

ภาคผนวก

Thailand Conditional Initial Offer

The following initial conditional offer has been received from the delegation of Thailand on 29 August 2003 with the request that it be circulated to Members of the Council for Trade in Services.

Pursuant to paragraph 15 of the Ministerial Declaration of 14 November 2001, Thailand submits herewith its initial offer in the framework of the ongoing services negotiations under the General Agreement on Trade in Services (GATS) and in the context of the Doha Development Agenda (DDA).

This initial offer is conditional upon the outcome of the negotiations stipulated by the GATS particularly on Article X (Emergency Safeguard Measures) as well as upon other WTO Members making substantive offers in sectors where Thailand has interests as indicated through requests submitted and bilateral discussion. It is also conditional upon the balanced outcomes of the DDA negotiations.

Thailand reserves its right to modify, extend, reduce, withdraw in whole or in part any of this offer at any time prior to the conclusion of the current services negotiations. Thailand further reserves the right to make technical amendments to this offer and make corrections to rectify any errors, omissions, or inaccuracies in this offer as well as to clarify and interpret the terms and conditions of this offer.

The classification of service sectors in this initial offer is based on the 1991 Provisional Central Product Classification (CPC) of the United Nations Statistical Office, unless otherwise specified. The ordering is based on the Services Sectoral Classification list contained in document MTN.GNS/W/120 dated 10 July 1991.

The editorial conventions used in this initial offer follow the guidelines established by the WTO Secretariat in JOB (02)/88, i.e.,:

- **BOLD** – New text

- ~~STRIKE OUT~~ – Deleted text
- *ITALICS* – Where any new or deleted text constitutes merely a technical refinement that does not alter the scope or substance of an existing commitment

In addition:

{ } - information annotated solely for the purposes of explanations and does not form part of the proposed commitment

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) 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</p>	<p>3) Unless otherwise specified, national treatment for this mode of delivery is unbound</p> <p>3) 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>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>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</u> in the following categories.</p>	<p>Others : Unbound, including subsidies</p> <p><i>4) Unbound, except as provided in the MA column</i></p> <p>Contractual Service Suppliers : Unbound</p>	
	<p>I. Business Visitor :</p> <p>(a) A natural person who stays in Thailand for not more than 90 days 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>II. Intra-corporate Transferee :</p> <p>(b) A corporate transferee of the managerial or executive level or a</p>		

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>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 needs^[1] stipulated by the Department of Employment.</p> <p>Temporary entry The temporary stay is limited to a one year period and may be extended for a further two three terms of not more than one year each.</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</p>		

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>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, establishes the goals and policies 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 stockholders of the business.</p> <p>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 :</p> <p>A person within an organization who possesses knowledge at an advanced level of continued expertise and who possesses proprietary knowledge of the organization's services, research equipment, techniques, or management.</p>		

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>III. Contractual Service Supplier :</p> <p>Access is subject to the following conditions and those in sector-specific commitments, where applicable :</p> <ul style="list-style-type: none"> - A contractual service supplier is defined as a natural person who is engaged in the supply of a contracted service on a temporary basis as an employee of a juridical person who has no commercial presence in Thailand. - The juridical person has obtained a service contract for a period not exceeding three months from a juridical person incorporated in Thailand. - The service contract shall comply with the laws, regulations and requirements of Thailand. - The natural person seeking access has met the requirements prescribed for “Specialist” above and been offering such service as an employee of the juridical person supplying the service for at least the year immediately preceding the date of his or her application for admission. - The natural person must possess the necessary academic 		

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>qualifications and professional experience as specified for the sector or activity concerned, and satisfies the criteria for management needs stipulated by the Department of Employment (as appeared in footnote 1)</p> <ul style="list-style-type: none"> - The temporary entry shall be for a period of not more than three months or the duration of the contract, whichever is less. - The contract has to be obtained in the following sub-sectors without conferring entitlement to practice as a licensed professional in Thailand: <ul style="list-style-type: none"> - Consultancy services related to the installation of computer hardware (CPC 84100) - Software implementation services (CPC 84210+84220+84230+84240+84250) - Data processing services (excluding those provided over public 		

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>telecommunications network) (CPC 84310+ 84320+84330+ 84390)</p> <p>- Data base services (excluding those provided over public telecommunications network) (CPC 84400)</p> <p>- Other computer services : Software training services for staff of clients (part of CPC 84900)</p> <p>- General Management Consulting Services (CPC 86501)</p> <p>- Engineering Services (CPC 86721 to 86727 + 86729) (except civil engineer)</p> <p>- Hotel Lodging Services (CPC 64110)</p> <p>- Restaurant Services (CPC 64210)</p> <p>3),4) Regarding a 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.</p>	<p>3), 4) Acquisition and usage of land: Unbound, except as provided in the MA column</p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Foreigners are also allowed to own part of condominium units under the laws and regulations governing the ownership of condominiums.		
II. SECTOR SPECIFIC COMMITMENTS			
I. BUSINESS SERVICES			
A. <u>Professional Services</u>			
(a) Legal services (CPC 86111+86119+86120+86130+86190)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) Unbound	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) Unbound	
(b) Accounting, auditing and bookkeeping services (CPC 86211 to 86213+86219+86220)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) Unbound	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) Unbound	
(d) Architectural services (CPC 86711 to 86714+86719)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) Unbound	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) Unbound	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Engineering services (CPC 86721 to 86727 +86729)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent None 4) None 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 other than that indicated in the horizontal section 4) Unbound	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent None 4) Unbound	
<u>B. Computer and Related Services</u>			
(a) Consultancy services related to the installation of computer hardware (CPC 84100)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section Entry of contractual service suppliers may be subject to numerical ceilings and specific qualification requirements set by Ministry of Information and Communications	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent None 4) None Unbound, except as provided in the horizontal section	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(b) Software implementation services (excluding programming and systems maintenance services) (CPC 84210+84220+84230+84240+84250)</p> <p>(c) Data processing services (excluding those provided over public telecommunications network) (CPC 84310+84320+84330+84390)</p>	<p>Technology (hereinafter “ICT Ministry”), otherwise as indicated in the horizontal section</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None other than that indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p> <p>Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None other than that indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p> <p>Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does not exceed 49 per cent</p> <p><i>None</i></p> <p>4) None Unbound, except as provided in the horizontal section</p> <p>1) Unbound</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does not exceed 49 per cent</p> <p><i>None</i></p> <p>4) None Unbound, except as provided in the horizontal section</p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Data base services (excluding those provided over public telecommunications network) (CPC 84400)	<p>Indicated in the horizontal section</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None other than that indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p> <p>Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does not exceed 49 per cent</p> <p>None</p> <p>4) None Unbound, except as provided in the horizontal section</p>	
(e) Other computer services: software training services for staff of clients (part of CPC 84900)	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise 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>	
E. Rental/Leasing Services without Operators			

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) 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 other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	
(d) Leasing services concerning agricultural machinery, construction machinery, office machinery, other machinery and equipment without operator (CPC 83106-83109)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent 4) None	
F. <u>Other Business Services</u>			
(a) Advertising services (CPC 87110+87120 +87190)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b) Market research and public opinion polling services (CPC 86401 to 86402)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	
(c) General management consulting services (CPC 86501)	1) None 2) None 3) None other than that indicated in the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for legal and auditing consultants	1) None 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	
(e) Technical testing and analysis services (CPC 86761+86769)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	
(f) Services incidental to agriculture; Consultancy services on agricultural extension: - soil preparation - seed production - plant protection	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) Unbound	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> - harvesting - grading - packing - storing 	As indicated in the horizontal section	4) <i>None. Unbound, except as provided in the horizontal section</i>	
Soil analysis laboratory	1) None 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) None 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) <i>Unbound, except as provided in the horizontal section</i>	
Soil survey and land use Planning	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	
Cover crop seed multiplication	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(f) Services incidental to forestry: Forestry consultant services	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	
(g) Services incidental to fishing: International trading, exporting products services (broker) Quality analysis services Canning process analysis services	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section 1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section 1) Unbound 2) None 3) None other than that	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i> 1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i> 1) Unbound 2) None 3) No limitations as long as	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	indicated in the horizontal section	foreign equity participation does not exceed 49 per cent	
	4) As indicated in the horizontal section	None	
	s	4) None Unbound, except as provided in the horizontal section	
Technical services			
- Consulting	1) Unbound	1) Unbound	
- Research on	2) None	2) None	
marketing	3) None other than that	3) No limitations as long as	
- Quality control	indicated in the horizontal section	foreign equity participation does not exceed 49 per cent	
	4) As indicated in the horizontal section	None	
		4) None Unbound, except as provided in the horizontal section	
(h) Services incidental to mining at oil and gas fields	1) Unbound	1) Unbound	
	2) None	2) None	
	3) None other than that	3) No limitations as long as	
	indicated in the horizontal section	foreign equity participation does not exceed 49 per cent	
	4) (a) As indicated in the horizontal section	None	
	(b) Unbound for civil engineer	4) None Unbound, except as provided in the horizontal section	
(m) Related scientific and technical consulting services (CPC 8675)	1) Unbound	1) Unbound	
	2) None	2) None	
	3) None	3) None	
- Oil and gas exploration (part of CPC 8675)	4) (a) As indicated in the horizontal section	4) Unbound, except as provided in the horizontal section	
	(b) Unbound for civil engineer		

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(n) Maintenance and repair services of office machinery and equipment including computers (CPC 84500)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section Entry of contractual service suppliers may be subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None Unbound, except as provided in the horizontal section	
(q) Packaging services (CPC 87600)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) Unbound	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) Unbound	
(r) Publishing and printing services excluding publishing newspaper (CPC 88442)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) Unbound	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) Unbound	
(t) Other Translation and interpretation services	1) Unbound 2) None	1) Unbound 2) None	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 87905)	<p>3) None other than that indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	<p>3) No limitations as long as foreign equity participation does not exceed 49 per cent</p> <p>None</p> <p>4) None Unbound, except as provided in the horizontal section</p>	
<p>2. COMMUNICATION SERVICES</p> <p>C. Telecommunications Services</p> <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 governmental licence. - 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. - Due to scarce resources, the number of licences may be limited. - 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 20 per cent of the registered capital and the number of foreign shareholders must not exceed 20 per cent of the total number of shareholders of the company. - The Communications Authority of Thailand has exclusive right to link with Intelsat and Inmarsat. - Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year of 2006, commitments on public telecommunication services will be introduced, and carried out in accordance with the implementing regulations to be issued by virtue of those acts. 			
Public local, domestic long distance and international services:			
(a) Voice telephone services	1), 2) None, other than traffic shall be routed through a gateway in Thailand operated by a supplier duly licensed;	1), 2) None	Conditional upon passage and coming into force of all necessary
(b) Telex services			
(c) Telegraph services			

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Facsimile services	<p>the provision of concerned services shall be agreed by the supplier duly licensed of both ends.</p> <p>3) Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year of 2006, Thailand will introduce the market access elements as contained in those acts into the relevant parts of its Schedule of Specific Commitments relating to the supply of public telecommunication services.</p> <p>4) Unbound as indicated in the horizontal section</p>	<p>3) Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year of 2006, Thailand will introduce the national treatment elements as contained in those acts into the relevant parts of its Schedule of Specific Commitments relating to the supply of public telecommunication services.</p> <p>4) Unbound as indicated in the horizontal section</p>	<p>new communication acts, 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>
(j) Data base access services (part of CPC 7523)	<p>1) 1.1 Service providers must use public telecommunication network under national telecommunication authorities;</p> <p>1.2 Radio application service is subject to frequency</p>	<p>1) None</p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(n) On-line information and/or data processing services (part of CPC 843)	availability.		
	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 (b) Such company shall be permitted under the built-transferred-operated concept (c) Must use public telecommunication network under national telecommunication authorities	3) No limitations as long as foreign equity participation does not exceed 40 per cent	
	4) As indicated in the horizontal section	4) None <i>Unbound, except as provided in the horizontal section</i>	
	1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability 2) None 3) (a) Shall be a Thai	1) None 2) None 3) No limitations as long as foreign equity participation	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(o) Other Telecommunications equipment sales services (part of CPC 75420)	<p>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</p> <p>(b) Such company shall be permitted under the built-transferred-operated concept</p> <p>(c) Must use public telecommunication network under national telecommunication authorities</p>	<p>does not exceed 40 per cent</p>	
	4) As indicated in the horizontal section	4) <i>None Unbound, except as provided in the horizontal section</i>	
	<p>1) Unbound</p> <p>2) None</p> <p>3) None other than that indicated in the horizontal section</p> <p>4) (a) As indicated in the horizontal section</p> <p>(b) Unbound for civil engineer</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does not exceed 49 per cent.</p> <p><i>None</i></p> <p>4) <i>None Unbound, except as provided in the horizontal section</i></p>	
	<p>Telecommunications consulting services (CPC 75440)</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None other than that</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) No limitations as long as</p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Videotext (part of CPC 75299)</p>	<p>indicated in the horizontal section</p> <p>4) (a) As indicated in the horizontal section</p> <p>(b) Unbound for civil engineer</p> <p>1) 1.1 Service providers must use public telecommunication network under national telecommunication authorities;</p> <p>1.2 Radio application service is subject to frequency availability</p> <p>2) None</p> <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</p> <p>(b) Such company shall be permitted under the built-transferred-operated concept by national telecommunication authorities^[2]</p> <p>(c) Must use public telecommunication network under national</p>	<p>foreign equity participation does not exceed 49 per cent</p> <p><i>None</i></p> <p>4) None <i>Unbound, except as provided in the horizontal section</i></p> <p>1) None</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does not exceed 40 per cent</p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Teleconference (part of CPC 75292)</p>	<p>telecommunication authorities</p> <p>(d) Selection of service providers shall be based on open tender</p> <p>4) As indicated in the horizontal section</p> <p>1) 1.1 Service providers must use public telecommunication network under national telecommunication authorities;</p> <p>1.2 Radio application service is subject to frequency availability</p> <p>2) None</p> <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</p> <p>b) Such company shall be permitted under the built-transferred-operated concept by national telecommunication authorities²</p>	<p>4) None <i>Unbound, except as provided in the horizontal section</i></p> <p>1) None</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does not exceed 40 per cent</p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Domestic leased circuits (part of CPC 75299)	<p>(c) Must use public telecommunication network under national telecommunication authorities</p> <p>(d) Selection of service providers shall be based on open tender</p> <p>4) As indicated in the horizontal section</p> <p>1) 1.1 Service providers must use public telecommunication network under national telecommunication authorities;</p> <p>1.2 Radio application service is subject to frequency availability</p> <p>2) None</p> <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</p> <p>(b) Such company shall be permitted under the built-</p>	<p>4) None <i>Unbound, except as provided in the horizontal section</i></p> <p>1) None</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does not exceed 40 per cent</p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>transferred-operated concept by national telecommunication authorities²</p> <p>(c) Must use public telecommunication network under national telecommunication authorities</p> <p>(d) Selection of service providers shall be based on open tender</p> <p>4) As indicated in the horizontal section</p>	<p>4) <i>None Unbound, except as provided in the horizontal section</i></p>	
D. Audiovisual Services			
(a) Film/video production and distribution services excluding promotion or advertising services (CPC 96112+ 96113)	<p>1) Unbound</p> <p>2) None</p> <p>3) None other than that indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does not exceed 49 per cent</p> <p><i>None</i></p> <p>4) <i>None Unbound, except as provided in the horizontal section</i></p>	
(c) Radio/television services only for production of radio/TV programmes (CPC 96131+96132)	<p>1) Unbound</p> <p>2) None</p> <p>3) None other than that indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does not exceed 49 per cent</p> <p><i>None</i></p> <p>4) <i>None Unbound, except as provided in the horizontal section</i></p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
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 other than that indicated in the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None Unbound, except as provided in the horizontal section	
4. DISTRIBUTION SERVICES			
A. Commission Agents' Services (CPC 62111 to 62118)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) Unbound	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) Unbound	
B. Technical and Vocational Education Services (CPC 9223+9224)	1) None 2) None 3) None other than that indicated in the horizontal section 4) Unbound Foreign natural persons may enter Thailand to supply education services provided that: (1) the natural persons	1) None 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) Unbound	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. Higher education services (CPC 92300)	<p>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 six months or the duration of employment period, whichever is shorter, with possibility of extension.</p> <p>Others : As indicated in the horizontal section</p>		
	<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 education institutions duly established and registered in Thailand;</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>D. Professional and/or Short Courses Education Services (CPC 92400)</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 six months or the duration of employment period, whichever is shorter, with possibility of extension.</p> <p>Others : As indicated in the horizontal section</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None other than that indicated in the horizontal section</p> <p>4) Unbound Foreign natural persons may enter Thailand to supply education 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</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does not exceed 49 per cent</p> <p>None</p> <p>4) Unbound</p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>E. Other education services (CPC 92900)</p> <p>Foreign language tuition services (part of CPC 92900)</p>	<p>meeting other criteria that may be set by Ministry of Education, where applicable</p> <p>The initial temporary stay shall be six months or the duration of employment period, whichever is shorter, with possibility of extension.</p> <p>Others : As indicated in the horizontal section</p> <p>1) Unbound</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 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 six months or the</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>duration of employment period, whichever is shorter, with possibility of extension.</p> <p>Others : As indicated in the horizontal section</p>		
6. ENVIRONMENTAL SERVICES			
A. Environmental Consultancy on Sewage System, Refuse Disposal, Hazardous Waste Management, Air Pollution and Noise Management, Sanitation and Other Environmental Management Services (CPC 9401)	<p>1) None</p> <p>2) None</p> <p>3) None other than that indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does not exceed 49 per cent</p> <p>4) None Unbound, except as provided in the horizontal section</p>	
Environmental Protection and Environmental Abatement Services (CPC 9401)	<p>1) None</p> <p>2) None</p> <p>3) None other than that indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does not exceed 49 per cent</p> <p>4) None Unbound, except as provided in the horizontal section</p>	
Sewage Services (including industrial waste water treatment system) (CPC 9401)	<p>1) Unbound</p> <p>2) None</p> <p>3) None other than that indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does not</p>	Sewage Services (including industrial waste water treatment system)

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>B. Refuse Disposal Services (including hazardous waste management and incinerator) (CPC 9402)</p> <p>C. Sanitation and Similar Services (CPC 9403)</p> <p>D. Other Cleaning services of exhaust gases (including industrial emission abatement) (CPC 9404)</p>	4) As indicated in the horizontal section	exceed 49 per cent <i>None</i>	(CPC 9401)
		4) None <i>Unbound, except as provided in the horizontal section</i>	
	1) Unbound	1) Unbound	
	2) None	2) None	
	3) None other than that indicated in the horizontal section	3) No limitations as long as foreign equity participation does not exceed 49 per cent	
	4) As indicated in the horizontal section	<i>None</i>	
		4) None <i>Unbound, except as provided in the horizontal section</i>	
	1) Unbound	1) Unbound	
	2) None	2) None	
	3) None other than that indicated in the horizontal section	3) No limitations as long as foreign equity participation does not exceed 49 per cent	
	4) As indicated in the horizontal section	<i>None</i>	
		4) None <i>Unbound, except as provided in the horizontal section</i>	
	1) Unbound	1) Unbound	
	2) None	2) None	
	3) None other than that indicated in the horizontal section	3) No limitations as long as foreign equity participation does not exceed 49 per cent	
	4) As indicated in the horizontal section	<i>None</i>	
		4) None <i>Unbound, except as provided in the horizontal section</i>	
	1) Unbound	1) Unbound	
	2) None	2) None	
	3) None other than that indicated in the horizontal section	3) No limitations as long as foreign equity participation does not exceed 49 per cent	
	4) As indicated in the horizontal section	<i>None</i>	
		4) None <i>Unbound, except as provided in the horizontal section</i>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Noise abatement services (CPC 9405)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	
Nature and landscape protection services (CPC 9406)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	
Other environmental protection services (CPC 9409)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	
7. FINANCIAL SERVICES - With regard to the scope of operation and types of financial services that can be provided, each type of financial institution will be permitted to operate the sector or sub-sector of banking and other financial services only to the extent that their respective governing legislation permit them to do so. - All commitments in this sector are subject to horizontal commitments in Thailand's GATS schedule of specific commitments.			

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>A. Insurance including Reinsurance and retrocession</u>			
(a) Life insurance services (CPC 81211)	<p>1) None</p> <p>2) None</p> <p>3) (a) Foreign equity participation limited to 25 per cent of registered share capital.</p> <p>(b) New establishment is subject to licence approved by the Minister with the consent of the Cabinet.</p> <p>4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.</p>	<p>1) None</p> <p>2) Life insurance premium is tax deductible up to a certain amount for holders of policies issued by local companies.</p> <p>3) <i>None other than that indicated in the MA column</i></p> <p>4) None <i>Unbound, except as provided in the horizontal section</i></p>	
b) Non-life insurance services (CPC 8129)	<p>1) Unbound except for international marine, aviation and transit and all classes of reinsurance.</p> <p>2) None</p> <p>3) (a) Foreign equity participation limited to 25 per cent of registered share capital.</p> <p>(b) New establishment is subject to license approved by the Minister with the consent</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) <i>None other than that indicated in the MA column</i></p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(d) Services auxiliary to insurance (excluding pension funding services)</p> <p>Insurance broking and agency services (CPC 81401) (Brokers shall not induce, advise or do any acts so as to cause any person to enter into insurance contracts with insurers abroad, except for reinsurance contracts)</p> <p>Insurance consultancy services excluding pension consulting</p>	<p>of the Cabinet.</p> <p>4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.</p> <p>1 Unbound</p> <p>2) Unbound</p> <p>3) Foreign equity participation not to exceed 25 per cent.</p> <p>4) (a) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.</p> <p>(b) Unbound for individual broker and agent.</p> <p>1) None</p> <p>2) None</p> <p>3) None other than that</p>	<p>4) None Unbound, except as provided in the horizontal section</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) No limitations as long as foreign equity participation does not exceed 25 per cent. None other than that indicated in the MA column</p> <p>4) None Unbound, except as provided in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) No limitations as long as</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Foreign equity participation not to exceed 25 per cent.</p> <p>4) (a) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.</p> <p>(b) Unbound for individual broker and agent.</p>

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services (CPC 81402)	indicated in the horizontal section. 4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.	foreign equity participation does not exceed 49 per cent. <i>None</i> 4) <i>None Unbound, except as provided in the horizontal section</i>	
Average and loss adjustment services (CPC 81403)	1) None 2) None 3) None other than that indicated in the horizontal section. 4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.	1) None 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent. <i>None</i> 4) <i>None Unbound, except as provided in the horizontal section</i>	
Actuarial Services (CPC 81404)	1) None 2) None 3) None other than that indicated in the horizontal section. 4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.	1) None 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent. <i>None</i> 4) <i>None Unbound, except as provided in the horizontal section</i>	
Services auxiliary to financial intermediation other than to insurance and pension funding			

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services			
Credit card services (CPC 81133) (Mobilizing funds from the public is prohibited, unless licensed under a financial law)	1) None 2) None 3) (a) As indicated in B(3)(j) below. (b) Financial institutions must obtain prior approval from the Bank of Thailand. 4) As indicated in the horizontal section.	1) None 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent. <i>None</i> 4) None Unbound, except as provided in the horizontal section	
Financial consultancy services (CPC 81332)	1) Unbound 2) None 3) None other than that indicated in the horizontal section. 4) As indicated in the horizontal section.	1) None 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent. <i>None</i> 4) None Unbound, except as provided in the horizontal section	
<u>B. Banking and Other Financial Services</u>			
Acceptance of deposits and other repayable funds from the public	1) None for financial advisory and financial data processing. Unbound for all other services. 2) None for financial advisory and financial data processing. Unbound for all other services.	1) None 2) None	
Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial	3) (a) Representative office of banks: None. (b) Foreign bank branches: I. None for existing foreign bank branches under	3) (a) Representative office of banks: None (b) Foreign bank branches:	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>transactions</p> <p>Financial leasing</p> <p>Payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts</p> <p>Guarantees and commitments</p> <p>Trading for own account, or for account of customers in the following:</p> <p>(a) money market instruments</p> <p>(b) foreign exchange</p> <p>(c) exchange rate and interest rate instruments</p> <p>(d) transferable securities</p>	<p>present shareholding structure.</p> <p>New establishment is subject to licence approved by the Minister of Finance with the consent of the Cabinet.</p> <p>II. ATM operations permitted under the following conditions only:</p> <p>(i) joining ATM pools operated by Thai banks; or</p> <p>(ii) operation within own premises or sharing the facilities with other commercial banks in Thailand.</p> <p>III. Existing foreign banks which already had the first branch office in Thailand prior to July 1995 will each be permitted to open no more than two additional branches.</p> <p>IV. None for participation in cheque clearing and settlement system.</p> <p>(c) Locally incorporated banks</p> <p>I. Market access limited to the acquisition of shares of existing banks.</p>	<p>None, except as indicated in the market access column.</p> <p>(c) Locally incorporated banks</p> <p>None, except as indicated in the market access column</p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Participation in issues of all kinds of securities, including underwriting and placement as agents (whether publicly or privately) and provision of services related to such issues</p> <p>Asset management as follows:</p> <ul style="list-style-type: none"> - cash or portfolio management - collective investment management - custodian and depository services <p>Advisory, intermediation and other auxiliary financial services</p> <p>Provision and transfer of financial information, and financial data processing and related software</p>	<p>II. (i) Maximum foreign equity participation limited to 25 per cent of paid-up registered capital. Combined shareholding of an individual and his/her related persons not to exceed 5 per cent of bank's paid-up registered capital.</p> <p>(ii) The Minister of Finance upon recommendation of the Bank of Thailand may relax the above-mentioned limits on maximum foreign equity participation and combined shareholding of an individual and his/her related persons, subject to the terms and conditions announced by the Minister of Finance, including the following:</p> <ul style="list-style-type: none"> - the relaxation is deemed necessary to improve the condition or business of the commercial bank; - such equity participation will be authorized for a period of up to 10 years, with foreign shareholders who enter in this period being grandfathered thereafter with respect to the 		

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>absolute amount of their equity holding.</p> <p>III. At least three-fourths of the directors must be of Thai nationality. The Minister of Finance upon recommendation of the Bank of Thailand may allow more foreign nationals than specified above subject to the same terms and conditions as stated in II (ii) above.</p> <p>(d) International Banking Facility^[3] New establishment is subject to licence approved by the Minister of Finance.</p> <p>(e) Finance companies and credit foncier companies</p> <p>I. None for representative offices.</p> <p>II. Market access limited to the acquisition of shares of existing companies.</p> <p>III. (i) Maximum foreign equity participation limited to 25 per cent of paid-up registered capital. Combined shareholding of an individual and his/her related persons not to exceed 10 per cent.</p>	<p>(d) International banking facility</p> <p>None, except as indicated in the market access column</p> <p>(e) Finance companies and credit foncier companies</p> <p>None, except as indicated in the market access column</p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(ii) The Minister of Finance upon recommendation of the Bank of Thailand may relax the above-mentioned limits on maximum foreign equity participation and combined shareholding of an individual and his/her related persons, subject to the terms and conditions announced by the Minister of Finance, including the following:</p> <ul style="list-style-type: none"> - the relaxation is deemed necessary to improve the condition or business of the finance company and credit foncier company. - such equity participation will be authorized for a period of up to 10 years, with foreign shareholders who enter in this period being grandfathered thereafter with respect to the absolute amount of their equity holding. <p>IV. At least three-fourths of the directors must be of Thai nationality. The Minister of Finance upon recommendation of the Bank of Thailand may allow more foreign nationals than specified above subject to</p>		

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>the same terms and conditions as stated in III(ii) above.</p> <p>(f) Securities companies Securities brokerage, securities dealing, investment advisory service and securities underwriting:</p> <p>I. None for representative offices.</p> <p>II. Market access limited to share acquisition of existing companies only. Unbound for new licences.</p> <p>III. Maximum foreign equity participation limited to 49 per cent of paid-up registered capital.</p> <p>IV. At least one-half of the directors of a locally incorporated securities firm must be Thai national.</p> <p>(g) Asset management companies:</p> <p>I. None for representative offices.</p> <p>II. Market access limited to share acquisition of existing companies.</p> <p>III. During the first five years after the licence has been granted, maximum foreign equity participation is limited</p>	<p>(f) Securities companies None, except as indicated in the market access column</p> <p>(g) Asset management companies None, except as indicated in the market access column</p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>to 25 per cent of paid-up registered capital and at least three-fourths of the directors must be Thai national.</p> <p>IV. After five years, maximum foreign equity participation is limited to 49 per cent of paid-up registered capital and at least one-half of the directors must be Thai national.</p> <p>(h) Financial leasing services</p> <p>Can only be provided by leasing companies which are subject to maximum foreign equity participation of 49 per cent of paid-up registered capital, or by finance companies which are subject to maximum foreign equity participation of 25 per cent of paid-up registered capital, except in (e) III (ii).</p> <p>(i) Factoring services</p> <p>Can only be provided by factoring companies which are subject to maximum foreign equity participation of 49 per cent of paid-up registered capital, or by finance companies which are subject</p>	<p>(h) Financial leasing services</p> <p>None</p> <p>(i) Factoring services</p> <p>None</p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>to maximum foreign equity participation of 25 per cent of paid-up registered capital, except in (e) III (ii).</p> <p>(j) Credit, charge and debit cards</p> <p>Credit, charge and debit cards can only be provided by companies which are subject to maximum foreign equity participation of 49 percent of paid-up registered capital or locally incorporated banks and foreign bank branches.</p> <p>The conduct of businesses under h), i) and j) will be subject to licensing and regulations to be announced.</p> <p>4) Limitations on the number of foreign personnel per foreign bank office:</p> <p>(a) two persons for banks operating as representative office;</p> <p>(b) six persons for each full-licensed branch;</p> <p>(c) four persons for each BIBF branch;</p> <p>(d) two persons for each PIBF branch;</p> <p>(e) eight persons for banks operating as full-licensed and</p>	<p>(j) Credit, charge and debit cards</p> <p>None</p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	BIBF branch; For finance companies: (a) two persons for a representative office; (b) Maximum of four directors permitted for finance companies; For securities companies and asset and management companies: two persons for a representative office.		
9. TOURISM AND TRAVEL RELATED SERVICES			
A. <u>Hotel Lodging Services</u> (CPC 64110)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent None 4) None <i>Unbound, except as provided in the horizontal section</i>	
Restaurant Services (CPC 64210)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent None 4) None <i>Unbound, except as provided in the horizontal section</i>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Catering Services (CPC 64230)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	
B. <u>Travel Agency and Tour Operator Services</u> (CPC 74710)	1) Unbound 2) None 3) None other than <i>In addition to</i> 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) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	
D. Other Hotel management services	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the Horizontal section</i>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
D. Sporting Services (excluding other sporting services specified in CPC 96419) (CPC 96411 + 96412 + 96413)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent None 4) None Unbound, except as provided in the horizontal section	
Recreation Park and Beach Services (CPC 96494)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent None 4) None Unbound, except as provided in the horizontal section	
11. TRANSPORT SERVICES			
A. <u>Maritime Transport Services</u>			The following services at the port provided by the government or government enterprise are made available, to international maritime transport suppliers on

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>a) Passenger transportation (CPC 7211 less cabotage transport: as defined below-3.1)</p> <p>(b) Freight transportation (CPC 7212 less cabotage transport: as defined</p>	<p>1) None</p> <p>2) None</p> <p>3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in the horizontal section.</p> <p>4) (a) Ships' crews: Unbound</p> <p>(b) Other personnel: As indicated in the horizontal section</p> <p>1) None other than: Traffic between Thailand-China and Thailand-Vietnam may not be fully participated in by vessels</p>	<p>1) None</p> <p>2) None</p> <p>3) (a) Unbound</p> <p>(b) None</p> <p>4) (a) Unbound</p> <p>(b) None <i>Unbound, except as provided in the horizontal section</i></p> <p>1) None</p>	<p>reasonable and non-discriminatory terms and conditions:</p> <p>1. Pilotage^[4]</p> <p>2. Towing and tug assistance</p> <p>3. Provisioning, fuelling and watering</p> <p>4. Garbage collecting and ballast waste disposal</p> <p>5. Port captain's service</p> <p>6. Navigation aids</p> <p>7. Shore-based operational services essential to ship operations, water and electrical supplies</p> <p>8. Emergency repair facilities</p> <p>9. Anchorage, berth and berthing services</p> <p>1) See Note to the schedule</p>

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
below-3.1)	<p>of third countries.</p> <p>2) None</p> <p>3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in the horizontal section</p> <p>4) (a) Ships' crews: Unbound</p> <p>(b) Other personnel: As indicated in the horizontal section</p>	<p>2) None</p> <p>3) (a) Unbound</p> <p>(b) None other than:</p> <p>(i) Shareholders of Thai maritime transport companies with ownership of Thai flag vessels may be granted exemption or reduced rates of income tax leviable on dividends paid by such companies</p> <p>(ii) Exporters or importers of goods shipped from or to Thailand by Thai flag vessels may be entitled to special deduction of not more than 50 per cent of the freight values or other expenses paid in the ordinary course of carriage of such goods from their net income for the purpose of calculation of income tax</p> <p>4) (a) Unbound</p> <p>(b) None <i>Unbound, except as provided in the horizontal section</i></p>	<p>(b) See Note to the schedule</p>

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
e) 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 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) None Unbound, except as provided in the horizontal section	
(f) Supporting Services for maritime transport (CPC 745)	1) Unbound 2) None 3) None other than that indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent	
Shore reception facilities (collection of waste/oily water from ships)	4) As indicated in the horizontal section	None 4) None Unbound, except as provided in the horizontal section	
Port captain's services attached to specific foreign vessels	1) None 2) None 3) None other than that indicated in the horizontal section	1) None 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Marine surveys and classification societies for the purpose of providing accurate documentation and certification of vessels	<p>4) As indicated in the horizontal section</p> <p>1) None other than those under regulations stipulated by the Harbour Department</p> <p>2) None</p> <p>3) None other than that indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	<p><i>None</i></p> <p>4) <i>None Unbound, except as provided in the horizontal section</i></p> <p>1) <i>None</i></p> <p>2) <i>None</i></p> <p>3) <i>No limitations as long as foreign equity participation does not exceed 49 per cent</i></p> <p><i>None</i></p> <p>4) <i>None Unbound, except as provide in the MA column</i></p>	
Freight forwarding services	<p>1) Unbound</p> <p>2) None</p> <p>3) None other than that indicated in the horizontal section</p> <p>4) As indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) <i>No limitations as long as foreign equity participation does not exceed 49 per cent</i></p> <p><i>None</i></p> <p>4) <i>None Unbound, except as provided in the horizontal section</i></p>	
<u>C. Air Transport Services</u>			
(d) Aircraft repair and maintenance services (CPC 8868)	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) As indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) <i>None Unbound, except as provided in the horizontal section</i></p>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Supporting services for air transport (CPC 746) Selling and marketing of air transport services	1) Unbound 2) Unbound 3) None other than: 3.1 that indicated in the horizontal section 3.2 1. Distribution through CRS is allowed only for airlines offices and one General Sales Agent office 3.3 2. Services providers must use Thai public telecommunication network under national telecommunication authorities 4) As indicated in the horizontal section	1) Unbound 2) Unbound 3) The value added tax in use comprises 3 rates, namely 7 per cent, 0 per cent and exempted. VAT collection is based on a reciprocal basis. 4) Unbound	
<u>E. Rail Transport Services</u>			
d) Maintenance and repair of rail transport equipment (CPC 8868)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None Unbound, except as provided in the horizontal section	
(e) Supporting Services for rail transport services (CPC 743) Passenger and	1) Unbound 2) None 3) None other than that indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
freight car cleaning services	4) As indicated in the horizontal section	<i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	
Security services at railway station	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	
<u>F. Road Transport</u> <u>Services Other non-scheduled passenger transportation</u>			
(b) Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerized freight (CPC 71231 to 71233)	1) Unbound 2) None 3) (a) None other than <i>In addition to that indicated in the horizontal section,</i> (b) Not <i>not less than half of the board of directors of the company must be have Thai nationality</i> 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	
(c) Rental services of passenger cars with operator	1) Unbound 2) None 3) (a) None other than <i>In</i>	1) Unbound 2) None 3) No limitations as long as	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 71222) c) Rental services of buses and coaches with operator	<i>addition to</i> that indicated in the horizontal section, (b) N not less than half of the board of directors of the company must be have Thai nationality 4) As indicated in the horizontal section 1) Unbound 2) None 3) (a) None other than In	foreign equity participation does not exceed 49 per cent <i>None</i> 4) None Unbound, except as provided in the horizontal section 1) Unbound 2) None 3) No limitations as long as	
(CPC 71223) <u>H. Services Auxiliary to All Modes of Transport</u>	<i>addition to</i> that indicated in the horizontal section, (b) N not less than half of the board of directors of the company must be have Thai nationality 4) As indicated in the horizontal section	foreign equity participation does not exceed 49 per cent <i>None</i> 4) None Unbound, except as provided in the horizontal section	
(b) Storage and warehousing services (CPC 742)	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) No limitations as long as foreign equity participation does not exceed 49 per cent <i>None</i> 4) None Unbound, except as provided in the horizontal section	

Reference PaperNOTE 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.

THAILAND-FINAL LIST OF ARTICLE II (MFN) EXEMPTIONS

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Business services - Auditing services - Publishing newspapers	Bilateral agreement based on reciprocity treatment	Countries which allow Thai nationals to practise auditing in their territories	Indefinite	Reciprocal basis
	Thailand will grant permission to a natural person of the countries which have treaties with Thailand	Countries which have treaties with the Thai Government	Indefinite	Reciprocal basis
	Only airlines/CRS partners which are in Amadeus system can bring in and install their own systems in Thailand	Countries whose CRS operators are in Amadeus system and intend to bring in and install the systems to any travel agencies in Thailand	Indefinite	To ensure that local operators are able to make complete access to the Amadeus system within a certain period of time
Transport services - Selling and marketing of maritime transport services	The value added tax in use comprises three rates, namely	- Countries which have the same zero rate VAT system as Thailand	Indefinite	Reciprocal basis

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
	7 per cent, zero per cent and exempted. VAT collection is based on a reciprocal basis.	<ul style="list-style-type: none"> - Countries which exempt Thai persons from VAT or other taxes of similar nature by virtue of the treaties concluded or to be concluded with Thailand - Countries which exempt juristic persons constituted in accordance with Thai law from VAT or other taxes of similar nature on the basis of reciprocity - Countries which do not levy VAT or other taxes of similar nature on juristic persons constituted in accordance with Thai law on the basis of reciprocity 		
International maritime transport of cargoes	1) Rights to carry all products: Treaty of Amity and Economic Relations between the Kingdom	The United States of America	10 years	Bilateral agreement

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
	<p>of Thailand and the United States of America</p> <p>2) Cargo sharing</p> <p>- Commercial Maritime Navigation Agreement between the Government of the Kingdom of Thailand and the Government of the Socialist Republic of Vietnam</p> <p>- Agreement of Maritime Transport between the Government of the Kingdom of Thailand and the Government of the People's Republic of China</p>	<p>The Socialist Republic of Vietnam</p> <p>The People's Republic of China</p>	<p>10 years</p> <p>10 years</p>	<p>Bilateral agreement</p> <p>Bilateral agreement</p>
International road transport services	Reciprocity treatment	Countries that have the agreement on international road transport with Thailand	Indefinite	Reciprocal basis

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
<ul style="list-style-type: none"> - Passenger transportation - Freight transportation - Rental of non- commercial vehicles with/without driver Aircraft repair and maintenance services	<p>Thailand will grant permission to airlines of those countries which treat Thai carriers on reciprocal basis</p>	<ul style="list-style-type: none"> - Countries whose airline is accepted as a designated airline by Thailand under bilateral air services agreements - Countries whose regulations do not prevent Thai carriers from performing similar activities in that country 	Indefinite	Reciprocal basis
Service sectors stipulated in the relevant articles of the Treaty of Amity and Economic Relations especially Articles 4 and 10	Only American citizens and entities are granted national treatment with respect to operating business and providing services in Thailand	The United States of America	10 years	Bilateral agreement

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.

^[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.

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

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

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

^[3]IBF units permitted to operate only the banking and investment banking business as specified in the Ministerial Order issued on 16 September 1992, and Notification of the Bank of Thailand dated 14 December 1993.

^[4]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.