

CHANDLER & THONG-EK LAW OFFICES LTD.

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Legislation Progress

A list of double tax treaty (as of July 31, 2006) which Thailand has concluded with 51 countries is available both in English and Thai at Library.

The following important legislation was published in the Government Gazette

Act, Account, Alien, Banking, Finance and Securities

1. Notification of Exchange Control Officer re return of guaranty amount or profit from trading in the Forward Agricultural Produce Market of Thailand or the Forward Contract Trading Centre, where a certificate must be asked from the forward broker. (0704/2607)
2. Notification of Exchange Control Officer re bases and procedures for any person who wishes to deposit foreign currency with an authorized juristic person under the Exchange Control Act. (2507/2807)
3. Notification of Exchange Control Officer re bases and procedures for an authorized juristic person accepting Baht currency of a Thai commercial bank branch located in the Socialist Republic of Vietnam, the People's Republic of China (specifically Yunnan Province) and countries having borders with Thailand, into a Special Non-Resident Baht Account or SNRBA. (2507/2807)

Commerce, Customs, Export and Import, Tax and Duty

1. Notifications of Ministry of Commerce:
 - 1.1 Abrogation of Notification of Ministry of Commerce concerning exportation of wild animals, carcasses of wild animals, aquatic animals, carcasses of aquatic animals, and products of aquatic animals or carcasses of aquatic animals. (1304/1005)
 - 1.2 Exportation of rice, elephant and wood. (1304/1005)
 - 1.3 The business operators who operate businesses as listed in this notification shall file for business registration at the Bangkok Metropolis Business Registration Office, Pattaya City or Provincial Administration Organization. (0714/1005)

2. Regulation of Excise Department governing procedures, conditions and guidelines on fixing rate of liquor tax, rate of tobacco stamp and exemption of excise tax for goods sold from bonded warehouse located in Customs Airports (0202/1605)
3. Royal decree prescribing that the specific business tax shall be exempted for business of sale of forward contract under the law governing forward contract in the forward contract trading centre from the date of commencement of forward contract trading in the said forward contract trading centre onwards. (2704/1805)
4. Royal decree exempting for the 1st Asian Indoor Games Competition Organizing Committee income tax and value added tax on money or property received from donation or received from sale of goods or rendering of services, and exempting value added tax for the business operator, specifically donation of goods or rendering of services to the 1st Asian Indoor Games Competition Organizing Committee, with no benefits or remuneration in return (2505/1606)
5. Royal decree exempting natural person income tax, juristic person income tax and value added taxes for the armaments and services between the Government of the Kingdom of Thailand and the Government of the United Kingdom under the Project of Developing and Modernizing Armaments of the Royal Thai Armed Forces according to the National Economic and Social Reciprocal Scheme (2505/1606)
6. Royal decree exempting for a company with listed securities on the Stock Exchange of Thailand under the law governing securities and exchange, juristic person income tax on the income paid for investment in or modification, expansion or improvement of property, which is not a repair of the same to its original condition, under Section 65 ter (5) of the Revenue Code, and exempting for a company or juristic partnership juristic person income tax on income received from sale of machinery used in business operation for the purpose of buying new machinery in replacement thereof. (1304/1707)
7. Royal decree extending the period of reduction of rates and exemption of taxes and duties for an alien who works at a regional operations office, whereby his period of work is for a continuous period of not more than 4 years. (1307/1707)
8. Ministerial regulations fixing rates of fees for registration, application for examination of documents, application for making copies of documents and certification thereof, and other fees concerning public limited companies. (2305/2306)
9. Ministerial regulations establishing partnerships and companies registration bureau, appointing registrar, and prescribing bases and procedures respecting registration of partnership and limited company. (2205/3006)
10. Ministerial regulations fixing rates of fees for registration, application for examination of documents, application for making copies of documents with certification thereof, and other fees concerning partnerships and limited companies. (2205/3006)
11. Notification of Revenue Department prescribing form of appeal and protest against tax and duty assessment (Kor.Sor.Kor.171). (2206/3006)

12. Notification of Director-General of Revenue Department prescribing company or juristic person established under foreign law operating international marine transport to have and use more than one identity number in carrying out duties under the Revenue Code. (0607/1707)
13. Notification of Director-General of Revenue Department relating to income tax (No. 153) re bases, procedures and conditions respecting exemption of income tax for seller and buyer of securities doing securities trading business with resale or repurchase contract. (1804/2607)
14. Order of Revenue Department No. Por.133/2549 re withholding of income tax at source in the case of payment of assessable income under Section 40(2) of the Revenue Code, specifically payment of income to securities trading broker or agent of securities company under the law governing securities and exchange. (3003/2607)

Immigration, Industry, Insurance and Investment

1. Ministerial regulations prescribing bases and procedures respecting application for permission, inspection and issuance of permit to display industrial product standard mark on industrial product, making of industrial product which must meet standards under royal decree, and importation of industrial product which must meet standards under royal decree for sale in the Kingdom. (0903/1605)
2. Ministerial regulations No.28 fixing the visa fees for temporary residence visa category of multiple type within 3 years' period. (2305/2106)
3. Ministerial regulations prescribing qualified worker to perform duties concerning usage, storage, transport and filling of gas at the factory. (2106/1007)
4. Ministerial regulations prescribing safety measures concerning boiler, boiler using liquid as heat conductor and pressure vessel in the factory. (2106/1307)
5. Notifications of Board of Investment:
 - 5.1 No. Sor.1/2549 re granting promotion of category 6.8: business of manufacturing medicines and/or active substances in medicines (0405/2905)
 - 5.2 No. 2/2549 re policy on promotion of business concerning science, technology and development of skills of personnel (0405/2905)
 - 5.3 No. 3/2549 re granting additional rights and benefits for investment in development of skills, technology and innovation – STI (0405/2905)
 - 5.4 No. 4/2549 re policy on investment promotion of electronics and electrical appliance industries (0405/0506)
 - 5.5 No. 5/2549 re policy on promotion of long-term continuous investment project for electronics and electrical appliance industries (0405/1506)

- 5.6 No. 6/2549 re exemption of import duty on machinery for electronics and electrical appliance industries (0405/2905)
- 5.7 No. 7/2549 re policy on investment promotion of integrated circuit wafer manufacture (0405/2905)
6. Notifications of Ministry of Natural Resource and the Environment:
 - 6.1 Prescribing industrial factories as pollution-generating source which must be subject to control on release of polluted air into the atmosphere (1805/2106)
 - 6.2 Prescribing the controlled standards of polluted air released from industrial factories (1805/2706)
 - 6.3 Prescribing fishing piers, fish markets and fish market business of all sizes as pollution-generating source subject to control on drainage of wastewater into public water sources or the environment (1805/2807)
 - 6.4 Prescribing controlled standards of drained water from fish piers, fish markets and fish market business (1805/2807)
7. Notification of Ministry of Industry re number, size and category or type of factories not allowed to be set up or expanded in all localities throughout the Kingdom. (1307/1707)

Labor and Land

1. Royal decree applying medium prices of land used for assessment of local development contributions of 1978 till 1981 for assessing local development contributions of 2006. (0706/2706)
2. Ministerial regulations prescribing cancer, chronic kidney failure, AIDS, diseases or injuries of brain, brain vessels, or spinal column, thereby causing paralyse, abnormality of broken bones associated with complications, namely chronic osteomyelitis, delay-union, nonunion, malunion, or broken plate and other diseases or sickness that require continued treatment whereby the patient cannot work for a continuous period exceeding one hundred and eighty days, according to the diagnosis of the medical committee. (2106/0607)
3. Ministerial regulations No. 52 issued under the Land Code re application forms for registration of rights and juristic acts, namely Form Thor.Dor.1 and Thor.Dor.1 Kor. annexed to the ministerial regulations, which shall continue to be used until the Director-General prescribes new forms therefore. (0507/1907)
4. Notification of the Land Department re evidences which an alien and juristic person legally deemed as an alien must present for applying for acquiring ownership of condominium. (3003)
5. Notification of Lands Department re application for acquisition of land by a juristic person whose shares are held by aliens. (0506/1606)

Miscellaneous

1. Order of Cosmetic Board No. 1/2549 re statements prohibited from being used in cosmetics advertisements. (0106/1606)
2. Notice of Hotel Business Supervision and Promotion Board prescribing notice of limitation of liabilities under Section 675 of the Civil and Commercial Code. (2505/0407)
3. Ministerial regulations fixing rates of fees under the law governing air navigation. (2305/0407)
4. Ministerial regulations No. 57 prescribing equipment for vehicles to be used to afford convenience for the disabled; exceptions on condition, equipment and component parts of vehicles used to transport passengers and small vehicles; exceptions on condition, equipment and component parts of vehicles used to transport animals or goods. (2106/0407)
5. Ministerial regulations No. 60 issued under the Building Control Act re main structure of the types of buildings that must be constructed by fire-resistant materials according to the characteristics and properties. (0507/1907)

Summary of Laws and General Matters Approved by the Resolutions of the Cabinet during May 1 – July 31, 2006

1. Acknowledgement of progress of the 10th National Economic and Social Development Plan (B.E. 2550 – 2554). (0905/1807)
2. Approval of upgrading the Consulate-General of Thailand in the Republic of Croatia (Zagreb) to the Consulate of Thailand in the Republic of Croatia. This promotion will strengthen the position of Thailand's representative to facilitate the correlation with private and public sectors of Croatia and also promote the government strategies in all areas. (2305)
3. Approval in principle for Thailand to host the 7th APEC Ministerial Meeting on Telecommunications and Information Industry to be held in July 2008. (2305)
4. Approval of reduction of annual fee from Baht 62,090,046.24 to Baht 20,003,044 and of house and land tax from Baht 7,761,225.78 to Baht 2,500,380.50 for 2006 for Rachachaprapa Dam, Khao Pang Sub-district, Ban Ta Khoon District, Surat Thani Province, payable by the Electricity Generating Authority of Thailand, as proposed by the Ministry of Energy. (3005)
5. Acknowledgement of consideration of using Radio Frequency Identification (RFID) with smart cards as proposed by the Ministry of Information and Communication Technology, which shall be commenced in 2009. The approved budget for smart cards shall not exceed Baht 1,154,095.00. Twelve million cards will be completed within September 2006. (3005/2006)

6. Approval in principle of the Suvarnabhumi Maha Nakhon Bill (Suvarnabhumi Metropolis), which shall be forwarded for review by the Office of the Council of State. (2006)
7. Approval in principle of two ministerial regulations re measures for supporting social development policy, provided that such insurance policy shall be valid for not exceeding one year: (2006)
 - 7.1 Exemption of natural person income tax on income paid to a life or casualty insurance company established in Thailand for health insurance for parents of the income earner or of the spouse, whose income is not sufficient for living in the amount as paid but not exceeding Baht 15,000.00.
 - 7.2 Exemption of natural person income tax on income which the employer pays as insurance premium for group insurance in the part of medical treatment protection to a life or casualty insurance company established in Thailand, etc.
8. Approval of the Bill Governing Private Sector to Participate or Operate in State Business in order to relax the strict control which requires an approval prior to the commencement of a project, to be an approval after the commencement of a project. (2006)
9. Approval of bases and guidelines for issuance of documents of right to the public as proposed by the Ministry of Natural Resource and Environment. (2006)
10. Approval in principle of draft ministerial regulations specifying hazardous items and animals which are dangerous to the safety of aircraft or persons in an aircraft. (2706)
11. Approval of extension of loan agreements in short term credit lines of the Electricity Generating Authority of Thailand in the amount of Baht 9,000 million under the existing conditions, from 30 May 2006 to 30 May 2007 without requiring guarantee from the Ministry of Finance. (2706)
12. Approval of additional facilities in compliance with the Regulations of the Office of Prime Minister governing Electronic Procurement. (2706)
13. Acknowledgement of the Memorandum on Study and Development of the Hutgyi Hydropower Project as proposed by the Ministry of Energy. The Electricity Generating Authority of Thailand (EGAT) and Sinohydro Corporation of the People's Republic of China have signed the MOU on 26 June 2006. This project is one of the important projects under the Bugan Declaration, which the Prime Minister has jointly signed with other leaders of five countries on 12 November 2003 in Bugan, Myanmar. EGAT and Sinohydro jointly agreed to complete the study and develop the Hutgyi Hydropower Project within ten months and will establish a joint venture to manage this project. EGAT is a major shareholder and Sinohydro and the Myanmar Government will be the 2nd and 3rd shareholders. Ratio of shareholdings will be jointly considered by the three parties. EGAT and Sinohydro will jointly seek a low interest loan especially from the People's Republic of China. Thai law will govern. Upon signing of the MOU, the Joint Development Agreement will be completed within 10 months. (0407)

14. Approval of nine ministerial regulations under the Child Protection Act. (0407)
15. Acknowledgement of Thai Capital Development Master Plan No. 2 (2549-2553) proposed by the Ministry of Finance. (0407)
16. Acknowledgement of appointment of Thai applicant, Mrs. Saisuree Jutikul, to be member of the Committee on the Elimination of All Forms of Discrimination against Women of the United Nations (CEDAW). (0407)
17. Approval of establishment of public organizations. They can be established either under the Public Organization Act B.E. 2542 or as a work unit of a ministry, which has been specifically established, and its duty is rendering public services as a public organization under the Public Organization Act B.E. 2542. The purpose of such establishment is to accelerate government policy and national strategy. (1807)
18. Approval of establishment of foreign branch office in Thailand of H I A N Overseas Insurance Co., Ltd. in Bermuda Island to accept the transfer of assets, debts and liabilities of all insurance policies of H Insurance Co., Ltd., Thailand Branch. (1807)
19. Approval of draft rules of the Ministry of Finance governing the fund for employees who are affected by privatization (No...), B.E.... (1807)
20. Approval of the MOU made between Thailand – Cambodia governing the exchange of international traffic right at the Aranyaprathet-Poipet check point. (1807)
21. Acknowledgment of the summary of status of Thailand's mineral resources and natural fuels. (1807)
22. Approval of establishment of Bangpakong Thermal Power Plant, 5th phase, by EGAT, in the investment amount of Baht 16,736.50 million. (2507)
23. Approval of draft regulations of the Office of the Prime Minister re barter trade. (2507)
24. Approval of the mutual working plan between Asean – Canada, 2005 – 2007. (2507)