

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th 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 a limited liability company which 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; and</p> <p>(b) The number of foreign shareholders must be less than half of the total number of shareholders of the company concerned, except in the following sub-sectors which this condition is not applied:</p> <ul style="list-style-type: none"> - Accounting, auditing and bookkeeping services (CPC 862) - Consultancy services related to the installation of computer hardware (CPC 841) - Data base services (excluding those provided over public telecommunications network) (CPC 844) - Construction and related engineering services (CPC 511-518) - Maritime passenger and freight transportations (CPC 7211-7212 less cabotage transport) 	<p>3) For commercial entity incorporated pursuant to Thailand's laws and regulations with foreign equity participation not exceeding 49 percent of the registered capital: None</p> <p>Commercial presence which is owned or controlled by foreigner(s) may be subject to certain requirements as stipulated by laws regarding foreign investment.</p> <p>The manager or the representative of the juristic person who apply for a license must be a Thai national.</p> <p>The director and deputy director must be Thai nationals.</p> <p>The manager and executive manager must be Thai nationals.</p> <p>Others : Unbound, including subsidies</p>	

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	<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>4 Unbound, except as provided in the MA column</p>	

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	<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 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. Foreigners are also allowed to own part of condominium units under the laws and regulations governing the ownership of condominiums.</p>	<p>3), 4) Acquisition and usage of land: Unbound, except as provided in the MA column</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.