

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>3) Commercial presence in sectors or subsectors in this schedule is permitted only through limited liability company which is registered in Thailand or the other type of legal entity as specified in the sector-specific commitments of which the company is incorporated and registered, pursuant to Thai laws and regulations and will have to meet one of the following condition as indicated in the sector-specific commitments:</p> <p>3.1 Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national; or</p> <p>3.2 Foreign equity participation must not exceed 51 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national; or</p> <p>3.3 a. Foreign equity participation must not exceed 49 per cent of the registered capital; and</p> <p style="padding-left: 20px;">b. The number of foreign shareholders must be less than half of the total number of shareholders of the company</p>	<p>3) For 3.3, legal entity which is owned or controlled by foreigner(s) must meet the requirements as stipulated by laws and regulations regarding foreign investment.</p> <p>For 3.1 and 3.2, prior to obtaining a license or certificate, legal entity which is owned or controlled by foreigner(s) must meet the criteria required by relevant authorities.</p> <p>In establishing its commercial presence, a legal entity which is owned or controlled by foreigner(s) must apply for a certificate of business operation pursuant to a treaty or obligation under section XI of the Foreign Business Act; Ministerial Regulation Prescribing Rules and procedures Pertaining to the Application for a Foreign Business certificate B.E. 2546 (2003). According to article XIV and XIV bis of GATS, service supplier is required to comply with section V of the Foreign Business Act.</p> <p>For legal entity incorporated pursuant to Thai laws and regulations with foreign equity participation not exceeding 49 per cent of the registered capital: None</p>	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	concerned.	Unbound for the measures pertaining to subsidies or privileges, minimum capital requirements, acquisition and usage of land, taxation measures, and nationality requirement.	
	<p>4) Temporary movement of natural persons is <u>unbound except</u> in the following categories:</p> <p>I. Business Visitor : A natural person who stays in Thailand for the purpose of participating in business meetings or contacts, entering into contract to sell or purchase services, visiting of business establishments or other similar activities and entering with a purpose to establish a commercial presence in Thailand. Such temporary entry will be permitted for an initial period of not more than 90 days and may be extended for a further period of not more than one year.</p> <p>II. Intra-corporate Transferee : A corporate transferee of the managerial or executive level or a specialist, provided that such person has been employed by the company concerned outside Thailand for a period of not less</p>	4) Unbound, except as provided in the MA column	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 8th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>than one year immediately preceding the date of his or her application for admission and has satisfied the criteria for management needs¹ stipulated by the Department of Employment. The temporary stay is limited to a one year period and may be extended for a further three terms of not more than one year each.</p>		
	<p>3), 4) Acquisition and usage of land: according to the Land Code of Thailand, foreign nationals or domestic companies which are deemed foreigners are not allowed to purchase or own land in Thailand. However, they may lease land and own buildings.</p> <p>For 3.1 and 3.2, a natural person or juridical person of another member that acquires or gains ownership of land, shall be deemed ineligible to exercise rights and privileges under this agreement</p>	<p>3), 4) The board of directors, including administrative and executive position or alike in the legal entity must be of Thai national and have permanent domicile in Thailand. The person or the representative of the juridical person who apply for a license must be of Thai nationality.</p> <p>For 3.1 and 3.2 a natural person or a juridical person who receive other special privileges or incentives from Thai authorities other than those provided under this agreement may not claim benefits under this agreement.</p>	

¹ In considering managerial needs, the following facts shall be taken into consideration by the relevant authority, namely: (1) size of fully paid-up capital; (2) employment creation; (3) extent of foreign investment; (4) export promotion; (5) transfer of technology; (6) special needs of the management.