

**THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS**

(For the Second Package of Commitments)

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

Sector or subsector	Limitation on market access	Limitation on national treatment	Additional commitments
<b>AIR TRANSPORT SERVICES</b> a) Selling and marketing of air transport services	1) None 2) None 3) None other than indicated in the horizontal section  4) As indicated in the horizontal section	1) None 2) None 3) The value added tax (VAT) in use comprises 3 rates, namely 10%, 0% and exempted. VAT collections is based on reciprocal basis. 4) Unbound	

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b) Computer Reservation System Services	<p>1) None other than :</p> <p>1.1 services providers must use public telecommunication network under national telecommunication authorities.</p> <p>1.2 radio application service is subject to frequency availability.</p> <p>2) None</p> <p>3) None other than:</p> <p>3.1 that indicated in the horizontal section.</p> <p>3.2 distribution through CRS is allowed for airlines offices and one General Sale Agent office.</p> <p>3.3 Service providers must use public telecommunication network under national telecommunication authorities and have to comply with terms and conditions set out in Thailand’s GATS offer on telecommunication.</p> <p>4) As indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	

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<p><b>BUSINESS SERVICES</b></p> <p><b>C. Research and Development</b></p> <p><b>a. <i>Research and Development on Natural Sciences</i></b></p> <ul style="list-style-type: none"> <li>- Research and experimental development services on physical sciences (85101)</li> <li>- Research and experimental development services on chemical and biology (85102)</li> <li>- Research and experimental development services on engineering and technology (85103)</li>   <li>- Research and experimental development services on agricultural science (85104)</li> <li>- Research and experimental development services on other natural sciences (85109)</li> </ul> <p><b>b. <i>Research and Development on Social Sciences and Humanities</i></b></p> <ul style="list-style-type: none"> <li>- Research and experimental development services on economics (85202)</li> <li>- Research and experimental development services on law (85203)</li> <li>- Research and experimental development services on linguistic and languages (85204)</li> </ul>	<ul style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) None other than that indicated in the horizontal section</li> <li>4) As indicated in the horizontal section</li> </ul>	<ul style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) No limitation as long as foreign equity participation does not exceed 49 percent</li> <li>4) None</li> </ul>	

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<p>F. Other Business Services</p> <p><i>c. Management Consulting Services</i></p> <ul style="list-style-type: none"> <li>- Financial management consulting services (except business tax) (86502)</li> <li>- Human resource management consulting services (86504)</li> </ul>	<ul style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) None other than that indicated in the horizontal section</li> <li>4) As indicated in the horizontal section</li> </ul>	<ul style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) No limitation as long as foreign equity participation does not exceed 49 percent</li> <li>4) None</li> </ul>	

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<b>CONSTRUCTION</b>			
a) Pre-erection work at construction work (CPC 511)	1) Unbound 2) None 3) None other than that indicated in the Horizontal section 4) a) As indicated in the horizontal section b) Unbound for civil engineer	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 percent 4) None	
b) Assembly and erection of prefabricated constructions (CPC 514)	1) Unbound 2) None 3) None other than that indicated in the Horizontal section 4) a) As indicated in the horizontal section b) Unbound for civil engineer	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 percent 4) None	

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c) Special trade construction work (CPC 515)	1) Unbound 2) None 3) None other than that indicated in the Horizontal section 4) a) As indicated in the horizontal section b) Unbound for civil engineer	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 percent 4) None	
d) Building completion and finishing work (CPC 517)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) a) As indicated in the horizontal section b) Unbound for civil engineer	1) Unbound 2) None 3) No limitations as long as foreign equity Participation does not exceed 49 percent 4) None	

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<b>FINANCE</b> a) Securities Companies (i.e. securities brokerage, securities dealing, investment advisory service and securities underwriting)	1) Unbound 2) None 3) I. None for representative offices II. Market access limited to share acquisition of existing companies only. Unbound for new license III. Maximum foreign equity participation is allowed up to 100 per cent of paid-up capital. However, a securities company which has foreign equity participation equal to or more than 50 per cent of paid-up capital has to comply with the terms and conditions stipulated in the <u>Royal Decree on Permission for Non-Thai to engage in Securities Brokerage Business under Annex A of the Announcement of the Nation Executive Council No.281 dated 24 November B.E.2541</u> and other Regulations.	1) None 2) None 3) None, except as indicated in the market access column.	

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Sector or subsector	Limitation on market access	Limitation on national treatment	Additional commitments
	<p>IV. For a securities company which has foreign equity participation not exceeding 50 per cent of paid-up capital, one-half of the directors must be Thai national.</p> <p>V For a securities company which has Foreign equity participation equal to or more than 50 per cent of paid-up capital, managing directors and executive directors who are foreign nationals have to be present in Thailand for not less than 60 days per year.</p> <p>4) - For a representative office, the number of foreign personnel is limited to two persons. - For securities companies, as indicated in the horizontal section.</p>	<p>4) None</p>	



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Sector or subsector	Limitation on market access	Limitation on national treatment	Additional commitments
b) Asset management companies  Collective investment schemes	1) Unbound 2) None 3) I. None for representative offices. II. Market access limited to share acquisition of existing companies only. Unbound for new license. III. Maximum foreign equity participation is allowed up to 100 per cent of paid-up capital. However, asset management companies which have foreign equity participation equal to or more than 50 per cent of paid-up capital have to be approved by the Ministry of Commerce under the terms and conditions stipulated in the relevant regulations.	1) None 2) None 3) None, except as indicated in the market access column.	

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	<p>IV. For asset management company which has foreign equity participation not exceeding 50 per cent of paid-up capital, one-half of the directors must be Thai national.</p> <p>V. For asset management company which has foreign equity participation equal to or more than 50 per cent of paid-up capital, managing directors and executive directors who are foreign nationals have to be present in Thailand for not less than 60 days per year.</p> <p>4) - For a representative office, the number of foreign personnel is limited to two persons. - For asset management companies, as indicated in the horizontal section</p>	<p>4) None</p>	

*\* This indicative offer is for negotiation purpose only and Thailand reserves the right to modify, reduce or withdraw the above-mentioned offer in whole or in part at any time on or before the conclusion of the negotiations on financial services if satisfactory offers are not made by other negotiating partners*

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<p><b>MARITIME TRANSPORT</b></p> <p>a) Freight transportation (CPC 7212) less cabotage transport: as defined beloww-3.1)</p>	<p>1) None 2) None 3) a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand</p>	<p>1) None 2) None 3) a) Unbound</p>	<p>The following services at the port provided by the government or government enterprise are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <ol style="list-style-type: none"> <li>1. Pilotage</li> <li>2. Towing and tug assistance</li> <li>3. Provisioning, fueling and watering</li> <li>4. Garbage collecting and ballast waste disposal</li> </ol>

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	<p>b) Other forms of commercial presence for the supply of international maritime transport services (as defined below-3.2) except branch office: as indicated in the horizontal section</p> <p>4) a) Ship' crews: Unbound b) Other personnel: As indicated in the horizontal section</p>	<p>b) None other than: -Shareholders of Thai maritime transport companies with ownership of Thai flag vessels may be granted exemption or reduced rates of income tax leviable on dividends paid by such companies -Exporters or importers of goods shipped from or to Thailand by Thai flag vessels may be entitled to special deduction of not more than 50 per cent of the freight values or other expenses paid in the ordinary course of carriage of such goods from their net income for the purpose of calculation of income tax.</p> <p>4) a) Unbound b) None</p>	<p>5. Port Captain's service 6. Navigation aids 7. Shore-based operational services essential to ship operations, water and electrical supplies. 8. Emergency repair facilities 9. Anchorage, bert and berthing services 10. Inland transport services (Internal waterways transport services, rail transport services,and road transport services)</p>

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b) Custom clearance services (as indicated below-3.5)	1) Unbound 2) None 3) As indicated in the horizontal section. In addition a customs broker must be natural person of Thai nationality and must obtain a license from the Customs Department  4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) No limitation as long as foreign equity participation does not exceed 49 per cent. In addition a custom broker must be natural person of Thai nationality and must obtain a license from the Customs Department 4) Unbound except as indicated in the horizontal section.	

## NOTE TO THE SCHEDULE

1. Where road, rail, inland waterways and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purpose of inland forwarding of cargoes, or have access to and use of these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations.

2. “Reasonable and non-discriminatory terms and conditions” means, for the purpose of multimodal transport operations, the ability of multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which enter the port at a later date.

### 3. Definitions:

3.1 “Cabotage” : for the purpose of this schedule, means the transportation or towage of passengers or goods, between a port or place located in Thai waters and another port or place located in Thai waters.

3.2 “Other forms of commercial presence for the supply of international maritime transport services” : for the purpose of this schedule, means the ability for international maritime transport service suppliers of other members to undertake locally the following:

- a) Marketing and sales of maritime transport services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself;
- b) The procurement, on their own account of any transport and related services, necessary for the supply of the integrated services;
- c) The preparation of documentation concerning transport documents, customer documents, or other document related to the origin and character of the goods transported;
- d) Setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally with any locally established shipping agency: As indicated in the horizontal section.

3.3 “Maritime freight forwarding services” means the activity consisting of organizing and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, preparation of document and provision of business information.

3.4 “Customs clearance services” means activities consisting of carrying out on behalf of another party customs formalities concerning the import, export or through transport of cargoes, whether this service is the main activities of the service supplier or a usual complement of its main activities.

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<p><b>TELECOMMU- NICATIONS SERVICES</b> Telecommunica- tions terminal equipment leasing services (CPC 75410)</p>	<p>1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) a) As indicated in the horizontal section b) Unbound for civil engineer</p>	<p>1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent 4) None</p>	
<p>Domestic VSAT<sup>1</sup></p>	<p>1) 1.1 Service providers must use public telecommunication network under national telecommunication authorities 1.2 Radio application service is subject to frequency availability 2) None 3) a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company</p>	<p>1) None 2) None 3) No limitations as long as foreign equity participation does not exceed 40 per cent</p>	

<sup>1</sup> Up to the end of 1999, service provider must use THAICOM satellite.

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	b) Such company shall be permitted under the built-transferred-operated concept by national telecommunication authorities <sup>2</sup> c) Must use public telecommunication network under national telecommunication authorities 4) As indicated in the horizontal section	4) None	

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<sup>2</sup> This condition will be applied for at least 10 years.



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<p><b>TOURISM</b>  Convention Center over 2000 participants  (The development of a building that consists of Exhibition Halls, Meeting Rooms, a conference hall with more than 2,000 seating capacity, a banquet and a business centre equipped with state of the art tele-communication and teleconferencing facilities to cater for the needs of the convention industry. The centre will also provide adequate carparks, shops and restaurants/cafes to the exhibitors, participants and visitors.)</p>	<p>1) Unbound  2) None  3) None other than that indicated in the horizontal section  4) as indicated in the horizontal section</p>	<p>1) Unbound  2) None  3) No limitation as long as foreign equity participation does not exceed 49 percent  4) None</p>	