

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 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>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> <p>Others : Unbound, including subsidies</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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	4) Unless otherwise specified at the sector-specific level , temporary movement of natural persons is <u>unbound except</u> in the following categories.	4) <i>Unbound, except as provided in the MA column</i> Contractual Service Suppliers : Unbound	
	I. Business Visitor : (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.		

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	<p>II. Intra-corporate Transferee :</p> <p>(b) A corporate transferee of the managerial or executive level or a specialist, provided that such person has been employed by the company concerned outside Thailand for a period of not less than one year immediately preceding the date of his or her application for admission and has satisfied the criteria for management needs¹⁽¹⁾ stipulated by the Department of Employment. 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>		

¹⁽¹⁾ In considering managerial needs, the following facts shall be taken into consideration by the relevant authority, namely: (1) size of fully paid-up capital; (2) employment creation; (3) extent of foreign investment; (4) export promotion; (5) transfer of technology; (6) special needs of the management.

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

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	<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 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) - The temporary entry shall be for a period of not more than three months or the 		

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	<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 telecommunications network) (CPC 84310+84320+84330+ 84390) - Data base services (excluding those provided over public telecommunications network) (CPC 84400) - Other computer services : Software training services for staff of clients (part of CPC 84900) - General Management Consulting Services (CPC 86501) - Engineering Services (CPC 86721 to 86727 + 86729) (except civil engineer) - Hotel Lodging Services (CPC 64110) - Restaurant Services (CPC 64210) 		

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	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. Foreigners are also allowed to own part of condominium units under the laws and regulations governing the ownership of condominiums.	3), 4) <i>Acquisition and usage of land: Unbound, except as provided in the MA column</i>	
II. SECTOR SPECIFIC COMMITMENTS			
1. 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	

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(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	
(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 <i>None</i> 4) None <i>Unbound, except as provided in the horizontal section</i>	
(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 <i>None</i> 4) Unbound	

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B. <u>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 subject to numerical ceilings and specific qualification requirements set by Ministry of Information and Communications Technology (hereinafter "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 None 4) None Unbound, except as provided in the horizontal section	
(b) Software implementation services (excluding programming and systems maintenance services) (CPC 84210+84220 +84230+ 84240+84250)	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 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 None 4) None Unbound, except as provided in the horizontal section	

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(c) Data processing services (excluding those provided over public telecommunications network) (CPC 84310+84320 +84330+84390)	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 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 None 4) None Unbound, except as provided in the horizontal section	
(d) Data base services (excluding those provided over public telecommunications network) (CPC 84400)	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 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 None 4) None Unbound, except as provided in the horizontal section	
(e) Other computer services: software training services for staff of clients (part of CPC 84900)	1) Unbound 2) None 3) None 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	1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section	

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E. <u>Rental/Leasing Services without Operators</u>			
(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>			

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(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 Unbound, except as provided in the horizontal section	
(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 Unbound, except as provided in the horizontal section	
(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 Unbound, except as provided in the horizontal section	

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(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 Unbound, except as provided in the horizontal section	
(f) Services incidental to agriculture; Consultancy services on agricultural extension: - soil preparation - seed production - plant protection - harvesting - grading - packing - storing Soil analysis laboratory	1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) Unbound 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	
	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) Unbound, except as provided in the horizontal section	

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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 Unbound, except as provided in the horizontal section	
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 Unbound, except as provided in the horizontal section	
(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 Unbound, except as provided in the horizontal section	
(g) Services incidental to fishing:			

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International trading, exporting products services (broker)	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>	
Quality 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) 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>	
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 s	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>	
Technical services			

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<ul style="list-style-type: none"> - Consulting - Research on marketing - Quality control 	<ul style="list-style-type: none"> 1) Unbound 2) None 3) None other than that indicated in the horizontal section 4) As indicated in the horizontal section 	<ul style="list-style-type: none"> 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 	
(h) Services incidental to mining at oil and gas fields	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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 	
<p>(m) Related scientific and technical consulting services (CPC 8675)</p> <ul style="list-style-type: none"> - Oil and gas exploration (part of CPC 8675) 	<ul style="list-style-type: none"> 1) Unbound 2) None 3) None 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer 	<ul style="list-style-type: none"> 1) Unbound 2) None 3) None 4) Unbound, except as provided in the horizontal section 	

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(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 None 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 None 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 None 4) Unbound	
(t) Other			

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Translation and interpretation services (CPC 87905)	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	
<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. 			