

THAILAND

Schedule of Specific Commitments

(For the First Package of Commitments)

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>3. In the case of the supply of services through commercial presence, only juridical persons of another Party owned and controlled by persons of any Party may benefit from Thailand's commitments.</p> <p>Unless otherwise specified at the sector- specific level, 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.</p> <p>4. Unless otherwise specified at the sector-specific level, temporary movement of natural persons is <u>unbound except in</u></p>	<p>3. In the case of the supply of services through commercial presence, only juridical persons of another Party owned and controlled by persons of any Party may benefit from Thailand's commitments.</p> <p>Unless otherwise specified at the sector- specific level, 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>Others : Unbound, including subsidies</p> <p>4. Unbound, except as provided in the MA column</p>	

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	<p>the following categories:</p> <p>I. Business Visitors (BV)</p> <p>(a) Service sellers : Representatives of a service supplier who enter and stay in Thailand temporarily without receiving remuneration from within Thailand for the sale of goods or services or entering into agreement for such sale for that services supplier.</p>		
	<p>(b) Persons responsible for establishing a commercial presence : Representatives of a service supplier who enter and stay in Thailand temporarily for the purposes of:</p> <ul style="list-style-type: none"> - participating in business meetings or contacts, - visiting of business establishments or other similar activities, - entering with a purpose to establish a commercial presence of a service supplier in Thailand when the service supplier has no commercial presence in Thailand. <p><u>Condition :</u> Representatives of such</p>		

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	<p>service suppliers or employees of such juridical person will not be engaged in making direct sales to the general public or in supplying services themselves.</p> <p><u>Duration of stay :</u></p> <p>Temporary stay will be permitted and a work permit granted, when apply for, for an initial period of not more than 90 days.</p> <p>Representative of category (b) may be extended for a further period of not more than one year from the arrival date, provided that the criteria stipulated by the Immigration Bureau and the Department of Employment have been satisfied.</p>		
	<p>II. Intra-corporate Transferees (ICT)</p> <p>Employees of a company established in the territory of another Party who are transferred temporarily for the supply of a service through commercial presence in Thailand.</p> <p>The employees refer to Executives, Managers, or Specialists as defined</p>		

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	<p>below.</p> <p>Manager is defined as :</p> <p>A person within an organization who primarily directs the organization, or a department or sub-division of the organization; supervises and controls the work of other supervisory, professional or managerial employees; has the authority to hire and fire or recommend hiring, firing, or other personnel actions (such as promotion or leave authorization); and exercises discretionary authority over day-to-day operations. Does not include first-line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily perform tasks necessary for the provision of the service.</p> <p>Executive is defined as :</p> <p>A person within an organization who primarily directs the management of the organization, exercises wide latitude in decision-making, and receives only general supervision or direction from higher-level executives, (the board of directors, or shareholders of the</p>		

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	business). An executive would not directly perform tasks related to the actual provision of a service or services of the organization.		
	<p>Specialist is defined as :</p> <p>A person within an organization who possesses knowledge at an advanced level of continued expertise possesses proprietary knowledge of the organization services, research equipment, techniques, or management.</p> <p>Condition :</p> <p>Such employees must have 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; have satisfied the criteria stipulated by the Immigration Bureau and hold a Non-Immigration visa; and have satisfied the criteria for management needs¹ stipulated by the Department of Employment.</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.

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	<p>Duration of stay :</p> <p>Temporary stay will be permitted and a work permit granted, when apply for, for a one year period, and may be extended for a further three terms of not more than one year each subject to verification of ongoing employment with original employer and compliance with relevant Thai laws and regulations.</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>	
II. SECTOR SPECIFIC COMMITMENTS			

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
1. BUSINESS SERVICES			
A. Professional Services			
(b) Accounting, auditing and bookkeeping services (CPC 862)	1) None 2) None 3) None 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
(d) Architectural services (CPC 8671)	1) None 2) None 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: a) Foreign equity participation must not exceed 49 per cent of the registered capital; <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;	1) Unbound 2) None 3) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Engineering services (CPC 8672)	<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(s), 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>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>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</p>	<p>4) Unbound</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None</p>	

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(g) Landscape architectural services (CPC 86742)	<p>and obtain a license from Council of Engineers;</p> <p><u>Limited Partnership or Registered Ordinary Partnerships</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(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>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>a) Foreign equity participation</p>	<p>4) Unbound, except as provided in the horizontal section</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None</p>	

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	<p>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(s), 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>	
<p>5. EDUCATIONAL SERVICES</p> <p>B. Secondary Education Services</p> <p>International and National School Education Services excluding adult and other education (CPC 9221, 9222)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Foreign natural persons may enter Thailand to supply education</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as provided in the horizontal section.</p>	

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	<p>services provided that:</p> <p>(1) the natural persons are invited or employed by education institutions duly established and registered in Thailand;</p> <p>(2) the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of Education, where applicable</p> <p>The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension.</p> <p>Others : As indicated in the horizontal section</p>	<p>The person who applies for the license to operate must have a domicile in Thailand</p>	
B. Technical and Vocational Education Services (CPC 9223, 9224)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Foreign natural persons may enter Thailand to supply education services provided that:</p> <p>(1) the natural persons are</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as provided in the horizontal section</p>	

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	<p>invited or employed by education institutions duly established and registered in Thailand;</p> <p>(2) the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of Education, where applicable</p> <p>The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension.</p> <p>Others : As indicated in the horizontal section</p>		
C. Higher Education Services (CPC 923)	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Foreign natural persons may enter Thailand to supply education services provided that:</p> <p>(1) the natural persons are invited or employed by</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>education institutions duly established and registered in Thailand;</p> <p>(2) the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of Education where applicable</p> <p>The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension.</p> <p>Others : As indicated in the horizontal section</p>		
<p>E. Other education services (CPC 92900)</p> <p>Chinese language tuition services (part of CPC 92900)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Foreign natural persons may enter Thailand to supply Chinese language tuition services provided that:</p> <p>(1) the natural persons are invited or employed by education institutions duly</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>established and registered in Thailand;</p> <p>(2) the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of Education where applicable</p> <p>The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension.</p> <p>Others : As indicated in the horizontal section</p>		
<p>9. TOURSIM AND TRAVEL RELATED SERVICES</p> <p>A. Hotel lodging services (CPC 64110)</p> <p>Restaurant services (CPC 64210)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) As indicated in the horizontal section</p> <p>1) None</p> <p>2) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as provided in the horizontal section</p> <p>1) None</p> <p>2) None</p>	

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Catering services (CPC 64230)	3) None 4) As indicated in the horizontal section 1) Unbound 2) None 3) None 4) As indicated in the horizontal section	3) None 4) Unbound, except as provided in the horizontal section 1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	
B. Travel Agencies and Tour Operators Services (CPC7471)	1) Unbound 2) None 3) In addition to that indicated in the horizontal section, 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	
D. Other Hotel management services	1) None 2) None	1) None 2) None	

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	3) None 4) As indicated in the horizontal section	3) None 4) Unbound, except as provided in the horizontal section	
11. TRANSPORT SERVICES A. Maritime Transport Services Maritime cargo handling services ²	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) Unbound, except as provided in the horizontal section	

² 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:

- 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