

**SENSITIVE LIST
FOR THE OPENING UP OF INDUSTRIES FOR SERVICES INCIDENTAL TO THE
MANUFACTURING, AGRICULTURE, FISHERY, FORESTRY,
MINING & QUARRYING SECTORS**

Thailand

SECTOR	I S I C / C P C	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
Industries Closed to Both National and Foreign Investors			
Services Incidental to Manufacturing, Agriculture, Fishery, Forestry, Mining & Quarrying		NIL	NIL
Industries Closed Only to Foreign Investors			
Services Incidental to Manufacturing	CPC 88442 ISIC 2212	Services incidental to newspaper business	<ul style="list-style-type: none">Foreign equity participation is restricted to less than 50% of registered capitalForeign equity participation of 50% or more of registered capital is not allowed
Services Incidental to Agriculture		<ul style="list-style-type: none">Services incidental to rice farming, farming or gardeningServices incidental to animal farming	<ul style="list-style-type: none">Foreign equity participation is restricted to less than 50% of registered capitalForeign equity participation of 50% or more of registered capital is not allowed
Services Incidental to Fishery		Services incidental to fishery for marine animals in Thai waters and within Thailand specific economic zones	<ul style="list-style-type: none">Foreign equity participation is restricted to less than 50% of registered capitalForeign equity participation of 50% or more of registered capital is not allowed

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SECTOR	I S I C / C P C	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
Services Incidental to Forestry		Services incidental to forestry and wood fabrication from natural forest	<ul style="list-style-type: none"> Foreign equity participation is restricted to less than 50% of registered capital Foreign equity participation of 50% or more of registered capital is not allowed
Services Incidental to Mining & Quarrying		NIL	NIL
Industries Open with Restriction to Foreign Investors			
Services Incidental to Manufacturing	CPC 711/712/ 721/731 ISIC 601/602/ 611/612/ 621/622	Services incidental to domestic land, waterway or air transportation, including domestic airline business	<ul style="list-style-type: none"> Foreign equity participation is restricted to less than 50% of registered capital Foreign equity participation of 50% or more of registered capital can be made, subject to following conditions: <ol style="list-style-type: none"> Shall obtain permission from Minister of Commerce, with approval of Cabinet, and shall also fulfill following requirements: <ul style="list-style-type: none"> Shall have Thai nationals, or juristic persons that are not foreigners under Foreign Business Act B.E. 2542 (1999), held not less than 40% of registered capital. However, Minister of Commerce with approval of Cabinet, may reduce said requirement to not less than 25% Shall have Thai nationals held at least two-fifths of total directors Or Shall receive promotion under Investment Promotion Law, or shall obtain permission under law governing Industrial Estate Authority of Thailand or other related laws

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SECTOR	I S I C / C P C	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
			<ul style="list-style-type: none"> • Shall have minimum capital invested at commencement of a business not less than that prescribed by Ministry of Commerce's regulations, which in any case not less than 3 million baht • Shall apply for license or certificate from Department of Business Development • Shall comply with other conditions prescribed in Foreign Business Act B.E. 2542 (1999) and other related laws
	CPC 884,885 ISIC 15-37	All services incidental to manufacturing sector listed in Central product Classification (CPC)	Foreign equity participation is restricted to less than 50% of registered capital
	CPC 884,885 ISIC 15-37	All services incidental to manufacturing sector listed in Central product Classification (CPC) Division 88	Foreign equity participation is restricted to less than 50% of registered capital
	CPC 8760,1800, 429,87907/ 86726,8676, 516/517/ 874/940/ 845,5226, 742,8510, 842/843, 742,211/ 212/213/ 215,842/ 843,8711 ISIC 7495,4100, 2891/2892, 7499/7421, 7422,4530, 7493,4520, 6302,7310, 7220/7230/	<ul style="list-style-type: none"> • All services incidental to packaging of manufacture product; water treatment; heat treatment; design of product (e.g. textiles and packaging designs); testing of a product; repair, maintenance and cleaning services of manufacturing plants, oil rigs, etc.; installation of machinery; dedicated transportation; R&D of a specific production process; freezing, handling and storage; food preparation (drying, skinning, etc.); software design and development for the manufacturing sector, marketing and distribution of a manufacturing product 	<ul style="list-style-type: none"> • Foreign equity participation of 50% or more of registered capital can be made, subject to following conditions: <ul style="list-style-type: none"> - Shall obtain permission from Director-General of Department of Business Development, with approval of Foreign Business Committee; or - Shall receive promotion under Investment Promotion Law, or shall obtain permission under law governing Industrial Estate Authority of Thailand or other related laws • Shall have minimum capital invested at commencement of a business not less than that prescribed by Ministry of Commerce's regulations,

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		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
	7240,6302, 1511/1512/ 1513/1514, 7220/7230/ 7240,7430	<ul style="list-style-type: none"> • Other services incidental to manufacturing sector except that prescribed in the ministerial regulations 	<p>which in any case not less than 3 million baht</p> <ul style="list-style-type: none"> • Shall apply for license or certificate from Department of Business Development • Shall comply with other conditions prescribed in Foreign Business Act B.E. 2542 (1999) and other related laws • In the cases of tobacco and playing cards, shall obtain permission from Director-General of Excise Department according to Tobacco Act. B.E. 2509 (1966), or Playing Cards Act B.E. 2486 (1943)
Services Incidental to Agriculture		<ul style="list-style-type: none"> • Services incidental to salt farming, including efflorescent salt production • Services incidental to rock salt mining • Services incidental to silkworm farming 	<ul style="list-style-type: none"> • Foreign equity participation is restricted to less than 50% of registered capital • Foreign equity participation of 50% or more of registered capital can be made, subject to following conditions: <ol style="list-style-type: none"> 1. Shall obtain permission from Minister of Commerce, with approval of Cabinet, and shall also fulfill following requirements: <ul style="list-style-type: none"> • Shall have Thai nationals, or juristic persons that are not foreigners under Foreign Business Act B.E. 2542 (1999), held not less than 40% of registered capital. However, Minister of Commerce with approval of Cabinet, may reduce said requirement to not less than 25% • Shall have Thai nationals held at least two-fifths of total directors <p>Or</p> 2. Shall receive promotion under Investment Promotion Law, or shall obtain permission under law governing Industrial

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			<p>Estate Authority of Thailand or other related laws</p> <ul style="list-style-type: none"> • Shall have minimum capital invested at commencement of a business not less than that prescribed by Ministry of Commerce's regulations, which in any case not less than 3 million baht • Shall apply for license or certificate from Department of Business Development • Shall comply with other conditions prescribed in Foreign Business Act B.E. 2542 (1999) and other related laws
	8811	<ul style="list-style-type: none"> • Services incidental to plant cultivation and propagation business • All services incidental to agricultural sector listed in Central Product Classification (CPC) Division 88 excluding rice farming, farming, gardening and animal farming 	<ul style="list-style-type: none"> • Foreign equity participation is restricted to less than 50% of registered capital • Foreign equity participation of 50% or more of registered capital can be made, subject to following conditions: <ul style="list-style-type: none"> - Shall obtain permission from Director General of Department of Commercial Registration, with approval of Foreign Business Committee; or - Shall receive promotion under Investment Promotion Law, or shall obtain permission under law governing Industrial Estate Authority of Thailand or other related laws
	8760,1800, 8790,8862, 8676,8740, 51699,8510, 741,742,722, 842,843, 87909	<ul style="list-style-type: none"> • All services incidental to packaging of agricultural product; water treatment; design of product (e.g. packaging design); testing of a product; repair, maintenance and cleaning services of agricultural plants, etc.; installation of agricultural related machinery; dedicated transportation; R&D of a specific production process; freezing, handling and storage; food preparation (drying, skinning, etc.); software design and development for the agricultural sector, marketing and distribution of a agricultural products 	<ul style="list-style-type: none"> • Shall have minimum capital invested at commencement of a business not less than that prescribed by Ministry of Commerce's regulations, which in any case not less than 3 million baht • Shall apply for license or certificate from Department of Business Development

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		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
		<ul style="list-style-type: none"> Other services incidental to agricultural sector except that prescribed in the ministerial regulations 	<ul style="list-style-type: none"> Shall comply with other conditions prescribed in Foreign Business Act B.E. 2542 (1999) and other related laws
Services Incidental to Fishery	882	<ul style="list-style-type: none"> Services incidental to fishery especially marine animal culture All services incidental to fishery sector listed in Central product Classification (CPC) Division 88 excluding fishery for marine animals in Thai waters and within Thailand specific economic zones 	<ul style="list-style-type: none"> Foreign equity participation is restricted to less than 50% of registered capital Foreign equity participation of 50% or more of registered capital can be made, subject to following conditions: <ul style="list-style-type: none"> Shall obtain permission from Director General of Department of Business Development, with approval of Foreign Business Committee; or Shall receive promotion under Investment Promotion Law, or shall obtain permission under law governing Industrial Estate Authority of Thailand or other related laws
	8760,1800, 8790,8862, 8676,8740, 51699,8510, 741,742,722, 842,843, 87909	<ul style="list-style-type: none"> All services incidental to packaging of fishery product; water treatment; design of product (e.g. packaging design); testing of a product; repair, maintenance and cleaning services of fishery, etc.; installation of fishing related machinery; dedicated transportation; R&D of a specific production process; freezing, handling and storage; food preparation (drying, skinning, etc.); software design and development for the fishery sector, marketing and distribution of fishery products Other services incidental to fishery sector except that prescribed in the ministerial regulations 	<ul style="list-style-type: none"> Shall have minimum capital invested at commencement of a business not less than that prescribed by Ministry of Commerce's regulations, which in any case not less than 3 million baht Shall apply for license or certificate from Department of Business Development Shall comply with other conditions prescribed in Foreign Business Act B.E. 2542 (1999) and other related laws
Services Incidental to Forestry	8814	<ul style="list-style-type: none"> Services incidental to logging from plantation All services incidental to forestry sector listed in Central Product 	<ul style="list-style-type: none"> Foreign equity participation is restricted to less than 50% of registered capital Foreign equity participation of 50% or more of registered

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		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
		Classification (CPC) Division 88 excluding forestry and wood fabrication from natural forest	capital can be made, subject to following conditions: - Shall obtain permission from Director General of Department of Business Development, with approval of Foreign Business Committee; or - Shall receive promotion under Investment Promotion Law, or shall obtain permission under law governing Industrial Estate Authority of Thailand or other related laws
	8760,1800, 8790,8862, 8676,8740, 51699,8510, 741,742,722, 842,843, 87909	<ul style="list-style-type: none"> • All services incidental to packaging of forestry product; water treatment; design of product (e.g. packaging design); testing of a product; repair, maintenance and cleaning services of forestry, etc.; installation of forestry related machinery; dedicated transportation; R&D of a specific production process; software design and development for the forestry sector, marketing and distribution of forestry products • Other services incidental to forestry sector except that prescribed in the ministerial regulations 	<ul style="list-style-type: none"> • Shall have minimum capital invested at commencement of a business not less than that prescribed by Ministry of Commerce's regulations, which in any case not less than 3 million baht • Shall apply for license or certificate from Department of Business Development • Shall comply with other conditions prescribed in Foreign Business Act B.E. 2542 (1999) and other related laws
Services Incidental to Mining & Quarrying	883	Services incidental to mining including rock blasting or crushing	<ul style="list-style-type: none"> • Foreign equity participation is restricted to less than 50% of registered capital • Foreign equity participation of 50% or more of registered capital can be made, subject to following conditions: 1. Shall obtain permission from Minister of Commerce, with approval of Cabinet, and shall also fulfill following requirements: <ul style="list-style-type: none"> • Shall have Thai nationals, or juristic persons that are not foreigners under Foreign Business Act B.E. 2542 (1999), held not less than 40% of registered capital. However, Minister of

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		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
			<p>Commerce with approval of Cabinet, may reduce said requirement to not less than 25%</p> <ul style="list-style-type: none"> • Shall have Thai nationals held at least two-fifths of total directors <p>Or</p> <p>2. Shall receive promotion under Investment Promotion Law, or shall obtain permission under law governing Industrial Estate Authority of Thailand or other related laws</p> <ul style="list-style-type: none"> • Shall have minimum capital invested at commencement of a business not less than that prescribed by Ministry of Commerce's regulations, which in any case not less than 3 million baht • Shall apply for license or certificate from Department of Business Development • Shall comply with other conditions prescribed in Foreign Business Act B.E. 2542 (1999) and other related laws
	883	All services incidental to mining sector listed in Central Product Classification (CPC) Division 88	<ul style="list-style-type: none"> • Foreign equity participation is restricted to less than 50% of registered capital • Foreign equity participation of 50% or more of registered capital can be made, subject to following conditions: <ul style="list-style-type: none"> - Registration, with approval of Foreign Business Committee; <p>Or</p> <ul style="list-style-type: none"> - Shall receive promotion under Investment Promotion Law, or shall obtain permission under law governing Industrial Estate Authority of Thailand or other related laws
	8760,1800, 8790,8862, 8676,8740, 51699,8510, 741,742,722, 842,843, 87909	<ul style="list-style-type: none"> • All services incidental to packaging of mining product; water treatment; design of product (e.g. packaging design); testing of a product; repair, maintenance and cleaning services of mine; installation of mining related machinery; dedicated transportation; R&D of a specific production process; handling and storage; marketing and distribution of mining products 	

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		<ul style="list-style-type: none"> • Other services incidental to mining sector except that prescribed in the ministerial regulations 	<ul style="list-style-type: none"> • Shall have minimum capital invested at commencement of a business not less than that prescribed by Ministry of Commerce's regulations, which in any case not less than 3 million baht • Shall apply for license or certificate from Department of Business Development • Shall comply with other conditions prescribed in Foreign Business Act B.E. 2542 (1999) and other related laws

SENSITIVE LIST
FOR THE GRANTING OF NATIONAL TREATMENT FOR SERVICES INCIDENTAL
TO THE MANUFACTURING, AGRICULTURE, FISHERY, FORESTRY,
MINING & QUARRYING SECTORS

Thailand

SUBMISSIONS	
MEASURES	DESCRIPTION OF TREATMENT
Services Incidental to Manufacturing, Agriculture, Fishery, Forestry, Mining & Quarrying Sectors	
Foreign Equity Participation	<ul style="list-style-type: none"> Foreign equity participation is restricted to less than 50% of registered capital. Foreign equity participation of 50% of registered capital or more can be made, subject to following conditions: <ol style="list-style-type: none"> All activities listed in SL shall obtain permission from Minister of Commerce, with approval of Cabinet, or Director General of the Department of Business Development, with approval of Foreign Business Committee, as case maybe Or Shall receive promotion under Investment Promotion Law, or shall obtain permission under law governing Industrial Estate Authority of Thailand or other related laws.
Capital Requirements	<ul style="list-style-type: none"> In case of industries which are open with restriction to foreign investor under TEL and SL, minimum capital invested at commencement of a business shall not be less than that prescribed in the Ministry of Commerce's regulations, which in any case shall not be less than three million Baht. In case of industries which are open without restriction to foreign investor under SL, minimum capital invested at commencement of a business shall not be less than that prescribed in the Ministry of Commerce's regulations, which in any case shall not be less than two million Baht.
License or Certificate Requirements	Only business under TEL and SL shall apply for license or certificate from the Department of Business Development.

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SUBMISSIONS	
MEASURES	DESCRIPTION OF TREATMENT
Services Incidental to Manufacturing, Agriculture, Fishery, Forestry, Mining & Quarrying Sectors	
Land Ownership	<ol style="list-style-type: none"> 1. Foreign investors are permitted to own land according to Investment Promotion Act B.E. 2520: Industrial Estate Authority of Thailand Act B.E. 2522 (1979), and the Petroleum Act. B.E. 2514 (Article 65 on oil concessionaire) 2. The Amended Land Code (No.8) B.E. 2542 (1999) allows foreigners with registered capital of at least 40 million baths, to own land for residential purpose not exceeding 1 rai. Also, they must obtain Ministerial permission.
Residence Ownership	<ol style="list-style-type: none"> 1. Foreigners are not allowed to own housing except condominium. 2. The total condominium units owned by foreigners must not exceed 49% of the condominium units in each condominium unless the condominium is located in Bangkok or other governmental vicinities specified by the Ministerial regulations. The total area of land must not exceed 5 rais.
Measures related services (Government Procurement)	Subject to the regulations of the Office of the Prime Minister.
Employment of Foreign Personnel	The Working Aliens Act. B.E. 2522 provides list of 39 vocations that are prohibited to foreign investors. It has been under negotiation of the Service Working Group.
Other Conditions	Foreign business shall comply with other conditions prescribed in Foreign Business Act B.E. 2542 (1999) and other related laws.

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