

# CHANDLER & THONG-EK LAW OFFICES LTD.

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## **Legislation Progress**

1. A list of progress of legislation under the National Legislative Assembly as of 31 July 2007 and a list of progress of legislation by the Cabinet as of 25 July 2007 are available at the Library and the website of the Company.
2. A list of double tax treaties as of 31 July 2007 which Thailand has concluded with 52 countries is available in both English and Thai at the Library.

## **The following important legislation was published in the Government Gazette:**

### **Act, Account, Alien, Banking, Finance and Securities**

1. The following Acts have been enacted:
  - 1.1. Private Weapon Manufacturing Factory Act B.E.2550. This Act revised the provisions of granting permission and measures on the control and inspection of private weapons manufacturing factory, penalties and the rates of fees. (0405)
  - 1.2. Agricultural Futures Trading Act (No.2) B.E. 2550. This amendment is made to enable the persons who used to be imprisoned may have an opportunity to return to the society and profess an honest job, except those who were imprisoned for offences relating to property. (0105)
  - 1.3. Act Amending Act Incorporating Constitution Governing Prevention and Suppression of Corruption B.E. 2550. It revised the provision relating to the powers and the procedures on the investigation of the NCCC, so that the suppression of corruption in the said case is more effective. (0105)
  - 1.4. Act Amending Emergency Decree on Assets Management Company B.E. 2550. The assets management company may buy, accept transfer or accept the hire of work of managing subordinated assets and assets of the financial institution whose businesses are suspended, dissolved or whose licenses to operate commercial banking business, finance business or credit foncier business are revoked, including the security of said assets, for management or disposal, and the bases in supervising and controlling the business operations of the assets management company. (2603)

- 1.5 Vehicle Victims Protection Act (No. 4) B.E. 2550. This Act is enacted in order to provide vehicle victims more suitable compensation regarding preliminary injury expense, and also revising some unsuitable provisions like the provision relating to evidences of insurance for injury, report of termination of policy, spending of fund's money, payment of preliminary injury expenses from the fund, and demand for paying back the preliminary injury expenses. (0504)
- 1.6 Act Governing Commission of Offences Relating to Computer, B.E. 2550. If someone acts in any way that causes a computer system not to be able to function according the pre-programmed set of instructions, or uses any method to acquire data, to amend or to destroy the data of other persons in a computer system illegitimately, or uses a compute system to disseminate false or pornographic computer data, it would readily cause damages and impacts to the economy, the society and the security of the state, including the peace and order and the good moral of the public. (1806)
2. Ministerial regulations No. 24 issued under Exchange Control Act. It is issued in order to provide more flexibility in managing foreign currency, which would create a smooth business operation and thus help yield good results to the development of the country. So it is then considered suitable to expand the period of sale or deposition of foreign currency which a person has acquired from exportation of goods, or has acquired from other sources of income abroad. (0105)
3. Notification of the Ministry of Finance re directions of the minister to authorized agent (No.5) informing the person receiving foreign currency shall sell or deposit the said foreign currency with any authorized agent within fifteen days from the date of receipt. (2206)
4. Notification of the Ministry of Finance re directions of the minister to authorized juristic persons (No.6) dated 23 July 2007 under Exchange Control Act.
5. Notification of the Competent Officer re rules and practices regarding currency exchange (No. 12) dated 24 July 2007.
6. Notification of the Competent Officer re rules and practices regarding investment in securities abroad (No. 2) dated 24 July 2007.

### **Commerce, Communication and Export and Import**

1. Notification of the Ministry of Commerce abrogating of Notification of Ministry of Commerce re Guidelines on Counter Trade B.E. 2547. (2304)
2. Regulation of the Officer of the Prime Minister abrogating Regulation of Officer of the Prime Minister Governing Barter Trade B.E. 2549. (1204)
3. Notification of the Central Board Governing Prices of Goods and Services fixing period of time for supervising and monitoring movement of prices of goods and services as special case (Nos.12 & 13). (0504, 2706)

4. Ministerial regulation reducing rates of fees for partnerships and limited companies in special development zone. (0504)

### **Customs, Tax and Duty**

1. Ministerial regulation No. 146 governing bases, procedures and conditions on applying and fixing customs prices. (0504)
2. Notification of the Director-General of the Revenue Department (No. 163) re bases, procedures and conditions respecting exemption of juristic person income tax for company or juristic partnership on income received from sale of machinery used in business operation for buying new machinery for replacement thereof. (2504)

### **Energy, Environment, Food and Drug**

1. Regulation of the Foods and Drug Administration governing bases concerning certificate used for importation of medical devices and importation of medical devices exempted from presentation of certificate to competent officers at FDA House. (2603)
2. Notification of the Ministry of Public Health (No.202) re type and quantity of drugs of category 2 for medical and scientific uses throughout the Kingdom of 2007. (0504)
3. Regulation of the Food and Drug Administration governing medical device used with humans which may cause risks. (0407)

### **Immigration, Industry, Insurance and Investment**

1. Notification of the Board of Investment No. 1/2550 re measures promoting and development between industrial sectors and educational institute. (1805)
2. Notification of the Board of Investment No. Sor. 1/2550 re bonded warehouse business in free trade zone. (2203)
3. Notification of the Board of Investment No. Sor. 2/2550 re granting promotion to biotechnology business. (1805)
4. Notification of the Board of Investment No. Sor. 3/2550 re policy on investment promotion for logistics business. (1805)
5. Notification of the Board of Investment No. Sor. 4/2550 re revision and amendment of category and conditions for ship building or ship repair business. (1805)

### **Labor, Land and Public Health**

1. Royal Decree applying medium prices of lands used for assessment of local development contribution of 1978 to 1981 on assessment of local development contribution of 2007. (2604)
2. Notification of the Department of Labor Protection and Welfare re (1) bases and methods respecting measurement and analysis of working condition concerning heat,

lighting or noise levels within place of business; period and categories of business subjected to proceedings related thereto, (2) application form for registration as certifier of report of measurement and analysis of working condition. (2206)

### **Miscellaneous**

1. Ministerial regulation No. 38 re bases and conditions on application and issuance of license to establish airport. (1204)
2. Ministerial Regulation No. 61 issued under Building Control Act B.E. 2522. (2603)
3. Regulations of the Office of the Prime Minister governing establishment of one-stop foreign film making service centre. (0205)
4. Notification of the Department of Land Transport re prohibition of making any picture or sign on truck and passenger bus bodies. (2206)

### **Summary of laws and general matters approved by the resolutions of the Cabinet during April – July 2007**

1. Approved the draft of memorandum of understanding made between New Energy Development and Industrial Technology Organization of Japan (NEDO) in proceeding the high efficiency blast furnace in aluminum industry and approved the exemption of all types of tax and duty for machine, equipment and material provided by the said organization. (0304)
2. Approved the criteria for classifying the state work units by dividing into 4 types, i.e., government office, state enterprise, public organization and new model of state work units and the procedures to establish the state enterprise and public organization (0304)
3. Approved the Ministry of Foreign Affairs to sign and ratify the treaty made between Thailand and Ukraine for joint assistance in criminal case. (0304)
4. Approved the memorandum amending the highway concession contract No. 3/25 for highway No. 31 Vipavadeerangsit Road, Dindaeng-Don Muang. (1004)
5. Considered and resolved the development of the areas to support the country's future petrochemical and energy industry as proposed by the National Economic and Social Development Board. (2404)
6. Approved CAT Telecom Public Company Limited to carry on the fiber optic underwater system project (Asia America Gateway). (2404)
7. Acknowledged the purchase of Bankthai's shares by TPG Newbridge through Centerpoint Media Investment Netherlands B.V. according to investment structure of TPG Newbridge group. (2404)
8. Approved the ministerial regulation prohibiting the areas to construct or change the building which installed the signboard or structures in Bangplee, Bang Bor,

- Prapradaeng, Muang Samutprakarn and Pra Samut Jadee Districts, Samutprakarn Province. (0105)
9. Approved the ministerial regulation exempting the fee for license to import or export drug, type 2, issued to the patient who bring in or bring out the Kingdom for curing himself within 30 days. (0105)
  10. Approved the royal decree specifying Chinese traditional medicine is one type of the practice of the act of healing under the Act Controlling the Practice of the Act of Healing. (0105)
  11. Acknowledged the participation in project of the Ministry of Public Health for joint purchase of medicine especially for AIDS with Clinton Foundation. (0105, 1505)
  12. Approved the signing of Agreement for Technical Cooperation with The World Intellectual Property Organization. (0105)
  13. Approved the royal decree extending the period for reduction of value added tax till 30 September 2008. (0805)
  14. Approved the ministerial regulation specifying the type of hotel, bases and conditions for operation of hotel business. (0805)
  15. Approved the ministerial regulation specifying the safety measure of electricity systems in the factory. (0805)
  16. Approved the regulation of the Office of the Prime Minister repealing the Regulation of the Office of the Prime Minister governing the operation of special investment project of state for country development. (0805)
  17. Approved the royal decree establishing the green house effect administrative organization. (1505)
  18. Acknowledged the National Economic & Social Development Board's report on the overall economic drive. (1505)
  19. Approved the ministerial regulation specifying bases, procedures and conditions for issuance, purchase and sale, transfer and use of debt instrument as guarantee. (2205)
  20. Approved the revision of reduction amount for calculation of personal income tax in case of interest of loan for purchase, hire-purchase or construct the house. (2805)
  21. Cancelled the Cabinet Resolution dated 29 September B.E. 2530 re special right of Bangpa-in Paper Industrial Factory Co., Ltd. from 1 April 2007. (2805)
  22. Approved the Provincial Water Authority to cancel the project for private sector to invest in water disposal systems at Pathumthani-Rangsit Water Office by changing from BOT to BTO and the amount of investment. (1206)

23. Approved the disposal of shares of provincial companies established and invested by the Ministry of Commerce. (1906)
24. Approved the operation of contract farming for 2549-2551 under the Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy. (1906)
25. Approved the Thai Airways Public Company Limited to lease eight airplanes, type A330-300 instead of purchase them in order to reduce the expense and burden. (1906)
26. Approved the ministerial regulation specifying the weighing, resistance, permanent of the building and ground to support the building from earthquake. (2606)
27. Approved the guideline to adjust the operation plan of Thailand Privilege Card Co., Ltd., for Thailand Elite Card. (2606)
28. Acknowledged the resolution of the National Energy Policy Committee adding the purchase price of electricity from renewable energy of the very small power producer (VSPP) and small power producer (SPP) in three boundary southern provinces from 1.50 baht/kilowatt-hour for electricity from wind energy and solar and 1.00 baht/kilowatt-hour for renewable energy. (0307)
29. Approved the ministerial regulation to seize or confiscate computer systems. (1707)
30. Approved the ministerial regulation issued under Exchange Control Act, B.E. 2485 by adding the definitions of “licensed juristic person”, extending the period for bringing in the foreign currency derived from the export from 120 day to 360 days and repealing the rules to sell or deposit the foreign currency derived from export within 15 days. (2407)
31. Approved the strategy and management of the remains of electrical appliances and electronic. (2407)
32. Approved the regulation of the Ministry of Finance governing the purchase of foreign currency and foreign securities for payment of debt when due. (2407)
33. Approved the memorandum of understanding for establishment and operation of Center of Excellence Network Project for the Asia and Pacific Region in Business Management. (2407)
34. Acknowledged the memorandum of understanding for cooperation in solving the problem of refugee in Thailand-Myanmar borders for 2007.