

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th 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
BUSINESS SERVICES			
A. Professional Services			
Legal services (CPC 861)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) None (4) Unbound	(1) Auditing must be authenticated by licensed auditor in Thailand Thai citizenship and residency are required for Accountants and Certified Public Accountants. (2) None (3) None (4) Unbound	

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Taxation Services (CPC 863 / 8630)	(1) None (2) None (3) None (4) Unbound	(1) Tax review and auditing must be authenticated by licensed tax auditor in Thailand (2) None (3) None (4) Unbound	
Architectural services (CPC 8671: 86711 to 86714 + 86719)	(1) None	(1) Services must be authenticated by licensed architect in Thailand	
Landscape architectural services (CPC 86742)	(2) None	(2) None	

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	<p>(3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions:</p> <p>a) Foreign equity participation must not exceed 49 per cent of the registered capital;</p> <p><u>Limited Liability Company</u></p> <p>b) At least half of its director(s), or its managing director must be a person of Thai Nationality and obtain a license from the Architects Council;</p> <p><u>Limited Partnership or Registered Ordinary Partnership</u></p> <p>c) The managing partner or manager must be the person of Thai nationality; and</p> <p>d) At least half of its partner or its managing partner must be the person of Thai nationality and obtain a license from the Architects Council.</p> <p>(4) Unbound</p>	<p>(3) None</p> <p>(4) Unbound</p>	

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Engineering services (CPC 8672)	<p>(1) None</p> <p>(2) None</p> <p>(3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions:</p> <p style="padding-left: 20px;">a) Foreign equity participation must not exceed 49 per cent of the registered capital;</p> <p style="padding-left: 20px;"><u>Limited Liability Company</u> b) At least half of its director(s), or its managing director must be a person of Thai Nationality and obtain a license from Council of Engineers;</p>	<p>(1) Services must be authenticated by licensed engineer in Thailand</p> <p>(2) None</p> <p>(3) None</p>	

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	<p><u>Limited Partnership or Registered Ordinary Partnership</u> c) The managing partner or manager must be the person of Thai nationality; and d) At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Engineers Council.</p> <p>(4) a) As indicated in the horizontal section b) Unbound for civil engineer.</p>	<p>(3) None</p> <p>(4)</p>	
<p>Urban planning services (CPC 86741)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions:</p>	<p>(1) Services must be authenticated by licensed architect in Thailand</p> <p>(2) None</p> <p>(3) None</p>	

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	<p>a) Foreign equity participation must not exceed 49 per cent of the registered capital;</p> <p><u>Limited Liability Company</u> b) At least half of its director(s), or its managing director must be a person of Thai Nationality and obtain a license from the Architects Council;</p> <p><u>Limited Partnership or Registered Ordinary Partnership</u> c) The managing partner or manager must be the person of Thai nationality; and d) At least half of its partner or its managing partner must be the person of Thai nationality and obtain a license from the Architects Council.</p> <p>(4) Unbound</p>	<p>(4) Unbound</p>	

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B. Computer and Related Services	(1) None	(1) None	
Consultancy services related to the installation of computer hardware (CPC 841)	(2) None	(2) None	
	(3) None	(3) None	
Data base services (excluding those provided over public telecommunications network) (CPC 844)	(4) As indicated in the horizontal section	(4)	
Software implementation services (CPC 842) (i.e. 84210+84220+84230+84240+84250)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
Data processing services (excluding those provided over public telecommunications network) (CPC 843) (i.e. 84310+84320+84330+84390)	(4) As indicated in the horizontal section	(4) As indicated in the horizontal section	
Other Computer services:	(1) Unbound	(1) Unbound	
Maintenance and repair services of office machinery and equipment including computers (CPC 84500)	(2) None	(2) None	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

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C. Research and development services Research and development of natural sciences: research and experimental development services on: - physical sciences (CPC 85101) - chemistry & biology (CPC 85102) - engineering & technology (CPC 85103)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section	
Research and experimental development sciences on: - on other natural sciences (CPC 85109) - on law (CPC 85203) - on linguistics and languages (CPC 85204)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section	
Research and experimental development services on economics (CPC 85202)	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	

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E. Rental/Leasing Services without Operator Rental and leasing services concerning agricultural machinery, construction machinery, office machinery, other machinery and equipment without operator (CPC 83106-83109)	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	
F. Other Business Services Advertising services (CPC 871)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section	
Market research services (CPC 86401)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	

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Public opinion polling services (CPC 86402)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	
General management consulting services (CPC 86501)	(1) None (2) None (3) None (4) a) As indicated in the horizontal section (b) Unbound for legal and auditing consultants	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section	
Financial management consulting services (except business tax) (CPC 86502) Human resources management consulting services (CPC 86504)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section	

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Technical testing and analysis services (CPC 86761+86769)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section	
Packaging services (CPC 876)	(1) Unbound* (2) None (3) None (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
Publishing and printing services excluding publishing newspaper (CPC 88442)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	

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Translation and interpretation services (CPC 87905)	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	

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COMMUNICATIONS SERVICES			
Telecommunications Services			
<p><u>Commitments undertaken in this offer are subject to the following general conditions:</u></p> <ul style="list-style-type: none"> - Each service to be supplied in Thailand requires a specific licence issued by the National Telecommunications Commission (NTC). The number of licenses may be limited. - Licences are granted only to service suppliers duly constituted according to the Thai legislation, which requires head office and management located in the Thai territory. - The services in the Schedule of Specific Commitments shall be on facilities basis. - The service provider shall be a Thai registered company with foreign equity participation not exceeding 25 per cent of the registered capital. The NTC may prescribe the prohibition that the applicant for certain nature or categories of telecommunications business who is a juristic person, shall not commit any other act which has the nature of business takeover by a person who is not of Thai nationality. - Basic necessary new telecommunication acts are now in force. Commitments on public telecommunication services will be introduced and carried out in accordance with the implementing rules and regulations to be issued by virtue of those acts 			
Public local, domestic long distance and international services: (a) Fixed-line voice telephone services (b) Mobile telephone services (CPC 75213) (c) Telegraph services (d) Telex services (CPC 7523**)	(1) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends.	(1) None	Basic necessary new telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce into its Schedule of Specific Commitments on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory
(e) Facsimile services (CPC 7521**+7529*8) Paging services (CPC 75291)	(2) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends.	(2) None	

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	<p>(3) Basic necessary new telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce the market access elements as contained in relevant legislation into its Schedule of Specific Commitments relating to the supply of public telecommunication services.</p> <p>(4) As indicated in the horizontal section</p>	<p>(3) Basic necessary new telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce the market access elements as contained in relevant legislation into its Schedule of Specific Commitments relating to the supply of public telecommunication services.</p> <p>(4) As indicated in the horizontal section</p>	<p>and operational functions, and the allocation and use of scarce resources.</p>

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<p>Electronic mail (CPC 7523**)</p> <p>Voice mail (CPC 7523**)</p> <p>On-line information and data base retrieval (CPC 7523**)</p> <p>On-line information and/or data processing services provided over public telecommunications network (part of CPC 843, excluding transaction processing)</p>	<p>(1) None, other than</p> <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. 	<p>(1) None</p>	<p>Basic necessary new telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce into its Schedule of Specific Commitments on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources.</p>

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	<p>(2) None, other than</p> <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. <p>(3) Basic necessary new telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce the market access elements as contained in relevant legislation into its Schedule of Specific Commitments relating to the supply of public telecommunication services.</p> <p>(4) As indicated in the horizontal section</p>	<p>(2) None</p> <p>(3) Basic necessary new telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce the market access elements as contained in relevant legislation into its Schedule of Specific Commitments relating to the supply of public telecommunication services.</p> <p>(4) As indicated in the horizontal section</p>	

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Data base access services (part of CPC 7523)	(1) Service providers must use networks operated by suppliers duly licensed (2) None (3) a) Shall be a Thai registered company with foreign equity participation not exceeding 25 per cent of the registered capital b) Must use networks operated by suppliers duly licensed (4) As indicated in the horizontal section	(1) None (2) None (3) No limitation as long as foreign equity participation does not exceed 25 (4) As indicated in the horizontal section	
Telecommunications terminal equipment leasing services (CPC 75410)	(1) Unbound (2) None (3) None (4) a) As indicated in the horizontal section b) Unbound for civil engineer	(1) Unbound (2) None (3) None (4) Unbound except as provided in the horizontal section	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Telecommunications equipment sales services (part of CPC 75420)	(1) None	(1) Unbound	
Telecommunication Consulting Services (CPC 75440)	(2) None	(2) None	
	(3) None	(3) None	
	(4) a) As indicated in the horizontal section b) Unbound for civil engineer	(4) Unbound except as provided in the horizontal section	
Domestic VSAT (up to the end of 1999, services provider must use THAICOM satellite)	(1) a) Service providers must use public telecommunication network under national telecommunication authorities b) Radio application service is subject to frequency availability	(1) None	
	(2) None	(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	(3) No limitation as long as foreign equity participation does not exceed 40 percent	

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	<p>b) Such company shall be permitted under the built-transferred-operated concept by national telecommunication authorities²</p> <p>c) Must use public telecommunication network under national telecommunication authorities</p> <p>(4) As indicated in the horizontal section</p>	<p>(4) Unbound except as provided in the horizontal section</p>	
Dedicated network services (CPC 75222)	<p>(1) None, other than</p> <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. <p>(2) None, other than</p> <ul style="list-style-type: none"> - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. 	<p>(1) None</p> <p>(2) None</p>	<p>Basic necessary new telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce into its Schedule of Specific Commitments on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria,</p>

² This condition will be applied for at least 10 years.

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	<p>(3) Basic necessary new telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce the market access elements as contained in relevant legislation into its Schedule of Specific Commitments relating to the supply of public telecommunication services.</p> <p>(4) As indicated in the horizontal section</p>	<p>(3) Basic necessary new telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce the market access elements as contained in relevant legislation into its Schedule of Specific Commitments relating to the supply of public telecommunication services.</p> <p>(4) As indicated in the horizontal section</p>	<p>separation of regulatory and operational functions, and the allocation and use of scarce resources.</p>
<p>Videotex (part of CPC 75299)</p> <p>Teleconference (part of CPC 75292)</p> <p>Domestic leased circuits (part of CPC 75299)</p>	<p>(1) a) Service providers must use public telecommunication network under national telecommunication authorities b) Radio application service is subject to frequency availability</p> <p>(2) None</p>	<p>(1) None</p> <p>(2) None</p>	

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	<p>(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 b) Such company shall be permitted under the built-transferred-operated concept by national telecommunication authorities² c) Must use public telecommunication network under national telecommunication authorities d) Selection of service providers shall be based on open tender</p> <p>(4) As indicated in the horizontal section</p>	<p>(3) No limitation as long as foreign equity participation does not exceed 40 percent</p> <p>(4) None</p>	
<p>Film/video production and distribution services excluding promotion or advertising services (CPC 96112+96113)</p> <p>Radio/television services only for production of radio/TV programmes (CPC 96131+96132)</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) As indicated in the horizontal section</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None unbound except as provided in the horizontal section</p>	

² This condition will be applied for at least 10 years.

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CONSTRUCTION SERVICES			
Pre-erection Work at Construction Site (CPC 511)	(1) Unbound due to lack of technical feasibility	(1) Unbound due to lack of technical feasibility	
Construction Work for Buildings (CPC 512)	(2) None	(2) None	
Construction Work for Civil Engineering (CPC 513)	(3) None	(3) None	
Assembly and Erection of Prefabricated Constructions (CPC 514)	(4) a) As indicated in the horizontal section b) Unbound for civil engineer	(4) As provided in the horizontal section	
Special Trade Construction (CPC 515)			
Installation Work (CPC 516)			
Building Completion and Finishing Work (CPC 517)			
Renting services related to equipment for construction or demolition of building or civil engineering works with operator (CPC 518)			

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DISTRIBUTION SERVICES			
Commission agents' services (CPC 62111 to 62118)	(1) Unbound	(1) Unbound	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound	(4) Unbound	

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EDUCATION SERVICES			
International and national school education services (excluding adult and other education services) (CPC 9219+9221+9222)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound	
Technical and vocational education services (CPC 9223+9224)	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound	
Professional and/or short courses education services (CPC 92440)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound	

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ENVIRONMENTAL SERVICES			
Environmental consultancy on sewage system, refuse disposal, hazardous waste management, air pollution and noise management, sanitation and other environmental management services (CPC 9401)	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as provided in the horizontal section	
Environmental protection and environmental abatement services (CPC 9401)			
Sewage services (including industrial waste water treatment system) (CPC 9401)	(1) Unbound due to technical feasibility (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound due to technical feasibility (2) None (3) None (4) Unbound except as provided in the horizontal section	

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Refuse disposal services (including hazardous waste management and incinerator) (CPC 9402) Sanitation and similar services (CPC 9403 / 94030) Other Cleaning services of exhaust gases (including industrial emission abatement) (CPC 9404) Noise abatement services (CPC 9405 / 94050)	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound except as provided in the horizontal section	
Nature and landscape protection services (CPC 9406) Other environmental protection services (CPC 9409)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound except as provided in the horizontal section	

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HEALTHCARE AND RELATED SERVICES			
General medical services (CPC 93121) Specialized medical services (CPC 93122)	(1) Unbound	(1) Unbound	
	(2) None	(2) Unbound for reimbursement of medical expenses from public insurance systems	
	(3) Unbound	(3) Unbound	
	(4) As indicated in the horizontal section. The person who will be responsible to operate the OP clinic is required to have the license to operate for not more than one OP clinics, and has obtained a license to practice in Thailand	(4) Unbound, except as provided in the horizontal section. The person who applies for the license to operate must have a domicile in Thailand	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th 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
Dental Services (CPC 93123)	(1) Unbound due to lack of technical feasibility (2) None (3) Unbound (4) As indicated in the horizontal section. The person who will be responsible to operate the dental department is required to have license to operate for not more than one dental department, and has obtained a license to practice in Thailand	(1) Unbound due to lack of technical feasibility (2) Unbound for reimbursement of dental expenses from public insurance systems (3) Unbound (4) Unbound, except as provided in the horizontal section. The person who applies for the license to operate must have a domicile in Thailand	
Services provided by nurses (part of CPC 93191)	(1) Unbound* (2) None (3) Unbound (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) Unbound (4) Unbound, except as provided in the horizontal section	

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For the 5th 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
Hospital services (CPC 9311)	(1) Unbound* (2) None (3) Unbound (4) As indicated in the horizontal section The person who will be responsible to operate the hospital is required to have the license to operate for not more than one hospital, and has obtained a license to practice in Thailand.	(1) Unbound* (2) Unbound for reimbursement of health expenses from public insurance systems (3) Unbound (4) Unbound, except as provided in the horizontal section The person who applies for the license to operate must have a domicile in Thailand	

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For the 5th 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
TOURISM AND TRAVEL RELATED SERVICES			
Hotel Lodging Services (CPC 64110)	(1) None	(1) None	
Camping and Caravan site Services (CPC 64195)	(2) None	(2) None	
Meal serving services with full restaurant services (CPC 64210)	(3) None	(3) None	
Beverage Serving Services without Entertainment (CPC 64310)	(4) As indicated in the horizontal section	(4) As indicated in the horizontal section	
Motel lodging services (CPC 64120)	(1) None	(1) None	
Holiday center and holiday home services (CPC 64192)	(2) None	(2) None	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound except as provided in the horizontal section	

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For the 5th 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
Catering services (CPC 64230)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound except as provided in the horizontal section	
Travel agency and tour operator services (CPC 74710)	(1) Unbound (2) None (3) None other than that indicated in the horizontal section and not less than half of the board of directors of the company must be Thai nationality (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound except as provided in the horizontal section	
Hotel management services	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound except as provided in the horizontal section	

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For the 5th 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>Convention Centre over 2000 participants</p> <p>(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 telecommunication and teleconferencing facilities to cater for the needs of the convention industry. The centre will also provide adequate car parks, shops and restaurants/cafes to the exhibitors, participants and visitors.)</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) As indicated in the horizontal section</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except as provided in the horizontal section</p>	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th 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
RECREATIONAL, CULTURAL AND SPORTING SERVICES			
Sporting services (excluding other sporting services specified in (CPC 96419) (CPC 96411 + 96412 + 96413) Recreation park and beach services (CPC 96491)	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound except as provided in the horizontal section	
Marina Facilities (A small sea, lake, or river harbour with docking facilities for motor and sailing boats, with maintenance and supply services Marina provide berths for long and short term use and some also offer boat charter) Theme parks and amusement parks (CPC 96194)	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound except as provided in the horizontal section	

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For the 5th 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
TRANSPORT SERVICES			
A. Maritime Transport Services			
Passenger transportation (CPC 7211 less cabotage transport: as defined below - 3.1)	(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 b) Other forms of commercial presence for the supply of international maritime transport services except branch offices: As indicated in the horizontal section (4) a) Ships' crews: Unbound b) Other personnel: As indicated in the horizontal section	(1) None (2) None (3) a) Unbound b) None (4) a) Unbound b) as indicated in the horizontal section	The following services at the port provided by the government enterprises are made available to international maritime transport suppliers on reasonable and non- discriminatory terms and conditions: 1. Pilotage ¹ 2. Towing and tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal 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, berth and berthing services 10. Inland transports

¹ A Thai captain of a Thai ship which sails regularly in certain compulsory pilotage area may be permitted to pilot the ship in the area.

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For the 5th 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
	(4) a) Ships' crews: Unbound b) Other personnel: As indicated in the horizontal section	Exporters or importers of goods shipped from or to Thailand by Thai flag vessel may be entitled to special deduction of not more than 50 per cent of the freight values or other expenses paid in the ordinary courses of carriage of such goods from their net income for the purposes of calculation of income tax (4) a) Unbound b)	
International towing (CPC 7214)	(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 b) Other forms of commercial presence for the supply of international towing service (as defined below - 3.2) except branch office: As indicated in the horizontal section	(1) None (2) None (3) a) Unbound b) None	

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For the 5th 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
	(4) a) Ships' crews: Unbound b) Other personnel: As indicated in the horizontal section	(4) a) Unbound b) None	
Shore reception facilities (collection of waste/oily water from ships)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound except as provided in the horizontal section	
Port captain's services attached to specific foreign vessels	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound except as provided in the horizontal section	

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For the 5th 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
Classification societies	(1) Unbound ² (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Maritime cargo handling services (as defined below 3.6)	(1) Unbound (2) None (3) Supplying of services in the area under the jurisdiction of the Port Authority of Thailand is subject to certain conditions set up by the Ministerial Regulations issued under the Port Authority of Thailand Act B.E. 2494 (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	
Maritime Agency Services (as defined below 3.7)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	

² Thai-flag vessels may be required to conform to ship survey regulations stipulated by relevant administration

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rail Transport Services			
Maintenance and repair of rail transport equipment (CPC 8868)	(1) Unbound (2) None	(1) Unbound (2) None	
Supporting services for rail transport services (CPC 743) - Passenger and freight car cleaning services - Security services at railway station	(3) None (4) As indicated in the horizontal section	(3) None (4) Unbound, except as provided in the horizontal section	
F. Road Transport Services			
Other non-scheduled passenger transportation	(1) Unbound (2) None	(1) Unbound (2) None	
Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerized freight (CPC 71231 to 71233)	(3) a) None other than that indicated in the horizontal section b) Not less than half of the board of directors of the company must be Thai nationality	(3) None	
Rental services of passenger cars with operator (CPC 71222)			
Rental services of buses and coaches with operator (CPC 71223)	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
H. Services Auxiliary to All Modes of Transport			
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 provided 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 provided in the horizontal section	
Storage and warehouse services for maritime transport (CPC 742)	(1) Unbound due to lack of technical feasibility (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound due to lack of technical feasibility (2) None (3) None (4) As indicated in the horizontal section	

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For the 5th 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
Freight forwarding services	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section	

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For the 5th 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
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NOTE TO THE MARITIME TRANSPORT 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 service;
 - (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 "Multimodal transport operator" means the person on whose behalf the bill of lading/multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.
 - 3.4 "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 documentation and provision of business information.

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For the 5th 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
3.5	“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		
3.6	<p>“Maritime cargo handling services” means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers when this workforce is organized independently of the stevedoring or terminal operator companies. The activities include the organization and supervision of:</p> <ul style="list-style-type: none"> - the loading/discharging of cargo to/from a ship; - the lashing/unlashing of cargo; - the reception/delivery and safekeeping of cargoes before shipment or after discharge. 		
3.7	<p>“Maritime agency services” means activities consisting of representing as an agent, the business interests of one or more shipping lines, for the following purposes:</p> <ul style="list-style-type: none"> - marketing and sales of maritime transport and related services, from quotation to invoicing, and issuing of bill of lading of the shipping lines; procurement and resale of the necessary related services, preparation of documentation, and provision of business information; - acting on behalf of the shipping lines organizing the call of a ship or taking over cargoes when required. 		
