

THAILAND

Schedule of Specific Commitments

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

For the 1st Package of Commitments under ASEAN – India Agreement on Trade in 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			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE ^{Note}</p>	<p>(1),(2),(3),(4) For a service supplier of another Party who is a natural person of that Party but is not a national of that Party: Unbound</p> <p>(1),(2),(3),(4) Thailand reserves the right to apply all measures relating to taxation on a reciprocal basis.</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 to this Agreement 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>(1),(2),(3),(4) For a service supplier of another Party who is a natural person of that Party but is not a national of that Party: Unbound</p> <p>(1),(2),(3),(4) Thailand reserves the right to apply all measures relating to taxation on a reciprocal basis.</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 to this Agreement 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>	

^{Note} The scope and classification of sub-sectors contained in this schedule, unless otherwise specified, corresponds to the explanatory notes for services listed in the 1991 Central Product Classification (CPC) of the United Nations Statistical Office, while the ordering is based on the Services Sectoral Classification List set out in document MTN.GNS/W/120 dated 10 July 1991.

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	<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>(c) In accordance with related Thailand’s laws, requirements, rules and regulations.</p> <p>(4) Unless otherwise specified at the sector-specific level, temporary movement of natural persons is unbound except in 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</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>Minimum capital requirement must be adhere to.</p> <p>The manager or the representative of the juridical 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> <p>(4) Unbound, except as provided in the MA column</p>	

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	<p>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 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>		

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	<p><u>Duration of stay:</u> 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>Temporary stay of 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) Employees of a company established in the territory of a 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 below.</p> <p>Manager is defined as: 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</p>		

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	<p>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: 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 business). An executive would not directly perform tasks related to the actual provision of a service or services of the organization.</p> <p>Specialist is defined as: A person within an organization who possesses knowledge at an advanced level of continued expertise essential to the establishment provision of the service and/or possesses proprietary</p>		

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	<p>knowledge of the organization's services, research equipment, techniques, or management.</p> <p>Condition: 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> <p>Duration of stay: 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>		

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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	(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.	(3),(4) Acquisition and usage of land: Unbound, except as provided in the MA column	

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II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services			
(a). Legal services (CPC 86111+86119+86120+86130+86190)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
(b). Accounting, auditing and bookkeeping services (CPC 86211 to 86213+86219+86220)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
(d). Architectural services (CPC 86711 to 86714+86719)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	

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(e). Engineering services (CPC 86721 to 86727 +86729)	(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	
(g). Urban planning and landscape architectural services (CPC 86741 to 86742)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	

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(h). Medical and dental services: - General medical services (CPC 93121) - Specialized medical services (CPC 93122)	(1) Unbound (2) None (3) In addition to that indicated in the horizontal section, commercial presence in these sub-sectors must only be OP clinic in a hospital. A person is allowed to operate not more than one sanatorium. (4) Unbound, except 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	(1) Unbound (2) None (3) Unbound (4) Unbound	

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<p>- Dental Services (CPC 93123)</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) In addition to that indicated in the horizontal section, commercial presence in this sub-sector must only be dental department in a hospital, not dental clinic nor dental hospital. A person is allowed to operate not more than one sanatorium.</p> <p>(4) Unbound, except the person who will be responsible to operate the dental department is required to have the license to operate for not more than one dental department, and has obtained a license to practice in Thailand</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) The person who applies for the license to operate must have a domicile in Thailand</p> <p>(4) Unbound</p>	

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Services provided by nurses (part of CPC 93191)	(1) Unbound (2) None (3) In addition to that indicated in the horizontal section, commercial presence in this sub-sector must only be nursing department in a hospital. A person is allowed to operate not more than one sanatorium. (4) Unbound, except the person who will be responsible to operate the nursing department is required to have the license to operate for not more than one nursing department, and has obtained a license to practice in Thailand	(1) Unbound (2) None (3) The person who applies for the license to operate must have a domicile in Thailand (4) Unbound	

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B. Computer and Related Services			
(a). Consultancy services related to the installation of computer hardware (CPC 84100)	(1) Unbound (2) None	(1) Unbound (2) None	
(b). Software implementation services (CPC 84210+84220 +84230+84240+84250)	(3) None (4) As indicated in the horizontal section	(3) None (4) Unbound, except as provided in the horizontal section	
(c). Data processing services (excluding those provided over public telecommunications network) (CPC 84310+84320 +84330+84390)			
(d). Data base services (excluding those provided over public telecommunications network) (CPC 84400)			

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C. Research and development services			
(a) Research and experimental development services on: <ul style="list-style-type: none"> - Physical sciences (CPC 85101) - Chemistry and biology (CPC 85102) - Engineering and 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 provided in the horizontal section	
(b) Research and experimental development services on: <ul style="list-style-type: none"> - Economics (CPC 85202) - Law (CPC 85203) - Linguistics and languages (CPC 85204) 			

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E. Rental/Leasing Services without Operators			
(a) Relating to ships: Leasing or rental services concerning vessels (CPC 83103)	(1) Unbound (2) None (3) In addition to that indicated in the horizontal section, foreign participation is permitted only through juridical person engaged in leasing or renting non-Thai flag vessels. Foreigner chartering Thai flag vessels is not allowed to conduct transport services within Thai territorial waters. (4) Unbound	(1) Unbound (2) None (3) Vessels registered under Thai flag may be granted rights and privileges in accordance with relevant Thai laws (4) Unbound	

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F. Other Business Services			
(d). Services related to management consulting: Project management services other than for construction (CPC 86601)	(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	
(e). Technical testing and analysis services: - Composition and purity testing and analysis services (CPC 86761) - Other technical testing and analysis services (CPC 86769)	(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	
(t). Other Translation and interpretation services (CPC 87905)	(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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<p>(s). Convention centre over 2,000 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 carparks, 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>	

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2. COMMUNICATION SERVICES			
D. Audiovisual Services			
(a). Film/video production and distribution services excluding promotion or advertising services (CPC 96112+96113)	(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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3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. Construction Work for Buildings (CPC 51210+51220 +51230+51240+51250+51260 +51270+51280+ 51290)	(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	
B. Construction Work for Civil Engineering (CPC 51310+51320 +51330+51340+51350+51360+51371 +51372 +51390)	(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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4. DISTRIBUTION SERVICES			
A. Commission Agents' Services (CPC 62111 to 62118)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	

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8. HEALTH RELATED AND SOCIAL SERVICES			
A. Hospital Services (CPC 9311)	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) In addition to that indicated in the horizontal section, Thailand may prescribe, in any area, numbers of hospital, or types of medical services to be provided in the hospital.</p> <p>A person is allowed to operate not more than one hospital.</p> <p>(4) As indicated in the horizontal section.</p> <p>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.</p>	<p>(1) Unbound</p> <p>(2) Unbound for reimbursement of health expenses from public insurance systems</p> <p>(3) The person who applies for the license to operate must have a domicile in Thailand.</p> <p>(4) Unbound, except as provided in the horizontal section.</p> <p>The person who applies for the license to operate must have a domicile in Thailand</p>	

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9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotel Lodging Services (CPC 64110)	(1) Unbound	(1) Unbound	
Restaurant Services (CPC 64210)	(2) None	(2) None	
Catering Services (CPC 64230)	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	
B. Travel Agency and Tour Operator Services (CPC 74710)	(1) Unbound	(1) Unbound	
	(2) None	(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 have Thai nationality	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

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10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. Entertainment Services: Theme parks, amusement parks (CPC 96191)	(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	
D. 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	

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11. TRANSPORT SERVICES			
C. Air Transport Services			
(d) Aircraft repair and maintenance services (only heavy maintenance services) (part of CPC 8868)	(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	
(e) Supporting services for air transport (CPC 746**) Selling and marketing of air transport services	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) Unbound (3) None (4) Unbound	

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Computer reservation system services	<p>(1) None other than: (1) Service providers must use public telecommunication network under national telecommunication authorities. (2) Radio application service is subject to frequency availability</p> <p>(2) None</p> <p>(3) (1) Distribution through CRS is allowed for airlines offices and one General Sales Agent office (2) Service providers must use Thai 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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F. Road Transport Services Other non-scheduled passenger transportation			
(b) Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerized freight (CPC 71231 to 71233)	(1) Unbound	(1) Unbound	
	(2) None	(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 have Thai nationality	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

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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 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.

3.5 "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

3.6 "Maritime agency services" means activities consisting of representing as an agent, the business interests of one or more shipping lines, for the following purposes:

- 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.