimited period of use	10%
4.2 Limited period of use	100% divided by number of years used
5. Other depreciation assets not mentioned in 1.4. used in SME, which have value altogether not exceeding 500,000 Baht, and are acquired before December 31, 2010	
5.1 Machinery used in R&D	Initial allowance of 40% on the date of acquisition and the residual can be depreciated at the rate in 5
5.2 Machinery acquired before December 31, 2010	Initial allowance of 40% on the date of acquisition and the residual can be depreciated at the rate in 5
5.3 Cash registering machine	Initial allowance of 40% on the date of acquisition and the residual can be depreciated at the rate in 5
5.4 Passenger car or bus with no more than 10 passengers capacity	Depreciated at the rate in 5 but the depreciable value is limited to one million Baht
6. Computer and accessories	
6.1 SMEs*	Initial allowance of 40% on the date of acquisition and the residual can be depreciated over 3 years
6.2 Other business	Depreciated over 3 years

Types of	Depreciation
7. Computer programs	
7.1 SMEs*	Initial allowance of 40% on the date of acquisition and the residual can be depreciated over 3 years
7.2 Other business	Depreciated over 3 years

* SMEs refer to any Thai companies with fixed assets less than 200 million Baht and number of employee not exceeding 200 people.

(12) The following items shall not be allowed as expenses in the calculation of net profits:

1) Reserves except:

- (a) Insurance premium reserves for life insurance set aside before calculation of profit, but only the amount not exceeding 65% of the amount of insurance premiums received in an accounting period after deducting premiums for re-insurance.

In a case where money is paid out on an amount insured on any life insurance policy whether in full or in part, only the paid amount which does not exceed the reserves under Paragraph 1 for such policy shall not be allowed as expense.

In a case where any life insurance policy contract is terminated, the amount of remaining reserve under Paragraph 1 for such policy shall be calculated in the calculation of income in the accounting period in which the contract is terminated.

- (b) Insurance premium reserves for any other insurance set aside before the calculation of profit, but only the amount not exceeding 40% of the amount of insurance premiums received in an accounting period after deducting premiums for re-insurance and this amount of reserves set aside shall be income in the calculation of net profit for tax purposes in the following accounting period.
- (c) A reserve set aside for bad debts or suspected bad debts from liability arising from the provision of credit which a commercial bank, finance company, securities company or credit foncier company sets aside under the laws governing commercial banks or laws governing the finance business, securities business and credit foncier business, as the case may be; but only the amount set aside which increases from such type of reserve appearing in the balance sheet of the previous accounting period.

For the increased reserve set aside under paragraph 1 and treated as expense for the purpose of calculating net profit or net loss in any accounting period, if afterwards, there is a reduction of such reserve, such reduced reserve which was already used as expense shall be included as income in the accounting period in which the reserve is reduced.

- 2) Fund except provident fund under the rules, procedures and conditions prescribed by a Ministerial regulations.
- 3) Expense for personal, gift, or charitable purpose except expense for public charity, or for public benefit.
- 4) Entertainment or service fees.
- 5) Capital expense or expense for the addition, change, expansion or improvement of an asset but not for repair in order to maintain its present condition.

- 6) Fine and/or surcharge, criminal fine, income tax of a company or juristic partnership.
- 7) The withdrawal of money without remuneration of a partner in a juristic partnership
- 8) The part of salary of a shareholder or partner which is paid in excess of the appropriate amount.
- 9) Expense which is not actually incurred or expense which should have been paid in another accounting period except in the case where it cannot be entered in any accounting period, then it may be entered in the following accounting period.
- 10) Remuneration for assets which a company or juristic partnership owns and uses.
- 11) Interest paid to equity, reserves or funds of the company or juristic partnership itself.
- 12) Damages claimable from an insurance or other protection contracts or loss from previous accounting periods except net loss carried forward for five years up to the present accounting period.
- 13) Expense which is not for the purpose of making profits or for the business.
- 14) Expense which is not for the purpose of business in Thailand.
- 15) Cost of purchase of asset and expense related to the purchase or sale of asset, but only the amount in excess of normal cost and expense without reasonable cause.
- 16) Value of lost or depleted natural resources due to the carrying on of business.
- 17) Value of assets apart from devalued assets subject to Section 65 Bis.
- 18) Expense for which a payer cannot identify the recipient.
- 19) Any expense payable from profits received after the end of an accounting period.
- 20) Expense similar to those specified in (1) to (19) as will be prescribed by a Royal Decree.

Source: The Revenue Department, as of July 2017.

1.5 Tax Rates

The corporate income tax rate in Thailand is 20% on net profit for the accounting period 2015. However, the rates vary depending on types of taxpayers.

Taxpayer	Tax Base	Rate (%)
1. Small company ¹	Net profit from 300,000 not exceeding 3 million Baht	15%
	Net profit over 3 million Baht	20%
2. Companies listed in Stock Exchange of Thailand (SET)	Net profit	20%
3. Companies newly listed in Stock Exchange of Thailand (SET)	Net Profit	20%
4. Company newly listed in Market for Alternative Investment (MAI)	Net Profit	20%
5. Bank deriving profits from International Banking Facilities (IBF)	Net Profit	10%
6. Foreign company engaging in international transportation	Gross receipts	3%
7. Foreign company not carrying on business in Thailand receiving dividends from Thailand	Gross receipts	10%
8. Foreign company not carrying on business in Thailand receiving other types of income apart from dividend from Thailand	Gross receipts	15%

Taxpayer	Tax Base	Rate (%)
9. Foreign company disposing profit out of Thailand	Amount disposed.	10%
10. Profitable association and foundation	Gross receipts	2% or 10%

*1. A small company refers to any company with paid-up capital less than five million Baht at the end of each accounting period.
Source: The Revenue Department, as of July 2017.

1.6 Withholding Tax

Certain types of income paid to companies are subject to withholding tax at source. The withholding tax rates depend on the types of income and the tax status of the recipient. The payer of income is required to file the return (Form CIT 53) and submit the amount of tax withheld to the District Revenue Offices within 7 days of the following month in which the payment is made. The tax withheld will be credited against final tax liability of the taxpayer. The following are the withholding tax rates on some important types of income.

Types of income	Withholding tax rate
1. Dividends	10%
2. Interest ¹	1%
3. Royalties ²	3%
4. Advertising Fees	2%
5. Service and professional fees	3% if paid to Thai company or foreign company having permanent branch in Thailand; 5% if paid to foreign company not having permanent branch in Thailand
6. Prizes	5%

Notes: 1. Tax will be withheld on interest paid to associations or foundations at the rate of 10%.

2. Royalties paid to associations or foundations are subject to 10% withholding tax rate.

- Government agencies are required to withhold tax at the rate of 1% on all types of income paid to companies.

Source: Revenue Department, as of July 2017.

1.7 Losses

Each company is taxed as a separate legal entity. Losses incurred by one affiliate may not be offset against profits made by another affiliate. Losses can only be carried forward for a maximum of 5 years.

Source: Doing Business in Thailand 2017-2018, Mazars

1.8 Additional tax on foreign companies abroad

A foreign company that does not carry on business in Thailand will be subject to withholding tax on certain categories of income derived from Thailand. The withholding tax rates may be further reduced or exempted depending on types of income under the provision of Double Taxation Agreement.

Withholding Tax Rates:

Remittance of profits	10%
Dividends	10%
Other income such as interests, royalties, capital gains, rents and professional fees	15%

Source: The Revenue Department, as of July 2017.

1.9 Tax Credits

For income derived from countries that do not have a Double Taxation Agreement (DTA) with Thailand, foreign tax credits are allowed. These foreign tax credits are subject to certain criteria and conditions, up to the amount of Thailand tax that would have been payable had the income been derived in Thailand. The same rules apply with regard to foreign tax relief for DTA countries.

Source: Doing Business in Thailand 2017-2018, Mazars

1.10 Tax Treaties to Avoid Double Taxation

Currently, Thailand has concluded tax treaty agreements with 60 countries: Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Bulgaria, Canada, Chile, China P.R., Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Great Britain and Northern Ireland, Hong Kong, Hungary, India, Indonesia, Ireland, Israel, Italy, Japan, Korea, Kuwait, Laos, Luxembourg, Malaysia, Mauritius, Myanmar, Nepal, the Netherlands, New Zealand, Norway, Oman, Pakistan, the Philippines, Poland, Romania, Russia, Seychelles, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Taiwan, Tajikistan, Turkey, Ukraine, United Arab Emirates, United States of America, Uzbekistan, and Vietnam

Source: The Revenue Department, as of July 2017.

1.11 Transfer Pricing Rules

In addition to paying dividends, profits may be repatriated through other various means, including payment of royalties and/or service fees.

Although there is no separate transfer pricing legislation in Thailand, guidelines have been issued to counteract aggressive inter-company pricing practices and to ensure such payments reflect the true market value. These guidelines are intended to prevent the manipulation of profits and losses within a group of related companies and ensure that goods and services traded between the related companies are priced at an arm's length value. The Revenue Department also has the power to assess income resulting from transfers which it deems below market value.

Source: Doing Business in Thailand 2017-2018, Mazars

2. Value Added Tax

Value Added Tax (VAT) has been implemented in Thailand since 1992 replacing Business Tax (BT). VAT is an indirect tax imposed on the value added of each stage of production and distribution.

2.1 Taxable Persons

Any person or entity who regularly supplies goods or provides services in Thailand and has an annual turnover exceeding 1.8 million Baht is subject to VAT in Thailand. Service is deemed to be provided in Thailand if the service is performed in Thailand regardless of where it is utilized or if it is performed elsewhere and utilized in Thailand.

An importer is also subject to VAT in Thailand no matter whether one is a registered person or not. VAT will be collected by the Customs Department at the time goods are imported. Certain businesses are excluded from VAT and will instead be subjected to Specific Business Tax (SBT). Under VAT, taxable goods mean all types of property, tangible or intangible, whether they are available for sales, for own use, or for any other purposes. It also includes any types of articles imported into Thailand. Services refer to any activities conducted for the benefits of a person or an entity, which are not the supply in terms of goods.

2.2 Exemptions from VAT

Certain activities are exempted from VAT. Those activities are:

- (1) Small entrepreneur whose annual turnover is less than 1.8 million Baht;
- (2) Sales and import of unprocessed agricultural products and related goods such as fertilizers, animal feeds, pesticides, etc.;
- (3) Sales and import of newspapers, magazines, and textbooks;
- (4) Certain basic services such as:
 - Transportation : domestic and international transportation by way of land;
 - Healthcare services provided by government and private hospitals as well as clinics;
 - Educational services provided by government and private schools and other recognized educational institutions;
- (5) Professional services: Medical and auditing services, lawyer services in court and other similar professional services that have laws regulating such professions;
- (6) Income from business, commerce, agriculture, industry, transport or any other activity not specified earlier.
- (7) Cultural services such as amateur sports, services of libraries, museums, zoos;
- (8) Services in the nature of employment of labor, research and technical services and services of public entertainers;
- (9) Goods exempted from import duties under the Industrial Estate law imported into an Export Processing Zones (EPZs) and under Chapter 4 of the Customs Tariff Act;
- (10) Imported goods that are kept under the supervision of the Customs Department which will be re-exported and be entitled to a refund for import duties; and
- (11) Other services such as religious and charitable services, services of government agencies and local authorities.

2.3 Tax Base

2.3.1 General Goods and Services

Tax base of VAT is the total value received or receivable from the supply of goods or services. Value means money, property, consideration, service fees, or any other benefit which is ascertainable in terms of money. Tax base will also include any Excise tax arises in connection with such supply. However, the tax base is exclusive of the value added tax that itself and does not include any discounts or allowances, but only if these discounts or allowances are clearly shown in the tax invoices.

2.3.2 Imported Goods

$\text{Tax base} = \text{C.I.F. price} + \text{Import duty} + \text{Excise tax (if any)} + \text{other taxes and fees (if any)}$

2.3.3 Exported Goods

$\text{Tax base} = \text{F.O.B. price} + \text{Excise tax (if any)} + \text{other taxes and fees (if any)}$

2.4 Tax Rates

The current VAT rate is 7%

A zero percent rate is applied to the following items:

- Export of goods;
- Services rendered in Thailand and utilized outside Thailand in accordance with rules, procedures and conditions prescribed by the Director-General;
- Aircraft or sea-vessels engaging in international transportation;
- Supply of goods and services to government agencies or state-owned enterprises under foreign-aid program;

- Supply of goods and services to the United Nations and its agencies as well as embassies, consulate- generals and consulates;
- Supply of goods and services between bonded warehouses or between enterprises located in EPZs.

2.5 Time of Supply

The time of supply of goods or services is important because it determines when a registered person should account for VAT. The time of supply will be determined as follows:

2.5.1 Goods

2.5.1.1 General goods, the earliest of:

- The time of delivery; or
- When ownership of goods is transferred; or
- A payment is made; or
- A tax invoice is issued.

2.5.1.2 Hire purchase or installment sale, the earliest of:

- The time each payment is due; or
- A payment is made; or
- A tax invoice is issued.

2.5.1.3 Supply of goods on consignment, the earliest of:

- The time the consignee makes delivery or transfers; or
- Ownership of the goods to buyer; or
- A payment is made; or
- A tax invoice is issued.

2.5.1.4 Imports, the earliest of:

- The time import duty is paid; or
- A guarantee is put up; or
- A guarantor is arranged for; or
- A bill of lading is issued.

2.5.1.5 Exports, the earliest of:

- The time export duty is paid; or
- A guarantee is put up; or
- A guarantor is arranged for; or
- A bill of lading is issued; or
- Goods are sent from Thailand to an EPZ; or
- Goods are exported from a bonded warehouse.

2.5.2 Services

2.5.2.1 In general, the earliest of:

- The time a payment is made; or
- Tax invoice is issued; or
- Service is utilized.

2.5.2.2 Service contract where payment is made according to the service performed, the earliest of:

- The time a payment is made; or
- Tax invoice is issued; or
- Service is utilized.

2.5.2.3 Imports

- The time the payment is made

2.6 Tax Invoice

VAT registered person or entity is required to issue tax invoices every time the transactions are made showing details of nature and value of goods sold or services provided and also amount of VAT due. Tax invoice is used as evidence for claiming input tax credit. Tax invoice must contain at least the following elements;

- The word “Tax invoice” in a prominent place,
- Name, address and tax identification number of the issuer,
- Name and address of the purchaser or customers,
- Serial numbers of tax invoice and tax invoice books (if applicable),
- Description, value and quantity of goods or services;
- Amount of VAT chargeable, and
- Date of issuance.

2.7 VAT Calculation

$$\text{VAT liability} = \text{Output Tax} - \text{Input Tax}$$

“Output Tax” is a tax collected or collectible by a VAT registered person from his/her customers when goods or services are supplied.

“Input Tax” is a tax charged by another registered person on any purchase of goods or provision of services. The term also includes any tax charged on imported goods.

2.8 Refund

In each month, if input tax exceeds output tax, the taxpayer can claim a refund, either in the form of cash or tax credit to be used in the following months. Therefore, in case they are zero-rated, the taxpayer will always be entitled to VAT refund. As for unused input tax, it may be creditable against output tax within the next 6 months. However, the refund can only be claimed within 3 years from the last day of the filing date.

Certain input taxes, such as tax in relation to entertaining expenses, are not creditable under VAT. However, those non-creditable input taxes can instead be used as deductible expenses under Corporate Income Tax (CIT).

2.9 VAT Registration

Any person or entity who is liable to VAT in Thailand must register to be a VAT registered person or entity (Form VAT 01) before the operation of business or within 30 days after its income reaches the threshold. The registration application must be submitted to Area Revenue Offices if the business is situated in Bangkok or to the Area Revenue Branch Offices if it is situated elsewhere. Should a taxpayer have several branches, the registration application must be submitted to the Revenue Office where the headquarters is situated.

2.10 Tax Return and Payment

The VAT taxable period is a calendar month. VAT returns, therefore, must be filed on a monthly basis. VAT returns (Form VAT 30), together with tax payments, if any, must be submitted to the Area Revenue Branch Office within 15 days of the following month. If the taxpayer has more than one place of business, each place of business must file the return and make a payment separately unless there is an approval from the Director-General of the Revenue Department. Services utilized in Thailand supplied by service providers in other countries are also subject to VAT in Thailand. In such a case, the service recipient in Thailand is obliged to file a VAT return (Form VAT 36) and pay tax, if any, on behalf of the service providers.

In the case where supply of goods or services is also subject to Excise tax, VAT return and tax payment, if any, must be submitted to the Excise Department together with Excise tax return and tax payment within 15 days of the following month. In case of imported goods, VAT return and tax payment must be submitted to the Customs Department at the point of import.

3. Personal Income Tax

Personal Income Tax (PIT) is a direct tax levied on the income of a person. A person means an individual, an ordinary partnership, a non-juristic body of person and an undivided estate. In general, a person liable to PIT has to compute his tax liability, file tax returns and pay tax, if any, accordingly on a calendar year basis.

3.1 Taxable Persons

Taxpayers are classified into “resident” and “non-resident.” “Resident” means any person residing in Thailand for a period or periods aggregating more than 180 days in any tax (calendar) year. A resident of Thailand is liable to pay tax on income from sources in Thailand as well as on the portion of income from foreign sources that is brought into Thailand. A non-resident is, however, subject to tax only on income from sources in Thailand.

3.2 Assessable Income

Income chargeable to the PIT is called “assessable income.” The term covers income both in cash and in kind. Therefore, any benefits provided by an employer or other persons, such as a rent-free house or the amount of tax paid by the employer on behalf of the employee, are also treated as assessable income of the employee for the purpose of PIT.

Assessable income is divided into 8 categories:

1. Income from personal services rendered to employers;
2. Income by virtue of jobs, positions or services rendered;
3. Income from goodwill, copyright, franchise, other rights, annuity or income in the nature of yearly payments derived from a will or any other juristic Act or judgment of the Court;
4. Income in the nature of dividends, interest on deposits with banks in Thailand, shares of profits or other benefits from a juristic company, juristic partnership, or mutual fund, payments received as a result of the reduction of capital, a bonus, an increased capital holding, gains from amalgamation, acquisition or dissolution of juristic companies or partnerships, and gains from transferring of shares or partnership holdings;
5. Income from letting of property and from breaches of contracts, installment sales or hire-purchase contracts;
6. Income from liberal professions;
7. Income from construction and other contracts of work;
8. Income from business, commerce, agriculture, industry, transport or any other activity not specified earlier.

3.3 Deductions and Allowances

Certain deductions and allowances are allowed in the calculation of the taxable income. The taxpayer shall make deductions from assessable income before the allowances are granted. Therefore, taxable income is calculated by:

$$\text{TAXABLE INCOME} = \text{Assessable Income} - \text{deductions} - \text{allowances}$$

Deductions allowed for the calculation of PIT:

Type of Income	Deduction
a. Income from employment	50% but not exceeding 100,000 Baht
b. Income received from copyright	50% but not exceeding 100,000 Baht

Type of Income	Deduction
c. Income from letting out of property on hire	
1) Building and wharves	30%
2) Agricultural land	20%
3) All other types of land	15%
4) Vehicles	30%
5) Any other type of property	10%
d. Income from liberal professions	30% except for the medical profession where 60% is allowed
e. Income derived from contract of work where by the contractor provides essential materials besides tools	actual expense or 70%
f. Income derived from business, commerce, agriculture, industry, transport, or any other activities not specified in a. to e.	actual expense or 65% - 85% depending on the types of income

Allowances (Exemptions) allowed for the calculation of PIT:

Types of Allowances	Amount
Personal allowance	
Single taxpayer	60,000 Baht for the taxpayer
Undivided estate	60,000 Baht for the taxpayer's spouse
Non-juristic partnership or a non-juristic body of persons	60,000 Baht for each partner but not exceeding 120,000 Baht in total
Spouse allowance	60,000 Baht
Child allowance (child under 25 years of age and studying at educational institution, or a minor, or an adjusted incompetent or quasi-incompetent person)	30,000 Baht each (no limit for natural child) 30,000 Baht each (not exceed three children for adopted child) *in total not exceed three person In a case where a taxpayer has natural and adopted children, he/she shall first deduct allowance for the natural children, followed by the adopted children. Except where the taxpayer has 3 or more living natural children, he/she shall not deduct allowances for adopted children. If he/she has less than 3 natural children, he/she may deduct allowances for the adopted children; however, the total number of children shall not exceed 3.
Parents allowance	30,000 Baht for each of taxpayer's and spouse's parents if such parent is above 60 years old and earns less than 30,000 Baht
Life insurance premium paid by taxpayer or spouse	Amount actually paid but not exceeding 100,000 Baht each
Approved provident fund contributions paid by taxpayer or spouse	Amount actually paid at the rate not more than 15% of wage, but not exceeding 500,000 Baht
Long term equity fund	Amount actually paid at the rate not more than 15% of wage, but not exceeding 500,000 Baht

Types of Allowances	Amount
Home mortgage interest	Amount actually paid but not exceeding 100,000 Baht
Social insurance contributions paid by taxpayer or spouse	Amount actually paid each
Charitable contributions	Amount actually donated but not exceeding 10% of the income after standard deductions and the above allowances

3.4 Tax Credit for dividends

Any taxpayer who domiciles in Thailand and receives dividends from a juristic company or partnership incorporated in Thailand is entitled to a tax credit of 3/7 of the amount of dividends received. In computing assessable income, taxpayer shall gross up his dividends by the amount of the tax credit received. The amount of tax credit is creditable against his tax liability.

$$\text{Tax Credit} = \text{Dividend} \times \text{Corporate Tax Rate} / (100 - \text{Corporate Tax Rate})$$

3.5 Progressive Tax Rates

Tax rates of the Personal Income Tax

Taxable Income (Baht)	Tax Rate (%)
1-300,000*	5
300,001-500,000	10
500,001-750,000	15
750,001-1,000,000	20
1,000,001-2,000,000	25
2,000,001-5,000,000	30
From 5,000,001	35

Implemented from 1 January 2017

For the net income after calculation (Assessable incomes minus Expenses, then minus Allowances) on the first 150,000 Baht is still exempted by the Royal Decree issued under the Revenue Code regarding tax rate reduction No. 470 B.E.2551 (2008).

In the case where income categories (2)-(8) mentioned in 2.1 are earned more than 60,000 Baht per annum, taxpayer has to calculate the amount of tax by multiplying 0.5% to the assessable income and compare with the amount of tax calculated by progressive tax rates. Taxpayer is liable to pay tax at the amount whichever is greater.

3.6 Separate Taxation

There are several types of income that the taxpayer shall not include or may not choose to include such income to the assessable income in calculating the tax liability.

Income from sale of immovable property

The taxpayer shall not include income from sales of immovable property acquired by bequest or by way of gift to the assessable income when calculating PIT. However, if the sale is made for a commercial purpose, it is essential that such income must be included as the assessable income and be subject to PIT.

Interest

The following forms of interest income may, at the taxpayer's selection, be excluded from the computation of PIT provided that a tax of 15 percent is withheld at source:

- Interest on bonds or debentures issued by a government organization;
- Interest on saving deposits in commercial banks if the aggregate amount of interest received is not more than 20,000 Baht during a taxable year;
- Interest on loans paid by a finance company;
- Interest received from any financial institution organized by a specific law of Thailand for the purpose of lending money to promote agriculture, commerce or industry.

Dividends

The taxpayer who resides in Thailand and receives dividends or shares of profits from a registered company or a mutual fund which tax has been withheld at source at the rate of 10 percent, may opt to exclude such dividend from the assessable income when calculating PIT. However, in doing so, the taxpayer will be unable to claim any refund or credit.

3.7 Withholding Tax for Personal Income Tax

For certain categories of income, the payer of income has to withhold tax at source, file tax return (Form PIT 1, 2 or 3 as the case may be) and submit the amount of tax withheld to the District Revenue Office. The tax withheld shall then be credited against the tax liability of a taxpayer at the time of filing PIT return. The following are the withholding tax rates on some categories of income.

Types of Income	Withholding Tax Rate
1. Employment income	5 - 37%
2. Rents and prizes	5%
3. Ship rental charges	1%
4. Service and professional fees	3%
5. Public entertainer remuneration	
- Thai resident	5%
- non-resident	5 - 37%
6. Advertising fees	2%

3.8 Tax Payment

The taxpayer is liable to file the Personal Income Tax return and make a payment to the Revenue Department within the last day of March following the taxable year. The taxpayer, who derives income specified in c, d or f in 3.3 during the first six months of the taxable year is also required to file half yearly returns and make a payment to the Revenue Department within the last day of September of that taxable year. Any withholding tax or half-yearly tax which has been paid to the Revenue Department can be used as a credit against the tax liability at the end of the year.

Source: The Revenue Department, as of July 2017.

4. Other Taxes

4.1 Specific Business Tax (SBT)

Specific Business Tax (SBT) is another kind of indirect tax introduced in 1992 to replace Business Tax. Certain businesses that are excluded from VAT will instead be subject to SBT.

Person liable to SBT

Any person or entity who engages in certain businesses in Thailand is subject to SBT instead of VAT. Businesses that are subject to SBT include:

1. Banking under the law governing commercial banking or any other specific law.
2. Business of finance, securities and credit fancier under the law governing operation of the business of finance, securities and credit fancier.
3. Life insurance under the law governing life insurance.
4. Pawn broking under the law governing pawnshops.
5. Business with regular transactions similar to commercial banks, such as provision of loans, provision of guarantees, exchange of currencies, issuance, purchase or sale of bills or transfer of money abroad by different means;
6. Sale of an immovable property in a commercial or profitable manner, irrespective of the manner in which such property is acquired, only in accordance with the rules, procedures and conditions prescribed by a royal decree.
7. Sale of securities in a securities market under the law governing securities exchange of Thailand.
8. Any other business as prescribed by a royal decree.

Exemptions

Activities of certain entities are exempted from SBT such as:

1. Business of the Bank of Thailand, the Government Savings Bank, the Government Housing Bank, and the Bank for Agriculture and Agricultural Cooperatives
2. Business of the Industrial Financial Corporation of Thailand
3. Business of a savings cooperative, only in respect of loans provided to its members or to another savings cooperative
4. Business of a provident fund under the law governing provident funds
5. Business of the National Housing Authority, only in respect of sale or hire-purchase of an immovable property
6. Pawn broking business of a ministry, sub-ministry, department and a local government authority
7. Any other business under section 91/2 as prescribed by a royal decree

Tax base and tax rates

The tax base for a business in accordance with the provisions of this Chapter shall be the following gross receipts received or receivable from the business carried on by a person liable to tax

Business	Tax Base	Tax Rate (%)
1.Banking, Finance and similar business	Interest, discounts, service fees, other fees, profits from foreign exchange	3.0
2.Business of finance, securities and credit foncier	Interest, discounts, service fees, other fees, profits from foreign exchange	3.0
3.Life Insurance	Interest, service fees and other fees	2.5
4.Pawn Brokerage	Interest, fees, remuneration from selling overdue property	2.5
5.Business with regular transactions similar to commercial banks	Interest, discounts, service fees, other fees, profits from foreign exchange	3.0
6.Real estate	Gross receipts	0.1
7.Sale of securities in a securities market	Gross receipts	0.1 (exempted)

Remark: Local tax at the rate of 10 % is imposed on top of SBT.

SBT registration

Any entity or person who is subject to SBT must register to be SBT registered person or or entity (Form **พ. 01**) within 30 days of its first day of operation at the Area Revenue Office if it is situated in Bangkok or at District Revenue Office if it is situated elsewhere. Should the taxpayer have several branches or offices, the registration application must be submitted to Area or District Revenue Office where the headquarters is situated.

In the case of an operator being a foreign resident, a person who is an agent of such operator shall be responsible in undertaking the specific business tax registration for the operator who is a foreign resident.

File a tax return and payment

SBT taxable period is a calendar month. SBT return (Form **พ. 40**) must be filed on a monthly basis regardless of whether or not the business has income. SBT return and payment must be submitted to the District Revenue Office within 15 days of the following month. If the taxpayer has more than one place of business, each place of business must file its return and make the payment separately unless there is an approval from the Director-General.

4.2 Stamp Duty

4.2.1 Persons liable to stamp duty

4.2.1.1 Only instruments listed in the stamp duty schedule are subject to the stamp duty and the persons liable to pay stamp duty are those listed in column 3 of the schedule. They are, for example, the persons executing the instrument, the holders of the instrument or the beneficiary.

4.2.1.2 If an instrument liable to duty is executed outside of Thailand, the first holder of the instrument in Thailand shall pay the duty by stamping at the full amount and canceling within 30 days from the date of receiving the instrument. If he does not comply as such, the instrument shall not be deemed duty stamped.

4.2.1.3 If he does not comply with the provisions of Paragraph 1, any holder of the instrument shall pay the duty by stamping at the full amount and canceling, and then he shall be able to submit the instrument for collection, endorsement, transfer or claiming of benefit.

Any holder who acquires possession of the instrument in accordance with this Section before the expiration of the time limit specified in Paragraph 1 may pay the duty by stamping at the full amount and canceling, and he has the right of recourse against the previous holders.

4.2.1.4 If a bill submitted for payment is not duty stamped, the recipient of the bill may pay the duty by stamping at the full amount and canceling, and may either have the right of recourse against the person liable to duty or deduct the amount of duty from the payment due.

4.2.1 Instruments liable to stamp duty

The instruments liable to stamp duty include, inter alia, transfers of land, a lease, stock transfers, debentures, mortgages, life assurance policies, annuities, power of attorney, promissory notes, letters of credit, travelers cheques.

4.2.2 Duty stamped

“Duty stamped” means

- (1) In the case of an adhesive stamp, payment of duty is made by affixing a stamp on the paper, before or immediately when an instrument is executed, in an amount not less than the duty payable, and canceling such stamp; or
- (2) In the case of an impressed stamp, payment of duty is made by using a paper with an impressed stamp in an amount not less than the duty payable and canceling such stamp, or by submitting an instrument to an official to impress the stamp and paying an amount not less than the duty payable and canceling such stamp; or
- (3) In the case of payment by cash, payment of duty is made in cash in an amount not less than the duty payable in accordance with the provisions of this Chapter or in accordance with a regulation prescribed by the Director-General with the Minister’s approval.

In stamping duty as prescribed under (1) and (2), the Director-General shall have the power to order the compliance in accordance with (3) instead

4.2.3 Rate of stamp duty

Rates of stamp duty are given in the schedule attached to the Chapter VI of Title II of the Revenue Code. The rates of duty range from one Baht to 200 Baht. A sample of stamp duty rates on some selected instrument is as follows:

Nature of Instrument/Transaction	Stamp Duty
1. Rental of land, building, other construction or floating house For every 1,000 Baht or fraction thereof of the rent or key money or both for the entire lease period	1 Baht
2. Transfer of share, debenture, bond and certificate of debt issued by any company, association, body of persons or organization. For every 1,000 Baht or fraction thereof of the paid-up value of shares, or of the nominal value of the instrument, whichever is greater.	1 Baht
3. Hire-purchase of property. For every 1,000 Baht or fraction thereof of the total value	1 Baht
4. Hire of work For every 1,000 Baht or fraction thereof of the remuneration prescribed.	1 Baht
5. Loan of money or agreement for a bank overdraft (a) For every 2,000 Baht or fraction thereof of the total amount of loan or the amount of bank overdraft agreed upon. (b) Duty on the instrument of this nature calculated into an amount exceeding 10,000 Baht shall be payable in the amount of 10,000 Baht.	1 Baht
6. Insurance policy (a) Insurance policy against loss For every 250 Baht or fraction thereof of the insurance premium. (b) Life insurance policy For every 2,000 Baht or fraction thereof of the amount insured. (c) Any other insurance policy For every 2,000 Baht or fraction thereof of the amount insured. (d) Annuity policy For every 2,000 Baht or fraction thereof of the principal amount, or, if there is no principal amount, for every 2,000 Baht or fraction thereof of 33 1/3 times the annual income.	1 Baht 1 Baht 1 Baht 1 Baht

Nature of Instrument/Transaction	Stamp Duty
(e) Insurance policy where reinsurance is made by an insurer to another person	1 Baht
(f) Renewal of the insurance policy	1 Baht (Half the rate for the original policy)
7. Authorization letter i.e., a letter appointing an agent, which is not in the form of instrument or contract including a letter appointing arbitrators:	
(a) Authorizing one or more persons to perform an act once only.	10 Baht
(b) Authorizing one or more persons to jointly perform acts more than once.	30 Baht
(c) Authorizing to perform acts more than once by authorizing several persons to perform acts separately; the instrument will be charged on the basis of each individual who is authorized.	30 Baht
8. Proxy letter for voting at a meeting of a company	
(a) Authorized for one meeting only	20 Baht
(b) Authorized for more than one meeting	100 Baht
9. (a) Bill of exchange or similar instrument used like the bill of exchange for each bill or instrument	3 Baht
(b) Promissory note or similar instrument used like the promissory note for each note or instrument	3 Baht
10. Bill of lading	2 Baht
11. (a) Share or debenture certificate, or certificate of debt issued by any company, association, body of persons or organization	5 Baht
(b) Bond of any government sold in Thailand	
For every 100 Baht or fraction thereof.	1 Baht
12. Cheque or any written order used in lieu of cheque for each instrument	3 Baht
13. Receipt for interest bearing fixed deposit in a bank	5 Baht
14. Letter of credit	
(a) Issued in Thailand	
- For value less than 10,000 Baht	20 Baht
- For value of 10,000 Baht or over	30 Baht
(b) Issued abroad and payable in Thailand for each payment	20 Baht
15. Traveler's cheque	
(a) For each cheque issued in Thailand	3 Baht
(b) For each cheque issued abroad but payable in Thailand	3 Baht
16. Each goods' receipt	
issued in connection with carriage of goods by waterway, land and air, namely, an instrument signed by an official or cargo master of a transport vehicle which carries goods as specified in that receipt upon issuing the bill of lading	1 Baht
17. Guarantee	
(a) For an unlimited amount of money	10 Baht
(b) For an amount exceeding 1,000 Baht	1 Baht
(c) For an amount exceeding 1,000 Baht but not exceeding 10,000 Baht	5 Baht
(d) For amount exceeding 10,000 Baht	10 Baht
18. Pawn broking	
(a) For every 2,000 Baht or fraction thereof of the debt	1 Baht
(b) If the pawn broking does not limit the amount of debt	1 Baht
19. Warehouse receipt	1 Baht

Nature of Instrument/Transaction	Stamp Duty
20. Delivery order	1 Baht
21. Agency (a) Specific authorization (b) General authorization	10 Baht 30 Baht
22. Decision given by an arbitrator (a) In the case where the dispute is concerned with the amount of money or price for every 1,000 Baht or fraction thereof (b) In the case where no amount of money or price is mentioned.	1 Baht 10 Baht
23. Duplicate or counterfoil of an instrument, Namely, an instrument having the same contents as the original document or contract and signed by the person executing the instrument in the same manner as the original. (a) If the duty payable for the original does not exceed 5 Baht. (b) If the duty exceeds 5 Baht.	1 Baht 5 Baht
24. Memorandum of association of a limited company submitted to the registrar.	200 Baht
25. Articles of association of a limited company submitted to the registrar.	200 Baht
26. New articles of association, copy of amended memorandum of association or articles of association submitted to the registrar.	50 Baht
27. Partnership contract (a) Contract on the establishment of a partnership (b) Amendment of the contract on the establishment of a partnership	100 Baht 50 Baht
28. Receipt only as specified below: (a) Receipt issued for government lottery prizes; (b) Receipt issued in connection with a transfer of, or creation of any right in, an immovable property, if the juristic act which gives rise to such receipt is registered under the law; (c) Receipt issued in connection with a sale, sale with right of redemption, hire-purchase or transfer of ownership in a vehicle, only if the vehicle is registered under the law governing such vehicle. If the receipt under (a) (b) (c) has an amount of 200 Baht or more: for every 200 Baht or fraction thereof	1 Baht

4.2.5 Surcharge and Punishment

4.2.5.1 Surcharge

4.2.5.1.1 Where an instrument is not duly stamped, the person liable to duty or the holder of the instrument or the beneficiary thereunder shall be entitled to present the instrument to the tax official for payment of duty who shall allow payment of the duty, subject to the following provisions:

- (a) Where the instrument not duly stamped is an instrument executed in Thailand and is presented to tax official for payment of duty within 15 days from the day when the instrument was required to be duly stamped, payment of duty shall be allowed merely at the rates set forth in the Stamp Duty Schedule.
- (b) In other cases, payment of duty shall be allowed, but a surcharge shall be imposed as follows:
 - (1) If it appears to the tax official that no more than 90 days have passed since the day when the instrument was required to be duly stamped, there shall be imposed a surcharge of twice the amount of duty or of 4 Baht, whichever is higher.

- (2) If it appears to the official that more than 90 days have passed since the day when the instrument was required to be duly stamped, there shall be imposed a surcharge of five times the amount of the duty or of 10 Baht, whichever is higher.

4.2.5.1.2 If, in consequence of the inspection conducted by the official or of the charge preferred or information furnished by any person, whether or not a government official, it appears that:

- (a) A receipt required to be issued under the Revenue Code has not been issued, the tax official shall have the power to charge the full amount of duty, and in addition, to impose a surcharge of six times the amount of the duty or of 25 Baht, whichever is higher.
- (b) An instrument has not been duly stamped because
 - (1) No stamp has been affixed, the tax official shall have the power to charge the full amount of duty and, in addition, to impose a surcharge of six times the amount of the duty or of 25 Baht, whichever is higher.
 - (2) The amount of the stamps affixed is less than the amount of duty payable, the tax official shall have the power to charge the deficiency and, in addition, to impose a surcharge of six times the amount of the deficiency or of 25 Baht, whichever is higher.
 - (3) In all other cases, the competent official shall have the power to impose a surcharge equal to the amount of duty payable or 25 Baht, whichever is higher.

4.2.5.2 Punishment

- (1) Whoever is liable to duty or required to cancel stamps fails or refuses to pay the duty or to cancel the stamps shall be punished with a fine not exceeding 500 Baht.
- (2) Whoever, with a view to evading payment of duty, issued a receipt of less than 10 Baht for the value received of 10 Baht or over, or divides the value received, or, with a view to evading compliance with the legal provisions on the stamp duty, willfully falsifies any instrument, shall be guilty and punished with a fine not exceeding 200 Baht.
- (3) Whoever intentionally puts a false date of cancellation of a stamp shall be punished with a fine not exceeding 500 Baht or imprisonment not exceeding three months or both.
- (4) Whoever fails to prepare or keep records of the daily total of money or price, or fails to issue a receipt immediately on demand in pursuance, or issues a receipt not stamped in the correct amount, shall be punished with a fine not exceeding 500 Baht.
- (5) Whoever by himself or in conspiracy with another person prevents issuance of a receipt, or fails to issue a receipt immediately upon receiving payment of money or price or issues a receipt showing an amount less than that of the money or price actually received, shall be punished with a fine not exceeding 500 Baht or imprisonment not exceeding one month or both.
- (6) Whoever knowing fails to extend facilities to the tax official or tax inspector in the performance of his duty, or seizure of any instruments or documents, or disobeys the summons issued by the tax official or tax inspector or refuses to give answers when questioned, or contravenes the provisions on issuing receipts or invoices or procedural directions issued by the Director-General of the Revenue Department shall be guilty and punished with a fine no exceeding 500 Baht.

- (7) Whoever, with fraudulent intention, has in possession a stamp known to be forged or deals in stamps which have been used or declared out of use by Ministerial Regulations shall be guilty and punished with a fine not exceeding 5,000 Baht or imprisonment not exceeding three years or both.

4.3 Petroleum Income Tax

Petroleum Income Tax (PT) is a direct tax, levied annually (for each accounting period of 12 months duration) on net profit of a “petroleum taxpayer” who is carrying out the business of petroleum exploration and production. It is also levied on the disposal of profits outside of Thailand. The rules and regulations for Petroleum Income Tax are covered under Petroleum Income Tax Act and other related law. The rates, penalties, surcharge, etc. are different from that of Corporate Income tax.

An accounting period is normally 12 months. The Director-General may grant permission for more or less than 12 months, if appropriately justified. The first accounting period shall begin on the day that the company makes its first sale or disposal of petroleum subject to royalty. This day is considered as the beginning date of the accounting period. An accounting period may be shorter than 12 months for the following cases:

- (a) if the company takes any day as the closing date of the first accounting period:
- (b) if the company ceases its petroleum business, the date of dissolution shall be the closing date of the accounting period:
- (c) if the company changes the closing date of an accounting period with the approval of the Director-General.

In the case the company transfers any rights under a concession prior to the beginning date of the first accounting period, this date of transfer shall be treated as the beginning and closing date of the accounting period.

4.3.1 Tax Base

The term “petroleum taxpayer” covers anybody who:

- (1) Holds a concession under petroleum law or has a joint interest in it; or
- (2) Purchases crude oil produced by any concessionaire, all of which is intended for export.

A concession under petroleum law (to be obtained from Department of Mineral Resources) is required only for exploration and production of petroleum products (including crude oil, natural gas and liquid natural gas). Downstream industries including refining are not covered under Petroleum Income Tax Act. The tax is characterized by the presence of very few taxpayers.

There are 2 important amendments to the Petroleum Income Tax Act (in the years B.E. 2522 and B.E. 2532) creating 3 different versions. Each Petroleum Taxpayer is covered under one or more of the three versions (referred as the status of taxpayer). The filing requirement is that the taxpayer should submit one return per TIN per period per status. In case a taxpayer has to file returns under more than one status, he has to do so treating each status as a separate company. (in matters of allowances, adjusting of carried forward loss, etc.)

The important differences in tax calculation/remittance between the 3 versions of the Act are as follows:

Act 2514 (status 1) Only annual return. No need for the half year return. Interest not allowed as expense. Royalty allowed as tax credit. No levy of special remuneratory benefit tax. High tax rate of 50%

Act 2522 (status 2) Only annual return. No need for the half year return. Interest allowed as expense. (but a high withholding tax of 50% on interest paid is levied. Royalty allowed as expense. No levy of special remuneratory benefit tax. Low tax rate of 35% High profit remittance tax of 23.08%

Act 2532 (status 3) Annual and half yearly returns required. Interest not allowed as expense. Royalty allowed as expense. Additional levy of special remuneratory benefit tax. High tax rate of 50%

All Petroleum Taxpayers are required to pay withholding tax at 50 % on profits on transfers (transfer proceeds less loss carried forward) when petroleum property or right is transferred and if the total amount of such income is not definitely determinable.

While calculating net profit, the following items are included as revenue:

- (1) Gross Income from sale of petroleum;
- (2) Value of petroleum disposed of;
- (3) Value of petroleum delivered as payment of royalty in kind;
- (4) Gross income arising from a transfer of any property or right related to petroleum business, if the total amount of such gross income is definitely determinable;
- (5) Any other income arising from conducting petroleum business.

The following are deductible expenses:

- (1) Ordinary and necessary expenses
- (2) Interest remitted and withholding tax paid
- (3) Value of royalty paid to the Thai Government
- (4) Value of special remuneratory benefit tax paid to Thai Government.
- (5) Capital expenditure allowance (in the nature of depreciation)
- (6) Net losses carried forward over the last 10 years
- (7) Bad debts
- (8) Donation not exceeding 1% of profit
- (9) Contribution to provident funds/pension funds

4.3.2 Tax Rates

Tax rate is linked to the status of taxpayer. At present, the tax rates are as follows:

(a) Petroleum Income Tax Rates

Act B.E 2514 (status 1)	50%
Act B.E 2522 (status 2)	35%
Act B.E 2532 (status 3)	50%
Disposal of profits	23.08%

(b) Withholding Tax Rates

For transfer of petroleum	
Property or rights	50%
(Specifically for income gained from transfer which may be able to specify certain total amount)	
Payment of interest	50%
Payment of dividend	23.08%
Payment of Interest	15%
Payments for other services depends on service	

4.3.3 Tax Payment

Petroleum companies are required to submit their annual return within 5 months from the date of closing of their accounting period. Payment of tax has to be made at the time of filing of the return.

Return for profit remittance has to be submitted within 7 days from the date of remittance.

In addition to the annual tax payment, petroleum companies falling under status 3 are required to submit half year return (based on estimate of profit. Under this system, the petroleum company has to estimate its annual profit and pay half of the amount of tax calculated on such basis within 2 months after the end of first six months of its accounting period. The estimated tax payment is creditable against the annual tax liabilities of the company.

4.4 Excise Tax

Excise tax is levied on selected goods (mainly luxury goods) such as petroleum products, tobacco, liquor, beer, soft drinks, crystal glasses, perfume and cosmetic products, air conditioners not over 72,000 BTU and passenger cars with ten seats or less.

Excise tax is calculated as ad valorem or at a specific rate, whichever is greater. All goods subject to excise tax remain subject to VAT. The excise tax is collected by the Excise Department and is usually imposed at the time of delivery of the goods from factories.

Product	Tax Rate
Petroleum and petroleum products	
Gasoline and similar products	
• Unleaded gasoline	6.50 Baht per liter
• Gasoline other than unleaded gasoline	6.50 Baht per liter
• Gasohol E10	5.85 Baht per liter
• Gasohol E20	5.20 Baht per liter
• Gasohol E85	0.975 Baht per liter
Kerosene and similar lighting oil	
• Kerosene and similar lighting oil Fuel oil for a jet airplane that is not aircraft	3.055 Baht per liter
Fuel oil for jet plane	
• Fuel oil for a jet airplane that is not aircraft	23% or 3.00 Baht per liter
• Fuel oil for jet airplanes for domestic aircraft per regulations, procedures, and conditions as specified by the Director-General	1% or 0.20 Baht per liter
• Fuel oil for jet airplanes for international aircraft per regulations, procedures, and conditions as specified by the Director-General	Exempted
Diesel and other similar types of oil	
• Diesel with sulphuric content exceeding 0.005% by weight	5.85 Baht per liter
• Diesel with sulphuric content not exceeding 0.005% by weight	5.85 Baht per liter
• Diesel with Methyl Esters biodiesel containing fatty acid not less than 4% as per regulations, procedures and conditions as specified by the Director-General	5.85 Baht per liter
Natural gas liquid (NGL) and similar products	
• NGL and similar products	36% or 5.31 Baht per liter
• NGL and similar products to be used during the refining process at a refinery	Exempted

Product	Tax Rate
Liquid petroleum gas (LPG), propane and similar products	
<ul style="list-style-type: none"> LPG and similar products Liquid propane and similar products 	2.17 Baht per kg 23% or 2.17 Baht per kg
Electrical Appliances	
<ul style="list-style-type: none"> Air-conditioning unit with motor-driven fans and thermostat, with or without a humidity control unit, with a capacity not exceeding 72,000 BTU/ hour 	
(1) For use in vehicle	15%
(2) Others from ⁽¹⁾	Exempted
Automobiles	
Passenger car⁽¹⁾	
<ul style="list-style-type: none"> With a cylinder volume not exceeding 3,000 cc and CO2 emission not exceeding 150 g/km ⁽³⁾ 	30%
<ul style="list-style-type: none"> With a cylinder volume not exceeding 3,000 cc and CO2 emission exceeding 150 g/km but not exceeding 200 g/km 	35%
<ul style="list-style-type: none"> With a cylinder volume not exceeding 3,000 cc and CO2 emission exceeding 200 g/km 	40%
<ul style="list-style-type: none"> With cylindrical volume exceeding 3,000 cc 	50%
Pick-up passenger vehicle (PPV)⁽²⁾	
<ul style="list-style-type: none"> With cylindrical volume not exceeding 3,250 cc and CO2 emission not exceeding 200 g/km ⁽³⁾ 	25%
<ul style="list-style-type: none"> With cylindrical volume not exceeding 3,250 cc and CO2 emission exceeding 200 g/km 	30%
<ul style="list-style-type: none"> With cylindrical volume exceeding 3,250 cc 	50%
Double cab vehicle⁽²⁾	
<ul style="list-style-type: none"> With cylindrical volume not exceeding 3,250 cc and CO2 emission not exceeding 200 g/km 	12%
<ul style="list-style-type: none"> With cylindrical volume not exceeding 3,250 cc and CO2 emission exceeding 200 g/km 	15%
<ul style="list-style-type: none"> With cylindrical volume exceeding 3,250 cc 	50%
Passenger car (that is made from a pick-up truck or chassis with the windshield of a pick-up truck or modified from a pick-up truck) ⁽²⁾	
<ul style="list-style-type: none"> Manufactured or modified by industrial entrepreneurs with cylindrical 	3%
<ul style="list-style-type: none"> Manufactured or modified by industrial entrepreneurs with cylindrical 	50%
Passenger car or public transport vehicle with seating not exceeding 10 seats	
<ul style="list-style-type: none"> Passenger car or public transport vehicle with seating not exceeding 10 seats used as an ambulance of a government agency, hospital, or charitable organization as per terms, conditions, and numbers specified by the Ministry of Finance 	Exempted

Product	Tax Rate
Eco Car with seating not exceeding 10 seats	
• Hybrid electric vehicle ⁽¹⁾	
- With cylindrical volume not exceeding 3,000 cc and CO2 emission not exceeding 100 g/km ⁽³⁾	10%
- With cylindrical volume not exceeding 3,000 cc and CO2 emission exceeding 100 g/km but not exceeding 150 g/km	20%
- With cylindrical volume not exceeding 3,000 cc and CO2 emission exceeding 150 g/km but not exceeding 200 g/km	25%
- With cylindrical volume not exceeding 3,000 cc and CO2 emission exceeding 200 g/km	30%
- With cylindrical volume exceeding 3,000 cc	50%
• Electric powered vehicle	10%
• Fuel cell powered vehicle	10%
Economy car meeting international standards (From 1 October, 2009 onwards)⁽¹⁾	
• Gasoline engine with cylindrical volume not exceeding 1,300 cc	17%
• Diesel engine with cylindrical volume not exceeding 1,400 cc	17%
Passenger car or public transport vehicle with seating not exceeding 10 seats using alternative energy with cylindrical volume not exceeding 3,000 cc as specified by the Ministry of Finance⁽²⁾	
- Using no less than 85% ethanol mix with gasoline available generally petrol stations	
• With cylindrical volume not exceeding 3,000 cc and CO2 emission not exceeding 150 g/km ⁽³⁾	25%
• With cylindrical volume not exceeding 3,000 cc and CO2 emission exceeding 150 g/km but not exceeding 200 g/km	30%
• With cylindrical volume not exceeding 3,000 cc and CO2 emission exceeding 200 g/km	35%
• With cylindrical volume exceeding 3,000 cc	50%
- Being capable of operating on natural gas	
• With cylindrical volume not exceeding 3,000 cc and CO2 emission not exceeding 150 g/km ⁽³⁾	25%
• With cylindrical volume not exceeding 3,000 cc and CO2 emission exceeding 150 g/km but not exceeding 200 g/km	30%
• With cylindrical volume not exceeding 3,000 cc and CO2 emission exceeding 200 g/km	35%
• With cylindrical volume exceeding 3,000 cc	50%
Boat	
• Yacht and boat used for leisure purpose	Exempted

Note: (1) In accordance with the rules and conditions specified by the Director-General.

(2) In accordance with the rules, conditions, and characteristics specified by the Director-General.

(3) Vehicles must be complied with the Active Safety Standards as prescribed by the Director-General.

Source: Excise Department, as of June 2017: www.excise.go.th

Product	Tax Rate
Motorcycles	
• With cylindrical volume not exceeding 150 cc.	3%
• With cylindrical volume exceeding 150 cc. but not exceeding 500 cc.	5%
• With cylindrical volume exceeding 500 cc. but not exceeding 1,000 cc.	10%
• With cylindrical volume exceeding 1,000 cc.	20%
• Others	Exempted
Perfume and Cosmetics	
• Essential oil and fragrance essence, excluding of perfume and fragrant essence produced domestically	15%
• Essential oil	Exempted
• Perfume and fragrant essence that is a local product and produced domestically	Exempted
Other Commodities	
• Carpet and animal hair floor covering materials	20%
• Marble and granite	Exempted
• Batteries	10%
Golf Course	
• Membership fee	10%
• Course usage fee	10%
• Other incomes	Exempted

Source: Excise Department, as of June 2017: www.excise.go.th

4.5 Property Tax

Property tax is imposed and collected annually. There are 2 kinds of property tax in Thailand:

- (1) House and land tax
- (2) Local development tax.

House and Land Tax

Under the House and Land Tax Act B.E. 2475 (A.D. 1932) as amended, tax is imposed on owners of houses, buildings, structures, or land rented or otherwise put to commercial use. Taxable property under house and land tax includes houses not occupied by the owner, industrial and commercial buildings, and land used in connection therewith. The tax rate is 12.5% of actual or assessed annual rental value of the property.

Local Development Tax

Under the Local Development Tax Act B.E. 2508 (A.D. 1965), as amended, the tax is imposed upon the person who either owns or is in possession of the land. Tax rates vary according to the medium value appraised by the local authorities. Allowances are granted for land utilized as personal dwellings, raising of livestock, and cultivation of crops by the owner. The extent of the allowances differs according to location of the land.

The Thai Government has announced plans to replace the current House and Land Tax and the current Local Development Tax, with a new Building and Land Tax. Details are still being worked out, but plans indicate that the Building and Land Tax will be based on the use of the property and the official appraised value of the property. It would be applicable to more categories of property, thus broadening the tax base. Further announcements are expected as to enactment and implementation.

Source: *The Revenue Department, as of July 2017.*

Tilleke & Gibbins' Thailand Legal Handbook, May 2014, and an update from Tilleke & Gibbins as of July 2017 Excise Department, as of July 2017.

5. Customs Duties

Customs duty is mainly imposed on imported and selected exported goods specified by the Law on Customs Tariff. Most tariffs are ad valorem, which is a duty laid upon goods at a certain rate of their value. In certain cases, however, both ad valorem and a specific rate (e.g. a rate charged on a unit of goods) are given, and the tariff that gives the most revenue will apply. In general, the invoice price is the basis for computation of duty and normally applied to cost, insurance and freight (CIF) value for import and free on board (FOB) for export.

Customs duty is levied in accordance with the Harmonized Commodity Description and Coding System or Harmonized System. Thailand has adopted the Protocol Governing the Implementation of the ASEAN Harmonized Tariff Nomenclature (the AHTN Protocol) to harmonize the tariff nomenclature at the eight-digit level.

Reduction and Exemption from Customs Duties

Reduction of and exemption from customs duties on certain imported goods is also granted to promoted persons under the Investment Promotion Act and to petroleum concessionaires under the Petroleum Act.

Reduction of and exemption from customs duties on imported goods is also granted to members of the ASEAN Free Trade Area (AFTA) and the World Trade Organization (WTO), and to parties of free trade agreements and international agreements to which Thailand is a party,

Thailand is also a member of the General Agreement on Tariffs and Trade (GATT). Thai Customs law adopts practices and standards in accordance with the GATT codes in the determination of customs price.

Source: *Tilleke & Gibbins' Thailand Legal Handbook, May 2014*

Custom Department, as of July 2017.

5.1 E-Customs

Computer techniques are increasingly used by Thai Customs to support a wide range of Customs operations. "E-Customs" was implemented on 1 January 2007, comprising of e-Import, e-Export, e-Manifest, e-Payment, and e-Warehouse. It provides business operators such as exporters, importers, customs brokers and shipping companies with a paperless environment and a one stop service.

The "E-Customs" system is a comprehensive system developed by Thai Customs to facilitate and process all commercial goods imported into Thailand. It is widely recognized as one of the most sophisticated and integrated business-oriented systems. The e-Customs system significantly cuts costs, and reduces paperwork requirements for both Customs and relevant trading communities.

Source: *The Customs Department, as of July 2017.*

5.2 Customs Incentives Schemes

To promote Thailand as a global trade hub, Thai Customs administers various Customs-related incentive schemes to facilitate the trading community. We also constantly review the schemes to meet the needs of our traders.

Please refer to the list of incentive schemes below.

- Tax and Duty Compensation
- Duty Drawback under Section 19 bis
- Duty Drawback for Re-Export
- Bonded Warehouses
- Free Zone
- Investment Promotion
- Gold Card Scheme
- Licensed Customs Broker

Source: The Customs Department, as of July 2017.

5.2.1 Tax and Duty Compensation

Tax compensation is one of the government measures to lower the production cost of goods for exportation to boost their worldwide competitiveness against foreign products both at international and domestic levels. The compensation has to comply with the criteria and conditions as prescribed by the Tax and Duty Compensation of Exported Goods Produced in the Kingdom Act B.E.2524 (1981).

Source: The Customs Department, as of July 2017.

5.2.2 Duty Drawback under Section 19 bis of the Customs Act

The duty drawback scheme enables exporting companies to obtain a refund of customs duty paid on imported goods where those goods will have undergone production, mixing, assembling, or packing and are then exported to a foreign port. Only the person who is the legal owner of the goods at the time the goods are exported, or a person to whom this right has been assigned, is eligible to make a claim for duty drawback.

Source: The Customs Department, as of July 2017.

5.2.3 Duty Drawback for Re-Export

Drawback for re-export basically consists of the request for a refund of customs duties paid on imported goods on the basis of later exportation of those goods. The Thai customs duty drawback for re-export enables exporters of goods that were originally imported to obtain refunds for import duties paid, subject to the criteria and conditions established by Customs.

Source: The Customs Department, as of July 2017.

5.2.4 Bonded Warehouses under the Customs Act

It is in the nature of international trade practice, that in many cases it is not known at the time of importation how the imported goods will finally be disposed of. This means that the importers are obliged to store the goods more or less for a long period. It is, therefore, in the importers' interest to place these goods under a Customs procedure which obviates the need to pay import taxes and duties or delay the payment of taxes and duties.

Recognizing the need of the importers, Thai Customs has provided in its national legislations for Customs warehousing procedures, legislations that allow importers

to store goods more or less for long periods without payment of taxes and duties until the goods are actually taken for domestic consumption.

Under a bonded warehouse scheme, the imported goods stored in a bonded warehouse for the purpose of re-exportation shall be exempted from payment of import/export taxes and duties, regardless of being exported in the same nature as imported or in the nature of having been produced, mixed or assembled as other goods.

Various types of bonded warehouses under Customs Act include:

- Bonded Warehouse of Manufacturing Type;
- Bonded Warehouse for Vessel Repair or Construction;
- Bonded Warehouse of General Type;
- Bonded Warehouse of General Type for Goods Demonstration or Exhibition;
- Bonded Warehouse of General Type for Oil Storage;
- Bonded Warehouse of Duty Free Shop Type;
- Bonded Warehouse Zone for Free Trade; and
- Bonded Warehouse for Storage of Duty Free Goods.

Source: The Customs Department, as of July 2017.

5.2.5 Customs Free Zones

The Free Zone Scheme encourages Thailand-based operations by removing certain disincentives associated with manufacturing in Thailand. The duty on a product manufactured abroad and imported into Thailand is assessed on the finished product rather than on its individual parts, materials, or components. The Thailand-based manufacturers find themselves at a disadvantage compared with foreign competitors when they must pay a higher rate on parts, materials, or components imported for use in a manufacturing process. The Free Zone Scheme corrects this imbalance by treating products made in the Zone, for the purpose of tariff assessment, as if it were manufactured abroad. At the same time, this benefits the country because a zone manufacturer uses Thai labor, services, and inputs.

Source: The Customs Department, as of July 2017.

5.2.6 Investment Promotion

Investment incentives have long been one of various measures applied by the Thai Government to attract foreign investment in Thailand and to support the Government goals in decentralizing Thailand's industrial base.

In this context, the Thai Customs Department, that is responsible for national revenue collection and the promotion of exports, has set up regulations on importation of machinery and raw materials for entrepreneurs granted import tax and duty incentives from BOI. To facilitate entrepreneurs, Customs also provides advice on tax and duty privileges.

Source: The Customs Department, as of July 2017.

5.2.7 Gold Card Scheme

A Gold Card Scheme for importers/exporters is another measure to facilitate import and export procedures. In this connection, importers/exporters with good record and reliable background who meet the customs established criteria are granted gold card status. Various privileges relating to processing customs procedures are granted to the gold card importers/exporters.

Source: The Customs Department, as of July 2017.

5.2.8 Licensed Customs Broker

Similar to a gold card scheme, a licensed customs broker scheme is another measure to facilitate import and export procedures. Under this particular measure, experienced and knowledgeable licensed customs brokers are allowed to be involved in verifying the operation of customs procedures.

Source: The Customs Department, as of July 2017.

5.2.9 Authorized Economic Operator

AEO is an abbreviation of “Authorized Economic Operator” which the World Customs Organization “WCO” has defined as “An organization or a company involved in the movement of goods certified by Customs of each country that such organizations or companies have complied with WCO or equivalent supply chain security standards. Authorized Economic Operators include manufacturers, importers, exporters, customs clearance agents, carriers, consolidators, port owners, airport owners, port or airport operators, warehouse owners and goods distribution agents.”

The Customs Department fully conforms with the WCO Framework of Standard to Secure and Facilitate Global Trade (SAFE) and to enhance the competitiveness of international trade, including complementing the business community with respect to supply chains to emphasize the significance of safety in business transactions. The Customs Department has introduced the use of criteria, conditions and privileges of standardized AEO operators in order to facilitate more speedy clearance and obtain more customs privileges.

Source: The Customs Department, as of July 2017.

Privileges of an Authorized Economic Operator (AEO)

1. Privileges on customs procedures covering import, export and re-export;
2. Tax privileges to be granted on more speedy tax refund and compensation;
3. Privileges on using guarantee as standardized Authorized Economic Operator in lieu of placing a guarantee on transshipment and transit;
4. Privileges on legal cases under the conditions specified by the Customs Department;
5. Exports will be recognized by foreign Customs Administrations having the Mutual Recognition Agreement or “MRA”;
6. Other qualified privileges will be announced by the Director-General of Customs.

The Customs Department has classified entrepreneurs of the AEO standard into 2 categories as follows:

- Importer and Exporter of AEO standard in accordance with Customs Announcement No. 12/2556
- Customs Clearance Agent of AEO standard in accordance with Customs Announcement No. 13/2556

For further inquiry and information, you may contact the Customs Care Call Center at Tel. 1164, e-mail: 1164@customs.go.th



CHAPTER 3

INDUSTRIAL LICENSING AND REGULATIONS

CHAPTER 3: INDUSTRIAL LICENSING AND REGULATIONS

1. The Factory Act

The Factory Act of 1992 (which replaces the Factory Act of 1969, 1975 and 1979) stipulates regulations for factory establishment and operation, factory expansion, and safety requirements. The latest revision of the Act also imposes strict controls on industrial pollution. The Act is administered by the Department of Industrial Works of the Ministry of Industry.

A factory is defined as any premise that uses machinery equivalent to five horsepower or more, or that employs seven or more, with or without any machine, for manufacturing, producing, assembling, packing, repairing, maintaining, testing, improving, processing, conveying, storing or destroying anything included in the classes or types of factories presently listed in the Ministerial Regulations.

The Act does not apply to the Government factory run by the Government for the purpose of national security and safety, except that such factories must use the criteria and procedures of the Act as guidelines for their operations.

Source: Office of the Council of State, as of July 2017.

2. Factory License

Factories are divided into 3 categories:

1. Factories that do not require licenses.
2. Factories that only require notification to officials in advance of the commencement of operations. The operators may commence operations as soon as they receive a receipt form from the Ministry stating that their report has been received.
3. Factories that require license from the Department of Industrial Works, Ministry of Industry, prior to operation. Subject to the Ministry's discretion, the operators may be granted, prior to the license, a certificate allowing them to build parts of the factory.

The operator of a factory in Category 3 must notify the competent authority at least 15 days before a factory test-run commences, and again at least 15 days before actual manufacturing begins.

Note: In general, the degree of government control required is dependent on the degree of environmental protection deemed necessary. The more likely a factory, based on its output, is to cause pollution, the more that type of factory is regulated.

The Ministry of Industry has the power to issue regulations for all of the categories regarding:

- Description, category, or type of machinery and equipment to be used in the operation of the factory business;
- Location, environment, interior and description of the factory;
- Requirements for workers who have specific knowledge to carry out any duties in the factory;
- Process of manufacture and provision of equipment to prevent, stop, or alleviate danger, damage or disturbances that may occur to the public or property in the factory or nearby premises;
- Standards and procedures for the control or release of waste, pollution or anything else arising from factory operations which may affect the environment;
- Provision of necessary data and documents by the factory operators to ensure compliance with the law
- Provision of anything that may affect the safety of work operations.

If there is an inspection of a factory or machinery to ensure compliance with the Act, a private body may carry out the inspection and report in place of government officials, provided the

private persons follow the regulations concerning the Act as per the Government Gazette. Licenses granted are valid until the end of the fifth calendar year from the year in which the business starts operations, except in the case of the relocation of the factory or of the dissolution of the operation in the factory business (which also refers to the event that the factory is transferred, leased or subjected to hire purchase). In these cases, the license is regarded as having expired on the date of issuance of a license to the factory's new operators, or on the date of dissolution of factory business. Applications for renewal of license must be submitted prior to the date of expiration, along with a fee of 100,000 Baht. Following submission, renewal is considered to have been extended unless there is a specific order otherwise. If the application is submitted within 60 days of the expiration date, it will be processed normally, but an additional fine of 20,000 Baht will be levied. Once the expiry date is reached, an application for a renewal must be made within 60 days. Upon expiration of the sixty-day period, the application will be treated as if it were a new application.

Source: Office of the Council of State, as of July 2017.

3. Factory Operations

The Ministry of Industry has the power to designate:

- The size and quantity of the type of factory in each category that should be established or expanded or not be established or expanded in any locality in the Kingdom.
- The type, quality, source of origin and ratio of raw materials and/or factors or kinds of energy to be used or produced in a factory.
- The type or quality of products to be manufactured in a factory to be established or expanded.
- The application of the produces from factory being established or expanded in certain types of industry; or the export of all or part of such produces.

If a factory in Category 2 or 3 stops operation consecutively for more than one year, the operator must notify the competent authority in writing within seven days of the date the one-year period has lapsed, and must inform the competent authority of such in writing before restarting the operations. In the case of a factory in Category 3, the operator must first receive written permission from the competent authority before restarting the operations.

If there is an accident that causes death, injury or sickness that incapacitates a worker beyond a 72-hour period, the operator must inform the competent authority of such in writing within three days of the date of the death or the lapse of the 72-hour period. If there is an accident that causes the factory to stop operations for more than seven days, the operator must notify the competent authority of such in writing within 10 days of the date of the accident.

A factory operator must obtain permission from the Permanent Secretary to remove machinery from its original place of installation to another site for temporary operations. The period of permission shall be as per request but shall not be longer than one year.

In the case of moving a factory to another site, the operator has to proceed as if establishing a new factory. Permission must also be obtained to transfer, rent, offer for hire purchase or sell a licensed factory. In these cases, the prior license is considered to have expired, and a new license must be applied for by the transferee, lessee or hire-purchaser within seven days, although no fee is required. Upon submission of such application, the engagement in a factory business shall be continued pending the receipt of a license as if such applicant were the recipient of the license.

If the licensee dies, the heir or administrator of the estate must submit an application for the transfer of the license within 90 days of the date of death; otherwise, the license shall be deemed to expire.

Upon submission of such application, the heir or administrator of the estate engaging in a factory business shall be deemed as if they were the recipient of a license.

Source: Office of the Council of State, as of July 2017.

4. Factory Expansion

No factory expansion is allowed unless permission is obtained. There is a fee of 100,000 Baht to apply to expand a factory. As defined in the Act, the following undertakings constitute factory expansion:

- An increase in the number of machines, or change or modification of machines to increase its aggregate power by 50% or more in case where the original machines have their aggregate powers of not more than 100 horsepower or an equivalent thereof of not more than 100 horsepower or to increase from 50 horsepower or more in case the original machines have their aggregate powers of more than 100 horsepower or an equivalent thereof of more than 100 horsepower.
- The addition to, or alteration of, any part of the factory building which causes any part of the foundation of the factory to bear a load of an additional 500 kilograms or more. In the case that a licensee:
- Increases the quantity of machines, changes or modifies the machines used for production or generation of power, but by less than 50% of increased aggregate power, or
- Increases the area of the factory building or constructs the new factory building for the direct benefits of the business of such factory rendering the area of the factory building to be increased from 50% or more in case where the area of the factory building does not exceed 200 square meters or to be increase from 100 square meters or more in case where the area of the factory exceeds 200 square meters,

The notification in writing must be filed with the competent authority within seven days of the date of the change. A license as to the expanded part shall be valid for the same period as that of the license.

Source: Office of the Council of State, as of July 2017.

5. Other Provisions

Any factory that is seriously endangering the public or property in the factory or its vicinity may be ordered to cease operations or to make specified improvements. The Minister has the authority to order removal of all or part of the plant to a location where the public will not be threatened. Officers of the Ministry of Industry have broad powers of inspection, and are authorized to issue written orders requiring a factory to cease operations, modify or repair machinery, or undertake other remedial measures.

For the purpose of effective management and service, if the factory operation requires permission from other particular law associates, then both parties can cooperate to arrange an agreement on the process of approval together.

Licenses may be suspended for violations of the Act or for failure to carry out orders issued under the Act by competent officials.

Violation of certain provisions of the Act may incur penalties in the nature of a fine or imprisonment not exceeding 4 years. A Case Settlement Committee of three legal experts is appointed by the Ministry to carry out penalties for violations of the Act. If the offender is a partnership, company or other juristic entity, the directors, managers or other persons responsible for committing the offense are subject to the same punishment unless it can be proved that the offense was committed without their knowledge or consent.

Source: Office of the Council of State, as of July 2017.

STEP

1

AUTHORIZATION
TO USE LAND

Industrial Estate of Thailand
(IEAT) Permit IEAT 01

Application for factory
construction (IEAT form 01/1)

Application for right to utilize
land (IEAT form 15 Sor (15๔))

Allow 1 day for approvals

Approval land use & utilization
permit (IEAT form 01/2)

IEAT 01 Authorities, document, comments:

- Applicant / User
- One Stop Service Center (OSS) of Industrial Estate Authority of Thailand (IEAT Office)/ e-PP (e-Permission & Privilege) system OR - Ministry of Industry (MOI) Provincial Offices (Dept. of Ind. Works) as per applicable "Zone", "Park", "Greenfield" rules if not "IEAT"
- (3) copies of application submitted
- 10,000 Thai Baht permit fee (excluding VAT may vary on location)

Supporting documentation required If natural person:

- (3) copies of house registration, ID card of operator/landowner

If juristic person:

- (3) copies of company registration certificate and affidavit (dated not over 6 months ago)

Other supporting documents required:

- (3) copies of documents relating to the production process
- (3) copies of documents showing measures to manage pollution arising from the operation
- (3) copies of layout of the land plot according to the master plan
- (3) copies of shareholders list (dated not over 6 months)
- A copy of land title or document indicating right to use the land
- (3) copies of passport of authorized person or ID card and house registration if local

All of the above must be submitted together with the company seal, signatures and/or other authorized documents as required

STEP 2

AUTHORIZATION
FOR NEW FACTORY
CONSTRUCTION
OR RENTAL
FACTORY
RENOVATIONS

IEAT 02 Authorities, document, comments:

- Applicant / User
- One Stop Service Center (OSS) of Industrial Estate Authority of Thailand (IEAT Office) / e-PP (e-Permission & Privilege) system OR - Ministry of Industry (MOI) Provincial Offices (Dept. of Ind. Works) as per applicable "Zone", "Park", "Greenfield" rules if not "IEAT"
- (3) copies of application submitted
- Factory Construction Permit Fee of 20 Thai Baht

Supporting documentation required:

- A copy of company registration and affidavit (dated not over 6 months ago)
- (3) copies of house registration and ID card or passport of authorized directors
- A3 size copy of plant layout (in scale)
- An original consent letter signed by supervisor as required under Ministerial Regulation No. 48 and 60
- An original supporting document regarding structure protection under Ministerial Regulation No. 48 and 60
- (3) original certificates of inspection drawings and calculations
- (3) original certificates of the engineers who designed the electrical system, machinery and environment
- A copy of licence/permit for using the land and operating a business together with conditions (if any)
- A copy of land title
- (3) copies of A1/A2/A3 size of plant layout (in correct scale ratio)
- An original of the Memorandum from the Department of Industry (in case it is within the scope of class or type of factory no. 101, 105, or 106)
- An original of the Memorandum issued by the Department of Industry

Permit IEAT 02

Application for land use
(IEAT form 02/1)

Allow 50 day for approvals

Issue construction permits
(IEAT02/2-5 based on scope or
workactivity)

All of the above must be submitted together with the company seal, signatures and/or other authorized documents as required.

STEP 3

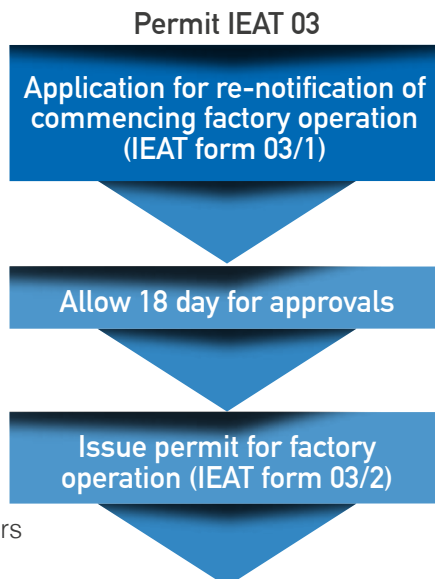
AUTHORIZATION
TO BEGIN
FACTORY
OPERATION

IEAT 03 Authorities, document, comments:

- Applicant / User
- One Stop Service Center (OSS) of Industrial Estate Authority of Thailand (IEAT Office)/ e-PP (e-Permission & Privilege) system OR - Ministry of Industry (MOI) Provincial Offices (Dept. of Ind. Works) as per applicable "Zone", "Park", "Greenfield" rules if not "IEAT"
- (3) copies of application submitted

Supporting documentation required:

- (3) copies of company registration certificate and affidavit (dated not over 6 months ago)
- (3) copies of house registration and ID card or passport of authorized directors
- (3) copies of shareholders list (dated not over 6 months)
- (3) copies of house registration of factory
- (3) copies of general information of company i.e. capital, staff and operation
- (3) original documents relating to the production process i.e. lists of raw materials, products and by products including production process and process flowchart
- (3) original documents showing measures to manage pollution arising from the operation
- (3) original master plans, factory layout including machinery and equipment placement, machine list with rated horsepower and name(s) of responsible engineer(s)
- (3) original land layouts showing location of environment and safety management system
- (3) copies of reports for safety inspection and test (for the case of steam-boilers/hot oil/pressure vessel/crane)
- An original risk assessment report involving harm arising from the operation
- An original EIA/EHIA/IEE report (if any)
- (3) original documents regarding operation test
- (3) original results for pollution test



Note:

1. "Export Processing Zones" and "Customs Free Zones" require additional forms at each step. The same applies for Food & Pharmaceutical projects. Request such forms at the zone's Customs Office or the Thai Food & Drug Administration as applicable
2. Certain Thailand Industrial "Parks" & "Zones" may have unique permit / license application procedures in place with the Ministry of Industry. It is recommended that one check with both the operator and the local MOI or Dept. of Industrial Work to confirm the needed forms and local permit procedures.

Source: Industrial Estate Authority of Thailand, as of July 2017.
Government Service Information, as of July 2017.

7. Environmental Concerns Regarding Sources of Water

Certain areas, currently some districts in Ayutthaya and Pathum Thani Provinces, have been assigned by the Cabinet to be reserved as sources of water by the Metropolitan Waterworks Authority. In order to control the establishment or expansion of factories in such areas, regulations have been imposed forbidding setting up or expanding factories which release wastewater containing heavy metals or poisonous substances used in agriculture, or other chemicals such as PCBs, cyanide, arsenic, and phenol.

Factories are forbidden to be set up and expanded in areas reserved for water supply. The only exceptions are factories which release wastewater with a biochemical oxygen demand of less than one kilogram per day or those which are set up in Navanakorn Industrial Estates I and II. Under Ministerial Regulation No. 3, factories specified by Ministry of Industry notifications as severely affecting the environment are required to provide environmental impact studies.

Source: Tilleke & Gibbin's Thailand Legal Basics, as of July 2017.

8. Environmental and Health Impact Assessments

As per paragraph 2 of Article 67 of the Thai Constitution, any project and activity that may seriously affect the quality of the environment, natural resources and biological diversity shall not be permitted, unless its impacts on the quality of the environment and on health of the people in the communities have been studied and evaluated and consultation with the public and interested parties have been organized, and the opinion of an independent organization have been obtained prior to the operation of such project to activity. By virtue of such Article, the Ministry of Natural Resources and Environment by the approval of the Cabinet and the National Environment Board ("NEB") has announced a list of 11 industrial activities that potentially could create severe impact to local communities in terms of natural resources, environment and health and for which environmental and health impact assessments must be conducted.

The following charts contain the NEB list and a simplified flowchart for the process.

National Environment Board issues list of 11 potentially severe impact projects

1. Land reclamation projects
2. Mining, defined by the mineral
 - Underground Mining Method, only the caving method and no backfill
 - Lead Mining, Zinc Mining or Metal Mining using cyanide or mercury or lead nitrate in lead mining process with arsenopyrite associate material
 - Coal Mining, specifically coal mineral transportation take out project area by cars
 - Marine Mining
3. Industrial Estate as defined by the Industrial Estate Authority of Thailand Act or Project with similar feature
4. Petrochemical Industry Upstream Petrochemical Industry
Intermediate Petrochemical Industry
5. Mineral Smelting Industry of Metal Industry
6. Production, disposal, or configuration of radioactive substances
7. Hazardous waste disposal or incineration plants (except concrete incinerator that use hazardous waste as supplementary material of fuel)
8. Aviation transport system
9. Ports
10. Dams or Reservoirs

National Environment Board issues list of 11 potentially severe impact projects

11. Thermal Power Plants

- Coal-fired Power Plant
- Biomass-fired Power Plant
- Natural Gas-fired Power Plant
- Nuclear Power Plant

Source: Thailand Business & Investment Opportunities Yearbook Volume 1 Practical Information & Opportunities as of 2014

Simplified Flowchart for EIA and E/HIA Process

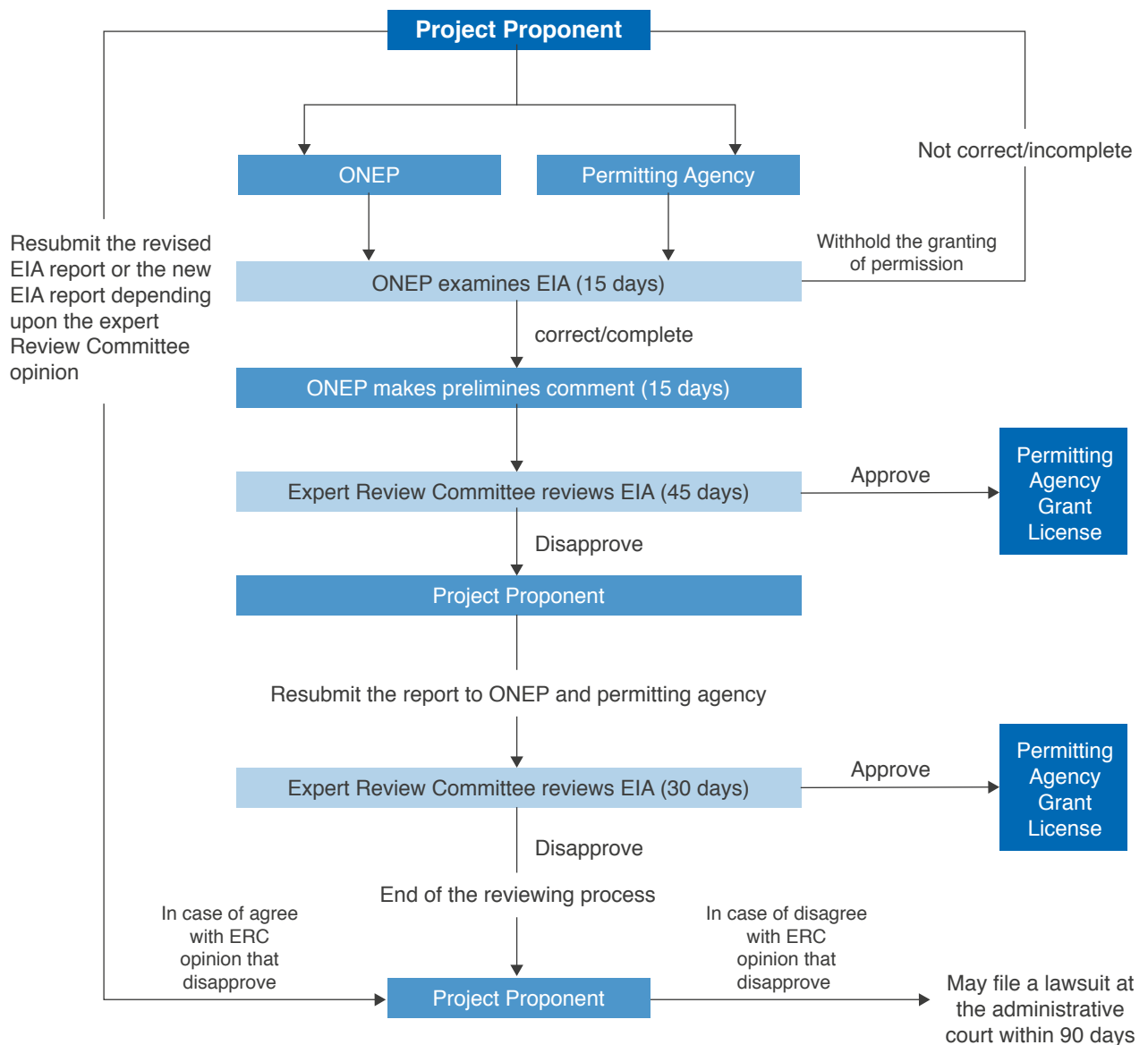


Figure 1: Approval process for projects or activities which are required by law and projects or activities which are not required the approval of the cabinet

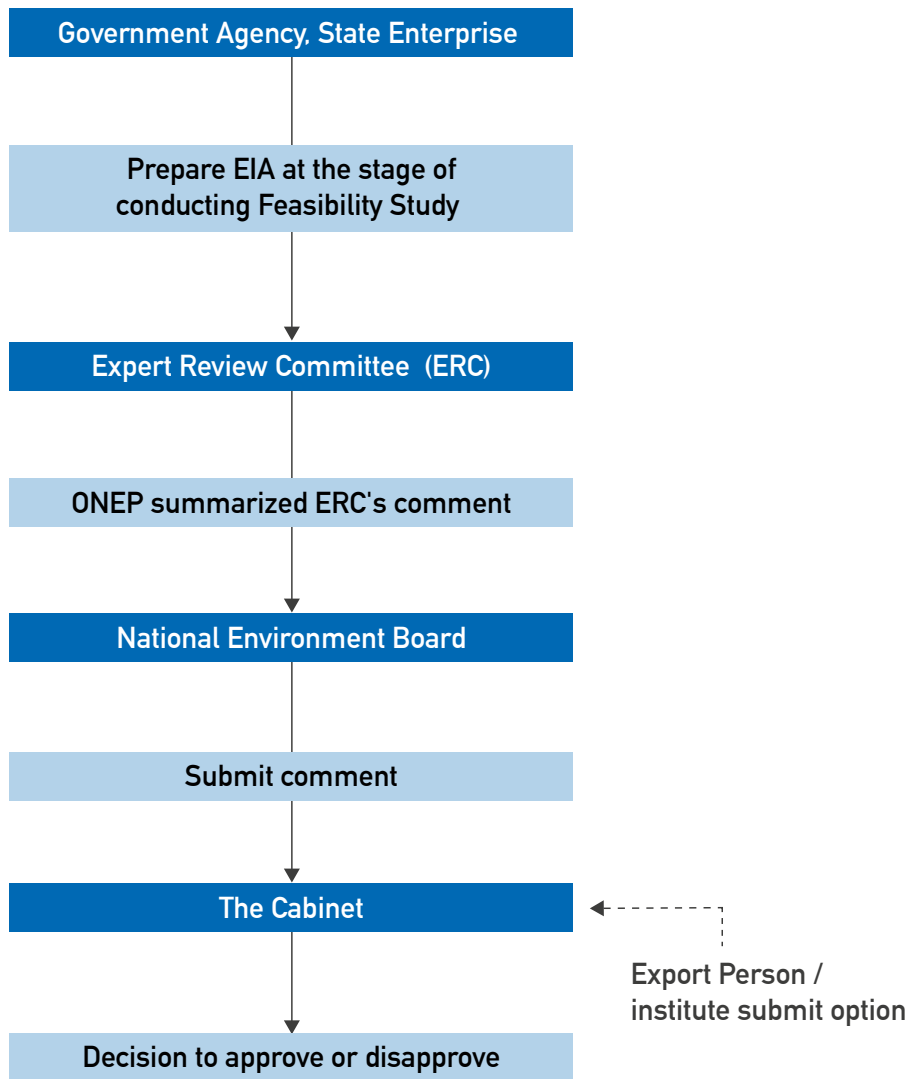


Figure 2: Approval process for projects or activities required the approval of the cabinet

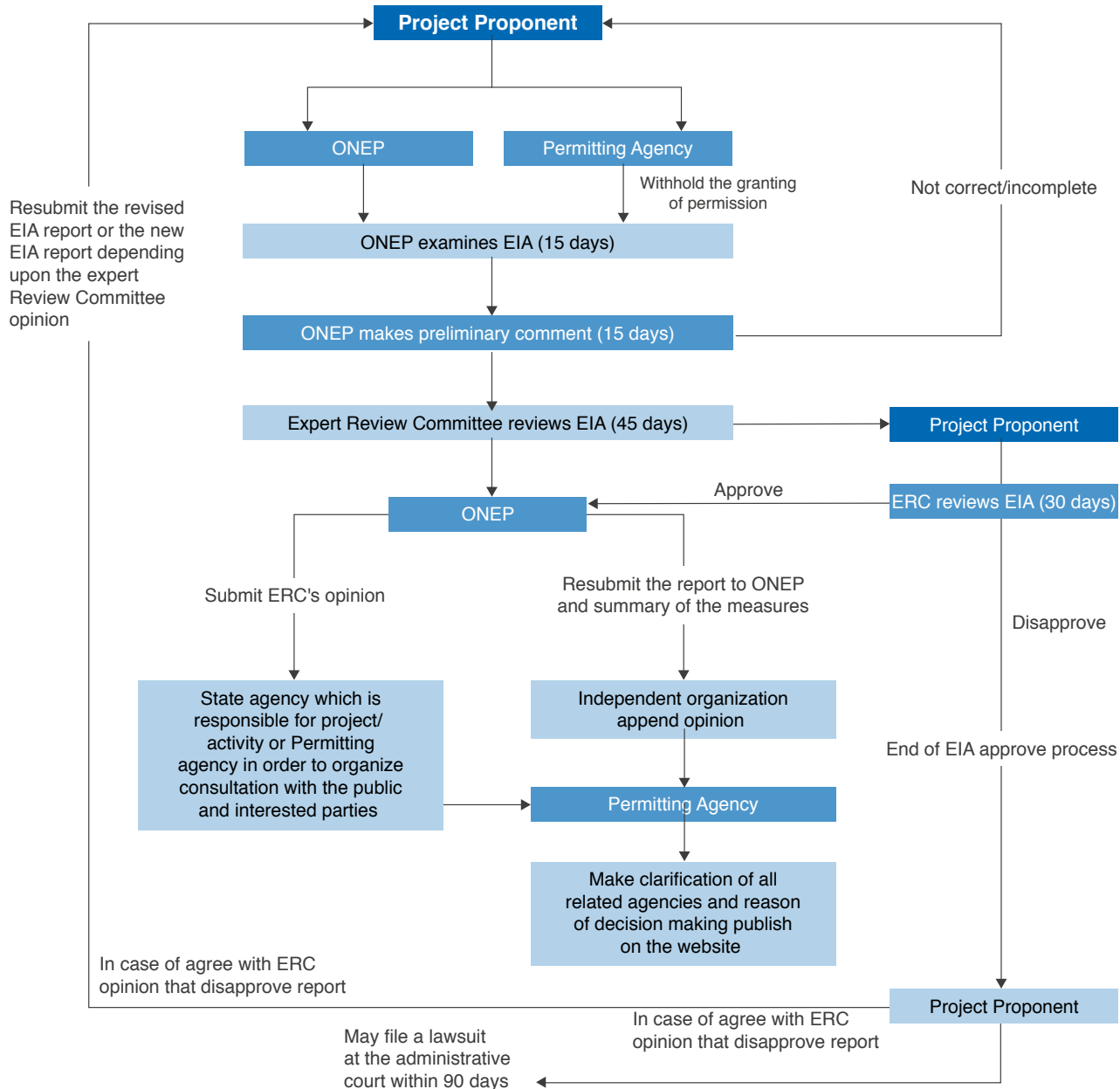


Figure 3: Approval process for projects or activities which may seriously affect community which respect to Environment, Natural Resources and Health and are required permission by law and projects or activities which are not required the approval of the cabinet.

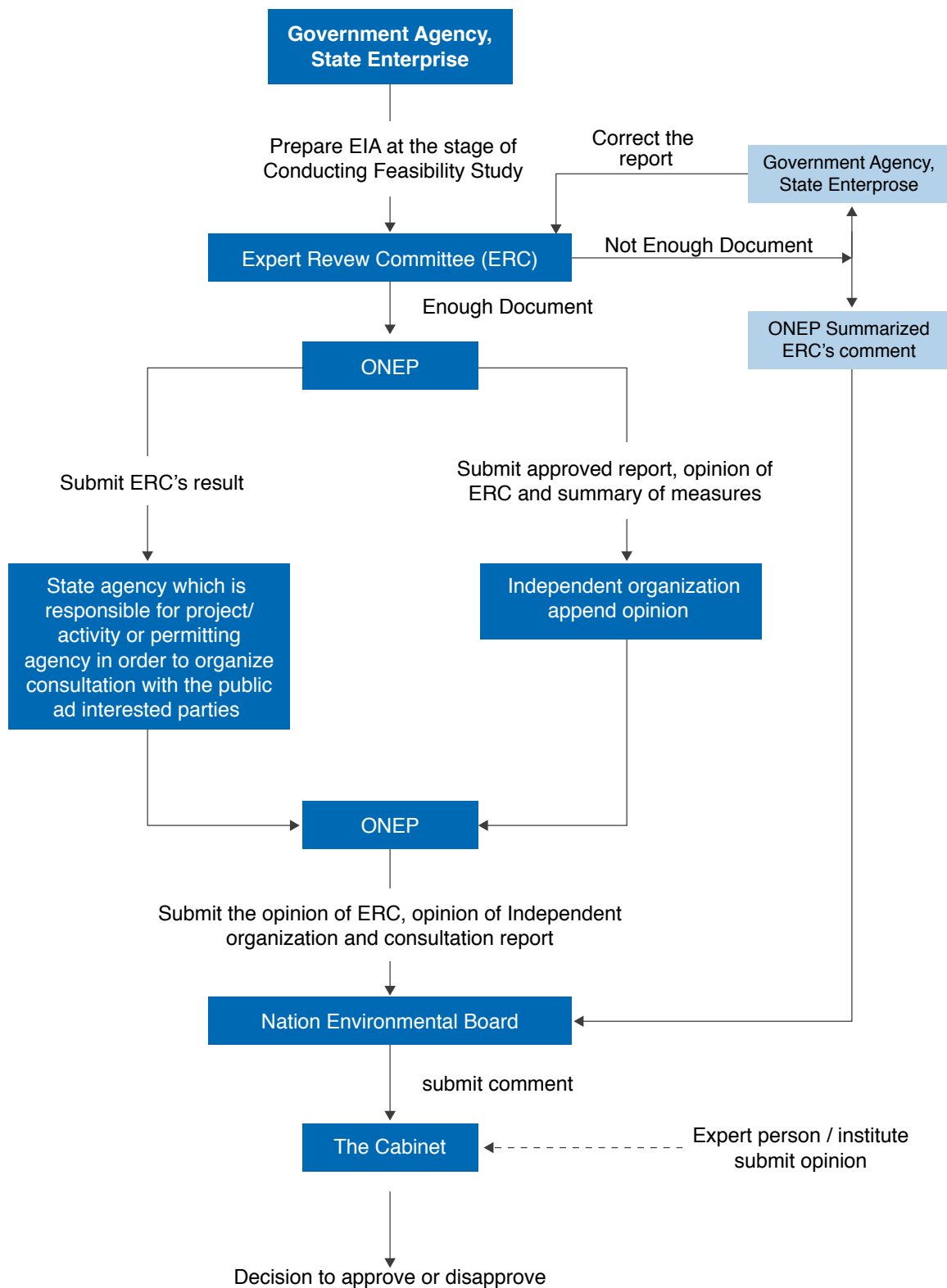


Figure 4: Approval process for projects or activities which may seriously affect community which respect to Environment, Natural Resources and Health and required the approval of the cabinet.



CHAPTER 4

PATENTS, COPYRIGHTS, TRADEMARKS

Chapter 4: Patents, Copyrights, Trademarks

Thailand recognizes three broad categories of property rights:

1. Patents
2. Copyrights
3. Trademarks

1. Patents

Thailand promulgated its first patent law, the Patent Act, in 1979, with significant amendments added in 1992. The Act protects inventions, product designs and pharmaceuticals. In 1997, a new intellectual property and international trade court began operations, which have significantly improved enforcement appeals. Procedures at the trademark and patent offices have also been streamlined.

In January 2008, the National Legislative Assembly approved Thailand's plan to join the Paris Convention and the Patent Cooperation Treaty.

Thailand successfully became a party to the Paris Convention on August 2, 2008 and on September 24, 2009; Thailand submitted the instrument of accession to the Patent Cooperation Treaty (PCT), making Thailand the 142nd state to become a contracting party. The PCT became binding on Thailand three months from the date of submission, i.e., on 24 December 2009.

Since Thailand is a member of the Paris Convention, the World Trade Organization (WTO) and thus the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs), nationals of the Paris Convention and WTO member countries will receive the same protection accorded to Thai nationals.

Accession to the PCT will help to facilitate the registration of patents abroad for Thai inventors. The PCT registration system meets international standards and is accepted by numerous countries; thus, inventors can receive protection in PCT member countries many of which are Thai export markets, such as the United States, Japan, Australia, China, and India. Thailand's participation in the PCT will also help applicants from other member countries seek patent protection for their inventions in Thailand.

1.1 Invention Patents

For an invention to be patentable, it must

- Have novelty;
- Involve an inventive step; and
- Be capable of being made or used for some kind of production activity.

Therefore, the following would not qualify for patents due to lack of novelty:

- An invention widely known or used by others in Thailand before the filing of the patent application;
- An invention, the subject matter of which was described in a document or printed publication, displayed or otherwise disclosed to the public in Thailand or a foreign country prior to the date of the application for the patent;
- An invention that has been granted a patent or petty patent inside or outside Thailand prior to the date of the patent application;
- An invention for which an application for a patent or petty patent was filed in a foreign country more than 18 months prior to the date of the patent application, the foreign patent not having been issued;
- An invention for which an application for a patent or petty patent was filed in Thailand or in a foreign country and that application was published before the date of application

in Thailand. A disclosure which was due to, or made in consequence of, the subject matter having been obtained unlawfully, or a disclosure which was made by the inventor, or made in consequence of, the inventor displaying the invention at an international exhibition or an official exhibition if such disclosure was done within twelve months before the filing of an application for the patent, shall not be deemed to be a disclosure.

The revised Patents Act provides that the following are not patentable:

- Microbes and any components thereof which exist naturally; animal, plant or extracted substances from animals or plants;
- Scientific or mathematical rules or theories;
- Computer programs;
- Methods of diagnoses, treatment or cure of human and animal diseases;
- Inventions those that are contrary to public order or morality, public health or welfare.

In case an invention lacks an inventive step, the invention may be granted a petty patent if it is new and capable of industrial application. However, a petty patent and a patent shall not be granted for the same invention. The legal protection of a petty patent is less than that of a patent, i.e. term of protection.

1.2 Patentable Product Designs

Product design means any form or composition of lines or colors which gives a special appearance to a product and can be used in industrial or handicraft applications. A product design must be novel in order to be patented, i.e., It must not fall under any of the following conditions:

- A design widely known or used in Thailand before the filing of the patent application;
- A design picture, the subject matter or details of which have been displayed or disclosed in a document or printed publication inside or outside of Thailand before the filing of the application;
- A design that has been published in the patent journal under Section 65 and 28 before the filing of the patent application; and
- A design that so nearly resembles any of the product designs indicated in the points described above that it is apparently an imitation.

The following product designs are not patentable.

- Product designs which are contrary to public order and good morals;
- Product designs prescribed by Royal Decree.

1.3 Eligibility

An inventor or product designer has the right to apply for a patent, as does a successor or assignee of the right. An assignment must be made in writing, signed by both the assignor and the assignee.

If, during the course of employment or an employment contract specifically for creating an invention or design, an employee creates an invention or product design, the right to apply for a patent belongs to the employer unless otherwise provided by agreement.

The Patent Act requires that an applicant for a patent must be a Thai national or a national of a country which allows persons of Thai nationality to apply for patents in that country.

1.4 Term of Patents and Patent Holder Rights

Term

- The term of an invention patent is 20 years from the date of filing an application in Thailand, and is not renewable. The term of protection for a petty patent is 6 years from the date of filing an application in Thailand, which can be extended twice, for 2 years each.
- The term of a design patent is 10 years from the date of filing an application in Thailand.

Right

- During the period of the validity of the patent, the patent holder has the exclusive right to produce, use, sell, have for sale, offer for sale, and import the patented invention or design. Any act of violation performed before the patent is granted, that would otherwise constitute an infringement of the patent, is not deemed an infringement.
- A patent holder has an exclusive right to use the words “Thai Patent”, or an abbreviation or translation thereof.
- A patent holder may assign the patent to another holder.
- A patent holder may grant a license to another person, subject to restrictions:
 - The patentee shall not impose upon the licensee any condition or restriction or any royalty covenant that is an unfair restraint of competition. Conditions, restrictions or covenants that unfairly restrain competition shall be prescribed by a Ministerial Regulation.
 - A patent holder may not require a licensee to pay a royalty or royalties after the validity of the patent has expired.
 - Conditions, restrictions, or royalties which are contrary to the above 2 points are null and void.
 - Any assignment of patent or license contract must be in writing and officially registered with the authority.

1.5 Compulsory Licensing

An application for a compulsory license may be made under the following circumstances:

1. If, after three years from granting of patent or petty patent or four years from date of application, whichever is later, the patentee or petty patentee has not enforced his/her lawful rights (Section 46 of the Thai Patent Act B.E. 2542).
2. If the exercise of the patent rights of one party (the junior patentee) may infringe another patentee (the senior patentee) provided that:
 - (a) The junior patentee's invention must be a substantial technological advancement which is beneficial to the economy, compared to the invention under the patent for which the license is being sought;
 - (b) The senior patentee receives a cross-license to exploit the junior patentee's patent rights; and
 - (c) The junior patentee shall not assign a legal license to anyone unless it is an assignment together with his own patent (Section 47 and Section 47 bis of the Thai Patent Act B.E. 2542).
3. A Ministry or a Department may exploit an exclusive right by itself or by designating another person in a patent for the benefit of public utilities or national defense; the preservation or acquisition of natural resources or the environment; the prevention of severe shortage of food or medicine or other necessities for living; or other public interests (Sections 51 and 52 of the Thai Patent Act B.E. 2542).

1.6 Cancellation of Patents

The Director-General may ask the Board of Patents to revoke a patent if:

1. Two years after issuance of license, the patentee or licensee has not manufactured the product or applied process under the patent in the Kingdom without any legitimate reason, or for the time being the product is not being sold or imported for sale, or is being sold at an unreasonably high price; or
2. The patentee has licensed other persons to exercise the rights under the patent without conforming to prescribed procedures.

1.7 Foreign Patents

A foreign patent that has not been granted a separate patent in Thailand receives no protection under the Patent Act. However, foreign patent holders or owners of rights to inventions or designs in foreign countries may enter into business transactions with parties in Thailand and seek equivalent protection through contractual obligations in the form of a licensing agreement.

Since foreign patents, inventions and designs receive no protection under the Patent Act, no civil or criminal action can be taken against a third party who produces or sells a patented product in Thailand without paying fees to the holder of the foreign patent or who applies in Thailand for a patent on an invention or design already patented in other countries. Nevertheless, legal solutions to such conflicts may be available under separate legislation.

Source: Patent Act B.E. 2522 (1979), as of July 2017.

2. Copyrights©

The Copyright Act of 1994 protects literary, artistic works and performance rights by making it unlawful to reproduce or publish such works without the owner's permission.

Copyright Amendment Bills were approved on 31 January 2015. The Copyright Act (No. 2) B.E. 2558 (A.D. 2015) will become effective on 4 August 2015, while Copyright Act (No. 3) B.E. 2558 (A.D. 2015) became effective on 6 April 2015.

2.1 Works Subject to Copyright

The Copyright Act protects works in the categories of literary work, including computer programs; dramatic, artistic and musical work; audiovisual material, cinematic film, recorded material; disseminated pictures or disseminated sound; or any other works in the fields of literature, science or fine arts.

The Copyright Act also protects computer software against reproduction or adaptation, publicity and rental of such software. Algorithms are not protected, however.

The "copyright" as defined by the Act means "the exclusive right to take any action concerning the work created or made by the creator". The Copyright Act also defines the word "creator" as the person who makes or creates the work which is a copyright work.

A copyright belongs to the creator of a work, subject to the following conditions:

1. In the case of unpublished work, the creator must be of Thai nationality or reside in Thailand or be a national of or reside in a country which is a member of the Convention on the Protection of Copyright, of which Thailand is a member, provided that the residence at all times or most of the time is spent on the creation of the work.
2. In the case of published work, the first publication must be made in Thailand or in a country that is a member of the Convention on the Protection of Copyright.

In the case where the first publication was made outside Thailand or in a country which is not a member of the Convention, the work created must have been published in Thailand or in a country which is a member of the Convention within 30 days from the first publication, or the creator must have the qualification as prescribed in (1) at the time of the first publication.

In case where the creator is required to be a person of Thai nationality, and if the creator is a juristic person, such juristic person must be established under the Civil and Commercial Code of Thailand.

2.2 Copyright© Infringement

The Copyright Act includes a comprehensive list of the types of infringement covered by law:

Infringement by reproduction without authorization -- The Act defines the word “reproduction” as follows: “Reproduction includes copying by whatever means, imitating, duplicating, making printing blocks for, recording the sound of, taking pictures of, or recording the sound and taking pictures in substantial parts of the originals, from copies or from the publication, regardless of whether of the whole or in part.”

Infringement by adaptation without authorization -- Adaptation, as defined by the Act, means reproduction by conversion. This involves substantial modification or emulation of the original work without creating a new character whether of the whole or in part.

- With regard to a literary work, it shall include a translation, a transformation or a collection by means of selection and arrangement,
- With regard to a computer program, it shall include a reproduction by means of transformation, modification of the program for the substantial part without the appearance of creating a new work,
- With regard to dramatic work, it shall include the transformation of a non-dramatic work into a dramatic work or dramatic work to a non-dramatic work, whether in the original language or in another language,
- With regard to artistic work, it shall include the transformation of a two-dimensional work or a three - dimensional work into a three-dimensional work or a two-dimensional work respectively, or the making of a model from the original work,
- With regard to musical work, it shall include an arrangement of tunes or an alteration of lyrics or rhythm.

Infringement by publicizing without permission -- It is an infringement of copyright to publicize a work without the consent of the copyright owner. “Publicize” means “present to the public by showing, lecturing, praying, playing, presenting with by sound and/or picture, constructing, distributing, selling, or by other means, the works done or created.” The word “public” refers to the person or persons who are present, and not to the place where the performance occurs. A performance will not be regarded as being carried on in public if it is restricted to family and friends of the performer or of whoever is responsible for the performance

Infringement by producing audiovisual material, cinematic film, recorded material or dissemination of sound or picture whether of the whole or in part, or by rebroadcasting of sounds and visual images, whether of the whole or in part, or arranging for dissemination of sound or picture in public with commercial purposes.

Infringement by unauthorized recording of movies in cinemas, even for personal use.

Violators of this provision may be subject to the penalties listed in Section 69/1 of the amended Copyright Act, which include imprisonment for six months to four years, or a fine ranging from B100,000 to B800,000 (\$3,000 to \$24,000), or both.

Infringement by manipulation of rights management information (RMI), provided that the manipulator is aware that his or her actions could infringe a copyright or performers' rights. Under the amended Copyright Act, RMI infringement also occurs where the act of importing into Thailand for sale or making available to the public any copyright-protected work is done with the knowledge that the RMI of such work has been removed or altered.

Infringement by circumventing technological protection measures or offering such a service is prohibited if a person is aware that such act could constitute infringement of a copyright or performers' rights. Under the amended Copyright Act, criminal liability is imposed on a person who commits such an act.

Infringement of the moral rights of performers. Under the amended Copyright Act, a performer has the right to identify himself or herself as the performer of his or her performances and to prevent his or her assignee or any other person from any modification of his or her performances that would be prejudicial to his or her reputation or dignity.

2.3 Exceptions

Under the Act, any act that might ordinarily be deemed copyright infringement may not be so deemed if done for the following purposes:

- Research or education, without any commercial purposes
- Use for one's own benefit or for the benefit of himself and a member of one's own family, or close relatives;
- Comment, criticism or recommendation of the work, with recognition of the copy right ownership of such work;
- Presenting news or otherwise reporting through the mass media, with recognition of the copyright ownership of the work;
- Reproduction, adaptation, performance or presentation for a court hearing or consideration by competent and authorized officers or for reporting on the out come of such hearing or consideration;
- Copying, duplicating or adapting parts of the work, or making extracts or summaries, by teachers or by educational institutions for the purpose of distributing or selling to students in school classes or in educational institutions, provided that such activities are not for commercial purposes;
- Use of the work as parts of questions and answers in examinations.
- The amended Copyright Act provides an exception for reproduction or adaptation of copyright works for the benefit of disabled persons is not considered copyright infringement, provided it is for non-profit purposes.
- Circumventing technological protection measures where circumvention is allowed is also permitted under the amended Copyright Act – for example, circumvention for the purpose of testing security problems of computer systems.

The Act also entitles librarians to reproduce works copyrighted under the Act, provided that complete reproduction is not done for commercial purposes. Furthermore, the amended Copyright Act states that deletion or change made to RMI by an authorized official or educational institution is permitted.

In addition, citing, copying or imitating certain parts of the copyrighted works under the Act, with recognition of the copyright ownership of the work, shall not be deemed to be copyright infringement.

The amended Copyright Act explicitly recognizes the exception of copyright infringement under the first-sale doctrine. This new section stipulates that any distribution of original or copied copyrighted work — the ownership of which is lawfully acquired — does not amount to copyright infringement. This exception applies to all copyrighted works that are recognized by the Thai Copyright Act

Further, with the understanding that copyrighted works sometimes need to be duplicated in order to allow a computer system to function, the amended Copyright Act provides an exception to reflect this need, similar to exceptions contained in the copyright laws of many countries. Section 32/2 stipulates that any duplication of a copyrighted work that is required to be made in order to allow a computer system to function normally shall not be deemed as an act of copyright infringement.

2.4 Works Not Subject to Copyright under the Copyright Act.

The Act specifically provides that the followings are not deemed eligible for copyright protection:

- Daily news and facts that are, by nature, merely news items;
- The Constitution and laws;
- Announcements, orders and regulations of ministries, bureaus, departments or any other agency of the state or local jurisdiction;
- Court judgments, orders, rulings and official reports;
- Translations and collections of those items specified as above which are prepared by government agencies or local administrations.

2.5 International Copyrights

The Copyright Act of 1994 protects copyright works of a creator and the rights of a performer of a country party to conventions on copyright protection or conventions on performance rights protection to which Thailand is a party, or for works copyrighted under international organizations of which Thailand is a member.

2.6 Licensing and Assignment of Copyrights

The 1994 Act provides that a copyright owner is entitled to assign a license to another person, whether of the whole or in part, to use or exercise rights with respect to his copyrighted work. The Act requires that an assignment of copyright by means other than an inheritance must be made in writing and signed by the copyright owner and the assignee. In the event the assignment is made without specifying the assignment period, the assignment shall be valid for 10 years.

In the event of an assignment of a copyright, the creator of the copyrighted work retains the right to forbid the assignee to distort, shorten, adapt, or act otherwise in any manner against the work if such act would cause damage or injury to the reputation or prestige of the creator.

2.7 Copyright Protection Period

A copyright in literature, drama, artistry or music is valid throughout the lifetime of the creator, and for an additional 50 years thereafter. In the event the creator is a juristic person, the copyright will be valid for a period of 50 years following the creation of the work; if the work is published during such period, the copyright shall subsist for 50 years as from first publication. The copyright for applied artistic work is valid for a period of 25 years following the creation of the work; if the work is published during such period, copyright shall subsist for 25 years as from first publication.

2.8 Penal Provisions

Persons who commit copyright infringement by means of reproduction without permission from the copyright owner may have a fine from 20,000 to 200,000 Baht imposed upon them. If the copyright infringement is deemed to have been committed for commercial purposes, the offender may face punishment of imprisonment for a term from six months to four years, or a fine from 100,000 to 800,000 Baht, or both.

The amended Copyright Act broadens the scope of civil remedies available for copyright infringement by applying the concept of punitive damages. Section 64 of the Act, an existing section, has been amended to include a second paragraph which allows a competent court to double the amount of damages determined under the criteria set out in the first paragraph of the same section in the event that there is clear evidence that the copyright or performer's right was infringed on with the intention to allow the work to be widely accessible by the public.

Source: Copyright Act B.E. 2537 (1994), as of July 2017.

3. Trademarks™

The Trademark Act of Thailand of 1991, as amended by Trademark Act (No. 3) of 2016, governs registration of and provides protection for trademarks. The Act defines a “trademark” as a symbol used in connection with goods for indicating that they are the goods of the owner of the trademark. The trademark must be “distinctive” and not identical or similar to those registered by others, and must not be prohibited under the Act.

3.1 Registration Procedure

A trademark (service mark, certification mark, collective mark) application must be:

- Completed on an official form in the Thai language, with specimens of the mark attached.
- Filed by the proprietor or his/her agent under a power of attorney, who must have a fixed place of business in Thailand or a contact address which the Trademark Registrar can contact.
- Filed with the Department of Intellectual Property.

According to the Trademark Act, for purposes of instituting legal proceedings relating to trademarks, service marks, certification marks, and collective marks, if the applicant or proprietor of a mark is not domiciled in Thailand, the business office or premises of such person or his/her agent, as stated in the application or recorded on the register, shall be considered as the domicile of such person.

If the Trademark Office deems that the trademark can be registered, and if no opposition to the trademark arises within 60 days of its publication in the official journal, the Trademark Registrar will grant a trademark registration.

3.2 Trademark Registration Period

Trademark registration is effective for a period of 10 years from the filing date of the application. The validity term does not include the period of time involved in legal proceedings. Owners of trademarks must file an application for renewal within 3 months prior to the expiration of their current trademark registration. A renewed trademark will be effective for an additional 10 years.

A trademark may be registered even if it is not being actively used. However, failure to utilize the trademark entitles third parties to challenge the rights of the trademark owner.

Registration of a geographical name as a trademark is quite restrictive, with only 2 exceptions: the name must not be a well-known geographical name, especially to the Thai public; the mark has gained recognition among the public through extensive use, proving that the product has been widely distributed and/or advertised under the mark for a long time, to the extent that Thai consumers are familiar with the product and can distinguish it from others.

Registration of a mark that is confusingly similar to a well-known mark, regardless of whether it has been registered in Thailand or not, is proscribed.

3.3 Penal Provisions for Trademark Infringement

The owner of a registered trademark has the exclusive right to use the trademark, and may initiate legal action against the violators. It is a criminal offense to represent a trademark as

registered when it has not been legally registered, or to sell, possess for sale, or bring into the Kingdom objects under such a pretense. This offense is punishable by imprisonment of not exceeding one year or a fine of not exceeding 20,000 Baht, or both. Presenting false evidence to register a trademark is punishable by a term of imprisonment of not exceeding 6 months or a fine of not exceeding 10,000 Baht, or both.

Anyone who forges another person's trademark, registered in the Kingdom, or who sells, possesses for sale, or brings into the Kingdom objects with a forged trademark, shall be punishable by imprisonment of not exceeding four 4 years or a fine of not exceeding 400,000 Baht, or both.

Anyone who imitates another person's registered trademark in order to mislead the public into believing the imitation mark is that of the registered owner, or who sells, possesses for sale, or brings into the Kingdom objects with an imitated trademark, will be punishable by imprisonment of not exceeding two 2 years or a fine of not exceeding 200,000 Baht, or both.

Anyone who reuses or refills packaging or containers bearing another's registered trademarks to mislead the public into believing that the goods are of the trademark owner will be liable for imprisonment of up to four 4 years or a fine of up to 400,000 Baht, or both.

Whoever repeats these offenses within a five-year period from the date of passing the punishment for another offense is liable to double punishment.

3.4 Service Marks, Certification Marks and Collective Marks

As of February 1992, these variations on trademarks are covered under all the provisions of the Act and hence receive the same protection as trademarks under the law. In the case of service marks, all the words "goods" mentioned in the Act's provisions shall mean "services."

Certification Marks

Applicants for certification marks must forward a copy of the regulations concerning the use of the certification mark together with the application for registration and demonstrate that they are well qualified to certify the merits of the goods or services.

The owner of a registered certification mark shall not use it for his own goods or services and shall not license any third person to act as certifier by authorizing the use of the mark, although they may license a third person to use the certification mark themselves. If they violate this rule, they are subject to a fine of not exceeding 20,000 Baht.

The regulations concerning the use of the certification marks must:

- Specify the origin, composition, manufacturing process, quality and other characteristics of the goods and services to be certified;
- Include the rules, procedures and conditions in the granting of a license to use the certification marks.

3.5 The Board of Trademark Committee

In 1991, the Board of Trademarks was established to have the power and duties specified hereunder:

- To decide appeals against order, or decisions of the Registrar under Trademark Act;
- To order a withdrawal of the a registration of a trademarks, service marks or certification marks and to consider and order on the petition for cancellation of trademarks, service marks, certification marks, collective marks or trademark license agreements under this Act;
- To give advice to the Minister in the issuance of the Ministerial Regulations or Notifications;
- To consider other matters assigned by the Minister.



CHAPTER 5

LEGAL ISSUES FOR FOREIGN INVESTORS

CHAPTER 5: Legal Issues for Foreign Investors

1. Foreign Business Act of 1999 and Activities Restricted to Thai Nationals

Thai law regulates the activities in which the companies designated as “foreigner” may engage in. While some activities are completely prohibited, some may be engaged in with prior approval from a designated government agency, and some do not require any special approval at all.

1.1 Definition of a Foreign Company

According to the Foreign Business Act of 1999 (FBA), the term foreigner means:

- (1) Natural person not of Thai nationality.
- (2) Juristic person not registered in Thailand.
- (3) Juristic person registered in Thailand having the following characteristics:
 - (a) Having half or more of the juristic person’s capital shares held by persons under (1) or (2) or a juristic person having the persons under (1) or (2) investing with a value of half or more of the total capital of the juristic person.
 - (b) Limited partnership or registered ordinary partnership having the person under (1) as the managing partner or manager.
- (4) Juristic person registered in Thailand having half or more of its capital shares held by the person under (1), (2) or (3), or a juristic person having the persons under (1), (2) or (3) investing with the value of half or more of its total capital.

The Foreign Business Act of 1999 has identified three lists of activities in which foreign participation may be prohibited or restricted, as follows:

Activities stated in List 1 are designated as “businesses not permitted for foreigners to operate due to special reasons.” Foreign companies are completely restricted from engaging in the activities contained in List 1.

Activities stated in List 2 are designated as “businesses related to national safety or security, or affecting arts and culture, traditional and folk handicraft, or natural resources and environment.” Foreign companies can operate business in the activities stated in List 2 only where not less than forty percent of its shares are held by Thai nationals or juristic persons which are not foreigners under this Act, otherwise, they are approved with prior Cabinet approval.

Activities stated in List 3 are designated as “businesses which Thai nationals are not yet ready to compete with foreigners.” To engage in activities stated in List 3, the foreign company must apply for and obtain a Foreign Business License prior to commencing the activity.

There are two common exceptions to the above stated rules:

- If a foreigner is operating a business that is classified in List 2 or List 3 with the permission of the Government of the Kingdom of Thailand i.e. the Board of Investment or the Industrial Estates Authority of Thailand, such foreigners shall notify the Director-General of Commercial Registration Department in order to obtain a certificate.
- If a foreigner is operating a business that is classified in the lists under a treaty to which Thailand is a party or is obligated to abide by, it shall comply with the provisions of the treaty which may in return include the entitlement of Thai nationals and Thai enterprises to operate the businesses in the country of the foreigners, i.e. Treaty of Amity Between U.S.–Thailand.

1.2 Restricted Business Activities under the Foreign Business Act of 1999

List 1 – Businesses that foreigners are not permitted to engage in for special reasons:

- Newspaper business, radio-broadcasting station or radio/television business.
- Farming, cultivation or horticulture.
- Animal husbandry.
- Forestry and timber conversion from natural forests.
- Fisheries, especially fishing in Thai territorial waters and in specific economic areas of Thailand.
- Extracting Thai herbs.
- Trade and auction sale of Thai antiques or objects of historical value.
- Making or casting Buddha images and alms bowls.
- Trading in land.

List 2 – Businesses concerning national security or safety that could have an adverse effect on art and culture, customs, or native manufacture/handicrafts, or with an impact on natural resources and the environment:

Group 1 – Businesses concerning national security or safety

- Manufacturing, distribution, repair or maintenance of:
 - Firearms, ammunition, gunpowder, and explosive materials.
 - Components of firearms, ammunition, and explosive materials.
 - Armaments, ships, aircraft, or military vehicles.
 - Equipment, or parts of any type of war equipment.
- Domestic land transportation, water transportation, or air transportation, including domestic aviation.

Group 2 – Businesses that could have an adverse effect on arts and culture, customs, and native manufacturing/handicrafts

- Trading of antiques or artifacts that are Thai works of art or Thai handicrafts.
- Wood carving.
- Silkworm rearing, manufacture of Thai silk, Thai silk weaving, or Thai silk printing.
- Manufacturing of Thai musical instruments.
- Manufacturing of gold-ware, silverware, nielloware, bronzeware, or lacquerware.
- Making bowls or earthenware which are of Thai art and culture.

Group 3 – Businesses that could have an adverse effect on natural resources or the environment

- Manufacturing of sugar from cane.
- Salt farming, including rock salt farming.
- Mining of rock salt.
- Mining, including stone quarrying or crushing.
- Timber processing for making furniture and utilities.

List 3 – Businesses in which Thais are not ready to compete in undertakings with foreigners:

- Rice milling and flour production from rice and plants.
- Fisheries, specifically breeding of aquatic creatures.
- Forestry from re-planting.
- Production of plywood, veneer, chipboard or hardboard.
- Production of lime.
- Accountancy.
- Legal services.
- Architecture.
- Engineering.
- Construction, except:
 - Construction of infrastructure in public utilities or communications requiring tools, technology or special expertise in such construction, except where the minimum foreign capital 500 million Baht or more.
 - Other construction, as prescribed in regulations.

- Agency or brokerage, except:
 - Brokerage or agency of securities or service related to future agricultural commodities futures or financial instruments or securities.
 - Brokerage or agency for the purchase/sale or procurement of goods or services necessary to production or providing services to affiliated enterprises.
 - Brokerage or agency for the purchase or sale, distribution or procurement of markets, both domestic and overseas for the distribution of products made in Thailand, or imported from overseas in the category of international business, with minimum foreign capital of not less than 100 million Baht or more.
 - Other brokerage or agency activities, as stipulated in ministerial regulations.
- Auctioneering, except:
 - Auctioneering in the manner of international bidding, not being auctions of antiques, ancient objects or artifacts that are Thai works of art, Thai handicrafts or antique objects, or with Thai historical value.
 - Other types of auctioneering, as stipulated in ministerial regulations.
- Domestic trade in local agricultural products not prohibited by law, except agricultural futures trading in the Agricultural Futures Exchange of Thailand without delivery or taking delivery of agricultural commodities within the country.
- Retailing all categories of goods having of less than 100 million Baht capital in total or having the minimum capital of each shop of less than 20 million Baht.
- Wholesaling, all categories of goods having minimum capital of each shop less than 100 million Baht.
- Advertising.
- Hotel operation, excluding hotel management.
- Tourism.
- Sale of food and beverages.
- Planting and culture of plants.
- Other services, except those prescribed in the ministerial regulations.

Source: Department of Business Development, Ministry of Commerce, as of July 2017.

“Other service businesses” stated in List 3 effectively serves as a “catch-all” service category. If the foreigners provide a service, not otherwise contained in List 3, the company must still apply for and obtain a Foreign Business License prior to commencing operation. This category includes the business activity of leasing both fixed and nonfixed assets. Additionally, the activities in which representative offices and regional offices are allowed to engage in are all services that fall under this category.

However, in 2013, the Ministry of Commerce issued a Ministerial Regulation removing certain categories of business from the controlled business activities in Schedule Three of the FBA. This Ministerial Regulation effectively lifts restrictions on foreign companies in conducting certain service businesses in Thailand that were under the scope of the FBA, including securities and related businesses according to the Securities and Exchange Act, derivatives services according to the Derivatives Act, and trustee businesses according to the Trust for Transactions in Capital Market Act. Consequently, foreign companies are allowed to engage in these service businesses as prescribed by the Ministerial Regulation without being required to obtain a Foreign Business License under the FBA.

Source: Doing Business in Thailand 2015, Baker & McKenzie

Also, note that special rules apply if the foreigners plan to engage in the activities of “retail sale of goods” or “wholesale sale of goods”. Both of these activities are contained in List 3; therefore, in order for a foreigner to engage in either of these activities the company must first apply for and obtain a Foreign Business License.

Thai law, however, grants narrow exceptions to the Foreign Business License requirement for those foreign companies seeking to engage in retail selling and/or wholesale selling.

For foreigners to engage in the activity of retail selling, the exception is that if the company has a registered capital of 100 million Baht (fully paid up) or more, and capital for each additional retail store of 20 million Baht or more, the foreigner is not subjected to the Foreign Business License.

For a foreign company to engage in wholesale selling, the exception is that if the company has 100 million Baht capital or more for each of its wholesale stores, the foreigner is not subjected to the Foreign Business License.

There is a catch-all promotional category named “Trade and Investment Support Office” (TISO) which permits a variety of services, including monitoring/servicing affiliates; consultancy services; advisory services on business operations; information services on goods sourcing; engineering and technical services; wholesaling products manufactured in Thailand; international business process outsourcing, and business activities related to machinery, engines, tools and equipment such as training, installation, maintenance and repairs, and calibration. There is a condition of sales and administration expenses of at least 10 million Baht per year. TISO is not qualified for tax benefits.

1.2.1 Foreign Business License Application

As stated above, foreigners seeking to engage in List 3 activities are required to apply for and obtain a Foreign Business License prior to commencing operations.

The Foreign Business Act sets forth the process by which the Foreign Business Committee (“Committee”) reviews the application. It states that the Committee is required to rule on the application within 60 days of submission. However, practically speaking, the application process has two distinct steps. The first is the process by which the presiding official at the Ministry of Commerce (MOC) accepts the application for review by the Committee, and the second is the Committee’s actual review of the application.

Acceptance by the MOC Official

An application for a Foreign Business License is submitted to the MOC together with all required documents and information. The presiding MOC official, who is in charged with accepting the application normally, will not do so until he is satisfied that all documents are in order. The official will perform the preliminary inspection upon presentation, but usually he will require the person submitting the application to leave it for later inspection. The time frame for the official’s review of the application is not specified by statute.

In order to avoid these delays, make sure that the person designated to submit the application is familiar with the intended operations of the company to respond on the spot to the official’s questions regarding the application. In the case that the official requests additional documents and/or information, make sure the designated person supplies those documents in a timely fashion.

Review by the Board

Once the official accepts the application and issues a receipt, the sixty-day consideration period begins. The factors considered by the Committee when reviewing applications are:

- The advantages and disadvantages to the nation's safety and security;
- Economic and social development;
- Public order, good morals, art, culture and traditions of the country;
- Natural resources, conservation, energy and environment, consumer protection, size of the enterprises, employment;
- Technology transfer and research and development.

Technology transfer and research and development (R&D) are probably the most important. In 2004, the Ministry issued a document advising foreign investors on how they should describe technology transfer in the license application. Technology here is not just limited to R&D and use of sophisticated equipment, but also specifically includes "administration, management and marketing". In addition, any planned programs the company has with Thai universities are taken under consideration by the committee.

In the event that the Foreign Business License application is rejected, the law requires that the MOC inform the applicant within 15 days of the decision. The notification of rejection must be in writing and expressly state the reasons why the application was rejected.

If the application is rejected, the applicant has the right to appeal the decision. The appeal must be submitted within 30 days of the date on which the applicant received the rejection notice. The Minister of Commerce is required to rule on the appeal within 30 days of receipt. The decision of the Minister shall be final.

2. Work Permits

The Foreign Working Act of 2008 requires all foreigners working in Thailand to obtain a work permit prior to starting work in the Kingdom and describes the procedures for issuance and maintenance of work permits and lists certain occupations from which the foreigners may be excluded.

2.1 Exemptions

The Act grants exemptions from the work permit requirement to persons occupying the following professions:

- Members of the diplomatic corps;
- Members of consular missions;
- Representatives of member countries and officials of the United Nations and its specialized agencies;
- Personal servants coming from abroad to work exclusively for persons listed under the above items;
- Persons who perform duties on missions in the Kingdom under an agreement between the government of Thailand and a foreign government or international organization;
- Persons who enter into the Kingdom for the performance of any duty or mission for the benefit of education, culture, arts, or sports;
- Persons who are specially permitted by the Thai Government to enter into and perform any duty or mission in the Kingdom. As a person permitted, with or without any condition, by the Council of Ministers to enter and perform any duty or mission.

2.2 Special Cases

While most foreigners must apply for a work permit, and may not begin work until the permit is issued, the Foreign Working Act does provide special treatment in the following circumstances:

Urgent and Essential Work

Exemption from work permit requirements is granted to the foreigner who enters into the Kingdom temporarily, but in accordance with the immigration law, to perform any work of any “urgent and essential nature” for a period not exceeding 15 days. However, such foreigner may engage in work only after a written notification on a prescribed form (WP-10), signed by the foreigner and endorsed by his employer, has been submitted to and accepted by the Director-General or his designee.

The foreigners entitled to this treatment may enter into Thailand with any kind of visa, including a transit visa. The term “urgent and essential work” is not explicitly defined and consequently, the issuance of this sort of exemption is a matter of administrative discretion.

Application to perform urgent and necessary duties for period not longer than 15 days according to Article 9 which is under the following condition/situation:

1. An alien entering the Kingdom of Thailand to engage in necessary and urgent work, which if such work cannot be performed immediately will result in damage, shall have a finish period of within 15 days
2. A work, which has the feature of administration, academic matters and uncertain periods same as the usual except the non-work which one has to perform in suddenly (if failure to perform at the time, the damage will occur), is not necessary and urgent work
 - Completed Form of WP-10 and one photograph (3 x 4 cm.) plus one copy
 - Letter showing the reason why applicants need to perform urgent and necessary duties such as an invitation letter and agenda etc.
 - A copy of the passport (the page which show a photo and entry VISA)
 - A copy of the Company Registration (updated within six months) and a copy of VAT registration; Form Phor Por 01 identifying the type of business, which is certified by an authorized director/the owner of work place or the employer
 - A copy of employer’s work permit in case he/she is a foreigner. If that employer is not working in Thailand nor has no work permit, the Power of Attorney certified by the Notary Public and Thai Embassy is needed.
 - In case of a Thai employer, a copy of the Employer’s I.D. card
 - Power of Attorney from a foreigner and an employer with 10 Baht duty stamp affixed and a copy of the appointee’s I.D. card (if a foreigner and an employer are unable to apply in person).

Source: Office of Foreign Worker Administration, as of July 2017.

Activities Not Requiring a WP-10

On 6 March 2015, the Department of Employment issued an announcement declaring that certain activities would no longer be classified as “work”, and therefore do not require a work permit. The categories are as follows:

- Attending a meeting or seminar
- Attending an exhibition or trade fair
- Visiting a business or engaging in business negotiations
- Attending special or academic lectures
- Attending technical training or seminars
- Purchase of goods at a trade fair
- Attending a meeting of directors of his/her own company

In addition, a foreign national arranging a meeting, seminar, or exhibition in cooperation with a government agency or state enterprise will be given a 30-day exemption according to the Royal Decree (No. 2) B.E. 2528.

Investment Promotion

A foreigner seeking permission to work in the Kingdom under the Investment Promotion Act must submit an application for a work permit within 30 days of notification by the BOI that the position has been approved. A foreigner in this category may engage in authorized work while the application is being processed.

2.3 Procedures

The Act requires that any foreigner working in Thailand must obtain a work permit before beginning work. Section 11 of the Act stipulates that while a prospective employer may file an application on behalf of the foreigner in advance of his commencing work, the actual work permit will not be issued until the foreigner has entered into Thailand in accordance with the immigration laws and has presented him or herself to receive the work permit.

For a regular position, a work permit will be issued for one year, but for an executive position or experts, a work permit will be issued for two years. A work permit must be renewed before its expiry date or it will lapse.

Applicants for work permits must enter into Thailand with Non-immigrant B visa. If they enter with a tourist visa or transit visa or visa waiver, they must change the type of visa to be Non-immigrant B visa. Furthermore, a foreigner who enters into Thailand with a Non-immigrant B visa will also qualify to apply for a work permit, if he marries a Thai woman.

2.4 Required Documentation

The following documents must be provided by the foreigner and attached to a work permit application:

- For non-permanent residents: Original of passport containing a Non-Immigrant visa (Validity period not less than six months) (except for WP 3 applications, only a copy of passport showing photo page, name and number).
- For permanent residents: Original of passport, residence permit and foreigner book (except for WP 3 applications, only a copy of passport showing photo page, name and number).
- Evidence of applicant's educational qualifications and letter(s) of recommendation from the former employer, describing in detail the applicant's past position, duties, performance and place and length of employment. If the documents are in a language other than English, a Thai translation certified as correct by a Thai Embassy (if abroad) or Ministry of Foreign Affairs (if in Thailand) must be attached.
- A recent medical certificate from a first-class licensed physician in Thailand stating that the applicant is not of unsound mind and not suffering from leprosy, acute tuberculosis, elephantiasis, narcotic addiction, habitual alcoholism or syphilis stage 3 (except for WP 7 applications).
- Three 5x6 cm. full-faced, bareheaded, black and white or color photographs, taken no more than 6 months prior to the filing of the application.
- If the application is to be filed by another person, a valid power of attorney in the prescribed form must be attached with a 10 Baht duty stamp.
- On the application form, the "job description" entry must be completed with a detailed statement as to what job is expected to be performed, how it is related to other people, and what materials will be used in the work (additional paper to be used if necessary).
- If the job applied for is subject to a license under a particular law, in addition to the Foreign Working Act, a photocopy of such license, (e.g. teacher's license, physician's license, press card from the Public Relations Department, certificate of missionary status from the Office of Religious Affairs, etc.) shall be attached.

- If the applicant is married to a Thai national, the original and photocopies of the following must be presented: Marriage certificate, spouse's identity card, birth certificates of children, household registration, and photocopy of every page of the applicant's passport.
- If the job being applied for is not in Bangkok, the application should be filed at the relevant province's Department of Employment, or in the absence of such an office, at the province's city hall.
- Additional evidence as requested. It may be necessary to translate any or all documents into Thai.

2.5 Permitted Activities

The former law, Foreign Working Act of 1978, prohibited the employers from allowing foreigners to perform any function other than that described in the foreigner's work permit. The employers must report changes in employment, transfers and termination of all foreigners in their organization within 15 days of any such action. In cases of dismissal, the foreigners must return their work permits to labor authorities in Bangkok at the Alien Occupation division or, if they are in a provincial area, to the province's Department of Employment. Failure to do so will result in a fine of up to 1,000 Baht.

However, according to the Foreign Working Act of 2008, the law does not force the employers to return a work permit of their foreign employees, but if the employers or foreign employees wish to return a work permit, the labor authorities will receive a work permit and record the termination date.

Any foreigner engaging in work without a work permit may be punished by a term of imprisonment not exceeding five years or a fine from 2,000 Baht up to 100,000 Baht, or both. In case of violation of the conditions of his work as stipulated in his permit, the foreigner may be punished by a fine of not exceeding 20,000 Baht.

An employer who permits a foreigner to work in his organization without a work permit may be punished with a fine from 10,000 Baht up to 100,000 Baht for each foreign employee. An employer who permits a foreigner to act in violation of the nature of the work specified in the work permit may be punished with a fine not exceeding 10,000 Baht.

Permit holders must obtain prior permission to change their occupation and/or place of work. Change of employer location or the residential address of the permit holder must be properly endorsed in the work permit by the labor authorities. The Foreign Working Act does not prevent a foreigner from engaging in work in more than one field or for more than one employer.

2.6 Restricted Occupations

A Royal Decree in 1973 listed 39 occupations and professions that were then prohibited to foreigners. This list has been amended on several occasions by subsequent Royal Decrees, the latest one in 2005;

1. Labour work;
2. Agriculture, animal husbandry, forestry, or fishery, except work requiring expertise, specialized work, or farm supervision work;
3. Bricklaying, carpentry or other construction work;
4. Wood carving;
5. Driving motor vehicles, driving a non-mechanically propelled carrier or driving a mechanically propelled carrier, except for piloting international aircraft;
6. Shop/Outlet attendance;
7. Auction;
8. Supervising, auditing or providing services in accounting, except internal auditing on occasions;
9. Cutting or polishing diamond or precious stones;

10. Haircutting, hairdressing or beauty treatment;
11. Cloth weaving by hand;
12. Mat weaving or utensil making from reeds, rattan, hemp, straw or bamboo pellicle;
13. Mulberry paper making by hand;
14. Lacquerware making;
15. Making Thai musical instruments;
16. Nielloware making;
17. Gold ornaments, silverware or pink gold making;
18. Bronze ware making;
19. Thai doll making;
20. Mattress and quilt blanket making;
21. Alms bowl making;
22. Hand making of silk products;
23. Buddha image making;
24. Knife making;
25. Paper or cloth umbrella making;
26. Shoemaking;
27. Hat making;
28. Brokerage or agency work, except broker or agency work in international trade;
29. Civil engineering works concerning design and calculation, organization, research, project planning, testing, construction supervision or advising, excluding work requiring special expertise;
30. Architectural work concerning designing, drawing of plans, cost estimating, construction directing or advising;
31. Dressmaking;
32. Pottery or ceramic ware making;
33. Cigarette rolling by hand;
34. Tour guide or sightseeing tour operation;
35. Street vending;
36. Typesetting of Thai characters;
37. Silk reeling and twisting by hand;
38. Clerical and secretarial work;
39. Legal service or lawsuit work;

Note: As per the Cabinet's Resolutions, foreign workers from Myanmar, Laos and Cambodia have been given an indulgence to work in the Kingdom in 2 occupations, which are 1) Labour work and 2) Domestic work.

3. Visas and Immigration Law

All persons, other than those in transit and citizens of certain countries, are required to obtain a visa in order to enter into Thailand. Foreign nationals who intend to remain in Thailand to work or conduct business must comply with visa requirements in addition to obtaining a work permit.

3.1 Visa Categories

The Immigration Act of 1979 as amended in 1980 establishes the following visa categories:

- Tourist
- Visitor transit
- Immigrant
- Non-quota immigrant
- Non-immigrant

Note: Transit, visitor transit and tourist visa holders are not authorized to work in Thailand.

Tourist: Tourist visas are initially valid for 60 days and are renewable at the discretion of the Immigration Department. Renewals are normally granted for periods up to 30 days at a time.

Visitor Transit: Foreigners who have obtained a transit visa from a Thai Embassy or consulate will be granted a 30- day stay in the Kingdom. Extensions of stay are normally granted for periods of 30 days at a time, but the total stay may not exceed 90 days from the date of entering into Thailand.

In addition, passport holders from 48 countries and 1 special administrative region -Hong Kong SAR - are not required to obtain a visa when entering Thailand for tourism purposes and will be permitted to stay in the Kingdom for a period of not exceeding 30 days on each visit. If such foreigners enter the Kingdom at the immigration checkpoints which border neighboring countries, they will be allowed to stay for 15 days each time, except Malaysian nationals who cross the borderline from Malaysia whose granted period of stay will not exceed 30 days each time.

Please note that Tourist Visa Exemption does not apply to foreigners holding a Travel Document for Aliens issued by these countries.

Foreigners entering Thailand under the Tourist Visa Exemption category must possess adequate finances for the duration of stay in Thailand (i.e., cash 10,000 Baht per person and 20,000 Baht per family).

Non-quota immigrant: This category includes former residents who have lost their resident status but who have reapplied to resume their residency and who have been able to demonstrate a convincing reason to support the granting of this type of visa.

Non-Immigrant Visa: Foreigners, who seek a prolonged stay, or those coming to work in Thailand, should obtain non-immigrant visas for all family members prior to entering into the Kingdom. This visa has several categories:

- Diplomatic visa (D) for those employed by an embassy;
- Business visa (B) for those conducting business in the Kingdom;
- Mass media visa (M) for accredited business or press representatives;
- Expert visa (EX) for those performing skilled or expert work;
- Investor visa (IM) for those who set up their companies under the BOI;
- Study/education visa (ED) for teachers and those here to study/observe;
- Official visas (F) for those performing official duties involving the Thai government;
- Missionary visa (R) for those performing missionary work;
- Science visa (RS) for those doing scientific research or training, or studying in an educational institution in the Kingdom;
- Sports visa (S) for those participating in an officially recognized sports event;
- Dependent visa (O) for those who are here as dependents.

Advantages of a Non-Immigrant visa include:

- Entitlement of the holder to apply for a multiple re-entry visa to Thailand from the Immigration Division in Bangkok;
- Subject to the regulations of the Immigration Authorities, entitlement of the holder to apply for permanent residence in Thailand;
- Eligibility for issuance of a work permit to the holder (only for category B and category O (only a foreigner who married to a Thai national);
- Eligibility for temporary visa renewal while processing issuance of a long-term annual visa.

Foreigners are advised to strictly adhere to the rules governing each visa category. They should report any changes of address or status to local police within 24 hours.

In addition, foreigners residing in Thailand for more than 90 consecutive days are required to notify their address with the Immigration Bureau every 90 days. This requirement applies to all foreigners, including holders of work permits and long-term visas. Failure to do so, the foreigner shall be punished with a fine not exceeding 5,000 Baht and with an additional fine not exceeding 200 Baht per each day passing until the law is complied with.

Transit, Visitor Transit, Tourist and Non-Immigrant Visas are issued only for the following purposes and duration:

- Diplomats or consular missions (duration as necessary);
- Official missions (duration as necessary);
- Tourism (90 days);
- Sports (30 days);
- Business purposes (1 year);
- An investment that has received authorization from the appropriate government authorities (2 years);
- Investment or other business in connection with investment under the Investment Promotion Act (as determined by the BOI);
- Transit (30 days);
- The controller or crew of a conveyance entering a port or other locality in the Kingdom (30 days);
- Work as a skilled laborer or specialist (1 year).

If leaving the country, a foreign national must apply for a Re-entry Visa to enter Thailand on their current Non-Immigrant Visa.

- A Single Re-Entry Visa costs THB 1,000 for leaving and re-entering Thailand on one occasion before the expiry date of the Non-Immigrant Visa.
- A Multiple Re-Entry Visa costs THB 3,800 for leaving and re-entering Thailand on multiple occasions before the expiry date of the Non-Immigrant Visa.

In response to feedback from investors, the BOI coordinated the establishment of a One-Stop Service Center for Visas and Work Permits. Through joint cooperation with the Immigration Bureau and the Ministry of Labor, the center can process applications or renewals of visas and work permits within 3 hours, upon receipt of proper and complete documentation.

In addition, the center handles other transactions, including the issuance of multiple reentry stamps, changes in class of visa (to non-immigrant from tourist or transit), and payment of fines.

The One-Stop Service Center is located at 18th Floor, Chamchuri Square Building, Phayatai Road, Pathumwan, Bangkok 10330, and it may be reached by phone at 0-2209-1100.

When an individual applies for a renewal of work permit, he or she has to show that taxes for the previous year have been paid.

Foreigners may also apply for permanent residence permits for Thailand under certain conditions, such as investment in a business, or a condominium. Applications can be made to the Immigration Department.

Members of the diplomatic or consular corps, foreigners coming to perform their duties in Thailand with the approval of the Thai Government, foreigners performing their duties in Thailand under an agreement between the Thai Government and a foreign government, of international organizations or agencies operating in Thailand, and dependents of all the aforementioned persons, including private servants of members of the diplomatic corps, are exempted by the Act from the normal visa requirements.

Source: Ministry of Foreign Affair, as of July 2017.
Office of the Council of State, as of July 2017.

4. Notification Procedures for Foreign Nationals Staying in the Kingdom over 90 Days (Attachment to Order of Immigration Bureau No. 48/2558 dated 17 March 2015)

4.1 To use the online system for notification of staying in the Kingdom of over 90 days

- 4.1.1 Please visit to the Immigration Bureau's website at <http://extranet.immigration.go.th> and select "Apply for Notification of Staying over 90 Days" to enter the online application screen.
- 4.1.2 Click "Accept" to confirm usage of the online notification system. In order to use the online notification through the internet, prior notification is permitted 15 days before the due date and must not be less than 7 days before the due date to provide sufficient time for the officer on duty to process the approval of the residential notification submitted online.

4.2 Saving data in the notification system

Click on "Notification of Staying in the Kingdom over 90 Days" (TM.47) to enter the main screen.

- 4.2.1 Step 1 Complete the information as requested in the online application form (areas marked * are mandatory).
- 4.2.2 Step 2 Complete the additional information as requested in the online application (areas marked * are mandatory).
- 4.2.3 Step 3 Review the completed information and click "Accept" to confirm.
- 4.2.4 Click "Print" to show the selected information. The user can then save the data in electronic document format or print out the document to be submitted.

Following submission of the request, the user will receive a notification status indicating "Under Consideration" or "Application is in progress."

4.3 To check the notification status, click on "Check the status of your application" on the screen in which there are 2 search methods as follows:

- 4.3.1 Click on "Ref Number" using the document reference number, or,
- 4.3.2 Click on "Passport information" to select search by either function
 - 4.3.2.1 Using the Passport No.
 - 4.3.2.2 Date of Birth dd/mm/yyyy i.e. 09/12/1977
 - 4.3.2.3 Nationality by selecting from the list
- 4.3.3 Once all the data required for searching has been entered, click "Search."

4.4 To terminate the notification of residence in the case of staying over 90 days online: Click "Cancel your application (Terms and Conditions)" on the screen in which there are 2 search methods as follow:

- 4.4.1 Click on "Ref Number" using the document reference number, or,
- 4.4.2 Click on "Passport information" to search by Passport Information
 - 4.4.2.1 Using the Passport No.
 - 4.4.2.2 Date of Birth dd/mm/yyyy i.e. 09/12/1977
 - 4.4.2.3 Nationality by selecting from the list

- 4.4.3 Once the data required for searching has been entered, click on “Search.” The search results will appear, then click “Cancel” to terminate the notification.

Source: Immigration Bureau, as of July 2017.

5. Visa and Work Permits for BOI Promoted Companies (Section 24 & 25)

5.1 Permission to Foreign Nationals for entering into the Kingdom for the purpose of assessing Investment Opportunities or performing any other act benefiting investment or Working on a Project in the Process of an Investment Promotion Application or Issuance of an Investment Promotion Certificate under Section 24

5.1.1 Timeframe for consideration

- 5.1.1.1 The BOI will consider the following applications within ten working days:
 - 5.1.1.1.1 Permission for foreign nationals to enter the Kingdom to assess investment opportunities
 - 5.1.1.1.2 Permission for foreign nationals to enter the Kingdom for performing acts benefiting investment
 - 5.1.1.1.3 Permission for foreign nationals to enter the Kingdom to work on a project that is in the process of an investment promotion application or issuance of an investment promotion certificate
 - 5.1.1.1.4 Permission to extend the period of stay in the Kingdom for any of the following: assessing investment opportunities; performing any other act benefiting the investment; working on a project that is in the process of an investment promotion application or issuance of an investment promotion certificate
- 5.1.1.2 The BOI will consider the following applications within seven working days:
 - 5.1.1.2.1 Visa stamp/change of visa type
 - 5.1.1.2.2 Permission to stay under the existing rights

This is from the date on which the BOI receives a complete application form together with documents and supporting evidence.

5.1.2 Documents and supporting evidence that applicants are required to submit for consideration are for any of the following:

- 5.1.2.1 Permission for Foreign Nationals for Entry into the Kingdom for the Purpose of Assessing Investment Opportunities; Performing any other Act Benefiting Investment; Working on a Project that is in the Process of an Investment Promotion Application or Issuance of an Investment Promotion Certificate
 - 5.1.2.1.1 A copy of the company registration certificate and a list of shareholders (in the event where the company is already established)
 - 5.1.2.1.2 Form No. 02 and Form No. 03 (F FR TR 01) with complete information (per person)
 - 5.1.2.1.3 One copy of documents pertaining to academic and work experiences (per person)
 - 5.1.2.1.4 One copy of the applicant's passport (per person)
 - 5.1.2.1.5 Additional documents (for each case)
 - (1) Permission for foreign nationals to enter the Kingdom to assess investment opportunities
 - Project plan being assessed
 - A copy of evidence of contacts with a foreign or domestic agency, or institute
 - (2) Permission for foreign nationals to enter the Kingdom for acts benefiting the investment
 - Evidence of the chamber's establishment and the foreign national's work assignment with the chamber must be attached for a chamber of commerce

- 5.1.2.2 Permission to Extend the Period of Stay in the Kingdom for the Purpose of Assessing Investment Opportunities; Performing any other Act Benefiting Investment; Working on a Project that is in the Process of an Investment Promotion Application or Issuance of an Investment Promotion Certificate
 - 5.1.2.2.1 A copy of the company's registration certificate and list of shareholders (in the event where the company is already established)
 - 5.1.2.2.2 A copy of the previous approval letter
 - 5.1.2.2.3 Additional documents (for each case)
 - (1) Permission for foreign nationals to extend their period of stay in the Kingdom for assessing investment opportunities
 - Progress report of the project under study
 - (2) Permission for foreign nationals to extend their period of stay in the Kingdom for performing acts benefiting the investment
 - Evidence of the foreign national's continued assignment must be attached for a chamber of commerce
 - 5.1.2.3 Request for Cooperation for a Visa Stamp or Change of Visa Type
 - 5.1.2.3.1 A copy of the company's registration certificate and list of shareholders
 - 5.1.2.3.2 A copy of documents pertaining to academic and work experiences (per person)
 - 5.1.2.3.3 A copy of the applicant's passport (per person)
 - 5.1.2.3.4 Additional documents (for each case)
 - (1) Permission for foreign nationals to enter the Kingdom to assess investment opportunities
 - Project plan under study
 - A copy of evidence of contacts with a foreign or domestic agency, or institute
 - (2) Permission for foreign nationals to enter the Kingdom for performing acts benefiting the investment
 - A copy of the company's financial statement
 - Evidence of the foreign national's continued assignment must be attached for a chamber of commerce
- 5.1.3 Each page of the document provided must be stamped with the company's seal and signed by the authorized person.
- 5.1.4 Applicants must submit the application form to the Foreign Expert Services Division of the BOI.
- 5.1.5 For further information, please contact the BOI's Foreign Expert Services Division.

5.2 Permission for Foreign Nationals to Enter the Kingdom under Section 25

Permission for foreign nationals entering the Kingdom under Section 25 must be conducted through the e-Expert system, an electronic platform. The company must obtain a User ID and Password by submitting a request form to the Foreign Expert Services Division of the BOI or the BOI's regional offices. For further information, please contact the BOI's Foreign Expert Services Division by phone at (66) 2209 1162-4

Timeframe for consideration

5.2.1 Approval of Position for Foreign Nationals

- 5.2.1.1 The BOI will process an application to request the approval of positions for foreign nationals within five working days
- 5.2.1.2 The BOI will process a request for the cancellation of positions approved for foreign nationals within two working days

5.2.2 The BOI will process a request for a change of Position (employment) for Foreign Nationals within three working days

5.2.3 Additional Job Description

- 5.2.3.1 The BOI will process a request to add a job description within three working days
- 5.2.3.2 The BOI will process a request to cancel a job description within two working days

5.2.4 Permission for Foreign Nationals and Their Families to Enter the Kingdom

- 5.2.4.1 The BOI will process an application requesting permission for foreign nationals and their families to enter the Kingdom within three working days
- 5.2.4.2 The BOI will process an application requesting permission for foreign nationals' families to enter the Kingdom within three working days
- 5.2.4.3 The BOI will process an application requesting permission for foreign nationals (pilots and related positions) and their families to enter the Kingdom within three working days
- 5.2.4.4 The BOI will process an application requesting permission for foreign nationals (operators and related positions) and their families to enter the Kingdom within three working days

5.2.5 Permission for Foreign Nationals and their Families to Stay in the Kingdom under Their Existing Rights

- 5.2.5.1 The BOI will process the application within three working days
- 5.2.5.2 The BOI will process an application requesting permission foreign nationals' families to stay in the Kingdom under their existing rights within three working days

5.2.6 Permission for foreign nationals to work temporarily

- 5.2.6.1 The BOI will process an application for urgent permission for foreign nationals to work temporarily (30 days) within three hours
- 5.2.6.2 The BOI will process an application for permission for foreign nationals to work temporarily (not exceeding six months) within three working days

5.2.7 Request for Visa Stamps

- 5.2.7.1 The BOI will process an application to request visa stamps for foreign nationals and their families within three working days
- 5.2.7.2 The BOI will process an application to request visa stamps for foreign nationals' families within three working days

5.2.8 Request for Visa Stamps and Change of Visa Types

- 5.2.8.1 The BOI will process an application to request visa stamps for foreign nationals and their families within three working days
- 5.2.8.2 The BOI will process an application to request visa stamps for foreign nationals' families within three working days
- 5.2.8.3 The BOI will process an application to request a change in the type of visa for foreign nationals and their families within three working days
- 5.2.8.4 The BOI will process an application to request a change in the type of visa for foreign nationals' family within three working days

5.2.9 Change in the Citizenship of Foreign Nationals and their Families

- 5.2.9.1 The BOI will process an application for a change in citizenship of foreign nationals and their families within three working days
- 5.2.9.2 The BOI will process an application for a change in citizenship of foreign nationals' families within three working days

5.2.10 Permission for a Foreign National to Perform Additional Duties in an Affiliated Company

- 5.2.10.1 The BOI will process an application to request permission for a foreign national to perform additional duties with an affiliated company within five working days

- 5.2.10.2 The BOI will process an application to request permission for a foreign national to perform additional duties (foreign chamber of commerce in Thailand) within three working days
- 5.2.10.3 The BOI will process an application for the cancellation of a foreign national's additional work duties within two working days
- 5.2.11 Extension of a Foreign National's Approved Position and Stay in the Kingdom**
 - 5.2.11.1 The BOI will process an application for the extension of a foreign national's approved position within five working days
 - 5.2.11.2 The BOI will process an application for the extension of foreign nationals and their families stay in Thailand within three working days
 - 5.2.11.3 The BOI will process an application for the extension of foreign nationals' families stay in Thailand within three working days
- 5.2.12 Permission for Foreign Nationals to Add or Change their Work Location**
 - 5.2.12.1 The BOI will process an application to request permission for foreign nationals to add their work location within three working days
 - 5.2.12.2 The BOI will process an application to request permission for foreign nationals to change their work location within three working days
 - 5.2.12.3 The BOI will process an application to cancel foreign nationals' added location of work within two working days
- 5.2.13 The BOI will process an application for permission of Foreign Nationals and Their Families to Bring Personal Belongings into the Kingdom within three working days**
- 5.2.14 Termination of Foreign National's Employment**
 - 5.2.14.1 The BOI will process an application notifying the termination of a foreign national's employment within one hour
 - 5.2.14.2 The BOI will process an application notifying the termination of a foreign national's family's stay within one hour
- 5.2.15 Notification of Foreign National's Name Change**
 - 5.2.15.1 The BOI will process an application notifying a change in either a first name or surname of foreign nationals and their families within three working days
 - 5.2.15.2 The BOI will process an application notifying a change in either a first name or surname of foreign nationals' family members within three working days
- 5.2.16 The BOI will process an application of an Amendment to a Company Name within one hour**
- 5.2.17 The BOI will process an application to Combine Promotion Certificates within one hour**
- 5.2.18 The BOI will process an application to Transfer a Promotion Certificate within one hour**
- 5.2.19 The BOI will process an application to Amend the Type of Promoted Activity within one hour**
- 5.2.20 Permission for Foreign Nationals and their Families to Use the Fast Track Lane**
 - 5.2.20.1 The BOI will process an application for Authorization of Fast Track Lane Use for Foreign Nationals and their Families (Out-In) within one hour
 - 5.2.20.2 The BOI will process an application for Authorization of Fast Track Lane Use for Foreign Nationals and their Families (In-Out) within three working days
 - 5.2.20.3 The BOI will process an application for Cancellation of Fast Track Lane Usage Permission (Out-In) within one hour
 - 5.2.20.4 The BOI will process an application for Cancellation of Fast Track Lane Usage Permission (In-Out) within one hour

Documents and Supporting Evidence that Applicants are Required to Submit for Consideration are as follows:

- 5.2.21 The First Approval or Extension of an Employment Period for the Position of Foreign Nationals**
 - 5.2.21.1 Company's organizational chart
 - 5.2.21.2 Technology transfer plan/result

- 5.2.21.3 Shareholder list
- 5.2.21.4 Annual financial statement
- 5.2.22 Cancellation of Positions Approved for Foreign Nationals (No documents required)**
- 5.2.23 Change of Employment Position for Foreign Nationals**
 - 5.2.23.1 A copy of the applicant's passport
 - 5.2.23.2 A copy of the applicant's educational qualifications
 - 5.2.23.3 A copy of the applicant's employment records
- 5.2.24 Adding job description/cancellation of job description**
 - 5.2.24.1 A copy of the applicant's passport
- 5.2.25 Appointment of Foreign Nationals in the Approved Position**
 - 5.2.25.1 JPEG or GIF photo of the applicant with a resolution not exceeding 160x240 pixels, file size not more than 2MB
 - 5.2.25.2 A copy of the applicant's passport
 - 5.2.25.3 A copy of the applicant's educational qualifications
 - 5.2.25.4 A copy of the applicant's employment records
 - 5.2.25.5 A copy of the applicant's permanent residence book (if any)
 - 5.2.25.6 Proof of a conclusion of the applicant's previous employment position (if any)
- 5.2.26 Permission to Bring in a Foreign National's Family**
 - 5.2.26.1 JPEG or GIF photo of the applicant with a resolution not exceeding 160x240 pixels, file size not more than 2MB
 - 5.2.26.2 A copy of the applicant's passport
 - 5.2.26.3 A copy of the document showing the applicant's family relations
- 5.2.27 Permission for a Foreign National and their Family to Enter the Kingdom (Pilot and Related Positions)**
 - 5.2.27.1 Pilot's license
 - 5.2.27.2 JPEG or GIF photo file of the applicant with a resolution not exceeding 160x240 pixels, file size not more than 2MB
 - 5.2.27.3 A copy of the applicant's passport
 - 5.2.27.4 Documents from related agencies
 - 5.2.27.5 A copy of the applicant's permanent residence book (if any)
 - 5.2.27.6 A copy of the applicant's educational qualifications
 - 5.2.27.7 A copy of the applicant's employment records
- 5.2.28 Permission for a Foreign National and their Family to Enter the Kingdom (Operator or Related Positions)**
 - 5.2.28.1 JPEG or GIF photo file of the applicant with a resolution not exceeding 160x240 pixels, file size not more than 2MB
 - 5.2.28.2 A copy of the applicant's passport
 - 5.2.28.3 A copy of the applicant's educational qualifications
 - 5.2.28.4 A copy of the applicant's employment records
 - 5.2.28.5 A copy of the applicant's permanent residence book (if any)
 - 5.2.28.6 Proof of the applicant's training
- 5.2.29 Permission for a Foreign National and Family to Continue their Stay in the Kingdom under Existing Rights**
 - 5.2.34.1 A copy of the applicant's passport
- 5.2.30 Urgent permission for a foreign national to work temporarily (30 days)**
 - 5.2.30.1 A copy of the applicant's passport
 - 5.2.30.2 A copy of the applicant's permanent residence book (if any)
- 5.2.31 Permission for a foreign national to work temporarily (not exceeding six months)**
 - 5.2.31.1 JPEG or GIF photo file of the applicant with a resolution not exceeding 160x240 pixels, file size not more than 2MB
 - 5.2.31.2 A copy of the applicant's passport
 - 5.2.31.3 A copy of the applicant's educational qualifications
 - 5.2.31.4 A copy of the applicant's employment records
 - 5.2.31.5 A copy of the applicant's permanent residence book (if any)

- 5.2.31.6 Proof of a conclusion of the applicant's previous employment position (if any)
- 5.2.32 Request for a Foreign National's Visa Stamp**
 - 5.2.32.1 A copy of the applicant's passport
- 5.2.33 Request for a Foreign National's Family's Visa Stamp**
 - 5.2.33.1 A copy of the applicant's passport
 - 5.2.33.2 A copy of a document showing family relations
- 5.2.34 Request for Visa Stamp / Change of Visa Stamp of Foreign Nationals**
 - 5.2.34.1 A copy of the applicant's passport
- 5.2.35 Request for Visa Stamp / Change of Visa Stamp of Foreign Nationals' Family**
 - 5.2.35.1 A copy of the applicant's passport
 - 5.2.35.2 A copy of the document showing the applicant's family relations
- 5.2.36 Notification of a Change in Citizenship of Foreign Nationals**
 - 5.2.36.1 A copy of the applicant's passport
- 5.2.37 Permission for a Foreign National to Perform Additional Duties in an Affiliated Company**
 - 5.2.37.1 A copy of the applicant's passport
 - 5.2.37.2 A copy of the applicant's permanent residence book (if any)
 - 5.2.37.3 A copy of shareholder list
 - 5.2.37.4 A copy of company registration certificate
- 5.2.38 Permission for a Foreign National to Perform Additional Duties (Foreign Chamber of Commerce in Thailand)**
 - 5.2.38.1 Foreign chamber of commerce's Meeting Report
 - 5.2.38.2 A copy of the foreign chamber of commerce's Permit
 - 5.2.38.3 A copy of the applicant's passport
- 5.2.39 Cancellation of a Foreign National's Additional Work**
 - 5.2.39.1 A copy of the applicant's passport
- 5.2.40 Extension for a Foreign National in an Approved Position and Their Family's Stay in the Kingdom**
 - 5.2.40.1 A copy of the applicant's passport
- 5.2.41 Permission for Foreign Nationals to Add or Change Their Work Location, Permission to Cancel Added Work Location**
 - 5.2.41.1 A copy of the applicant's passport
- 5.2.42 Permission for a Foreign National and Family to Bring Personal Belongings into the Kingdom**
 - 5.2.42.1 A copy of an Invoice or Packing List of imported personal belongings
 - 5.2.42.2 A copy of the applicant's passport
- 5.2.43 Notification of a Conclusion to a Foreign National's Employment and their Family's Right to Stay in the Kingdom**
 - 5.2.43.1 A copy of the applicant's passport
- 5.2.44 Notification of a Foreign National's Name Change**
 - 5.2.44.1 A copy of the applicant's passport (including the page with the new name or surname)
- 5.2.45 Notification of an Amendment to a Company Name (No documents required)**
- 5.2.46 Notification of a Combination or Transfer of Promotion Certificates (No documents required)**
- 5.2.47 Notification for Amending the Type of the Promoted Activity (No documents required)**
- 5.2.48 Permission for a Foreign National and their Family's Usage of the Fast Track Lane**
 - 5.2.48.1 A copy of the applicant's passport
- 5.2.49 Cancellation of Fast Track Lane Usage (No documents required)**

6. Exchange Control

The Exchange Control Act, B.E. 2485 (A.D. 1942), as amended, governs all matters involving foreign exchange. As a rule, all matters involving foreign currency are regulated by, and require the permission of, the Bank of Thailand. Since May 22, 1990, however, foreign exchange control has been considerably relaxed by the Bank of Thailand. At present, certain transactions in Thai Baht

or foreign currency can be performed virtually without restriction, and only a few require approval from the Bank of Thailand.

6.1 Currency Regulation

Non-residents

Thai emigrants who are permanent resident abroad or working abroad, foreigners temporarily staying in Thailand for not more than 3 months, foreign embassies, international organizations, including their staff with diplomatic privileges and immunities, may normally bring foreign currency and negotiable instruments into Thailand without limit. They may also freely take out of the country all foreign currency they had brought in, without limit. There is no restriction on the amount of Thai currency that can be brought into the country. A person traveling to Vietnam, the People's Republic of China (only Yunnan province) and Thailand's bordering countries is allowed to take out up to THB 2,000,000. Taking out Thai Baht bank notes in an amount exceeding THB 450,000 requires declaration to a Customs Officer. A person traveling to other countries is allowed up to THB 50,000.

Residents

There is no restriction on the amount of foreign currency a resident may bring into Thailand. However, all such currency must be sold to, or deposited into a foreign currency account with an authorized bank within 360 days of receipt or entry into the country.

Investors

There is no restriction on the amount of foreign currency transferred into Thailand for direct or portfolio investments. Such foreign currency, however, must be sold or deposited into a foreign currency account with an authorized bank, within 360 days from the date of receipt or entry into the country. Repatriation of investment funds and repayment of overseas loans, are freely permitted subject to submission of supporting document to an authorized bank.

Please note that any person who brings into or takes out of Thailand foreign currency bank notes or coins in an aggregate amount exceeding USD 20,000 or equivalent at market rate must declare such funds to Customs Officer. Furthermore, any transaction involving the sale, exchange, withdraw or deposit foreign currencies in an amount exceeding USD50,000 or its equivalent shall be reported to an authorized bank in a Foreign Exchange Transaction Form as prescribed by the Competent Officer.

7. Bank Accounts

A. Foreign Currency Accounts of Thai Residents

Thai residents are allowed to maintain foreign currency accounts with authorized banks, and deposit or withdraw funds from such accounts under the following conditions:

1. Deposit

- (1) Foreign currencies originating from abroad (foreign-source) can be deposited into foreign currency accounts without limit.
- (2) Foreign currencies purchased or borrowed from authorized banks (domestic-source) can be deposited into 2 types of foreign currency accounts:
 - (i) Foreign currency accounts with future obligations: deposits can be made in an amount not exceeding future obligations to pay in foreign currencies to entities abroad. Such obligations include loan repayment to authorized banks.
 - (ii) Foreign currency accounts without future obligations: the total outstanding balance shall not exceed USD 5 million for both a natural person and a juristic person.
- (3) Deposit of foreign currency notes and coins must not exceed USD 10,000 per person per day.

2. Withdrawal

- (1) For payment to entities abroad of the account holder's own obligations or its subsidiaries' obligations.
- (2) For payment to authorized banks of the account holder's own foreign currency liabilities or its subsidiaries' foreign currency liabilities.
- (3) For deposit into another foreign currency account of the same account holder.
- (4) For conversion into another foreign currency, prior to depositing into another foreign currency account of the same account holder, or for payment to an entity abroad, or for payment of liabilities to an authorized bank.
- (5) For conversion into Baht.

Thai companies having export proceeds in foreign currency from overseas are allowed to transfer funds from their foreign-source foreign currency accounts to deposit into foreign currency accounts of their counterparties in Thailand for payment of goods or services.

B. Foreign Currency Account of Nonresidents

Nonresidents may maintain foreign currency accounts with authorized banks in Thailand without limit. The accounts can be freely credited with funds originating from abroad. Payments from Thai residents or borrowing from authorized banks can be deposited subject to supporting evidences. Balances on such accounts may be freely withdrawn.

C. Nonresident Baht Account

Nonresidents may open Thai Baht accounts with authorized banks in Thailand as follows:

- (1) Non-resident Baht Account for Securities (NRBS): The account may be debited or credited for the purpose of investment in securities and other financial instruments such as equity instruments, debt instruments, unit trusts, derivatives transactions traded on the Thailand Futures Exchange and the Agricultural Futures Exchange of Thailand.
- (2) Non-resident Baht Account (NRBA): The account may be debited or credited for general purposes (i.e. other than investment in securities) such as trade, services, foreign direct investment, investment in immovable assets, and loans.

The total daily outstanding balances for each type of account shall not exceed THB 300 million per nonresident. Transfers between different types of accounts are not allowed.

8. Trading

A. Export

Export proceeds in an amount equivalent to USD 50,000 or above shall be repatriated immediately after payment is received and within 360 days from the export date. The proceeds must be sold to or deposited in a foreign currency account with an authorized bank in Thailand within 360 days of receipt.

B. Imports

Importers may purchase or withdraw foreign currencies from their own foreign currency accounts for import payments upon submission of supporting documents. Letters of credits may also be opened without authorization bank. Travelling expenses are also freely permitted on submission of supporting evidence.

C. Services

All proceeds from services in an amount equivalent to USD 50,000 or above shall be repatriated immediately after payment is received and within 360 days from the transaction date. The proceeds must be sold to or deposited in a foreign currency account with an authorized bank in Thailand within 360 days of receipt.

Outward remittances of amounts properly due to nonresidents are permitted for items of a non-capital nature such as service fees, interest, dividends, profits, or royalties provided that supporting documents are submitted to an authorized bank. Traveling expenses or educational expenses of residents are also freely permitted upon submission of supporting documents.

Source: Bank of Thailand, as of July 2017.

9. Stock Exchange of Thailand

The Stock Exchange of Thailand (SET) is Thailand's primary stock exchange. It was established in 1974 and is supervised by a Board of Governors. The Board consists of 11 Governors, with 5 appointed by the Securities and Exchange Commission (SEC), 5 elected by the SET member companies, and a full time president, who is appointed by the Board of Governors and serves as an ex-officio Board member.

The SET considers applications from companies requesting listing on the Exchange, including ensuring applicants meet requirements as well as submit the correct documentation. It has also established information disclosure requirements for listed companies and monitors all trading activities involving listed securities. The Exchange's regulations strictly prohibit insider trading and price manipulation of listed securities.

Net clearing and book entry settlement are services handled by the Thailand Securities Depository Co., Ltd. (TSD), a subsidiary of the SET. The SET lists a wide range of equity and debt instruments. Listed securities include ordinary shares, preferred shares, bonds and debentures, warrants, covered warrants, derivative warrants and unit trusts.

More information is available through the SET website www.set.or.th.

9.1 SET Members

Currently, the SET has 39 member companies. Member companies must be securities companies permitted by the Ministry of Finance to conduct securities business in the category of securities brokerage.

9.2 SET Listed Companies

All listed companies are publicly limited firms. Becoming a listed company not only allows a firm to gain access to development capital, but also allows shareholders to benefit from investment liquidity and enjoy dividend income as a result of revenue or profit growth at the companies they invest in.

9.3 Foreign Shareholding Limits

On 3 March 2000 the Foreign Business Act B.E. 2542 (1999) came into effect to relax foreign ownership limits in certain industries, including securities industries. As a result, a securities company with foreign investors holding up to 100% share holding may engage in the security brokerage business without any restrictions. However, if the securities company operates any other type of securities business, such as dealing, underwriting, investment advisory services, mutual fund or private fund management and securities lending and borrowing, such company must seek approval from the Director-General of Commercial Registration Department, Ministry of Commerce.

9.4 The Securities and Exchange Commission (SEC)

The SEC was established on the promulgation of the Securities and Exchange Act B.E. 2535 in 1992 with the objective of developing and supervising the Thai capital market in a fair,

efficient and transparent manner. This includes the primary market, the secondary market, securities businesses, market participants and the prevention of unfair securities trading practices. Further information about the SEC is available on its website at www.sec.or.th

Source: Stock Exchange of Thailand, as of July 2017.

10. Land Ownership

In general, non-Thai businesses and citizens are not permitted to own land in Thailand unless the land is on government-approved industrial estates. However, companies that are more than 50% Thai-owned may legally own land. An exception to the rule relates to projects approved by the Board of Investment. A promoted company with 50% or more of its shares held by foreigners may apply for land ownership by submitting the appropriate forms to the Office of the Board of Investment (OBOI). Once the land acquisition is approved, the OBOI will send a letter of approval to the applicant and will notify the Department of Land or the provincial governor.

In addition to projects approved by the Board of Investment, petroleum concessionaires may own land necessary for their activities. Under the 1999 amendment to the Land Code, foreigners who invest a minimum of 40 million Baht are permitted to buy up to 1,600 square meters of land for residential use, with the permission of the Ministry of Interior. An investor has to maintain the investment at least 3 years.

Foreigners are also permitted to own buildings on land that is leased, because there are no restrictions on building ownership. Foreigners can, thus, lease land and build on it and are permitted to own the structure. Foreign individuals and foreign companies are allowed to hold title to condominium units in buildings that qualify. The rule is that foreigners may own no more than 49% of the total units in the building at any one time. If the proposed transfer would cause the building to exceed 49% foreign ownership it would violate the above rule, and the official would reject the transfer.

Although Thailand does not yet have a requirement for an escrow account to protect the interests of the purchaser of properties, an escrow account may be voluntarily entered into by the contracting parties under the Escrow Act of May 21, 2008. Only commercial banks and finance companies under the law governing financial institutional business, and banks established under a specific law may operate as escrow agents. By placing the agreement deposits into escrow accounts, the purchaser can decrease risks. A new Condominium Act significantly protects the interest of the buyers.

*Source: Office of the Council of State, as of July 2017.
Land Code Act B.E.2479 (1936), as of July 2017.*



CHAPTER 6

LABOR ISSUES AND IMPORTANT ADDRESSES

Chapter 6: Labor Issues & Important Addresses

1. Labor Regulations

Employment legislation has a direct bearing on labor practices for each type of business. Investors should seek appropriate advice to determine which legislation applies to their line of business.

1.1 Labor Protection

Workers in Thailand are protected by the Labor Protection Act B.E. 2541 (1998), the Labor Protection Act B.E. 2551 (2008), the Labor Relations Act (No. 2) B.E. 2518 (1975), and other related laws. These laws apply to all businesses with at least one employee. Employers who disregard these laws are subject to heavy fines and possible imprisonment of up to one year. It should be noted that domestic workers (household staff) are not included in the definition of “employee” and are not covered by the Labor Act. All other employees, whether full or part time, seasonal, casual, occasional or contract, are covered.

Important protections contained in the law are:

Work Hours and Holidays: The maximum number of hours for non-hazardous work is 8 hours a day, but not exceeding 48 hours per week. Where the working hours of any day are less than 8 hours, the employer and employee may agree to make up the remaining working hours in other normal working days, but not exceed 9 hours per day and the total working hours per week shall not exceed 48 hours. In some types of work as stipulated by law, the employer and the employee may agree to arrange the period of working hours, but it still must not exceed 48 hours a week. Hazardous work may not exceed 7 hours a day, or 42 hours per week. The employees are entitled to no fewer than 13 national holidays per year, as well as a minimum of six days of annual vacation after working consecutively for one full year. The employees have the choice of whether they wish to work overtime or on holidays. A female employee is entitled to maternity leave for a period of 90 days including holidays, but paid leave shall not exceed 45 days.

All employees are entitled to a daily rest period of at least one hour after working five consecutive hours. The employer and the employee may arrange the daily rest period to be shorter than one hour at each time, but it must not be less than one hour a day in total. A weekly holiday of at least one day per week at intervals of a six-day period must be arranged by the employer.

For work performed in excess of the maximum number or working hours fixed either by law or by specific agreement (if the latter is lower), the employees must be paid overtime compensation. The rates for overtime vary and range from 1-1/2 times to 3 times the normal hourly wage rate for the actual overtime worked. The maximum number of overtime working hours is limited to not more than 36 hours a week.

The minimum age for employment is 15 years, and the workers below the age of 18 are banned from dangerous and hazardous jobs. They are also prohibited from working overtime, on holidays, or between the hours of 10 p.m. and 6 a.m. A pregnant employee is also prohibited from working overtime, on holidays, or between the hours of 10 p.m. and 6 a.m. However, if she works in an executive position, or performs academic, administrative, and/or work relating to finance or accounts, the employer may assign her to work overtime on a working day with her consent insofar as it does not affect the health of the pregnant employee.

- **Sick Leave:** Employees can take as many days of sick leave as necessary, but the employer is required to pay wages in respect of a day of sick leave for not exceeding 30 working days per annum. The employer may require the employee to produce a certificate from a qualified doctor for a sick leave of three days or more.

- **Severance Pay:** Employees who have worked for at least 120 days but less than one year are entitled to 30 days severance pay. For personnel employed between 1-3 years, the severance pay is not less than 90 days' pay. The employees with 3-6 years of service will receive 180 days' pay, those with more than 6 -10 years' service will receive 240 days' pay, and employees with more than 10 years' service will receive 300 days' pay
- **Termination of Employment:** Conditions for termination of employment are laid out in the Act, and a code governs unfair practices and unfair dismissals, which often are the result of the failure to follow correct legal procedures. If an employment contract does not specify any duration, either party can terminate the contract by giving notice at or before any time of payment, which will be effective in the next pay period.
- **Employee Welfare Fund:** For companies with at least 10 employees that do not have a provident fund, an Employee Welfare Fund will be established to compensate the employees who resign, are laid off, or die in service. Both employers and employees will be required to contribute to this fund.

In addition to these provisions, there are restrictions on the kind of work that women and children can perform. Guidelines are set for wages and overtime, as well as resolution of labor-management disputes. The employers are required to pay workers compensation if an employee suffers injury, sickness or death in the course of work. Thai law also requires employers to provide welfare facilities, including medical and sanitary facilities.

1.1.1 Workmen's Compensation

The Workmen's Compensation Act of 1994 prescribes that an employer must provide the necessary compensation benefits for employees who suffer injury or illness or who die as a result or in the performance of their work at the rates prescribed by law. The compensation benefits can be grouped into 4 categories: the compensation amount, the medical expenses, the work rehabilitation expenses, and the funeral expenses.

The payment of compensation benefits is made in accordance with the criteria and rates prescribed by law depending on the seriousness of the case. In general, the compensation amount must be paid monthly at the rate of 60% of the monthly wages of the employee subject to minimum rate and maximum rate prescribed by the Announcement of the Ministry of Labor and Social Security Welfare.

Actual and necessary medical expenses must be paid but not exceeding 50,000 Baht for normal cases and 100,000 Baht for serious injury. The work rehabilitation expenses must be paid as necessary according to the criteria procedures and rates prescribed by law but not exceeding 20,000 Baht. In the case of death, the funeral expenses will be paid at a maximum amount equal to 100 times of the minimum daily wage rate prescribed by law.

1.1.2 Social Security

The Social Security Act of 1990, amended in 1999 requires that all employers withhold social security contributions from the monthly wages of each employee. The prescribed rate is currently 5% for the first 15,000 Baht of salary. The employer is required to match the contribution from the employee. Both contributions must be remitted to the Social Security Office within the 15th day of the following month.

The employees with social security registration may file claims for compensation in case of injury, illness, disability or death that is not due to the performance of their work, and for cases of child delivery, child welfare, old age pension and unemployment.

1.1.3 Ceasing Operations Temporarily

When employers adopt this measure in Thailand, they can pay wages at a 75% reduced rate to the affected employees. Lacking understanding of the law can result in court proceedings and the risk of a court order revoking the measure of “temporary cessation of operations.”

For the conditions on adopting this measure, consult Section 75 of the Labor Protection Act. Furthermore, situations arising from events deemed to be a “force majeure”, which result in the employer not being able to operate at all, may enable the employer to withhold all wages from employees.

1.1.4 Termination of Employment

If an employment contract does not specify any duration, either party can terminate the contract by giving notice at or before any time of payment to take effect in the next pay period, but not required to issue a notice in advance for more than three months. However, there are some reasons which the employee can be dismissed without prior notice and compensation from the employer as follows:

- (a) The employee willfully disobeys or habitually neglects the lawful commands of his employer;
- (b) The employee absents himself from service;
- (c) The employee is guilty of gross misconduct;
- (d) The employee acts in a manner incompatible with the due and faithful discharge of his duty.

In addition to the above, the employer is not required to pay severance pay to the employee whose employment is terminated by the employer for any of the following reasons;

- (a) The employee has dishonestly carried out in his/her duties or committed an intentional criminal act against the employer;
- (b) The employee has intentionally caused damage to the employer;
- (c) The employee has gross negligently performed an act which results in severe loss to the employer;
- (d) The employee has violated the employer’s work regulations, rules or orders which are both lawful and equitable subsequent to a written warning (no warning is required for serious violations);
- (e) The employee has abandoned his/her duties for three consecutive days without reasonable cause;
- (f) The employee has been imprisoned by a final judgment of a court.

One of the grounds for dismissal with cause under the Labour Protection Act is repeated violation of work rules as stated in item (d) above, for which a previous letter of warning has been issued for the particular act. The letter will be effective for a period of 1 year from the date on which the employee commits the violation, not from when the letter was written. However, in case of a serious violation, a written warning notice is not required.

Requirements for Warning Letter: Section 119 (4) of the Labour Protection Act provides for the dismissal for serious cause of an employee who has committed a repeat violation of an offence for which a written warning has already been given, but does not give guidance for the form requirements for the warning letter itself. Based on previous decisions of the Supreme Court¹, it is evident that:

1. Prior to issuing the warning letter, the employer should first consider the work rules. If they contain a disciplinary procedure consisting of several stages which have to be followed step by step, the employer must follow each step.
2. The warning letter must contain:
 - (a) Date of issuance of the warning letter;
 - (b) Name and position of the employee;
 - (c) A description of the behavior of the employee that constitutes a violation of the work rules;
 - (d) A reference to the work rules which the employee has violated;
 - (e) A statement that if the employee commits the same violation of the work rules again, the employer will punish the employee pursuant to the procedure in the work rules.

Further, the employer should ask the employee to sign the warning letter as an acknowledgement. The employer can read the letter to the employee, and ask two witnesses to sign the letter to confirm it has been read and that the employee refuses to sign. A letter from the employee acknowledging violations does not constitute a warning letter.

If the employee is a member of an Employee Committee formed in accordance with the Labour Relations Act, the employer may not discipline the employee, including by issuing a warning letter, even where there has been a determination of guilt. The employer must submit a petition to the Labour Court seeking an order approving the discipline of the employee. If approved, the employer may then proceed as described above.

In the event that the employer relocates its place of business in a way that essentially affects the normal living of an employee, the employer must notify the employee of the relocation at least 30 days in advance or pay an amount in lieu of the advance warning of 30 days' wages. If the employee refuses to move and work in the new location, the employee has the right to terminate the employment contract within 30 days as from the date of being informed by the employer or the date of relocation, as the case may be. In this regard, the employee is entitled to receive a special severance pay at the rate of not less than the rate of severance pay.

In the event the employer terminates an employment as a consequence of streamlining the work units, production process and distribution service, due to an introduction or change of machinery or technology that reduces the required number of employees, the employer must notify the Labor Inspector and the employee concerned at least 60 days in advance of the date of termination or pay an amount in lieu of an advance notice, that is equal to 60 days' wages to the employee. Moreover, the terminated employee will be entitled to the prescribed severance pay. In addition to that, if the terminated employee has worked consecutively for more than 6 years, the employee would be entitled to an additional special severance pay at the rate of not less than 15 days' wages for each full year of service, calculated from the start of year seven onwards. However, the total amount of this additional special severance pay is limited to the equivalent of 360 days' wages.

1.1.5 2017 Minimum Daily Wage

No.	Number of Provinces	Minimum Wage (Baht/Day)	Area
1	8	300	Chumporn, Trang, Nakhonsithamarat, Narathiwat, Pattani, Yala, Ranong, Sing Buri
2	49	305	Kanchanaburi, Kalasin, Kamphaengphet, Chantaburi, Chainat, Chaiyaphum, Chiang Rai, Trat, Nakhonnayok, Nan, Buengkan, Buriram, Prachuapkhirikhan, Phayao, Phatthalung, Phichit, Phitsanulok, Petchburi, Phetchabun, Phrae, Mahasarakham, Mukdahan, Mae Hong Son, Yasothon, Roiet, Ratchaburi, Lopburi, Lampang, Lamphoon, Loei, Sisaket, Sakonnakon, Satun, Samutsongkhram, Sakaeo, Sukhothai, Suphan Buri, Surin, Nongkhai, Nongbualamphu, Angthong, Amnatcharoen, Udonthani, Uttaradit, Uthaitani and Ubonratchathani
3	13	308	Krabi, Khon Kaen, Chachoengsao, Chonburi, Chiangmai, Nakhonratchasima, Prachinburi, Ayutthaya, Phangnga, Rayong, Songkhla, Saraburi and Suratthani
4	7	310	Bangkok, Nakhonpathom, Nonthaburi, Pathumthani, Phuket, Samutprakan and Samutsakhon

Note: Cabinet approved the wage board announced on Minimum Wage (No. 8) on November 22, 2016 with effective from 1 January 2017 onwards.

1.2 Legal Implications of Labor Management

In general, Thai labor laws provide for considerable freedom in managing labor. In many countries, it is not legal to discriminate on the basis of age or sex. Perusal of personnel ads in Thai newspapers finds the employers narrowly defining their needs: "The successful candidate will be male, less than 35 years of age, not a member of a labor union, and at least 150 cm in height, etc."

Further, the government does not interfere with a company's retrenchment policies when economic conditions necessitate cutbacks. There is no "first in, last out" requirement in Thailand. Similarly, Thai employers have the right to transfer employees to other work locations, provided the transfer is not ordered with the exclusive intent to create hardship on them. Refusal to transfer is legal cause for dismissal.

1.2.1 Employee records

An employer with 10 or more regular employees is required to establish written rules and regulations in Thai language governing work performance. The regulations must be displayed on the work premises within 15 days of the date from which the number of employees reached 10 or more. A copy of these rules and regulations must be submitted to the Department of Labor within seven days of the date that the employer announces or displays the working regulations. An employer with 10 or more regular employees is also required to maintain an employee register in Thai language with documents pertaining to the payment of wages, overtime, holiday work, etc. The employee register must be maintained for at least two years after the date of termination of employment of each employee, together with the supporting source documents.

In addition to the above, they said employer is required to submit a report form on conditions of employment and working conditions to the Director-General or a person entrusted by Director-General within every January.

1.3 Tips on Recruiting and Developing Staff

The ability of a company to attract and retain staff is considerably enhanced by tailoring compensation packages to meet individual employee needs. Increasingly, factors such as work environment, organizational policies, relationships with superiors, and career path influence decisions whether to join, or remain with, a company. In a challenging living environment such as Bangkok, these “quality of life” issues take on even more importance.

Organizing training programs to upgrade skills helps to motivate staff and demonstrates a company’s commitment to its employees. Admission to such programs can be seen both as a reward for good performance and as part of the total compensation package.

In addition, many employers find there is benefit to holding “teambuilding” exercises outside the workplace, typically at a resort outside of Bangkok. Some companies combine this with merit-making, with the company and its employees joining hands to make a charitable donation to a temple or needy school, providing goods (clothing, blankets, rice, water tanks or water filtration systems, etc.) to make life more comfortable for villagers in remote areas of Thailand, or using their technical skill to help build or repair items in local communities.

1.4 Skills Development Act, B.E. 2545 (A.D. 2002)

In 2002, the Thai government enacted a Skills Development Act that encourages business operators or employers to play a vital role in upgrading the skills and knowledge of the workforce by granting tax deduction of up to 200 percent of the training cost that occurred at the workplace. The idea was to stimulate the private sector and establishments to set up and register with the DSD as training providers for workplace learning.

The Skill Development Promotion Act, thus, encourages workplaces to establish themselves as training providers and conduct skill development in the workplace by giving incentives stipulated by the Minister under Section 7 with following privileges:

- (1) Income tax exemption on the percentage of training expenses
- (2) Assistance granted by the Department of Skill Development in providing the training of training personnel, skill standard testing provider, supervisors and others as well as on curriculum and equipment Development
- (3) Consultation service from Department of Skill Development on skill development activities
- (4) Other privileges indicated in Ministerial Regulations
- (5) Exemption on import duty and value added tax (VAT) for tools and machinery brought into the kingdom for training purpose
- (6) Deduction on utility charges for electricity and pipe water bills in the amount of two times of the training expenses

Under the Act, it is compulsory for establishments with at least 100 employees to provide training for the employees at the rate of 50 percent of the total number of employees, if not the employer has to make a contribution to the Skill Development Fund of approximately 480 Baht per head per year for the number of untrained employees. Furthermore, the establishments again other benefit under this Act such as exemption tax of the training machines, bringing experts or trainers to train their workers, free of charge of water and electric fees.

*For further information about the Act, an English-language version of the file can be downloaded at: www.boi.go.th
Source: Department of Skill Development, Ministry of Labor, as of July 2017.*

1.5 Recruiting Technically-skilled Manpower

There are 2 main English language daily newspapers that contain significant numbers of advertisements, both in English and in Thai. Both the Bangkok Post and The Nation boast circulation figures of close to 60,000 copies per day, and advertising rates of the two newspapers are similar. In addition to reaching prospective employees through the print editions of these newspapers, it should be noted that the newspapers have classified advertisements on their on-line home pages.

In addition, the Department of Employment, Ministry of Labor and Social Welfare, has a web site listing both job fairs and employment opportunities. It can be found at: www.doe.go.th.

Numerous domestic and international personnel recruitment services operate in Bangkok. In addition to securing personnel, these companies offer services such as advice on issues of organizational structure, labor relations, and the cultural implications of managing labor in Thailand.

Developing contacts with educational institutes to identify and court potential candidates as early as possible is also recommended. For firms with ongoing labor needs, establishing a network of contacts can be especially valuable.

In addition to tailoring compensation packages to individual need and emphasizing long-term and organizational benefits, high-end technical employees, such as scientists and engineers, need to be given work commensurate with their skills. By allowing them greater challenges, and less narrowly defining their role so that it may include responsibilities in systems design and possibly management, technical personnel become more productive and are more likely to view themselves as integral to the company as a whole.

Concrete, long-term benefits are an effective retention tool. Long-term benefits motivate personnel to work through problems and to identify self-interest with company interest. Committing resources to long-term benefits also insures that companies realize increased production levels from staff as they gain experience.

Source: Office of the Council of State, as of July 2017.

1.6 Regulations on Employment of People with Disabilities

In accordance with sections 33, 34 and 45 of the Persons with Disabilities Empowerment Act, B.E. 2550 (2007) and its amended version (No.2), B.E. 2556 (2013), the Ministerial Regulation of the National Office for Empowerment of Persons with Disabilities dated April 26, 2011, has placed a positive obligation on employers to hire disabled employees in their workplace. The new regulations require employers to hire one disabled employee for every 100 employees.

- The number of employees is determined as at 1 October each year.
- The disabled employees must be hired by 31 January the following year.
- After the first 100 employees, the hiring obligation is triggered by every 50 employees thereafter. (For example, an employer with 100 employees would be required to hire one disabled employee and an employer with 150 employees would be required to hire two disabled employees).
- Employers who fail to hire the required number of disabled employees will have to pay the Fund for Empowerment of Persons with Disabilities no later than 31 January, in an amount equal to the statutory minimum daily wage multiplied by 365 days for each disabled employee who is not hired.

Source: Office of the Council of State, as of July 2017.



CHAPTER 7

FREQUENTLY ASKED QUESTIONS

Chapter 7: Frequently Asked Questions

1. Why is Thailand a good destination for foreign direct investment (FDI)?

The investment environment is one of the most enabling in the region. Successive administrations have been committed to letting the private sector be the driver while government plays a supporting role. This remains the cornerstone of Thai policy.

The country's well-defined investment policies focus on liberalization and encourage free trade. Foreign investments, especially those that contribute to the development of skills, technology and innovation are actively promoted by the government. Thailand consistently ranks among the most attractive investment locations in international surveys. The World Bank's Ease of Doing Business 2017 report ranked Thailand as the 46th easiest country (of 190 countries worldwide) in which to do business. Rated in the global top 50 for many years, Thailand's current position on the Doing Business list is considered to be higher than most of the ASEAN countries.

In addition, sustained emphasis on macroeconomic stability and policies of liberalization, privatization, and decentralization have created an environment in which the private sector has been able to flourish and grow. Indeed, while there are several government agencies that support and facilitate the efforts of investors, Thailand's main lure is the freedom that enables entrepreneurs to seize opportunities.

The Thai government has established resources to support and assist investors. Through the Board of Investment (BOI), the government offers a range of tax incentives support services and import duty concessions to an extensive list of businesses that are regarded as priority or promoted industries. In addition, companies promoted by the Board of Investment receive permission to bring in foreign workers, own land and take or remit foreign currency abroad. Additionally, foreign businesses in the manufacturing sector are entitled to 100% ownership. Other government organizations, like the Department of International Trade Promotion and international chambers of commerce, provide invaluable support.

The country's well-defined investment policies focus on liberalization and encourage free trade. Foreign investments, especially those that aim to promote skills enhancement, technology and innovation are highly encouraged by the government.

Thailand has over 68 million people and abundant natural resources and a large pool of cost-effective labor that can make products competitive in the global marketplace that characterizes the 21st century. It has a good infrastructure for foreign investors, with modern transport facilities, as well as upgraded communications and IT networks, ensure optimum business and living conditions. State-of-the-art industrial estates boast sophisticated facilities and superior services.

In addition, Thailand enjoys a strategic location right at the heart of Asia – home to what is regarded today as the largest growing economic market. It serves as a gateway to Southeast Asia and the Greater Mekong sub-region, where newly emerging markets offer great business potential. Thailand has long supported economic integration with neighboring countries and has encouraged the development of free trade in the region. With the advent of the ASEAN Economic Community (AEC) in 2016, regional integration has attained a new level, as the AEC has created a single market and production base that is highly competitive and aims to fully integrate into the global community.

2. What incentives does Thailand offer to facilitate foreign business establishment?

To attract foreign investment, the BOI offers a wide range of fiscal and non-tax incentives. To reduce risks, the BOI offers guarantees against nationalization or competition from new state enterprises. It also grants permission to bring in foreign nationals to perform investment feasibility studies or to work under promoted projects, and grants permission for foreign entities to own land for carrying out promoted activities or for residences of workers and management.

To help reduce the initial investment costs and improve the overall rate of return, the BOI offers an attractive range of tax incentives, including exemption or reduction of import duties on imported machinery, exemption or reduction of import duty on imported materials and components, and a corporate income tax holiday of up to eight years, etc.

The BOI also offers investors a wide range of services, before, during and after the application process. For example, BOI can help find joint venture partners, promotes industrial sub-contracting, offers business facilitation services to help resolve issues involving other government agencies, and operates a One-Stop Service Center for Visas and Work Permits, which enables investors to obtain long-term visas and work permits in three hours or less as well as the One Stop One Stop Investment Center (OSOS), which facilitates investment by providing information and consultancy related to doing business in Thailand on topics such as science and innovation, source of funds, banking and financing.

More information about the incentives offered by the Board of Investment can be found in A Guide to the BOI, which is available through the BOI website: www.boi.go.th

3. What are the estimated monthly overhead costs and other business expenses for foreign companies in Thailand?

There is no simple formula for calculating this as there are numerous variables, such as size of business, type of activity, industrial or service sector, percentage of expatriate staff, industry, etc. However, to assist foreign companies, the Board of Investment annually publishes a Costs of Doing Business in Thailand report.

4. What are Thailand's major business associations?

There are numerous business organizations, including the Federation of Thai Industries, the Thai Chamber of Commerce, the Board of Trade and foreign chambers of commerce. In addition, there are a large number of industry specific organizations. Chapter 6 of this guide contains contact information for many of the major business organizations.

5. Where can I obtain the schedule of trade exhibitions and trade fairs in Thailand?

There are many major trade fairs held in Thailand each year. The website www.thaitradefair.com lists many of them, complete with application forms for exhibitors.

6. Where can I find contact details of freight forwarders, shipping companies, trading companies and buying agents in Thailand?

There are many ways to obtain information about these service providers. The Department of Export Promotion (DEP) (www.thaitrade.com) is an excellent source of information. For example, it publishes an online exporter's directory that provides a platform through which buyers can obtain information about more than 10,000 exporters, including trading companies.

For freight forwarding and shipping, there are also good resources available through the Internet. The website (www.tiffathai.org) of the Thai International Freight Forwarders Association (TIFFA) contains a list of freight forwarders and shippers and provides details about each of its member companies. The Thai Airfreight Forwarders Association website (www.tafathai.org) also provides detailed information about its members.

Other good resources for contact information would be the websites of the Federation of Thai Industries (www.fti.or.th), as well as the Board of Trade, foreign embassies and foreign chambers of commerce in Thailand.

7. Where can I obtain a list of Thai importers and exporters, with contact information?

An extensive list of exporters can be found in directories published by both the Federation of Thai Industries and Thai Chamber of Commerce.

8. Where can I get the latest list of import tariffs, customs duties and excise tax rates for all product categories from each country?

Information on import tariffs/customs duties are available from the Customs Department (www.customs.go.th), while information pertaining to excise tax can be obtained from the Excise Department (www.excise.go.th).

9. Who can help resolve trade disputes with Thai companies in the case breach of a trading contract or export of defective products?

Thailand has a civil and commercial code, including a Bankruptcy Act. Monetary judgments are calculated at the market exchange rate. Decisions of foreign courts are not accepted or enforceable in Thai courts. Disputes such as the enforcement of property or contract rights have generally been resolved through the Thai courts. Thailand has an independent judiciary that generally is effective in enforcing property and contractual rights.

In addition, companies may establish their own arbitration agreements. Thailand signed the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States in 1985, but has not yet ratified the Convention. Thailand is a member of the New York Convention, however, and enacted its own rules on conciliation and arbitration in the Arbitration Act of 2002. The Arbitration Office of the Ministry of Justice administers these procedures.

10. How do I obtain contact information for specialized associations in each area of professions, such as doctors, lawyers, architects, engineers, bankers, consultants, real estate brokers, etc.?

Contact information for the Lawyers Council of Thailand, Thai Bankers' Association, and the Association of International Banks can be found in Chapter 6. Foreign embassies and chambers of commerce in Thailand can recommend consultants, real estate brokers, etc.

11. Where can I find a list of law firms that specialize in the establishment of foreign businesses?

The Lawyers Council of Thailand can provide a list on request. They can be contacted at www.lawyerscouncil.or.th.

12. What are the modes of transportation for shipping imported commodities to upcountry locations? What are the costs?

Goods can be shipped by rail or road. Examples of costs for each can be found in the BOI publication Cost of Doing Business in Thailand.

13. What are the rules and regulations relating to the transportation of commodities across the Thai border to neighboring countries?

The Thai Customs Department operates a Customs Call Center at Tel. 1164 and a Customs Clinic at Tel. 02-667- 7880-4.

They can be reached by fax at 02-667- 7885 or by email at customs_clinic@customs.go.th. In addition, you can visit their website at <http://www.customs.go.th/> for information about export formalities.

14. Where can I obtain a list of all Thai hotels?

Two good sources of information would be the Thai Hotel Association (www.thaihotels.org) and the Tourism Authority of Thailand (www.tourismthailand.org).

Yes.

Eligibility

- A foreign national has been permitted to stay in the Kingdom for a total of at least 3 years up until the date of application.
- A foreign national must be able to speak and understand Thai language.
- Foreign national who is at least 14 years old is subject to criminal record check according to the following process;
 - 1.2.1 Fingerprint along with identity information of the applicant will be forwarded to the Criminal Record Division, Royal Thai Police for investigation to find whether the applicant has criminal record or not.
 - 1.2.2 The criminal record certifying letter handed - in by the applicant will be examined.
 - 1.2.3 Investigation through a watch list system of the Immigration Bureau will be made to determine whether the applicant is a prohibited person (persona non grata) according to the Immigration Act B.E. 2522 or not.
 - 1.2.4 Investigation will be made through the Foreign Affairs Division, Royal Thai Police to determine whether the applicant is a wanted person according to the warrants issued by the ICPO-Interpol or not.
- Purposes of stay in Thailand of a foreign national are for a business or employment purpose; investment purpose; experts or academician purpose; supporting a family who are Thai citizens; being dependent of a husband or father who is a Thai citizen; being accompanied by a husband, father, or son/daughter who already has a residence permit; and retirement (aged 60 years old or over and net monthly income no less than 30,000 Baht)
- Foreign investors must invest in a private/public company, government bonds or state enterprise bonds, securities and other investments in accordance with the specification of the Immigration Commission for the sum of not less than 10 million Baht.
- A foreign national whose purpose is work can apply for the residence permit if he has a valid work permit for 3 years at the date of application and work for a company by submitting an application not less than 1 year at the date of application. Additionally, he has either earned monthly income of not less than 80,000 Baht for last 2 years or has paid personal tax of at least 100,000 Baht for the last two years at the date of application.

16. If a foreigner wishes to drive in Thailand, can he use a driver's license from his home country?

In general, foreign driving licenses are not recognized in Thailand. However, international driving licenses are recognized and legal for up to 12 months. A foreigner wishing to drive in Thailand may wish to obtain a Thai driving license, which is relatively easy to obtain. The relevant agency is the Department of Land Transport.



ANNEX

ANNEX

IMPORTANT ADDRESSES

INTERNATIONAL ORGANIZATIONS

ASIAN DEVELOPMENT BANK (ADB), THAILAND RESIDENT MISSION

23F, The Offices at Central World,
999/9 Rama 1 Road, Wangmai,
Pathumwan, Bangkok 10330
Tel: +66 (0) 2263-5300
Fax: +66 (0) 2263-5301 to 2
Website: www.adb.org/TRM
Email: adbtrm@adb.org

SCHOOL OF ENVIRONMENT, RESOURCES & DEVELOPMENT (SERD)

Asian Institute of Technology (AIT)
58 Moo 9, Paholyothin Highway,
Klong Luang, Pathumthani 12120
Tel: +66 (0) 2524-6070
Fax: +66 (0) 2524-6071
Website: www.serd.ait.ac.th,
www.serd.ait.asia
Email: deanserd@ait.asia

DELEGATION OF THE EUROPEAN UNION TO THAILAND

Athenee Tower, 10F, 63 Wireless Road,
Bangkok 10330
Tel: +66 (0) 2305-2600
Fax: +66 (0) 2255-9113,
+66 (0) 2305-2799
Website: www.eeas.europa.eu
Email: delegation-thailand@eeas.europa.eu

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (IBRD)

The World Bank Office, Bangkok
30F, Siam Tower, 989 Rama 1 Road,
Pathumwan, Bangkok 10330
Tel: +66 (0) 2686-8300
Website: www.worldbank.org/en/country/thailand
Email: bsangarun@worldbank.org

UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)

12F, United Nations Building,
Rajdamnern Nok Avenue, Bangkok 10200
Tel: +66 (0) 2304-9100
Fax: +66 (0) 2280-4294
Website: www.th.undp.org
Email: info.thailand@undp.org

UNITED NATIONS ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC (ESCAP)

The United Nations Building,
Rajadamnern Nok Avenue, Bangkok 10200
Tel: +66 (0) 2288-1234
Fax: +66 (0) 2288-1000
Website: www.unescap.org

UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (UNIDO)

5F, Department of Industrial Works Building,
57 Phrasumen Road, Banglamphoo,
Pranakorn, Bangkok 10200
Tel: +66 (0) 2280-8691
Fax: +66 (0) 2280-8695
Website: www.unido.org
Email: office.thailand@unido.org

THE WORLD BANK OFFICE, BANGKOK

30F, Siam Tower, 989 Rama 1 Road,
Pathumwan, Bangkok 10330
Tel: +66 (0) 2686-8300
Website: www.worldbank.org/en/country/thailand
Email: bsangarun@worldbank.org

WORLD HEALTH ORGANIZATION (WHO)

The WHO Representative, Thailand
88/20 Permanent Secretary Building,
Ministry of Public Health, Tiwanon Road,
Nonthaburi 11000
Tel: +66 (0) 2547-0100
Fax: +66 (0) 2591-8199
Website: www.searo.who.int/thailand/en
Email: setharegistry@who.int

PUBLIC SECTOR INSTITUTIONS

ROYAL THAI GOVERNMENT

The Secretariat of the Prime Minister,
Government House, 1 Phitsanulok Road,
Dusit, Bangkok 10300

Tel: +66 (0) 2280-3000,
+66 (0) 2288-4000

Website: www.thaigov.go.th

MINISTRY OF COMMERCE

563 Nonthaburi 1 Road, Muang District,
Nonthaburi 11000

Tel: +66 (0) 2507-7000,
+66 (0) 2507-8000

Fax: +66 (0) 2547-5209 to 10

Website: www.moc.go.th

Email: webmaster@moc.go.th

MINISTRY OF FINANCE

Rama 6 Road, Samsean Nai,
Phayathai, Bangkok 10400

Tel: +66 (0) 2273-9021,
+66 (0) 2126-5800

Fax: +66 (0) 2273-9408,

Website: www.mof.go.th

Email: webmaster-eng@mof.go.th

MINISTRY OF ENERGY

24F, Building B, Energy Complex,
555/2 Vibhavadi Rangsit Road,
Chatuchak, Bangkok 10900

Tel: +66 (0) 2129-3344

Website: www.energy.go.th

Email: contact@energy.go.th

MINISTRY OF FOREIGN AFFAIRS

443 Sri Ayudhaya Road, Tungphayathai,
Rajthewi, Bangkok 10400

Tel: +66 (0) 2203-5000

Website: www.mfa.go.th

Email: minister@mfa.go.th

DEPARTMENT OF CONSULAR AFFAIRS

123 Chaengwattana Road,
Lak Si, Bangkok 10210

Tel: +66 (0) 2572-8442

Website: www.consular.go.th

MINISTRY OF INDUSTRY

75/6, Rama 6, Thung Phaya Thai,
Ratchatevee, 10400

Tel: +66 (0) 2202-3000

Fax: +66 (0) 2202-3140

Website: www.industry.go.th

Email: info@industry.go.th

MINISTRY OF DIGITAL ECONOMY AND SOCIETY

120 Moo 3, 6-9 floor The Government
Complex Commemorating His Majesty,
Chaeng Watthana Road, Thung Song Hong,
Laksi, Bangkok 10210

Tel: +66 (0) 2141-6747

Fax: +66 (0) 2143-8019

Website: www.mict.go.th

Email: pr@mdes.go.th

MINISTRY OF LABOUR

Mitmaitri Road, Din Daeng,
Bangkok 10400

Tel: +66 (0) 2232-1262 to 4,
+66 (0) 2232-1467

Website: www.mol.go.th

Email: webmaster@mol.mail.go.th

MINISTRY OF SCIENCE AND TECHNOLOGY

75/47 Rama 6 Road, Thung-Phyathai,
Ratchathewee, Bangkok 10400

Tel: +66 (0) 2333-3700

Fax: +66 (0) 2333-3833

Call Center: 1313

Website: www.most.go.th

Email: info@most.go.th

MINISTRY OF TOURISM AND SPORTS

4 Ratchadamnoen Nok Road, Watsomanas,
Pom Prap Sattru Phai, Bangkok 10100

Tel: +66 (0) 2283-1555, +66 (0) 2283-1500

Fax: +66 (0) 2356-0746

Website: www.mots.go.th

Email: webmster@mots.go.th

MINISTRY OF TRANSPORT PORTAL

38 Ratchadamnoen Nok Road, Watsomanas,
Pom Prap Sattru Phai, Bangkok 10100

Call Center: 1356

Website: www.mot.go.th

Email: webmastermot@mot.go.th

INVESTMENT

INVESTOR CLUB ASSOCIATION (ICA)

12F & 16F, TP&T Tower,
1 Vibhavadi-Rangsit Road,
Chatuchak, Bangkok 10900
Tel: +66 (0) 2936-1429
Fax: +66 (0) 2936-1441 to 2
Website: www.ic.or.th
Email: is-investor@ic.or.th

OFFICE OF THE BOARD OF INVESTMENT (BOI)

555 Vibhavadi-Rangsit Road, Chatuchak,
Bangkok 10900
Tel: +66 (0) 2553-8111
Fax: +66 (0) 2553-8222
Website: www.boi.go.th
Email: head@boi.go.th

OFFICE OF THE NATIONAL ECONOMIC AND SOCIAL DEVELOPMENT BOARD (NESDB)

962 Krung Kasem Road, Watsomanas,
Pom Prap Sattru Phai, Bangkok 10100
Tel: +66 (0) 2280-4085 (40 Lines)
Fax: +66 (0) 2281-3938
Website: www.nesdb.go.th
Email: webmaster@nesdb.go.th

SECURITIES AND EXCHANGE COMMISSION (SEC)

333/3 Vibhavadi Rangsit Road,
Chomphon, Chatuchak, Bangkok 10900
Tel: +66 (0) 2033-9999
Fax: +66 (0) 2033-9660
Website: www.sec.or.th
Email: info@sec.or.th

STOCK EXCHANGE OF THAILAND (SET)

93 Ratchadaphisek Road, Dindaeng,
Dindaeng, Bangkok 10400
Tel: +66 (0) 2009-9999
Fax: +66 (0) 2009-9991
Website: www.set.or.th
Email: SETCallCenter@set.or.th

INDUSTRY

DEVELOPMENT OF INDUSTRIAL PROMOTION

75/6 Rama 6 Road, Rajathevee,
Bangkok 10400
Tel: +66 (0) 2202-4414 to 18,
+66 (0) 2202-4511
Fax: +66 (0) 2354-3299
Call Center: 1358
Website: www.dip.go.th
Email: webmaster@dip.go.th

INDUSTRIAL ESTATE AUTHORITY OF THAILAND (I-EA- T)

618 Nikhom Makkasan Road, Makkasan,
Ratchathewi, Bangkok 10400
Tel: +66 (0) 2253-0561,
+66 (0) 2207-2700
Fax: +66 (0) 2252-4086
Website: www.ieat.go.th
Email: investment.1@ieat.mail.go.th

OFFICE OF INDUSTRIAL ECONOMICS (OIE)

75/6 Rama 6 Road, Rajachathevee,
Bangkok 10400
Tel: +66 (0) 2202-3917
Website: www.oie.go.th

THAI INDUSTRIAL STANDARDS INSTITUTE (TISI)

75/42 Rama 6 Street, Ratchathewi,
Bangkok 10400
Tel: +66 (0) 2202-3300
Website: www.tisi.go.th
Email: thaistan@tisi.go.th

INTERNATIONAL FINANCE CORPORATION IN THAILAND (IFC)

28F, Siam Tower, 989 Rama 1 Road,
Pathumwan, Bangkok 10330
Tel: +66 (0) 2686-6524
Fax: +66 (0) 2686-6501
Website: www.ifc.org
Email: hhan@ifc.org

TRADE

DEPARTMENT OF INTERNATIONAL TRADE PROMOTION

Nonthaburi office:

563 Nonthaburi Road, Bang Kra Sor, Amphoe Muang, Nonthaburi, 11000, Thailand

Tel: +66 (0) 2792-6900

Fax: +66 (0) 2547-5657

Ratchadapisek office:

22/77 Ratchadapisek Road, Chatuchak, Bangkok 10900

Tel: +66 (0) 2513-1909

Fax: +66 (0) 2511-5200

Website: www.ditp.go.th

Email: tidthp@ditp.go.th

DEPARTMENT OF FOREIGN TRADE

563 Nonthaburi Road, Bangkasor, Muang, Nonthaburi 11000

Tel: +66 (0) 2547-4771 to 86

Fax: +66 (0) 2547-4791 to 2

Website: www.dft.go.th

DIGITAL

STARTUP ACCELERATORS

AI5 THE STARTUP

AI5 Tower 1, 414 Phahonyothin Road, Samsen Nai, Phayathai, Bangkok 10400

Tel: +66 (0) 2029-5000

Website: www.ai5.co.th/thestartup

Email: thestartup@ai5.co.th

BANGKOK BANK INNOHUB

Bangkok Bank PCL, 333 Silom Road, Silom, Bangrak, Bangkok 10500

Tel: +66 (0) 2645-5555

Website: www.bangkokbankinnohub.com

Email: bangkokbank@nest.vc

DIGITAL VENTURES

Mahanakhon CUBE, 2nd Floor (L2-02), 96 Narathiwat Ratchanakharin Road, Silom, Bangrak, Bangkok 10500

Tel: +66 (0) 2061-6166

Website: www.dv.co.th/en/accelerator

Email: hello@dv.co.th

DTAC ACCELERATE

No. 319 Chamchuri Square Building, 24th Floor, Phayathai Road, Pathumwan, Bangkok 10330

Website: www.accelerate.dtac.co.th

Email: dtacaccelerate@gmail.com

KRUNGSRI RISE

496-502 Amarin Plaza Bldg.

22nd Floor, Ploenchit Road, Lumpini, Pathumwan, Bangkok 10330

Website: www.riseaccel.com/krungsri

Email: admin@riseaccel.com

SPARK GLOBAL ACCELERATION PROGRAM

73/2 Rama VI Rd., Radhevee, Bangkok

Tel: +66 (0) 2017 5555

Website: www.spark.nia.or.th

Email: spark@nia.or.th

SPRINT ACCELERATOR

Website: www.sprintacceleratorthailand.com

Email: sprintaccelerator.th@gmail.com

TRUE INCUBE

Floor 4 - Center Point Of Siam Square - Siam Square 4 Pathumwan Bangkok 10330

Tel: +66 (0) 2658 – 0402

Website: www.trueincube.com

Email: trueincube@truecorp.co.th

VENTURE CAPITALS

500 TUKTUKS

Website: www.500.co

Email: krating@500.co, moo@500.co

ADDVENTURES

The Siam Cement PCL. (Headquarter)

1 Siam Cement Road, Bangsue, Bangkok 10800

Website: www.addventures.co.th

Email: contact@addventures.co.th

ANANDA URBANTECH

Ananda Development Public Company Limited FYI Center building, 11th Floor, 2525 Rama 4 Road, Klongtoei, Klongtoei District, Bangkok 10110

Tel: +66 (0) 2056 2222

Website: www.ananda.co.th/urbantech

ARDENT CAPITAL

946 Dusit Thani Building, 4th Floor,
Rama IV Road, Silom, Bangkok
Tel: +66 (0) 2636 3138
Website: www.ardentcapital.com
Email: marketing@ardentcapital.com

ASCEND CAPITAL

AIA Capital Center Building,
18-19th Floor, 89 Ratchadaphisek Road,
Dindaeng, Bangkok 10400
Website: www.ascendcorp.com
Email: pr@ascendcorp.com

BEACON VENTURES

#11-12, 16F Chamchuri Square Building,
319 Phayathai Road,
Pathumwan, Bangkok
Tel: +66 (0) 2470 1751
Website: www.beaconvc.fund
Email: contact@beaconvc.fund

BUALUANG VENTURES

Asia Centre Building, 15th Floor
173/10 South Sathorn Road,
Thung Maha Mek, Bangkok 10120
Tel: +66 (0) 2011 8730
Website: www.bualuangventures.co.th
Email: connect@bualuangventures.com

CYBERAGENT VENTURES

19 Soi Ekkamai 4, Sukumvit 63 Rd.
Prakanong Nua, Wattana Bangkok 10110
Tel: +66 (0) 2714-3388
Website: www.cyberagentventures.com

DIGITAL MEDIA PARTNERS

Website: www.digitalmedia.vc
Email: opportunity@digitalmedia.vc

GALAXY VENTURES

8th Floor, Galaxy Place Building,
149 Nonsee Road, Chongnonsee,
Yannawa Bangkok 10120
Website: www.galaxyventures.co.th
Email: contactus@galaxyventures.co.th

GOLDEN GATE VENTURES

Website: www.goldengate.vc
Email: hello@goldengate.vc

INSPIRE VENTURES

SSP Tower 1, 22/F Unit 62-63,
555 Sukhumvit Soi 63 (Ekamai)
Khlong Tan Nuea, Wattana, Bangkok 10110
Website: www.inspireventures.com
Email: info@inspireventures.com

INVENT

Intouch Holdings PLC, 29th Floor SJ Infinite,
349 Vibhavadi-Rangsit Road, Chatuchak,
Bangkok 10900
Tel: +66 (0) 2118 6921
Website: www.inventvc.com
Email: invent@intouchcompany.com

KRUNGSRI FINNOVATE

10th Floor, 1222 Rama III Road,
Bang Phongphang, Yan Nawa,
Bangkok 10120
Website: www.krungsrifinnovate.com
Email: finnovate@krungsri.com

NVEST

12th Floor GMM Building Khlongtoey Nua,
Wattana 10110 Bangkok
Tel: +66 (0) 89810-1217
Website: www.nvestventure.com
Email: admin@nvestventure.com

SIRI VENTURE

16th Floor, Siripinyo Building
475 Sri Ayutthaya Road, Rajthevi,
Bangkok 10400
Website: www.siriventure.com
Email: white@siriventure.com

TOURISM

AIRPORTS OF THAILAND PUBLIC COMPANY LIMITED (AOT)

333 Cherdwutugard Road, Srikan,
Don Mueang, Bangkok 10210
Tel: +66 (0) 2535-1192
Fax: +66 (0) 2535-4061
Website: www.airportthai.com
Email: aotpr@airportthai.co.th

IMMIGRATION DIVISION

Immigration Service Center
(for 3 National Legalized Labors: Myanmar, Laos, and Cambodia)

Office 1:

1F, Major Hollywood Suksa, Suksawat Road,
Ratburana, Bangkok 10140
Tel: +66 (0) 2463-2040

Office 2:

5F, Imperial World Ladprao, Ladprao Road,
Wang Tong Lang, Bangkok 10310
Tel: +66 (0) 2530-4535 to 6,
+66 (0) 2530-4660 to 1

Available Services for extension of temporary stay in Thailand, Notification of address every 90 days, Permanent Resident Permit, Visa Issuing and Changing type of Visa, Re-entry Permit, Alien Registration, Endorsement and Re-entry Visa for Resident Certificate holders.

THE GOVERNMENT COMPLEX COMMEMORATING HIS MAJESTY THE KING

Building B, 2F, Counter D, 120 Moo 3,
Chaengwattana Road,
Thungsonghong Sub-District,
Bangkok 10210
Tel: +66 (0) 2141-9889
Fax: +66 (0) 2143-8228
Website: www.bangkok.immigration.go.th

ONE START ONE STOP INVESTMENT CENTER (OSOS)

18F, Chamchuri Square Building,
319 Phayathai Road, Pathumwan,
Bangkok 10330
Tel: +66 (0) 2209-1100
Fax: +66 (0) 2209-1199
Website: www.osos.boi.go.th
Email: osos@boi.go.th

ONE STOP SERVICE CENTER FOR VISAS AND WORK PERMITS

18F, Chamchuri Square Building,
Phayathai Road, Pathumwan,
Bangkok 10330
Tel: +66 (0) 2209-1100
Website: www.bangkok.immigration.go.th

SUARNABHUMI INTERNATIONAL AIRPORT

999 Moo 1, Bangna-Trad Road, Km 15,
Rachathewa, Bang Pli, Samut Prakan 10540
Tel: +66 (0) 2132-1888,
+66 (0) 2132-1111 to 2
Fax: +66 (0) 2132 1889
Call Center: 1722
Website: www.suarnabhumiairport.com
Email: suarnab_suggestion@airportthai.co.th

THAI AIRWAYS INTERNATIONAL PCL Ticketing

Silom Office:

485 Silom Road, Bangrak, Bangkok 10500
Tel: +66 (0) 2288-7000
Fax: +66 (0) 2288-7006

Vibhavadi Rangsit Office:

89 Vibhavadi-Rangsit Road, Chattuchak,
Bangkok 10900
Tel: +66 (0) 2545-1000
Fax: +66 (0) 2545-3199

Reservation Thai Contact Center:

6 Larn Luang Road, Bangkok 10100
Tel: +66 (0) 2356-1111
Fax: +66 (0) 2356-2222
Website: www.thaiair.com
Email: contact@service.thaiairways.com

TOURISM AUTHORITY OF THAILAND (TAT)

1600 New Phetchaburi Road, Makkasan,
Ratchathevi, Bangkok 10400
Tel: +66 (0) 2250-5500
Call Center: 1672
Website: www.tourismthailand.org

FINANCE

BANK OF THAILAND (BOT)

273 Samsen Road, Watsamphraya,
Phra Nakhon District, Bangkok 10200
Tel: +66 (0) 2283-5353
Fax: +66 (0) 2280-0449,
+66 (0) 2280-0626
Website: www.bot.or.th

SMALL AND MEDIUM ENTERPRISE DEVELOPMENT BANK OF THAILAND (SME Bank)

Phaholyothin Office SME Bank Tower,
310 Phaholyothin Road, Samsen-Nai,
Phayathai, Bangkok 10400
Tel: +66 (0) 2265-3000
Fax: +66 (0) 2265-4000
Call Center: 1357
Website: www.smebank.co.th

THE CUSTOMS DEPARTMENT

1 Sunthornkosa Road, Klong Toey,
Bangkok 10110
Tel: +66 (0) 2667-6000,
+66 (0) 2667-7000
Call Center: 1164
Website: www.customs.go.th
Email: 1164@customs.go.th

THE EXCISE DEPARTMENT OF THAILAND

1488 Nakorn Chai Si Road,
Dusit District, Bangkok 10300
Tel: +66 (0) 2241-4778
Call Center: 1713
Website: www.excise.go.th

THE REVENUE DEPARTMENT

Revenue Department Building,
90 Phaholyothin 7, Phaholyothin Road,
Samsen-Nai, Phayathai, Bangkok 10400
Tel: +66 (0) 2272-8000
Call Center: 1161
Website: www.rd.go.th

COMMUNICATIONS

ADVANCED INFO SERVICE PUBLIC COMPANY LIMITED (AIS)

Intouch Tower, 414 Phaholyothin Road,
Phayathai, Bangkok 10400
Tel: +66 (0) 2029-5000
Call Center: 1175
Website: www.ais.co.th

COMMUNICATIONS AUTHORITY OF THAILAND (CAT)

99 Moo 3, Chaengwattana Road,
Lak Si, Bangkok 10210
Tel: +66 (0) 2104-3000
Fax: +66 (0) 2104-3088
Call Center: 1322
Website: www.cattelcom.com

TOTAL ACCESS COMMUNICATION PUBLIC COMPANY LIMITED (DTAC)

22F-41F, Chamchuri Square Building,
319 Phayathai Road, Pathumwan,
Bangkok 10330
Tel: +66 (0) 2202-7000
Call Center: 1678
Website: www.dtac.co.th
Email: feedback@dtac.co.th

TOT PUBLIC COMPANY LIMITED (TOT)

89/2 Moo 3, Chaeng Watthana Road,
Thungsong-Hong, Laksi, Bangkok 10210
Tel: +66 (0) 2240-0701
Call Center: 1100
Website: www.tot.co.th
Email: 1100@tot.co.th

TRUE CORPORATION PUBLIC COMPANY LIMITED

True Tower, 18 Ratchadaphisek Road, Huai
Khwang, Bangkok 10310
Tel: +66 (0) 2643-1111
Fax: +66 (0) 2643-1651
Call Center: 1331
Website: www.truecorp.co.th

UTILITIES

ELECTRICITY GENERATING AUTHORITY OF THAILAND (EGAT)

53 Moo 2, Charunsanitwong Road,
Bang Kruai, Nonthaburi 11130
Tel: +66 (0) 2436-2113 to 4
Fax: +66 (0) 2436-8616
Call Center: 1416
Website: www.egat.co.th
Email: EGATCALLCENTER@egat.co.th

METROPOLITAN ELECTRICAL AUTHORITY (MEA)

30 Soi Chit Iom, Phloen Chit Road, Lumpini
Sub-District, Pathum Wan, Bangkok 10330
Tel: +66 (0) 2256-3247
Fax: +66 (0) 2256-3678
Call Center: 1130
Website: www.mea.or.th
Email: webmaster@mea.or.th

METROPOLITAN WATERWORKS AUTHORITY (MWA)

400 Prachacheun Road, Tungsonghong,
Laksi, Bangkok 10210
Tel: +66 (0) 2504-0123
Call Center: 1125
Website: www.mwa.co.th
Email: mwa1125@mwa.co.th

PROVINCIAL ELECTRICITY AUTHORITY (PEA)

200 Ngamwongwan Road, Lad Yao,
Chatuchak, Bangkok 10900
Tel: +66 (0) 2589-0100 to 1
Fax: +66 (0) 2589-4850 to 1
Call Center: 1129
Website: www.pea.co.th
Email: 1129@pea.co.th

PROVINCIAL WATERWORKS AUTHORITY (PWA)

72 Chaengwatthana Road, Lak Si,
Bangkok 10210
Tel: +66 (0) 2551-8276
Fax: +66 (0) 2552-5307
Call Center: 1662
Website: www.pwa.co.th
Email: pr@pwa.co.th, nithitT@pwa.co.th

ASSOCIATIONS

ASSOCIATION OF INTERNATIONAL BANKS

19F, Sathorn Thani Building 2,
92/54-55C North Sathorn Road,
Bangkok 10500
Tel: +66 (0) 2236-6070 to 2
Fax: +66 (0) 2236-6069
Website: www.aib.or.th
Email: aibthai@aib.or.th

ASSOCIATION OF THAI BLEACHING, DYEING, PRINTING AND FINISHING INDUSTRIES (ATDP)

9F, Room No.L , Phayathai Plaza Building,
128/123 Phayathai Road, Thoong Phayathai,
Rajathevi, Bangkok 10400
Tel: +66 (0) 2129-3965 to 6
Fax: +66 (0) 2129-3967
Website: www.atdp-textile.org
Email: atdp2004@yahoo.com

BOBAE GARMENT ASSOCIATION (BOBAE)

94/24 Thamma Rongmuang,
Pathumwan, Bangkok 10330
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ELECTRIC VEHICLE ASSOCIATION OF THAILAND (EVAT)

KX (Knowledge Exchange)
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Banglamphulung Khlongsan,
Bangkok 10600 (THAILAND)
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LAWYERS COUNCIL OF THAILAND UNDER THE ROYAL PATRONAGE

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NATIONAL FOOD INSTITUTE

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Fax: +66 (0) 2886-8106- 7
Website: www.nfi.or.th

TEXTILE MERCHANTS ASSOCIATION (TMA)

4F, Espreme Building, 562,
Rajchawong Road, Jakkawad,
Samphantawong, Bangkok 10100
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Fax: +66 (0) 2622-6714
Website: www.thaitextilemerchant.org
Email: tma-team@hotmail.com

THAI AIRFREIGHT FORWARDERS ASSOCIATION

20F, TPI Tower, 26/56 Nanglinchee Road
(Chan Tat Mai Road), Thungmahamek,
Sathorn, Bangkok 10120
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THAI AUTO-PARTS MANUFACTURERS ASSOCIATION

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Mobile: +66 (0) 8 6576-9679,
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Website: www.thaiautoparts.or.th

Email: tapma@thaiautoparts.or.th

THAI AUTOMOTIVE INDUSTRY ASSOCIATION (TAIA)

Queen Sirikit National Convention Center
Ratchadaphisek Road, Khlong Toei,
Khlong Toei, Bangkok 10110

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Website: www.taia.or.th

THAI BIOPLASTICS INDUSTRY ASSOCIATION

Bureau of Supporting Industries
Development (BSID) 86/6 Soi Trimitr,
Rama 4 Road, Klongtoey, Bangkok 10110

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Website: www.tbia.or.th

THAI EMBEDDED SYSTEM ASSOCIATION (TESA)

Yothi Alley, Thung Phaya
Thai, Ratchathewi, Bangkok 10400

Website: www.tesa.or.th

THE FEDERATION OF THAI INDUSTRIES

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60 New Ratchadapisek Road, Khlong Toei,
Klong Toey, Bangkok 10110

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Email: information@off.fti.or.th

THAI FOOD PROCESSORS' ASSOCIATION

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THAI GARMENT MANUFACTURERS ASSOCIATION (TGMA)

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THAI HOTELS ASSOCIATION

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Phrakanong, Klong-Toei,
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Email: info@thaitextile.org

THE THAI SILK ASSOCIATION (TSA)

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THAI WEAVING INDUSTRY ASSOCIATION (TWIA)

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THAMMASAT UNIVERSITY

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Website: www.tuipi.tu.ac.th
Email: tu_tubi@hotmail.com,
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UNIVERSITY OF THE THAI CHAMBER OF COMMERCE

126/1 Vibhavadi Rangsit Rd, Samsen Nai,
Khet Din Daeng, Bangkok 10400

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Email: ubi.utcc@gmail.com

BANKS IN THAILAND

THAI COMMERCIAL BANKS

BANGKOK BANK PUBLIC COMPANY LIMITED

333 Silom Road, Bangrak, Bangkok 10500

Tel: +66 (0) 2231-4333,

+66 (0) 2230-1000

Call Center: 1333, +66 (0) 2645-5555

Website: www.bangkokbank.com

BANK OF AYUDHYA PUBLIC COMPANY LIMITED

1222 Rama 3 Road,

Bang Phongphang,

YanNawa, Bangkok 10120

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Fax: +66 (0) 2683-1304

Call Center: 1572

Website: www.krungsri.com

Email: webmaster@Krungsri.com

CIMB THAI BANK PUBLIC COMPANY LIMITED

44 Langsuan Road, Lumpini, Pathumwan,
Bangkok 10330

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+66 (0) 2638-8000,

+66 (0) 2626-7777

Fax: +66 (0) 2657-3333

Website: www.cimbthai.com

INDUSTRIAL AND COMMERCIAL

BANK OF CHINA (THAI) PUBLIC COMPANY LIMITED (ICBC)

11F-13F, Emporium Tower,

622 Sukhumvit Road,

Klong Ton, Klong Toei, Bangkok 10110

Tel: +66 (0) 2629-5588

Website: www.icbcthai.com

KASIKORNBANK PUBLIC COMPANY LIMITED

1 Soi Rat Burana 27/1, Rat Burana Road,
Rat Burana, Bangkok 10140

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Website: www.kasikornbank.com

Email: info@kasikornbank.com

KIATNAKIN BANK PUBLIC COMPANY LIMITED

11F, Amarin Tower, 500 Ploenchit Road,
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Tel: +66 (0) 2165-5555

Website: www.kiatnakin.co.th

KRUNG THAI BANK PUBLIC COMPANY LIMITED

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Fax: +66 (0) 2255-9391 to 3

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KTB Call Center: +66 (0) 2111-1111

Website: www.ktb.co.th

LAND AND HOUSES BANK PUBLIC COMPANY LIMITED

1 Q.House Lumpini Building, South Sathorn
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Website: www.lhbank.co.th

Email: callcenter@lhbank.co.th

SIAM COMMERCIAL BANK PUBLIC COMPANY LIMITED

9 Ratchadapisek Road, Jatujak,
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Call Center: +66 (0) 2777-7777

Website: www.scb.co.th

STANDARD CHARTERED BANK (THAI) PUBLIC COMPANY LIMITED

90 North Sathorn Road, Silom, Bangrak,
Bangkok 10500

Tel: +66 (0) 2724-7060

Call Center: 1595

Website: www.sc.com/th

THANACHART BANK PUBLIC COMPANY LIMITED

444 MBK Tower, Phayathai Road,
Wangmai, Pathumwan, Bangkok 10330

Tel: +66 (0) 2217-8000

Call Center: 1770

Website: www.thanachartbank.co.th

TISCO BANK PUBLIC COMPANY LIMITED

TISCO Tower, 48/2 North Sathorn Road,
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Website: www.tisco.co.th

Email: webmaster@tisco.co.th

TMB BANK PUBLIC COMPANY LIMITED

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Call Center: 1558

Website: www.tmbbank.com

UNITED OVERSEAS BANK (THAI) PUBLIC COMPANY LIMITED

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RETAIL BANKS

THE THAI CREDIT RETAIL BANK PUBLIC COMPANY LIMITED

1F, Thai Life Insurance Building,
123 Ratchadaphisek Road, Din Daeng,
Bangkok 10400

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Fax: +66 (0) 2642-3112

Website: www.tcrbank.com

SUBSIDIARY

MEGA INTERNATIONAL COMMERCIAL- BANK PUBLIC COMPANY LIMITED

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FOREIGN BANK BRANCHES

BANK OF AMERICA, NATIONAL ASSOCIATION

All Seasons Place 20/F & 33/F, CRC Tower
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Website: www.bankofamerica.com/th

BANK OF CHINA LIMITED

Bangkok City Tower,
179/4 South Sathorn Road,
Tungmahamek, Sathorn, Bangkok 10120

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Website: www.bankofchina.com/th

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OVERSEA-CHINESE BANKING CORPORATION LIMITED

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Website: www.ocbc.com/group

RHB BANK BERHAD

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All Seasons Place, 87 Wireless Road,
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SUMITOMO MITSUI BANKING CORPORATION (SMBC)

8F-10F, Q House Lumpini Building, 1 South
Sathorn Road, Thungmahamek, Sathorn,
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Website: www.smbc.co.jp/global/bangkok/

THE BANK OF TOKYO-MITSUBISHI UFJ, LIMITED

Harindhorn Tower, 54 North Sathorn Road,
Silom, Bangrak, Bangkok 10500
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Website: www.bk.mufg.jp

THE HONGKONG AND SHANGHAI BANKING CORPORATION LIMITED

HSBC Building, 968 Rama 4 Road, Silom,
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THE ROYAL BANK OF SCOTLAND GROUP PLC

3F-4F, Bangkok City Tower, 179/3 South
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Website: www.rbs.com

FINANCE COMPANIES**ADVANCE FINANCE PUBLIC COMPANY LIMITED**

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Wireless Road, Lumpini, Pathumwan,
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Website: www.advancefin.com

BANGKOK FIRST INVESTMENT AND TRUST PUBLIC COMPANY LIMITED

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Sathorn Road, Thung Mahamek, Sathorn,
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FOREIGN BANK REPRESENTATIVES**BANK OF BARODA**

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CATHAY UNITED BANK

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Website: www.cathaybk.com.tw

COMMERZBANK AKTIENGESELLSCHAFT

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**CREDIT INDUSTRIEL ET
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**CREDIT SUISSE SECURITIES
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CTBC BANK COMPANY LIMITED

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NORTH PACIFIC BANK, LTD.

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PHONGSAVANH BANK LIMITED

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Website: www.phongsavanhbank.com

RESONA BANK LIMITED

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SHINKIN CENTRAL BANK

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**STATE STREET BANK AND
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THE BANK OF FUKUOKA LIMITED

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Fax: +66 (0) 2256-0698
Website: www.fukuokabank.co.jp

THE BANK OF KYOTO LIMITED

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Pathumwan, Bangkok 10330
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Website: www.kyotobank.co.jp

**THE BANK OF NEW YORK MELLON
CORPORATION**

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THE HYAKUGO BANK LIMITED

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Website: www.hyakugo.co.jp

THE OGAKI KYORITSU BANK LIMITED

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THE SHANGHAI COMMERCIAL & SAVINGS BANK LIMITED

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THE SHIGA BANK LIMITED

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THE SHOKO CHUKIN BANK LIMITED

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Website: www.ibank.co.th

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Fukuoka 810-0001, Japan
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