

CHANDLER & THONG-EK LAW OFFICES LTD.

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The following important legislation was published in the Government Gazette:

Air, Bank and Commerce

1. Notification of Ministry of Commerce dated 10 November 2010 re: operator of commercial business required commercial registration (No. 11).
2. Notification of Ministry of Finance dated 29 November 2010 re: businesses requiring permission under Article 5 of Announcement of National Executive Council No. 58 (operation of electronic money card business) (No. 2).
3. Notification of Ministry of Finance dated 22 December 2010 re: rules, procedures and conditions for retail commercial banks to apply for upgrading as commercial banks.
4. Ministerial regulations dated 11 January 2011 prescribing fee for registration of right and juristic act of machinery with financial institutions under the Financial Institutions Development, Phase II B.E. 2554.
5. Ministerial regulations dated 1 February 2011 re: prescription of maximum airfare and freight charge for transport aircrafts B.E. 2554.
6. Ministerial regulations dated 7 February 2011 re: prescription of rules and procedures for certifying certificate of type aircraft, certificate of major aircraft appliance, or certificate of additional aircraft parts issued by Member of Treaty or Country Entering into An Agreement with Thailand for Manufacture in Thailand B.E. 2554.
7. Notification of Bank of Thailand No. ForKorDor. 1/2554 dated 1 March 2011 re: rules and procedure for seizure or attachment of asset and amount of money necessary for living and support of family of the person whose asset is seized or attached.
8. Ministerial regulations dated 21 March 2011 re: other qualifications of manager of public airport, application for issuance and revocation of certificate of manager of public airport.
9. Ministerial regulations dated 21 March 2011 re: rules and periods of time for temporary aircraft landing and takeoff.
10. Ministerial regulations dated 21 March 2011 re: application for obtaining and renewal of certificate for operation of public airport and application for changing of operation which differs from those described in the certificate.

Duty and Tax

1. Notification of Director-General of Revenue Department (No. 192) dated 16 November 2010 re: bases, procedures and conditions respecting exemption of income tax of company or juristic partnership on income paid as seminar training expenses of employees within the country.

2. Notification of Director-General of Revenue Department (No. 52) dated 23 November 2010 re: method of payment of duty in lieu of affixing duty stamp for instrument 28 (b) of Schedule of Rates of Stamp Duty.
3. Royal decree issued under Revenue Code (No. 515) dated 3 March 2011 re: exemption of income tax for ordinary person and company or juristic partnership on the income equivalent to the expenses according to the amount and bases prescribed in the procurement of books or electronics medias to promote reading.
4. As of April 12, 2011, Thailand has concluded with 54 countries for double tax treaty.

Energy, Environment, Immigration, Industry, Investment

1. Notification of Ministry of Industry dated 1 October 2010 re: payment of annual fee under Factory Act B.E. 2535, in the case of submission of letter requesting for cessation of factory business operation temporarily, or in the case of having been ordered to stop entire factory business operation from one year upwards, or ordered to close down factory, before reaching business operation commencement date in the following year.
2. Ministerial regulations dated 17 November 2010 prescribing bases, procedures and conditions on machinery test run B.E. 2553.
3. Regulations of the Electricity Generating Authority of Thailand No. 81 dated 17 November 2010 re: assistance to persons affected by construction of power network system.
4. Ministerial regulations dated 13 December 2010 prescribing bases, procedures and conditions on examination, exemption, and change of visa category between The Kingdom of Thailand and the Kingdom of Cambodia (No. 3) B.E. 2553.
5. Notification of Office of Natural Resources and Environmental Policy and Planning dated 14 December 2010 re: computation of time under the Notification of the Ministry of Natural Resources and Environment re: rules, procedures, regulations and guideline for preparation of environmental impact analysis report (EIA) for projects or activities which may cause severe impacts to the community in respect of environmental quality, natural resources and health.
6. Regulations of Energy Regulatory Commission dated 29 December 2010 re: power development fund for development or restoration of localities affected by the operation of power plants B.E. 2553.
7. Notification of Board of Investment No. 1/2554 dated 17 January 2011 re: granting of rights and benefits under Section 36(1) and (2) to existing promoted business under the measures to relieve effects from baht appreciation.
8. Notification of Board of Investment No. 2/2554 dated 17 January 2011 re: amendment to policy of promotion granted to small and medium sized enterprise.
9. Notification of Board of Investment No. 3/2554 dated 17 January 2011 re: measures for promotion in change in machinery to increase production efficiency under the measures for relief of effects from appreciation of baht.
10. Notification of Board of Investment No. 4/2554 dated 17 January 2011 re: measures for assisting promoted persons affected by flood.

11. Notification of the National Environment Committee No. 40 dated 9 March 2011 re: rules and procedures in appointing Expert Committee for consideration of EIA report.

Labor, Land and Mining

1. Ministerial regulations dated 1 September 2010 prescribing bases, procedures, and conditions respecting registration of condominium building, issuance of condominium room ownership certificate, and registration of condominium building juristic person B.E. 2553.
2. Notification of Wage Committee dated 13 December 2010 re: minimum wage rates (No. 5). The minimum wage in the area of Bangkok, Nakhonpathom, Nonthaburi, Pathumthani, Samutprakarn, Samutsakorn is Baht 215 per day.
3. Notification of Ministry of Natural Resources and Environment dated 21 January 2011 re: permission for submission of application for Prathanabat in the area designated for survey, experiment, study or research of minerals (Potash) as special case.

Public Health

1. Notification of Ministry of Public Health dated 20 November 2010 re: types and quantities of narcotics of category 2 required for medical and scientific uses throughout the Kingdom.
2. Order of Ministry of Public Health dated 25 November 2010 re: amendment of modern pharmacopoeia register existing in the pharmacopoeia published by the Minister.
3. Notification of the Medicine System Development Committee dated 8 December 2010 re: prescription of reference price of the medicines under the National List of Essential Medicines B.E. 2553.
4. Ministerial regulations dated 19 January 2011 prescribing medicines and medical devices manufactured by public health service provider for use with patients or animals specifically those who have received treatment, or manufactured under order of public health service provider who has provided treatment, as goods exempted under Law Governing Unsafe Goods Liability Act B.E. 2554.

Miscellaneous

1. Notification of the Judicial Officials, Court of Justice, dated 13 October 2010 re: return of court fee B.E. 2553.
2. Regulations of the Public Works and Town Planning dated 25 November 2010 re: prescription of rules and procedures for selection by registering the construction contractors B.E. 2553.
3. Ministerial regulations dated 26 November 2010 prescribing agricultural produce as goods granted exemption under Law Governing Unsafe Goods Liability Act B.E. 2553.
4. Ministerial regulations dated 28 December 2010 re: exempting fees for hotel business operation.
5. Notification of the Office of Securities and Exchange Commission No. SorDor 3/2554 dated 18 January 2011 re: additional particulars in trust establishment agreement in respect of provision of reserve account and sinking fund.
6. Ministerial regulations dated 21 March 2011 re: transport safety.

7. Royal decree dated 25 March 2011 re: establishment of professional qualification institute (public organization).

Summary of Interesting Laws and General Matters Approved by the Resolutions of the Cabinet as of 31 March 2011

1. Approved source of fund for engagement of the project consultant and consultant for construction supervision of the blue line project (Hualampong-Bangkae Section, Bang Sue-Ta Phra Section) (0712)
2. Approved the establishment of S.R.T. Electric Train Co., Ltd., and the registered capital for establishment of a subsidiary to manage the Airport Rail Link. (0712)
3. Approved pursuant to the resolution of the Economic Ministers Council's meeting no. 13/2553 which includes the progress of investment in infrastructure of the State Railway of Thailand, urgent phase (2010-2014) previously approved by the Cabinet on April 27, 2010. (0712)
4. Approved the draft royal decree on establishment of the Land Bank Administration Institute (Public Organization). (1412)
5. Approved the construction of a new tobacco plant by using revenues of the Tobacco Plant itself, and the Ministry of Finance will consider the reduction of the remittance to the state revenue from original 88 percent of net profit. (1412)
6. Approved draft Non-Life Insurance Act and draft Life Insurance Act. Material contents of the drafts are the three amendments: structure of shareholders, management of non-life insurance fund and life insurance fund and rules for making payment from the funds. (2812)
7. Approved the tax measures to support merger in case of exemption from income tax regarding dividends received from the company incorporated under the law of Thailand or on share of profits from the fund established under the law on securities and exchange. (2812)
8. Approved the exemption of value added tax, specific business tax and stamp duty to business operators of public limited companies or limited companies which are affiliated companies, for value of tax base, income or execution of instruments arising from, or in consequence of, the transfer of partial business among said operators. (2812)
9. Approved 15 additional projects for solving problems in Map Ta Phut and approved budget, extra-budget, items of advance for emergency or necessity, in the amount of Baht 225.72565 million for implementation of said projects. (1101)
10. Approved the draft power purchase agreement of the Xayaburi Hydroelectric Power Project and ordered The Electricity Generating Authority of Thailand (EGAT) to sign the Agreement with the investors and approved an arbitration clause in the Agreement for settlement of disputes, by using the arbitration procedures of the Thai Arbitration Institute. (1101)
11. Acknowledged progress of operation, and problems, difficulties and guidelines for solving problems of the mass rapid transit projects. (1101)
12. Approved Lam Takong Wind Turbine Project Phase 2 owned by the Electricity Generating Authority of Thailand. (1801)
13. Approved the sale of Thailand Privilege Card, namely exemption of fees for both existing and new members, provided that they must be subject to the Immigration Law B.E. 2522 (1801)
14. Approved the project worth in the amount of Baht 3,815 million which includes the improvement of 15 high voltage power stations and 15 sub-stations country wide. The scope

- of the project includes improvement and change in switchyard, construction of structures and control rooms, etc. (1801)
15. Acknowledged the progress and difficulties in issuing title deeds to the people in the area of Amphur Mae Moh. (1801)
 16. Approved resolutions adopted at the meeting of the State Enterprises Policy Committee no. 2/2553 on November 8, 2010 as follows: investment budget for state enterprises, private participation in Laem Chabang port business project, and preparation of a business plan to revitalize financial position of state enterprises. (1801)
 17. Approved the draft Unitization Agreement between the Malaysia-Thailand Joint Authority and Petroleum Nasional Berhad (Petronas) for joint production of petroleum in Bhumi field in block A-18 of the Malaysia-Thailand Joint Development Area. (1801)
 18. Approved the underwater optic fiber project in the Gulf. The project will be the main cable network in the Gulf, having two landing points, each in Songkhla and Chonburi provinces, and a connection point to the petroleum exploration and production platforms of the service users in the energy industry in the Gulf. (2401)
 19. Approved the Sriratch-Bangkok Outer Ring Expressway Project with public private partnerships under the Act Governing Private Sector Participation in or Operation of State Activities B.E. 2535 in the form of Build-Transfer-Operate. The project, worth Baht 27,022 million, is a 6-lane, 16.7 kilometer toll way, and is expected to open for service in April 2016. (2401)
 20. Approved the amendments to two concessional contracts of TOT Plc and CAT Plc under the Act Governing Private Sector Participation in or Operation of State Activities B.E. 2535 as follows: (0102)
 1. The joint venture contract for installation of fiber optic network along the railroad, between TOT Plc together with the State Railway of Thailand and Com-Link Co.,Ltd.
 2. The joint venture contract for installation of underwater cable network, between TOT Plc and Jasmine Submarine Telecommunications Co., Ltd.
 21. Acknowledged results of the preliminary study on the Map Ta Phut's capability of industry as proposed by NESDB, and assigned the Pollution Control Department to determine the types of industry, the activities which are origin of pollution, the Ministry of Industry (BOI Office) to review the policies and measures to promote the industry/activities that cause no pollution, the Ministry of Natural Resources and Environment to revise the regulations related to approval, permission, reduction and elimination of pollution, the Department of Industrial Works to speed up the environmental impact assessment and to propose appropriate alternatives acceptable to the people in Rayong. (0102)
 22. Approved report on operational result of MRTA Committee in fiscal year as follows: (0102)
 1. The development of the mass rapid transit system comprising the purple line project (Bang Yai – Bang Sue), the blue line project (Hualampong – Bang Kae, Bang Sue – Ta Phra), the green line project (Mor Chit – Saphanmai, Baring – Samutprakarn), the finance and investment, the service provision and the management of organization and development of human resources.
 2. The MRTA Committee formulates 11 policies: The policies, among others, are the acceleration of the MRTA projects to meet the completion schedule, the connection to other mass transit system in a form of common ticket, the operation basing on the good governance principle.

3. There are 16 projects to be implemented in 2011. A project, among others, is the purple line (23 km Bang Yai – Bang Sue) constructed in 2009 and expected to open for service in August 2014.
23. Approved Provincial Electricity Authority (PEA) to construct the 115 kv underwater cable to Koh Samui, Suratthani Province, in the amount of Baht 3,994 million, provided that the construction must avoid the coral reef. (0802)
24. Approved the prevention of corruption as proposed by the National Counter Corruption Commission, and assigned the Ministry of Finance to consult it with the Ministry of Foreign Affairs, Ministry of Justice, Office of the Attorney-General, Office of the Council of State, the Budget Bureau and other agencies concerned, and to complete the guidelines for revising the procedures for preparing, amending or managing the contract of the government authorities, state enterprises or government authorities with the private entity, within 30 days, and submit to Cabinet. (0802)
25. Approved the memorandum of talk and the draft agreement on aviation service between Thailand and Myanmar re: right of capacity, frequency and determined airlines, agreements on operation/common flights, use of chartered aircrafts and others. (0802)
26. Approved the signing of contract between the Neighboring Countries Economic Development Cooperation (Public Organization) and Lao PDR for improving the road no. 11. (0802)
27. Approved the utilization of the open land previously used for recreation and preservation of environment under the previous ministerial regulations, for producing water under the project to produce pipe water from sea water. (2202)
28. Approved the 2nd Chana Power Project and the 4th Wang Noi Power Plant Project of EGAT in an investment of Baht 23,724.5 and Baht 21,474 million respectively. Both projects have been included in the Power Development Plan 2010 approved by the Cabinet on March 23, 2010. The 4th Wang Noi Power Plant Project will distribute power into the system in June 2014, and the 2nd Chana Power Plant Project will distribute power into the system in July 2014. (2202)
29. Approved the government to provide financial support of up to Baht 1 billion to Thai construction companies doing business in overseas markets. The Export-Import Bank of Thailand will coordinate with the Bureau of the Budget regarding the appropriation of the allocated support budget. (0103)
30. Approved the establishment of the Construction Institute of Thailand as a foundation and will be affiliated as a member of the Ministry of Industry's network. The institute will be entitled to receive government financial support in the amount not exceeding baht 496 million for the first four years of its establishment (2012-2015) until it is able to gain financial independence. (0103)
31. Approved additional urgent projects aimed at resolving problem in Map Ta Phut Industrial Estate and neighboring areas in Rayong province. Approval has also been given to the requests to increase the budget allocation of Baht 269.50 million to nine projects. (0103)
32. Approved the reserve budget for carrying out the BOI Fair 2011 as proposed by the Ministry of Industry. (2203)
33. Acknowledged resolutions of the National Environment Board no. 6/2553 adopted on December 2, 2010 as follows: (2203)

1. Scope of idea and direction of environment quality management plan B.E. 2555-2559.
 2. Draft landscape environment management strategy.
 3. Review of type and size of the projects of the state agencies required to submit EIA report under the Cabinet resolution on additional preserve forest.
 4. Control of the high-rise buildings around the new parliament.
 5. Improvement of notification of the National Environment Board no. 39 (B.E. 2553) re rules and procedures for appointment of Expert Committee on Consideration of Basic Environmental Impact and Environmental Impact Analysis Report in Environment Protection Area.
 6. Additional measures for solving pollution problems in pollution control area in Rayong and nearby areas.
 7. Huay Ree Reservoir Project in Uttaradit Province.
 8. The project for expansion of main road to 4 traffic lanes (Phase 2), Highway no. 4, Trang-Pattalung, Bannayongnue-Khao Pub Pa.
 9. Nomination of the experts on natural resources and environment to be members of the Expert Committee on Consideration of Basic EIA Report and Environment Analysis Report in Environment Protection Area.
 10. Mining project, and industrial rocks in the type of cement, limestone to produce lime, and industrial rocks in the type of limestone for construction industry, prathanabat application no. 15/2551 of Sahasila Permpoon Co.,Ltd., located in Saraburi.
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34. Approved the signing of 5th Protocol on Financial Service Liberalization under the ASEAN Framework Agreement on Services. (2203)
 35. Approved draft of National Industrial Development Master Plan B.E. 2555-2574. (2803)
 36. Approved Metropolitan Electricity Authority increase capital in the project for expansion of power production capacity of District Cooling System and Power Plant Co., Ltd. (DCAP) in the amount of 201.0 million baht (2803)
 37. Approved the adjustment of wage rate of employee of state enterprises not exceeding 5% to be effective from 1 April 2011. (2803)
 38. Approved the payment of special remuneration to the official of five specialized financial institutions comprising of The Government Savings Bank, Bank for Agriculture and Agricultural Cooperatives, The Government Housing Bank, Small and Medium Enterprise Development Bank of Thailand and Islamic Bank of Thailand. (2803)
 39. Approved the establishment of Thailand Institute of Justice (public organization) for responsible works according to the urgent importance policy of the Government. (2803)