| **Individual Action Plan Update for Thailand for 2016** |
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| ***Highlights of recent policy developments which indicate how Thailand is progressing towards the Bogor Goals and key challenges it faces in its efforts to meet the Goals.*** |
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| IAP Chapter (and Sub-Chapter and Section Heading, if any) | **Improvements made since 2014 IAP** | **Further Improvements Planned** |
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| ***Tariffs***  *The Customs Department,*  *Ministry of Finance*  *Department of Foreign Trade,*  *Ministry of Commerce* | Under The WTO Agreement on Agriculture, Thailand has committed to import 249,757 MT of rice with the tariff rate of 30% , in accordance with Ministry of Commerce regulation on procedure and condition for issuing a certificate for year 2015, issue 2014.  For Ministry of Commerce regulation on procedure and condition for issuing a certificate for tariff quota under the agreement on Agriculture Under WTO for rice product for year 2016, issued 2015 will be announced in December 2015. |  |
| ***Bound Tariffs*** | No changes made. | Bound tariff rates will be further reduced after the conclusion of the Doha round of WTO negotiations. |
| ***Applied Tariffs*** | Thailand’s simple average tariff in 2014 is 11.18%.  The following Notifications have been issued :  - Notification of the Ministry of Finance No. 8, 18 November 2013 for Authorized Economic Operator (AEO).  - Notification of the Ministry of Finance No. 9, 15 October 2014 including tariff rates on 6 lines of industrial products.  - Notification of the Ministry of Finance No. 10, 15 October 2014 including tariff rates on 1 line of industrial products.  - Notification of the Ministry of Finance No. 11, 26 December 2014 including tariff rates on 1,532 lines of industrial products.  - Notification of the Ministry of Finance No. 12, 25 March 2015 including tariff rates on 6 lines of industrial products. | No further improvements planned. |
| ***Tariff Quotas*** | - No changes made. | There will be further liberalization after the conclusion of the Doha round of WTO negotiations. |
| ***Tariff Preference*** | **Bilateral**  **Thai-Chile**  - Thailand and Chile have signed the Agreement on 4 October 2013 at the Government House, Thailand. After all legal proceedings were completed, the Free Trade Agreement between Chile and Thailand came into force on 5 November 2015. Thailand provides immediate preferential access 88.89 % of tariff lines in 2015.  **Thai-Pakistan**  - The Pakistan – Thailand Trade Negotiating Committee (PATHFTA) had the First Meeting on 29 – 30 October 2015 in Bangkok, Thailand.  **Multilateral**  **AFTA ,** as of 1 January 2010, tariff rates on all tariff lines were reduced to 0%, except for 13 tariff lines considered sensitive products.  **ASEAN-China FTA,** was signed on 29 November 2004 and entered into force on 1 July 2005; 90% of tariff lines were reduced to 0% in 2013.  **ASEAN-Japan FTA,** was signed on 14 April 2008 and entered into force on 1 Jun 2009; 40.4% of tariff lines were reduced to 0% in 2013.  **ASEAN-Korea FTA,** was signed on 27 February 2009 and entered into force on 1 Jan 2010; 89% of tariff lines were reduced to 0% in 2013.  **ASEAN-India FTA,** was signed on 13 August 2009 and entered into force on 1 Jan 2010; 59% of tariff lines were reduced to 0% in 2013.  **ASEAN-Australia-New Zealand FTA,** was signed on 27 February 2009 entered into force on 12 March 2010; 71.67% of tariff lines were reduced to 0% in 2013.  **ASEAN-Hong Kong FTA,** had the 1st Meeting on 10 – 11 July 2014 in Hong Kong.  2nd Meeting on 24-26 November 2014 in Bangkok.  3rd Meeting on 10-12 March 2015 in Hong Kong.  4th Meeting on 21-23 july 2015 in Singapore.  **RCEP (Joint Declaration on the Launch of Negotiations for the Regional Comprehensive Economic Partnership),** under negotiation*.* | **Bilateral**  **Thai-Chile**  - Under the Free Trade Agreement between Chile and Thailand (TCFTA), tariff rate on most products will be reduced to 0% by 2015 (88.89%) and remaining products will be reduced to 0% in 2023.  **Thai-Pakistan**  -The 2nd PATHFTA Meeting will be held on 25 - 27 January 2016, in Pakistan in order to ensure the conclusion of the PATHFTA negotiations by mid- 2017.  **Multilateral**  **ASEAN-China FTA,** the tariff rates of sensitive products will be reduced to 20% in year 2012 and will be remained at 5% from year 2018.  **ASEAN-Japan FTA,** 93.27% of tariff lines will be reduced to 0% in 2018.  **ASEAN-Korea FTA,** 91.82% of tariff lines will be reduced to 0% in 2017.  **ASEAN-India FTA,** 75.54% of tariff lines will be reduced to 0% in 2017.  **ASEAN-Australia-New Zealand FTA,** 89.77% of tariff lines will be reduced to 0% in 2015.    **ASEAN-Hong Kong FTA** meeting was held on during 29 November-3 December 2015.  **RCEP (Joint Declaration on the Launch of Negotiations for the Regional Comprehensive Economic Partnership)** under negotiation. |
| ***Transparency of Tariff Regime*** | Notifications of the Ministry of Finance are published on the Internet. | Notifications of the Ministry of Finance are published on the Internet. |
| Website for further information: | *www.customs.go.th* |  |
| Contact point for further details: | *The Customs Department, Ministry of Finance* |  |
| ***Non-Tariff Measures***  ***Quantitative Import Restrictions/***  ***Prohibitions***  *Department of Foreign Trade, Ministry of Commerce* | In the case where it is necessary, import prohibition measures are applied to protect public morals, national security, human, animal and plant life, public health and intellectual property in accordance with Article XX on General Exceptions of the General Agreement on Tariffs and Trade 1947 (GATT 1947).  The DFT prohibits the import of (1) baraku/shisha and electronic baraku/shisha or electronic cigarette, (2) CFC refrigerators, (3) counterfeit goods, (4) electrical and mechanical opering game (*i.e. Slot Machine, Horse racing game machines or racecourse model or other similar article, Pachinko, Roulette, game machines operated by coins, banknote, discs, cards or other similar articles, or other methods that requirement of machines are met, with or without skill of players will win coins, banknote, coupons or other articles from machine, other than bowling alley equipment, parts or accessories chip, other parts or accessories of game machines)*, (5) certain glazed ceramics wares coated with soluble LEAD/Cadmium compounds more than the amount limited, (6) good duplicating registered products, (7) re-treaded or used pneumatic tyres of rubber for cars, motorcycles and bicycles and waste, paring and scrap of rubber of cars, buses/trucks, motorcycles and bicycles, (8) used car bodies and motorcycle frames, and (9) used motorcycle engines and accessories with displacement of less than 50 cc.  The DFT also prohibits import of (10) Logs and sawn wood which are made of teak trees, rubber trees or forbidden trees from the border of Tak and Kanchanaburi provinces to prevent illegal logging. In addition, the importers of Wood, Sawn wood and Finished product made of wood from the customs borders of the following provinces: Chiang Mai, Chiang Rai, Tak, Mae Hong Sorn, Kanchanaburi, Ratchaburi, Petchburi, Prachuap Khiri Khan, Chumporn, Ranong,Ubon Ratchathani, Sisaket, Buriram, Surin, Sa Keao, Chanthaburi and Trat must declare the certificate of origin (C/O) from the export countries to the Customs Department for the reason of prevention of illegal logging.  The DFT has imposed import prohibitions on Rough diamonds from or originated in Republic of Cote d'Ivoire and imposes import prohibition on all types of arms, military vehicles, hardware and spare parts to Islamic Republic of Iran, Democratic People’s Republic of Korea and The Great Socialist People's Libyan Arab Jamahiriya in compliance with the UN Resolutions.  To conform with the UN Resolution, the Ministry of Commerce has published the Ministerial Notification to terminate import prohibition on Rough diamonds from or originated in or Sierra Leone.  Further information can be obtained from [www.dft.go.th](http://www.dft.go.th) (Only available in Thai Language) | No further action planned. |
| ***Quantitative Export Restrictions/***  ***Prohibitions*** | In the case where it is necessary, export prohibition measures are applied to protect environmental, public health and intellectual property .  The DFT has imposed export prohibitions on all types of arms, military vehicles, hardware and spare parts to Ethiopia, Eritrea, Liberia, Somalia, Islamic Republic of Iran, Democratic People’s Republic of Korea, Republic of Sudan and Republic of Cote d'Ivoire in conformance with the UN Resolutions.    Other prohibited export items include Natural sand, Goods by deceptive practice and Copyright-infringing products.  In accordance with the UN Resolution, the Ministry of Commerce has published the ministerial regulation to terminate export prohibition of all types of arms, military vehicles, hardware and spare parts to Sierra Leone.  Further information can be obtained from [www.dft.go.th](http://www.dft.go.th) (only available in Thai language) |  |
| ***Import/Export Levies*** | Thailand does not impose any import/export levies. | No further action required. |
| ***Discretionary Import Licensing*** | Most products are subject to import licensing procedures on the grounds of public health and moral, national financial security, conservation of national resources and treasures which are consistent with the WTO agreement.  The importer of fuel oil, such as Petroleum oils (Light oils and reparations), Kerosene, Reformat, Propane, Butane, Propylene, Butylene, Butadiene, Liquefied Petroleum Gas, Ethanol and Bio diesel must have a licensed traders according to the Fuel Oil Trade Act B.E.2543 and needs import approval from of the Department of Foreign Trade with the suggestion of the Department of Energy Business, Ministry of Energy.  Products under discretionary import licensing include (1) fish meal with protein content less than 60%, (2) machinery and parts thereof which can be used to violate copyrights of cassette tape, video tape, and compact disc, (3) marble (except marble block of 50x50x50 cm), (4) medals and coins , (5) Antique idols and parts thereof, parts of ancient monuments, ancient coins, inscriptions and ancient manuscripts and prehistoric implements from or originating in other countries, (6) certain re-treaded or used pneumatic tyres of rubber for buses or trucks, (7) used diesel engines with displacement of 331-1,100 cc, (8) used motor vehicles for the transport of 30 or more persons, (9) used motor vehicles, (10) used motorcycles, (11) certain volatile alkyl nitrite substance, (12) waste and scrap of plastics, (13) worked monumental or building stone.  Import of 23 agricultural products are subject to WTO’s tariff quota commitment. For more details please visit <http://www.wto.org>  Further information can be obtained from [www.dft.go.th](http://www.dft.go.th) (Only available in Thai language) |  |
| ***Automatic Import Licensing*** | DFT has regulated automatic import licensing of (1) abuteral or salbutamol, (2) clenbuterol, (3) caffeine and its salts, (4) certain drug and pharmaceutical chemicals in 16 items 154 categories, (5) gold, (6) intaglio printing machinery and colour photo-copying apparatus, (7) potassium permanganate and (8) silk yarn  Further information can be obtained from [www.dft.go.th](http://www.dft.go.th) (only available in Thai language) |  |
| ***Discretionary Export Licensing*** | In general, the DFT applies discretionary export licensing procedures in conformity with requirements pertaining to national financial security, protection of national resources and treasures, public health and narcotic drug control.  Products under discretionary export licensing include (1) elephant and its product, (2) ornamental fish, (3) pearl oyster and its product, (4) all types of coal except briquette from Hongai Anthracite Coal, (5) wood charcoal, (6) wood sawn and chipped, (7) mineralscomposed of natural sand and (8) soybean meal    Further information can be obtained from [www.dft.go.th](http://www.dft.go.th) (only available in Thai language) |  |
| ***Automatic Export Licensing*** | DFT has regulated automatic export licensing of (1) caffeine and its salts (2) cassava and starches, (3) coffee (4) graven images and Buddha images (5) gold (6) live black tiger shrimp (7) Rice (8) Rice exported to the EU under tariff quota (9) potassium permanganate (10) Rough Diamonds (11) Rubber woods, (12) Sugar |  |
| ***Voluntary Import Restraints*** | Rough diamond under the Kimberley Process Scheme is subjected to some conditions for import administration in order to comply with the international regulations |  |
| ***Voluntary Export Restraints*** | Products under some conditions for export administration in order to comply with the international regulations include  (1) Certain kinds of fruit and vegetable, (2) Fresh orchid, (3) Fresh Longan, (4) Fresh Durian, (5) Shrimp, Squid and their products to the US and EU, (6) Tuna in airtight container, (7) 317 kinds of ornamental fish, (8) Pineapple in airtight container, and (9) Rough diamond under the Kimberley Process Scheme.  Further information can be obtained from [www.dft.go.th](http://www.dft.go.th) (only available in Thai language) |  |
| ***Export Subsidies*** | Thailand has no export subsidies. | No further action required. |
| ***Minimum Import Prices*** | The Department of Foreign Trade ***does not*** use Minimum Import Prices | No further action required. |
| ***Implementation of APEC Leaders’ Transparency Standards on Market Access*** | Make a press release such as Leaflet, Non-Tariff Measures guidebook, and further information can be obtained from [www.dft.go.th](http://www.dft.go.th) | No further action required. |
| Website for further information: | [www.dft.go.th](http://www.dft.go.th) |  |
| Contact point for further details: | Department of Foreign Trade, Ministry of Commerce |  |
| ***Other Non-tariff Measures Maintained***  *Department of Foreign Trade, Ministry of Commerce* | The phase-out plan for the dairy industry to eliminate local content requirement on dairy product has been completed. | No further action required. |
| *National Bureau of Agricultural Commodity and Food Standards* | With regard to the obligation of WTO SPS, Thailand has submitted 39 SPS notifications via National SPS enquiry point since 2014. These included notifications on BSE, Aflatoxin, agricultural commodities including live ruminant animals and carcasses, dairy products, processed and pre-packaged food, ice cream, beverages, food additives, feeding bottles and liquid milk containers and food labelling including alcoholic beverage labelling. | No further action required. |
| Website for further information: | [www.dft.go.th](http://www.dft.go.th) |  |
| Contact point for further details: | 1. Department of Foreign Trade, Ministry of Commerce  2. National Bureau of Agricultural Commodity and Food Standards |  |
| ***Services***  *Ministry of Information and Communication Technology* | ***Information and Communication Technology***  Currently the Government of Thailand has set a goal to bring the country into the era of "Digital Economy” as clearly stated in the Prime Minister policy statement that the cabinet's intention is to establish necessary infrastructure for the development of digital economy in order to increase Thailand's competitiveness and bring the country out of the middle-income trap.  The government envisions that digital innovation will improve Thailand’s economic competitiveness and social equality, ultimately moving Thailand towards sustainable wealth. Several digital economy-related Bills have been prepared and principally approved by the Cabinet since early this year. Also, the Digital Economy Strategic Plan is now being formulated to bring the government’s vision into reality. **Major goals of this plan include:**  **Digital Economy Strategic Plan** : Major goals of this plan include:  Economic competiveness   1. Driving all economic activities with digital innovation 2. Transforming Thailand into an important digital hub in the ASEAN region 3. Boosting SMEs competiveness through digital technology   Social equality   1. Guaranteeing opportunities for people to enter the era of digital economy and society 2. Improving the wellbeing of lives through digital technology   Human capital   1. Equipping people to use digital technology smartly and responsibly 2. Creating high-quality digital workforce   Government transformation   1. Using digital innovation to transform public services   Thailand's Digital Economy Plan consists of **6 strategic areas** as follows:  **The first strategic area is “Hard Infrastructure”** with the objectives of ensuring highly reliable networks with enough capacity, coverage and suitable pricing for all. Actions here include extending broadband networks to all villages; transforming Thailand into an ASEAN connectivity hubwith high-number high-quality and high-capacity data centers and international links; and developingspecific policies and plans forinfrastructure management and frequency allocation to ensure the most effective and efficient use of resources for future services.  **The second strategic area is “Soft Infrastructure”** which refers to the underlying processes to guarantee secure and trusted digital transactions. Actions here include updating or creating laws and regulations to respond to the pace of technological change in such areas as privacy protection, security of digital data, and intellectual property protection; facilitating trade through data exchange standards and systems, building trust in electronic transactions, and strengthening the country’s cyber security.  **Third, “Service Infrastructure”** refers to infrastructure that enables service innovations from both government and business sectors. Actions here include providing citizen-centric public e-services via multiple channels; improving efficiency of government operations with ICT architecture and digital transformation; creating values from data by means of open data policy, data analytics, and adoption of internet-of-things technology; and building basic service platforms such as ID authentication and e-Payment.  **The fourth area aims at “Digital Economy Acceleration.”**The direction here is to boost the Thai economy through the use of digital technology in businesses to reduce costs and improve efficiency and the emergence of a digital business ecosystem. Actions here include encouraging Thai businesses especially the SMEs to use digital technology; promoting new technology start-ups and new digital businesses by means of accelerator and incubator programs; raising the competitiveness of digital industries especially digital media and embedded system; and facilitating trade through e-logistics, e-transaction, e-tax services.  **Fifth, the Digital Economy Strategy also addresses “Digital Society.”** In order for Thailand to become a high-quality digital society, everyone, especially the less privileged groups should have easy access to information as well as public services via digital means. Actions here include equipping people with knowledge and skills to use digital technology smartly and responsibly; providing opportunities for all especially the marginalized groups to have equal access to information and services; creating digital content for lifelong learning; transforming Thailand’s education system using massive open online courses (MOOCs) and open learning media; and using digital technology to generate more income for people in local communities.  **The last area of Digital Economy Strategy is “Digital Workforce.”**This is to equip the Thai workforce with digital skills for career in the digital era. Actions here include building digital capabilityfor business workforce especiallyin the SMEs; legal professionals; ICT personnel in government sector; and digital specialists. |  |
| *Website for further information:* |  |  |
| *Contact point for further details:* | *Ministry of Information and Communication Technology* |  |
| *Office of National Broadcasting and Telecommunications Commission* | ***Broadcasting and Telecommunication Services***   * **Digital TV Transition** * The auction for digital TV transition was held in December 2013. There are 48 digital TV channels, comprising:12 public channels, 12 community channels and 24 commercial channels. The public channels and communicity channels were done through beauty contest while 24 commercial channels were done by auction. * The digital TV coupon have been distributed to all 14.1 million households by third quarter of year 2015 and it is expected that the digital TV household coverage plan will be reached 80% by 2015. | * **Digital TV Transition** * It is expected that the digital TV household coverage will be reached 90% by 2017. |
| * **“2 Snaps” Prepaid SIM Card Registration** * To ensure social and public safety, the National Broadcasting and Telecommunications Commission (NBTC) has developed the system for pre-paid mobile customers on specific application call **“2 Snaps Prepaid SIM Card Registration”** to encourage public users to apply the prepaid SIM Card registration. It had been started since June 2014 and presently, there are 50,000 registration stations nationwide. * As of September 2015, the registrations of prepaid mobile phone SIM cards via the “2 Snaps” have reached approximately 74.7 Million numbers (87%) continuously have been increased. | * **Creating the registration system for free Wifi Internet** * Creating the registration system for free WiFi lnternet in public areas called *''Single Sign On''* used nationwide which is one-time registration for personal authentication. |
|  | * **The 1800 MHz and 900 MHz.spectrum auction for 4G LTE** * The National Broadcasting and Telecommunications Commission (NBTC) has successfully awarded 2 licenses on the 1800 MHz Spectrum auction to 2 winning bidders. The 1800 MHz spectrum auct ion was completely held on 11 November 2015. The winners must roll out their 4G networks to cover half of population within two years after receiving the licenses, increasing to 80% of the population within 4 years. * The 900 MHz spectrum auction is scheduled to be held on 15 December 2015. |  |
|  | * **Price Regulation** * **2.1 GHz Auction License Condition (Auctioned in 2012)**   - ''Licensee must set the prices so that on average they are reduced by at least 15%, in comparison to average prices of voice and non-voice services available in the market on the date the license is awarded."  - Average prices on 7 December 2012: voice 0.97 baht/min., SMS 1.56 baht/message, MMS 3.90 baht/message, data 0.33 baht/MB.   * NBTC Notification in 1800 MHz and 900 MHz Spectrum Auction Criteria (1800 MHz auctioned in November 2015) * For 1800 MHz spectrum - Clause 21(5) ''Licensee must set the prices so that on average they are reduced by at least 15%, in comparison to average prices of voice and non-voice services provided by those operated on 2.1 GHz at the date this Notification becomes effective. Moreover, licensee must offer at least 1price plan to promote access at the rates directly lower than average prices provided by those operated on 2.1 GHz at the date this Notification becomes effective''. * For 900 MHz spectrum - change ''at the date this Notification becomes effective'' to ''on 25 August 2015''. * Average prices on 25th August 2015: Voice 0.72 baht/minutes, SMS 1.24 baht/minutes, MMS 2.93 baht/message, data 0.26 baht/MB. |  |
| *Website for further information:* | *www.nbtc.go.th* |  |
| *Contact point for further details:* | *Office of National Broadcasting and Telecommunications Commission*  *87 Phaholyothin 8, Phayathai, Samsennai Bangkok 10400* |  |
| *Department of Alternative Energy Development and Efficiency (DEDE), Ministry of Energy*  *Electricity Generating Authority of Thailand* | ***Energy***   * **Alternative Energy Dvelopment Plan (AEDP) 2015-2036** has been approved since 2015 with target 30% of renewable energy in tata.1 energy consumption by 2036 conpared with that in 2015,including 3 Pillar of Activities;   1. Electricity      1. Area-based renewable energy generation target must be related to renewable energy potential (Renewable Energy Grid Capacity)      2. Develop and support for power generation from unutilization fuel (e.g. agricultural waste, industrial waste, fast growing crop)      3. Support competitive bidding for power purchasing system   2. Heat  2.1 Promote and support RDF transformation for municipal waste management  2.2 Promote and support biomass-derived fuel (e.g. biomass pellet, bio-coal)  2.3 Support biogas generation from waste water or solid waste  2.4 Promote heat utilization in building by building code establishing   1. Biofuel    1. Promoting utilization of BlO, B20, in both transportation and industrial sector    2. Promote gasohol utilization    3. Promote CBG (Compressed Biomethane Gas) utilization for vehicle and industry    4. Promote biofuel production efficiency improvement  * **Energy Efficiency Plan (EEP) 2015-2036** has been approved with the target to reduce Energy Intensity by 30% in 2036 compare with that in 2010, which include 7 EE activities;   1. Enforcement of energy conservation standard in designed factory/building   2. Building Energy Code (BEC) for new buildings   3. Energy Labeling (High Energy Performance Standards(HEPs) and Minimum Energy Performance Standards (HEPs))   4. Energy Efficiency Resource Standards (EERS) for large energy producers and distributors   5. Financial Incentives and support for energy performance achievement   6. Promote greater use of LED   7. Energy saving measures in transport sector * Thailand is preparing to launch 21st Petroleum Concession Bidding Round. | * Thai government is commited by Thailand Integrated Energy Blueprint (TIEB), the lang-term master plan for Thai energy sector, which consists of 5 master plans:   1) Energy Efficiency Plan (EEP),  2) Power Development Plan (PDP),  3) Alternative Energy Development Plan (AEDP),  4) Gas Plan,  5) Oil Plan.  It's in order to secure Thailand energy supply, fair energy pricing, and energy conservation.   * Thailand has continually promoted fair trade and investment in the energy sector which will promote the national energy security and sustainable development. |
| *Website for further information:* | *www.eppo.go.th* |  |
| *Contact point for further details:* | *1. Department of Alternative Energy Development and Efficiency (DEDE), Ministry of Energy*  *2. Energy Policy and Planning Office* |  |
| *International Transport Affairs Group, Planning Division*  Department of Land Transport | ***Land Transportation***   * **Operational Requirements** * **Road Transport Services (International and Domestic)**   The amendment of the Land Transport Act, B.E. 2522 (1979) and the Motor Vehicle Act, B.E. 2522 (1979) by incorporating these two Acts into one new Act is in progress. This new Act will govern both the motor vehicle and land transport issues.   * **Bilateral Agreements**   Thailand and Malaysia agreed to draft the new bilateral agreements which would cover the transit and inter-state transport of goods and passengers by road and rail.  Both parties have conducted Meetings to finalize the draft MOU on the facilitation of goods transport, which was in line with the ASEAN Framework Agreement on the Facilitation of Goods in Transit (AFAFGIT) and ASEAN Framework Agreement on the Facilitation of Inter-State Transport (AFAFIST), and planned to draft the MOU on the facilitation of passenger transport after that.  However, as the AFAFGIT and AFAFIST will soon be implemented and the Draft ASEAN Framework Agreement on the Facilitation of Cross Border Transport of Passengers by Road Vehicles: ASEAN CBTP will soon be finalized, both parties have lately agreed to discontinue the consultation on the drafting of the two MOUs.  Thailand is implementing the Agreement Between the Government of the Kingdom of Thailand and the Government of the Lao People’s Democratic Republic on Road Transport for goods and passengers, transit and cross-border, and no quotas on vehicle/transport operators.  Thailand is implementing the MOU between the Government of the Kingdom of Thailand and the Royal Government of Cambodia on the Exchange of Traffic Rights for Cross Border Transport through the Aranyaprathet-Poipet Border Crossing Points. The Department of Land Transport has selected 40 Thai transport operators (goods and passengers) for the Thailand-Cambodia route through the Aranyaprathet-Poipet Border Crossing Points.   * **Licensing and Qualification Requirements of Service Providers**   The amendment of the Land Transport Act, B.E. 2522 (1979) and the Motor Vehicle Act, B.E. 2522 (1979) by incorporating these two Acts into one new Act is in progress. The draft Act is under the consideration of the Office of the Council of State of Thailand   * **Foreign Entry**   The amendment of the Land Transport Act, B.E. 2522 (1979) and the Motor Vehicle Act, B.E. 2522 (1979) by incorporating these two Acts into one new Act is in progress. The draft Act is currently under the consideration of the Office of the Council of State of Thailand.   * **Discriminatory Treatment/ MFN** | The draft Act will be presented to the cabinet and the parliament for through consideration. |
| *Website for further information:* | *1.* [*http://www.dlt.go.th/*](http://www.dlt.go.th/)  *2.* [*http://www.ltpcenter.com*](http://www.ltpcenter.com) |  |
| *Contact point for further details:* | *International Transport Affairs Group, Planning Division*  *Department of Land Transport*  *1032 Phahonyothin Road, Chatuchak, Bangkok 10900*  *Telephone: +66-2-271-8407-9, Fax: +66-2-271-8409* |  |
| ***Investment***  *Office of the Board of Investment (BOI)* | 2014  - Measures to Promote Improvement of Production Efficiency for manufacturing by upgrading technology and machinery for energy conservation, alternative energy utilization or reduction of environmental impacts, as well as to encourage research and development and advanced engineering design involvement (including the promotion of energy conservation, alternative energy utilization or reduction of environmental impact) – BOI Announcement No. 1/2557  - BOI announced a new “Seven-Year Investment Strategy” that offer a mix of non-tax, merit-based incentives and tax benefits, and remove zoning restrictions for foreign investors. The new strategy would come into effect on 1 January 2015 until 2021. The new strategy is aimed to enhance national competitiveness by encouraging R&D, innovation, value creation in the agricultural, industrial and services sectors, SMEs, fair competition and inclusive growth, investment in border provinces in Southern Thailand (including Narathiwat, Pattani, Yala, Satun and four districts in Songkla) and promote investment in special economic development zones in 5 provinces, especially in border areas.-  - The new International Headquarters (IHQ) / International Trade Centers (ITC) policy, adopted in the closing month of 2014. Non-tax incentives from the BOI granted to promoted IHQ as well as ITC projects include - among others - 100% foreign ownership, permission for companies to bring in foreign technicians and experts to work on promoted projects and permission for companies to own land for promoted activities.  2015 (January- October)  - The new “Seven-Year Investment Strategy” (during 2015 until 2021) of the BOI has come into effect on 1 January 2015. It aims is to promote certain investments including high-tech and creative industries and service industries. The new master plan is also to promote Thai investment overseas.  - BOI has launched a policy to promote industrial clusters in six groups and measures to stimulate investment in the country. It also include the “Super Cluster”--the cluster of high-technology industries and industries of the future.  - Promote investment in 5 more Special Economic Zones. (BOI announcement 1-5/2558)  - The One Start One Stop Services (OSOS) which is under the BOI Thailand has extended its range of services:  1. including more agencies in one roof from 21 government agencies from 10 ministries to 38 agencies (29 agencies from 14 government agencies and 9 private organizations)  2. assisting investors to submit applications for various licenses such as investment promotion, a factory and factory operation license, a foreign business certificate/license, etc. The services include online or manual receipt of applications, which are then passed on to the relevant government agencies for consideration and follow up.  3. providing information and consultation on application for International Headquarters (IHQ) and International Trading Centers (ITC) for privileges from the Board of Investment and the Revenue Department, and assistance with related issues.  4. Set up One Stop Service Center (OSS) under OSOS for 10 Special Economic Zones - TAK, MUKDAHAN, SA KAEO, TRAT, SONGKHLA, KANCHANABURI, CHIANG RAI, NONG KHAI, NAKHON PHANOM, NARATHIWAT : providing basic information on Special Economic Zones and linking with other One Stop Service Centers (OSS) located in each Special Economic Zone, to provide information in regional area and assistance with arranging on-site visits. |  |
| ***General Policy Framework***  *Office of the Board of Investment (BOI)* | The country's well-defined investment policies focus on liberalization and encourage free trade. Foreign investments, especially those that contribute to the development of skills, technology and innovation are actively promoted by the government.    Through the Board of Investment, the government offers a range of tax incentives, support services and import duty exemptions or reductions to an extensive list of promoted activities.  Companies receiving investment promotion privileges from the Board of Investment are not subject to foreign equity restrictions in the manufacturing sector, and there are no local content requirements nor export requirements, as Thailand's investment regime is in total compliance with WTO regulations.  The Board of Investment also coordinates the activity of the One-Stop Service Center for Visas and Work Permits, which enables foreign staff of BOI-promoted companies to obtain work permits and long-term visas within three hours or less.  The BOI also administers the One Start One Stop Investment Center, which opened in November 2009 to facilitate a full range of services and streamline investment procedures by bringing representatives from more than 20 government agencies under one roof.  The Thailand Board of Investment has announced its new investment promotion policy, which has been effective since on 1 January 2015-2021. The new policy is in accordance with the direction set by Thailand's National Economic and Social Development Plan. It aims to promote both foreign and domestic investment in Thailand to enhance national competitiveness and to overcome the so-called middle income trap; thereby achieving sustainable growth in accordance with the philosophy of sufficiency economy.  The official document can be found online at [www.boi.go.th](http://www.boi.go.th).  The new policy is to enhance Thailand's competitiveness. The Board of Investment has set investment promotion policies, as follows:  - Promote investment that helps enhance national competitiveness by encouraging R&D, innovation, value creation in the agricultural, industrial and services sectors, SMEs, fair competition and inclusive growth  - Promote activities that are environment-friendly, save energy or use alternative energy to drive balanced and sustainable growth  - Promote clusters to create investment concentration in accordance with regional potential and strengthen value chains  - Promote investment in border provinces in Southern Thailand to help develop the local economy, which will support efforts to enhance security in the area  - Promote special economic development zones, especially in border areas, both inside and outside industrial estates, to create economic connectivity with neighboring countries and to prepare for entry into the ASEAN Economic Community (AEC)  - Promote Thai overseas investment to enhance the competitiveness of Thai businesses and Thailand's role in the global economy. |  |
| *Department of Business Development, Ministry of Commerce* | In general, foreign investors are welcomed to invest in most businesses in Thailand, except those businesses attached to the Foreign Business Act B.E. 2542 (1999).    The Foreign Business Act B.E. 2542 (1999) which replaces the Alien Business Law of 1972 has been put in place since March 3, 2000. Under this law, controlled businesses are divided into 3 lists:    List 1: Businesses foreigners are not permitted to operate due to special reasons. Foreigners are allowed to hold less than half of the total capital shares.  List 2: Businesses related to national safety or security, or affecting arts and culture, tradition, folk handicraft, or natural resource and environment. Foreigners are allowed to hold less than half of the total capital shares except in the following cases:   * permission is granted by the Minister with the approval of the Cabinet, * investment promotion is granted by the Board of Investment, * permission is granted by the Industrial Estate Authority of Thailand, or * permission is granted under other laws.   List 3: Businesses in which Thai nationals are not ready to compete with foreigners. Foreigners are allowed to hold less than half of the total capital shares, except in the following cases:   * permission is granted by the Director-General of the Department of Business Development with the approval of the Foreign Business Committee, * investment promotion is granted by the Board of Investment * permission is granted by the Industrial Estate Authority of Thailand, or * permission is granted under other laws.     In the case where a foreign business classified under List 2 or 3 are promoted under the investment promotion law or permitted under the law governing the Industrial Estate Authority of Thailand to operate the industry or trade for export or any other laws, the foreign business is not required to apply for a license but shall notify the Director-General of the Department of Business Development in order to obtain a Certificate.  The minimum capital required at the commencement of business operations shall not be less than that prescribed by the Ministerial Regulation, in which case, shall not be less than three million baht.    The lists of reserved businesses under the Foreign Business Act of 1999 can be viewed in the APEC Investment Regime Guidebook available at the APEC's website (http://www.apec.org) under category " Publications” .  >“6th Edition APEC Investment Guidebook Release”;  In assessing license application, the Foreign Business Committee follows Section 5 of the Foreign Business Act B.E. 2542 (1999) which states that in permitting foreigners to operate businesses under this Act, the advantages and disadvantages to the nation’s safety and security, economic and social development, public order or good moral, art, culture and tradition of the country, natural resource conservation, energy and environment, consumer protection, size of the enterprises, employment, technology transfer, and research and development shall be taken into account.    According to the Act, with respect to businesses under List 3, the Director-General must approve or give permission within 60 days of the date of the application, and this timeframe cannot be extended. For businesses under List 2, Cabinet must approve or give permission within 60 days of the date of the application. Where there is a compelling reason for Cabinet to be unable to grant approval within the period, it shall be extended as necessary but for not more than 60 days. |  |
| *Website for further information:* | *1.* [*www.boi.go.th*](http://www.boi.go.th)  *2.* [*http://www.dbd.go.th/dbdweb\_en/more\_news.php?cid= 273&filename=index*](http://www.dbd.go.th/dbdweb_en/more_news.php?cid=%20273&filename=index) |  |
| *Contact points for further details:* | *1. Office of the Board of Investment (BOI)*    *International Affairs Division,*  *Office of the Board of Investment (BOI)*  *555 Vibhavadi Rangsit Road, Chatuchak, Bangkok 10900*  *Tel: 66 2 553 8231/8326*  *Fax: 66 2 553 8318*  *Website:* [*http://www.boi.go.th*](http://www.boi.go.th)  *One Start One Stop Investment Center (OSOS)*  *18th Floor, Chamchuri Square Building, Phayathai Road, Pathumwan, Bangkok 10330*  *Tel: 66 2 209 1100*  *Fax: 66 2 209 1199*  *E-mail:* [*osos@boi.go.th*](mailto:osos@boi.go.th)  *2.* *Department of Business Development, Ministry of Commerce*  *563 Nonthaburi Rd., Muang Nonthaburi 11000 Thailand*  *Tel. (66) 2547-4419 to 20*  *Fax. (66) 2547-4441* |  |
| ***Performance Requirements***  *Office of the Board of Investment (BOI)* | No changes required.  As a member of the WTO, Thailand is fully committed to its obligation under the WTO’s TRIMs |  |
| ***Business Facilitation Measures to Improve the Domestic Business Environment***  *The Office of Small and Medium Enterprises Promotion (OSMEP)* | 1. Loans with a low interest rate for SMEs’ working capital   To relieve the difficulty in reaching the source of funds and to increase financial liquidity for SMEs, the Cabinet resolved to extend soft loans of up to 100 billion Baht and charging a low interest rate to SMEs for a credit period of 7 years. The Government Savings Bank (“GSB”) being the state-owned bank, will grant 0.1%-interest-rate loans to the commercial banks and specialized financial institutions which join the project for relending the loans at no more than 4% interest to SMEs. This is aimed to be implemented by the end of 2015.   1. Nano-Finance Scheme   Nano-finance is a loan by the Finance Ministry that can be extended to an individual seeking to borrow up to 100,000 Baht without collateral to use for business operations. Firms wishing to get into the nano-finance business need to show a minimum of 50 million Baht in registered capitals. The effective cost of the loan, including interest, fees and penalties, should not exceed 36 percent per year.   1. SMEs Private Equity Trust Fund by the Finance Ministry   The first government SME private equity trust fund worth 25 billion Baht has been commenced in February 2015 aiming to contribute 5 to 50 percent of the registered capital in high potential SMEs. The initial funding of 500 million Baht has been approved for the fund, which will be administered via the Small and Medium Enterprise Development Bank (SME Bank). These measures are seen as part of the government’s focus on spurring growth in the small and medium enterprises (SMEs) by giving them easy access to finance. Recently, the SME Bank too, has launched a 100 million Baht venture-capital fund to support high-potential SMEs. The funding would be divided into two phases. For the first phrase, each selected startup will be given five million Baht. In the second phrase, if the SME proves its high potential, it will be considered for further funding of up to 30 million Baht. Furthermore, this fund might also be granted the same tax incentives as a real estate investment trust (REIT).   1. Credit Guarantees   To assist SMEs that are struggling to reach investment funds, the Cabinet approved amendments to the term and conditions under the Portfolio Guarantee Scheme 5(PGS-5), the Credit Guarantee Scheme. Pursuant to the amended PGS-5, Thai Credit Guarantee Corporation (“TCG”), the government’s specialised financial institutions, will provide SMEs with a credit guarantee in a total amount of 100 billion Baht. The guaranteed amount foreach SME is no more than 40 million Baht with a guarantee period not exceeding 7 years. TCG will also help a part of Bank’s service fees for SMEs, provided that the SME shall join in this program on or before 30 June 2016.   1. Contribution of Venture Capital Funds for Start-up SMEs   To build up a way for SMEs to attain necessary funding, GSB, Krung Thai Bank Public Company Limited (“KTB”) and Small and Medium Enterprise Development Bank of Thailand (“SME Bank”) will cooperate to contribute the venture capital funds totaling 6 billion Baht (being 2 billion Baht for each fund for qualified start-up SMEs).   1. Tax Reduction   To relieve the Corporate Income Tax (“CIT”) of the SMEs, the government currently grants SMEs a waiver of CIT for net profit in respect of the first 300,000 Baht as well as decreasing the CIT rate to 15% for net profit exceeding 300,000but not exceeding 3,000,000 Baht and 20% for the net profit exceeding 3,000,000 Baht. Furthermore, the the Cabinet has resolved to reduce the SMEs’ CIT rate to 10% for the net profit exceeding 300,000 Baht in addition to the waived CIT of the net profit not exceeding 300,000 Baht for the accounting period for the years 2015 and 2016 with the aim of increasing their capacity to compete with big enterprises.   1. Tax exemption for Start-up SMEs   The Cabinet has implemented measures to relieve SMEs’ CIT, to increase SMEs’ potential as well as to stimulate the economy in Thailand. In order to facilitate this, the Cabinet resolved to grant a 5-year CIT exemption for start-up SMEs which conduct business required for commercial registration pursuant to the Commercial Registration Act B.E. 2499, such as   1. Trading products or service by electronics via internet system, internet services, renting areas for servers, sales of products or services by electronics via internet system, 2. Sale, rent, manufacturing of CASSETTE TAPES, CD, VDO, DVD or digital VDO for only the entertainment and 3. Sale of jewellery or accessories decorated with jewellery etc.   Provided that the qualified SMEs shall be non-BoI, and have conducted theirbusiness and registration in accordancewith the Department of Business since 1st October 2015 , they qualify for this tax privilege granted by the Revenue Department.   1. Corporate Income Tax Exemption to Expenses on Research and Development of Technology and Innovation   The Cabinet approved the following proposals of the Ministry of Finance:   1. An increase of corporate income tax exemption to expenses regarding research and development of technology and innovation from two times to three times 2. Expenses from technology research and development as stated in 1. must not exceed the maximum expense the Ministry of Finance and the Ministry of Science and Technology have designated. 3. The tax privilege will be effective for five years, from January 1, 2015 to December 31, 2019 4. Technology and innovation research and development projects as stated in 1. must be checked and certified by the National Science and Technology Development Agency and other concerned agencies as required by the Ministry of Finance. 5. Tax Incentive for Venture Capital   The Cabinet approved changes to the tax code that will exempt companies from corporate income tax and dividend tax for 10 years on venture capital funding startups in specific industries consisting of *food and agriculture; energy saving and clean energy; textiles; advanced materials; biotechnology; health and medical; tourism and creativity; automobiles and auto parts; electronics and computer software; and research and innovation*.   1. Promotion of SMEs Investment and Promotion for Machinery Modification and Upgrade by Board of Investmetn of Thailand (BOI).   **As for the promotion of SMEs investment**, eligible SMEs under the scheme will have to make an investment of at least 500,000 Baht (excluding land cost and working capital), and have at least 51% Thai ownership. In addition, combining all businesses, BOI promoted or not, applicants must possess net fixed assets (excluding land cost and working capital) of no more than 200 million Baht. Activities eligible under the promotion of SMEs investment scheme include 39 sectors in 4 categories of businesses:   1. Value added agricultural businesses- 13 sectors (e.g., food processing, rubber products, organic and bio-fertilizer production) 2. Businesses that require production and industrial skills- 16 sectors (e.g., automotive parts production, electronics, electrical appliances, plastic products) 3. Creative businesses- 7 sectors (e.g., textiles, gems and jewelries, furniture, software, product design) 4. Services and tourism businesses- 3 sectors (e.g., hotels, cultural centers, Thai film productions/film production services)   Successful SMEs applicants will receive the following incentives: exemption of import duty on machinery (any zone), and 8-year exemption of corporate income tax (any zone) at the ratio of 100% of the total investment (excluding land cost and working capital).  **As for the scheme to promote increase of productivity through machinery modification and upgrade**, eligible applicants must be existing SMEs businesses (BOI promoted or not), and must submit a machinery upgrade investment plan such as implementation of automated system in an existing production line. Successful SMEs applicants will receive the following incentives:   1. exemption of import duty on machinery (any zone), 2. 3-year exemption of corporate income tax at the ratio of 50% of the total investment (excluding land cost and working capital). However, promoted SMEs cannot enjoy double incentives from both BOI and the Revenue Department’s machinery modification scheme. 3. Investment Promotion Polices Supporting Investments by SMEs in the Special Economic Zones (SEZs) 4. With the integration of the ASEAN Economic Community scheduled to be effective in less than half a year, Thailand decided to establish 10 Special Economic Zones (SEZs) alongside its borders. The main reason behind this decision was to take advantage of the country’s central position in the newly forming region and accelerate the border growth by providing incentives and opening opportunities to businesses. 5. The SEZs include 10 provinces located in the close proximity to all four bordering countries – Myanmar, Laos, Cambodia and Malaysia. The provided incentives seek to attract more investment to the areas and promote effective economic wealth distribution. This will also provide for an enhancing investment atmosphere for investors who look for business opportunities in the region. 6. The government incentives will, however, only apply to selected industries. The 13 target industries are: agriculture and fisheries; ceramics; garments, textiles and leather; furnishings and furniture; gems and jewellery; medical equipment, automobiles and parts; electrical appliances and electronics; plastics; pharmaceuticals; logistics; industrial estates and tourism-related. 7. In response to the government’s policy, the Thai BOI similarly agreed to ease investment conditions for SMEs seeking to invest in the newly created SEZs. The minimum investment value is now 500,000 THB, down from the original value of 1M THB. Used machinery not exceeding 10M THB in value is also allowed. Furthermore, projects under Target Industries are eligible for eight-year corporate tax income exemption, import duty exemption on machinery and raw materials, and an additional 50% reduction on corporate income tax for five years. 8. Tax Break on Domestic Tour Packages and Hotel Accommodation   The Royal Decree which grants a tax break on domestic tour packages and hotel accommodation to boost the local tourism industry has become effective. By this Royal Decree, businesses and private individuals are eligible for tax deductions on expenses until 31 December 2015 as per following details .   1. Individuals will be allowed to claim 100% of the cost of domestic tour packages or hotel accommodations up to a maximum of 15,000 Baht as deductible expenses against their taxable income for the year. 2. Businesses will be entitled to a 200% tax deduction for the cost of providing domestic training programmed for employees. Such cost includes conference rooms, accommodations, transports, or other expenses paid to local tour operators. 3. Cluster-based Special Economic Development Zones Policy   The cabinet and BOI proposed the Cluster-based Special Economic Development Zones Policy, or the Cluster Policy in short, which came into effect on September 16, 2015. How the Cluster Policy Support the Investor? The cluster development policy aims at increasing industrial competitiveness in areas with high potentials for targeted manufacture bases using advanced technology Clusters are crucial in linking manufacturers, suppliers, supporting industries, research and academic institutions, and public and private organizations within the cluster areas. Strategic development is supported by government agencies in wide-ranging aspects, including human resources and technological developments, infrastructure development and logistics system, tax incentives and non-tax incentives, financial support, and amendments of rules and regulations to facilitate investment. These measures not only support the cluster development and its competency in the international arena, but also give strategic advantage to investment projects in the cluster areas.  Targeted Clusters in the Initial Stage In the initial stage of the Cluster Policy, the government has targeted to develop 2 types of clusters: Super Cluster and other targeted clusters:-   1. Super Cluster includes clusters of businesses using advanced technology, and future industry, e.g. Automotive and Parts Cluster, Electrical Appliances, Electronics and Telecommunication Equipment Cluster, Eco-friendly Petrochemicals and Chemicals Cluster, Digital-based Cluster, Food Innopolis and Medical Hub. 2. Other targeted clusters, e.g. Agro-processing Products Cluster, Textiles and Garment Cluster.   **Investment Incentives for Cluster-based SEZs**   |  |  |  | | --- | --- | --- | | **Incentives** | **Super Cluster** | **Other Clusters** | | Tax | BOI  • 8-year corporate income tax exemption and an additional 5-year 50% reduction  • Import duty exemption on machinery | • 3 - 8 year corporate income tax exemption and an additional  5-year 50% reduction  • Import duty exemption on machinery | | Ministry of Finance  (Details are to be announced)  • For Future industries with significant importance, the Ministry of Finance will consider granting 10-15 years corporate income tax exemption  • Personal income tax exemption for international specialists to work in the specified area, both Thai and foreign | | Non-Tax | • Consideration of granting Permanent Residence to the leading specialist  • Permission for foreigners to own land to implement the promoted activities | Same as Super Cluster |  1. SMEs One Stop Serivce Center (OSS) and by the Office of SMEs Promotion  * SMEs entrepreneurs are encouraged to register to receive information on services and privileges provided by the Government. Registration can be made at the OSS or Call Center 1301 (office hours), or via website: [www.sme.go.th](http://www.sme.go.th/). * The locations of the OSS consist of Bangkok, Tak, Sa Kaeo, Songkhla, Mukdahan, Trat and Nong Khai. * Services provided at the OSS Center are as following:  1. Help desks to gather the needs and requirements of the SMEs. The requests, proposals and complaints will be presented to the Board of Directors of the SMEs Promotion. 2. Free consultancy service covering from the development of products and services, marketing planning, financial management, to competency upgrading, and etc. 3. SMEs Registration desks to facilitate the SMEs wishing to walk out of the informal economy and to be qualified for receiving government’s support. 4. Assistance for internationalization which will promote the SMEs towards world’s markets. In this regard, OSMEP invites the large-sized enterprises like CP All Plc. and Loxley Plc. to provide help and suggestion on access to markets of AEC and other international markets.  * OSMEP has collaborated with Ministry of Interior to train officials from Damrongdhama Centers so the Centers could efficiently provide services to SMEs. Training started at the end of May 2015.  1. The Commercial Collateral Act 2015   The Commercial Collateral Act would support businesses by facilitating easier access to capital and enhancing transparency in the financial sector with a business-security registration system. The law's details have been changed to cope with the country's economic system and business operations.  The Act gained approval from the National Legislative Assembly on August 7 2015 and will take effect 240 after the announcement date on the Royal Gazette. It is expected to come into effect on June 2016.  With this act, more than 2 million out of the country's 2.8 million SMEs will be able to gain easier access to capital. About 280,000 SMEs, or 10 per cent of the total, are expected to benefit from the act in the first year of its enforcement.   1. The amendments to the Bankruptcy Act of Thailand   On 26th August 2015, the amendments to  the Bankruptcy Act of Thailand were published in the Royal Thai Government Gazette as codified in the Bankruptcy Act (No. 8) B.E. 2558 (A.D.2015) (“**Amendments**”). The Amendments which is effective on 27th August 2015 largely made changes to bankruptcy proceedings in order to make them more systematic, shorter and clearer. The purposes are presented here under.   1. Streamlined procedures  * Section 105 has been amended to give the receiver, and not the court, the authority to examine claims for repayment of debts. * Section 106 has been amended to give the official receiver, and not the court, the authority to review disputed claims of debt repayment and issue orders to dismiss or approve such claims. * Previously, under Section 107, the court had the authority to examine claims for repayment of debts and review disputed claims. However, Section 107 was repealed by the amendments. * Following the amendments of Sections 105 and 106, several other provisions which required court approval in relation to debt repayment claims have also been amended, and now only require the receiver’s approval.  1. Timeline for debt repayment claim  * Section 91 requires a creditor to file a claim with the receiver within two months of the bankruptcy order’s publication date, which can be extended for an additional two months if the creditor resides outside of Thailand. * A new provision, Section 91/1, has been added which allows a creditor who has not filed a claim within the prescribed time to file the claim at a later time if the creditor can prove that the failure to file on time was due to a force majeure event. * The creditor must file a petition for debt repayment with the court, together with proof of the force majeure event. If the court finds in favor of the creditor, it will issue an order permitting the   creditor to file the claim with the receiver within the period prescribed in the order.   * The creditor will be entitled to be paid out of the assets of the debtor which remain after distribution has been made to those who filed a petition before the creditor. In addition, actions previously taken by the court, the receiver, and the creditors’ meetings will not be affected.  1. Increased penalties    * The amendments increased the penalties from THB 100, THB 200, THB 500, and THB 1,000 to THB 20,000, THB 40,000, THB 100,000, and THB 200,000, respectively, in various sections of the Bankruptcy Act. |  |
| Website for further information: | [www.sme.go.th](http://www.sme.go.th) |  |
| Contact point for further details: | International Coopertion Department,  *The Office of Small and Medium Enterprises Promotion (OSMEP)*  *21 TST Tower, FL. G, 17, 18, 23 Vibhavadi Rangsit Road,*  *Jompon Subdistrict, Jatujak District, Bangkok 10900, Thailand*  *Tel: 66 2 298 3233*  Email: [nipawis@sme.go.th](mailto:nipawis@sme.go.th) |  |
| ***Standards and Conformance***  *Food and Drug Administration ,*  *Ministry of Public Health* | on March 19, 2015, the Notification of Ministry of Public Health on the Hazard Classification and Communication System under the responsibility of Thai Food and Drug Administration was published in Royal Thai Government Gazette. This legislation aims to set criteria for classifying the hazardous substances under the responsibility of Thai Food and Drug Administration based on the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) developed by the United Nations. | Single substances and mixtures are required to be implemted GHS within 1 year and within 5 years from the date the notification was published, respectively. |
| *Thai Industrial Standards Institute (TISI)* | The Thai Government recognizes the importance of standards and conformance and participates actively in international and regional standardizing bodies as well as participates in the WTO Agreements on Technical Barriers to Trade (TBT) and the Application of Sanitary and Phytosanitary Measures (SPS). In Thailand, a unified system of standards and conformance has been organized to be in line with internationally acceptable system. Parallel to the strengthening of the standards and conformance of the country is the acceptance of others’ standards and conformance systems, which are considered as the same level through an accreditation system and the provision of assistance to other neighboring countries in terms of training in standards and conformance |  |
| ***Alignment of standards with***  ***international standards where appropriate***  *Thai Industrial Standards Institute (TISI)* | 73 national industrial standards have been aligned with relevant international standards.  Thailand aims to align its national standards to international standards to the as maximum extent as possible and appropriate. Currently, 1083 of Thai industrial standards are already aligned with the relevant international standards. | Thailand will continue to review its standards with a view to align with international standards.  Thailand attempts to align its standards with international standards to fulfill the commitment with the SCSC priorities by the targeted dates. |
| *National Bureau of Agricultural Commodity and Food Standards* | With regard to the Thai agricultural standards, at present 250 standards were established for agricultural and food commodities including 2 mandatory standards that are expected to legal enforcement early next year. Almost all of them are aligned with international standards, particularly Codex, OIE and IPPC. | Thailand will continue to review its standards with a view to align with international standards. |
| ***Active participation in the***  ***international***  ***standardisation activities of***  ***international standardizing bodies*** | Thailand is a member body of ISO and IEC. Currently, Thailand holds 90 ‘P’ membership, 205 ‘O’ membership of ISO/ TCs/SCs and 21 ‘P’ membership, 55 ‘O’ membership of IEC/TCs/SCs | Thailand will continue to actively participate in international standardization activities. |
| ***Participation in plurilateral***  ***recognition arrangements***  ***of conformity assessment in the regulated sector*** | *Thailand currently participates in the following APEC Mutual Recognition Arrangements:*  - The APEC Mutual Recognition Arrangement on Conformity Assessment of Electrical and Electronic Equipment (APEC Electrical MRA) - Part I  - The APEC Mutual Recognition Arrangement on Conformity Assessment of Foods and Food Products (APEC Food MRA);  *Thailand currently participates in the following APEC Information Exchange Arrangements:*  - The APEC Arrangement for the Exchange of Information on Toy Safety. | Thailand will continue its endeavour to participate in the APEC plurilateral recognition arrangements. |
| ***Participation in recognition***  ***arrangement of conformity assessment in the voluntary sector*** | Thailand is a signatory of the following arrangements:  - The Pacific Accreditation Cooperation (PAC) and the International Accreditation Forum (IAF) Multilateral Recognition Arrangement pertaining to Quality Management System (QMS), Environmental Management System (EMS) and Product Certification Bodies Accreditation  - The Asia Pacific Laboratory Accreditation Cooperation (APLAC) and the International Laboratory Accreditation Cooperation (ILAC) Multilateral Recognition Arrangement pertaining to Testing and Calibration Laboratories and Inspection Bodies Accreditation  - The Asia Pacific Legal Metrology Forum (APLMF) MoU  - The Asia Pacific Metrology Programme (APMP) MoU |  |
| ***Participation in Specialist Regional Bodies***[[1]](#footnote-1) ***activities*** | Thailand participates in the following SRBs’ activities :  1. PAC/IAF, NSC‘s representation as   * Chair of IAF Technical Committee * IAF Executive Committee * A Member of IAF MLA Management Committee * PAC Vice Chairman * PAC Executive Committee * PAC MLA Management Committee   2. APLAC/ILAC, NSC-ONSC’s representation as   * APLAC Board of Management * Convener of APLAC Proficiency Testing Working Group   3. PASC   * PASC EC member |  |
| ***Continuously strive to increase transparency of***  ***their standards and***  ***conformance requirements,***  ***including implementation of***  ***APEC Leaders’***  ***Transparency Standards on***  ***Standards and Conformance*** | Thailand has increased the transparency of its standards and conformance requirements through :  - Complying with the Code of Good Practice, WTO TBT obligations and the APEC Transparency Standards  - Maintaining and updating a website [www.tisi.go.th](http://www.tisi.go.th) disseminating Thailand’s standards and conformance information. | Thailand will continue to improve transparency where required. |
| Website for further information: |  |  |
| Contact point for further details: | *1. Thai Industrial Standards Institute (TISI)*  *Mr. Tawat Polquamdee*  *Secretary-General*  *Thai Industrial Standards Institute*  *Tel: (66 2) 202 3401-2*  *Fax: (66 2) 354 3285*  *E-mail :* [*tawat@tisi.go.th*](mailto:tawat@tisi.go.th)*,* [*intrelat@tisi.go.th*](mailto:intrelat@tisi.go.th)  *Mrs. Thitima Hoonsuwan*  *Director of International Affairs Division*  *Thai Industrial Standards Institute*  *Tel: 66 2 202 3505*  *Fax: 66 2 354 3041*  *Email:* [*thitima@tisi.go.th*](mailto:thitima@tisi.go.th)*,* [*intrelat@tisi.go.th*](mailto:intrelat@tisi.go.th)  2. National Bureau of Agricultural Commodity and Food Standards |  |
| ***Customs Procedures***  ***Greater Public Availability of Information, including Implementation of APEC Leader’s Transparency Standards on Customs Procedures***  *The Customs Department,*  *Ministry of Finance* | * Providing communication channels through mass media e.g. TV, radio so as to create spot advertisements and news scoops, news conferences and clarification with media. * Strengthening publication channels (newsletters, booklets, brochures, leaflets, etc) * Manufacturing media relations in various forms such as posters, banners, vinyl signs, labels, etc. * Integrating and improving communication channels such as updating website, changing Customs magazines into e-book, etc. * Publishing Customs booklets in the form of e-books * Distributing information through an off-line television * Online news clipping * Line application * FACEBOOK “Customs Department Public Relations” Distributing and updating Customs news in the Internet and Intranet * Gathering media content * Customs exhibitions booth * Regularly providing Customs related information e.g. legislation, Customs notifications, etc. through Customs website, e-mail list, annual report, brochures, etc. * Establishing communication channels and dialogues on a regular basis between Customs and related stakeholders such as relevant governmental agencies, importers/exporters and Customs brokers. One of the example is the creation of a Joint Customs and Private Sector Committee.   **Result from Established CCC**  - Answering the Customs procedure problems (e.g. Customs privilege, Customs tariff code, etc.) from operators or stakeholders by telephone, e-mail or in person at the office.  - Consulting and solving Customs related problem as well as hearing from Customs clients in order to improve CCC’s services.  - Enhancing cooperation with other government agencies e.g. BOI- OSOS (One Start One Stop Investment Center) to provide Customs matters.  - Updating useful and interesting customs information in the CCC’s website. | *-* Increase cooperation and consultation with stakeholders, especially with regard to Customs and trade-related issues, such as legislation, Customs procedures and practices, exchange of information, etc.  - Continuously distribute information via media channels.  **Planned Impovement for CCC unit**  - Updating Customs Notifications and adding more useful and interesting Customs information on Customs Care Center’s website. |
| ***Paperless Trading*** | - Thailand National Single Window (NSW) phase III has been  implemented since 2013 in order to enhance the NSW operations and services as well as to increase the participant of  relevant agencies under NSW environment.  - In regard to 36 government agencies who have signed MOU for the implementation of Thailand NSW, 32 agencies have already entered the live operation, 3 agencies are conducting the pilot testing, and 1 agency is at the developmental stage.  - The Customs Automation System enables electronic document exchange via Thailand NSW and ready for cross border data exchange with ASEAN Member States and other regions  - The relevant agencies have conducted the electronic payment transactions via national payment gateway which conforms to National Payment Message Standard in accordance with ISO 20022 Thailand NSW. | - The Customs Department and the Department of Foreign Trade have been participating in the ASEAN Single Window (ASW) Pilot Project to exchange the ATIGA Form-D in 2015 and continually upgrade their systems to support ASW live implementation at the initial stage of AEC.  - The government agencies and business sectors who have been carrying out the NSW implementation are revising relevant laws and regulations to enable the electronic single window transactions that are expected to be completed within three years later.  - One of the key success of paperless trading is to simplify and streamline the business processes on import, export, and logistics which Thailand is conducting this task on strategic products to facilitate the trade processes and procedures inforthcoming year. |
| ***Provision of Temporary Importation Facilities*** | After the Thai Customs Department adopted the Istanbul Convention and ATA Convention, there has been no further improvement since the last IAP review. | No further improvement planned. |
| ***Implementation of Clear Appeal Provisions Tariff*** | * Estabishment of Appeal Sub-Committee for Tariff Classification * Estabishment of Appeals Sub-Committee for Rules of Origin * Dissemination of the decisions of the Appeal Commission for Tariff Classification and Rules of Origin on the Internet. * In principle, an importer or exporter has a right to appeal against a Customs decision on duty assessment concerning valuation, tariff classification and origin of goods to the Appeal Commission within 30 days after the date of receiving the assessment notice as provided in the Customs Act (2000) under Section 112 six. The appellant has a right to appeal the decision of the Appeal Committee by filing a case to a Court within thirty days as from the date of receipt of the appeal decision.   **Valuation**   * Setting up time-frame for valuation appeal procedures. In case that the appeal case has sufficient information for consideration, it shall be finalized and decision shall be made within 45 days since the date of the final decision of the Appeal committee, except having other reasons for the delay.   In addition, the Customs Department is on the process of amending customs legislation in regard to appeals to the Appeal Committee for transparency and rapidity in appeal procedures as follows:  1. To determine the period of time that the appeal procedures have to be completed within 180 days. Provided that the appeal procedures are unable to be completed within specified time limits, appellants have the right to further file an appeal to the court without waiting for the decision of the Appeal Committee.  2. To determine the members of the Appeal Commission which will be selected from representatives of the private sector, in addition to representatives of the government agencies, for transparency of Appeal Commission. | * To disseminate the decision of the Appeals Commission on the Internet |
| ***Alignment with WTO Valuation Agreement*** | * Availability of knowledge management related to WTO valuation through the Customs Website. * Training and workshop * Knowledge management * Valuation Database System, which is in conformity with WCO guidelines on the development and the use of a national valuation database as a risk assessment tool has been implemented since 2005. At present, the Electronic Valuation Database System has been designed and modernized to facilitate trade. * Implementation of Advance Ruling on Customs Valuation has been effective in accordance with the Customs Acts No. 21 B.E. 2557 on 4th Dec 2014. Thai Customs has issued Notification No. 38/2558, Subject: Advance Ruling Services, dated 3 March B.E. 2558, which determines principle, method and condition of advance ruling. * Customs Notification No. 38/2558 is issued to support the implementation of advance ruling on Customs valuation. * The information concerning valuation on the Customs website is updated. | * The information concerning valuation will be updated and disseminated on the Customs website. * Electronic advance valuation ruling is being developed and not yet completed. * Valuation training and workshops for officers at the regional and entry ports will be conducted. |
| ***Adoption of Kyoto Convention*** | - Deposited the instrument of accession to the International Convention on the Simplification and Harmonization of Customs Procedures (Revised Kyoto Convention) at World Customs Organization Headquarters on 12 June 2015 and become the 100th Contracting Party to the RKC |  |
| ***Implementation of Harmonized System Convention*** | - Thailand acceded to the International Convention on the Harmonized Commodity Description and Coding System generally referred to as Harmonized System Convention on 16 December 1991 and has implemented the Harmonized System Convention since 1 January 1993. Thailand has also implemented the current version of the Harmonized System since 1 January 2012. | - The review of ASEAN Hamonized Tariff Nomenclature (AHTN 2012) for the implementation of AHTN 2017 in respect of the amenments to the Harmonized Tariff Nomenclature 2017 that will enter into force on 1 January 2017. |
| ***Implementation of an advance Classification Ruling System*** | - Thai Customs has adopted and applied the advance ruling on tariff classification. Importers may submit a request for advance ruling on tariff classification based on the rules, procedures and condition as specified in the Customs Notification No.39/2558 regarding the Advance Customs Ruling on Tariff Classification pursuant to the Customs Act B.E. 2557 (2014) No.21.  - Advance classification ruling on origin had been implemented.  - The amended Customs Notification concerning advance ruling service is smoothly implemented. | - Establishing a database of information regarding an advance classification ruling system and decision on advance ruling on tariff classification for dissemination. |
| ***Implementation of the TRIPs Agreement*** | * The trademark right holders database has been updated and the features and user-interface have been improved for easier application at www.thaiipr.com * Thai Customs coordinates with the Department of Intellectual Property (DIP) in developing and sharing IPR infringing goods seizures on IPR infringing goods seizures database hosted by DIP**.** * Thai Customs along with the right holders have arranged training courses on how to identify counterfeit goods to the frontline Customs officers totalling 14 courses (1 January – 31 December 2015) | - Thai Customs will continuously update trademark right holders recordation database and is planning to increase its utilization among Customs officers.  - Thai Customs will continuously update IPR infringing goods seizures on IPR infringing goods seizures database and continue to closely engage with DIP and other enforcement agencies in information sharing.The database is expected to be completed soon.  - Thai Customs will continue to engage closely with other enforcement agencies and right holders in information exchange and training.  - Thai Customs is preparing a preliminary study to introduce “Customs Trademark Recordation Database” on mobile application. |
| ***Development of a Compendium of Harmonized Trade Data Elements*** | - The Customs Department has usually adopted WCO Data Set and UNTDED Nation as the reference for development of the Thai Customs electronic System (TCES) paperless services and Thailand NSW implementation.  - The data harmonization and standardization for import and export has been reviewed and updated for national use, especially the data linkage in Thailand NSW.  - The relevant agencies have conducted the electronic payment transactions via national payment gateway which conforms to National Payment Message Standard in accordance with ISO 20022. | - The data harmonization and standardization service as National Standard data set regarding Thailand NSW will be enhanced for governmental agencies and business communities to develop the interoperable electronic documents in NSW transactions.  - In case of cross-border data linkage, the data harmonization processes will be in place for the new priority documents exchanging between ASEAN countries’ NSWs via ASEAN Single Window environment in particular. |
| ***Adoption of Systematic Risk Management Techniques*** | * Developing profile both Central Profile conducted by the Post Clearance Audit Bureau and Local Profile by the Working Group on Risk Management in other Customs Clearance offices. The physical inspection on imported and exported goods has been reduced due to the implementation of risk management and X-ray container machines. * Enhancing the capacity building of Customs officers from the Customs Houses by conducting a training once a year upon Risk Management techniques and methodologies. * Upholding the public safety by enforcing the Customs laws and related laws regarding the prohibited and restricted goods (Weapons of Mass Destruction and Dual Used products, for example) either the import into or export out of Thailand by extending the risk management strategy to increase the aforementioned prohibited and restricted goods profile monitoring. | * Enhancing the efficiency and effectiveness of profiles to strengthen fraud control. * Monitoring profiles to identify high risk profiles that are not providing results in fraud control and improving the location of resources and facilitation rates. * Increasing the activeness of arresting not only the case of the restricted and prohibited goods but also all goods to improve efficiency and effectiveness of risk management profiles . * Organizing a task force called “Risk Profiling Work Group” to be responsible for keeping up with the trend of international trade, related global situations and criminal offenses that may effect on the system as the risk indicators, as well as modernizing the risk profiles in order to ensure the efficiency and effectiveness. * Improving the annual risk management training course for Customs Officers by providing further information regarding the new trend of threats, new trick and tactics for risk analysis. |
| ***Implementation of WCO Guidelines on Express Consignment Clearance*** | - The de minimis value for importation of the express consignment category 2 is CIF 1,500 bath.  - The implementation of X-ray scanner system for examing all shipments of express consignment category 1 and 2 for importation, and category 1 and all suspected shipments for exportation. | - Increasing the use of X-ray scanner system possibly when the volume of the trade is significantly increased.  - Considering amendment “a Local Profile” for express consignment clearance to reflect the situation of global trade. |
| ***Integrity*** | - The Customs Academy has added training courses and workshops regarding ethic and proper behaviour into training annual plan for improving staff’s attitude towards their responsibilities and their clients. These courses are appropriately designed for every level from operational staff to administrators. In addition, Customs Academy also puts anti-corruption topic into customs specialist training programme, which is a public training course.  - Customs Academy coordinating with the Discipline and Tort Liability Division conducted the training course called the Development and Promotion on Disciplinary Action of Subordinate by Superior Commander starting from October to December 2015. | - Customs Academy has conducted several training courses regarding the Transparency and Anti-corruption for over 600 Customs Officers lately in November 2015 and will conduct another public training for public within the 3rd quarter of 2016. |
| Website for further information: |  |  |
| Contact point for further details: | *The Customs Department, Ministry of Finance* |  |
| ***Intellectual Property Rights*** | No change mades. | No change mades. |
| Website for further information: |  |  |
| Contact point for further details: |  |  |
| ***Competition Policy***  *Department of Internal Trade,*  *Ministry of Commerce* | In 1999, Thailand enacted the Trade Competition Act and the Act on the Price of Goods and Services. The objective of the Trade Competition Act is to promote fair competition among private enterprises in Thailand.  Since December 2014, Thailand has considered an amendment of the Trade Competition Act for more effective enforcement, such as organization, duties, leniency and penalty etc. | The Thai government will continue to encourage and promote better implementation of the Trade Competition Act emphasizing transparency, justification, accountability, non-discrimination, and comprehensiveness.  Thailand will continue to encourage the development of meeting programs that will allow APEC member economies to deepened understanding on competition policy and law. |
| Website for further information: |  |  |
| Contact point for further details: | *Department of Internal Trade, Ministry of Commerce* |  |
| ***Government Procurement***  *The Comptroller General’s Department, Ministry of Finance* | Thailand’s Approach to Government Procurement in 2015 From the government perspective, public organizations of Thailand can be divided into 4 categories – Central and Provincial Administration, Local Administration, State Enterprise and Independent Public Bodies. The Regulations of the Office of the Prime Minister on Procurement 1992 is the core procurement regulations of the Central and Provincial Administration. The public organizations in the other three categories also consider the mentioned regulations as models to develop their own procurement regulations that are suitable to their procuring activities. However, the Cabinet’s resolutions on specific procurement policies, such as local preferences with the objective to promote local businesses, or participation in government procurement, must be strictly applied by all public organizations.  The core principles of the government procurement regulations are openness, transparency, fairness and local industry development. The government also promotes the principle of value for money while the enforcement of this principle is in the process. In order to achieve these principles, CGD emphasises to develop all public procurement process into electronic system, so called the electronic Government Procurement System (e-GP). Furthermore, e-GP applies to all government agencies, state enterprises and local authorities. Each procurement agency must register and fill in e-GP form through the CGD’s website. In detail, the development of e-GP are divided into 3 phases.  e-GP Phase 1: the system has been developed to cover three major procurement methods, which are price enquiry method, competitive bidding and e-Auction. e-GP system composes of:  - Information Disclosure Centre: IDC,  - Registration Management System,  - Operation System,  - Management information System: MIS,  - Help Desk System and  The e-GP system has been implemented since April 2010.  e-GP Phase 2: the system has developed to cover the remaining procurement methods, all of procurement process and the interfaces with the related systems, such as Government Fiscal Management Information System (GFMIS) and consultant database center. The e-GP Phase 2 has been implemented in 2012.  In 2015, e-GP Phase 3: the system will cover all government procurement process in order to reduce the interaction among government procurement stakeholders. This e-GP Phase 3 is considered to be the revolution for government procurement in Thailand.  In e-GP Phase 3 , two new systems have been launched, which are e-bidding and e-market. E-bidding applies for non-standardized products or services and e-market applies for standardized products or services, commodity products (such as office supply, and stationary), uncomplicated products and products that meet the international standards.  There are many significant benefits of e-GP as follows;   1. Transparency and efficiency: All government agencies, State-owned enterprises and local administrations should operate procurement process and post all announcement on website: www.gprocurement.go.th 2. Convenience and equal business opportunities: All suppliers can access to government procurement information via e-mail directly no matter who they are. 3. To enhance capability of businesses: Officials and employees of both government agency and supplier must develop their knowledge about IT or computer because all government procurement process will be done via electronic means. 4. To improve public procurement policy: Because e-GP has management information system which composes of report and database system. CGD can analyze the data, statistic or other information about procurement of all agencies in order to do the government procurement policy in Thailand. Moreover, government agencies will be able to compare product prices and quality before making purchases. 5. To save government budget: The government has saved more from e-bidding and e-markets for procurement than it has through e-auction because the government's procurement cost used to be reduced by only 11% from the set budget by e-auction. |  |
| ***Transparency*** | After launching e-GP system, government procurement has been improved in many aspects; transparency, accountability and fair competition. Those systems will facilitate fair competition for public procurement. Moreover, e-GP also provides procurement information for suppliers, citizen and stakeholders. In fact, this will increase participate from public and reduce collusion and corruption effectively because everyone can observe or check all data/information in every step of procurement projects on website [www.gprocurement. go.th](http://www.gprocurement.or.th). The website includes publications of  1. Draft tender documents  2. Cost Estimate (Reference price)  3. Invitation announcement  4. The winning bid notification  5. The essence of the contract  6. Changes announcement  7. Declared notification  Moreover, according to NACC regulation, for high value projects, supplier who want to join the projects have to register on e-GP free of charge. By doing so, e-GP will send e-mail about procurement opportunities related to their business to suppliers directly in order to increase competition and improve equal opportunities. In 2014, the Cabinet approved in principle to use Integrity Pact which is an agreement between the government agencies and the private sectors, as a tool for curbing and preventing corruption. It will ensure that the government procurement projects are carried out with transparency, fairness and without corruption. The Cabinet launched 2 pilot projects implementing the Intrigrity Pact, which are the procurement of NGV-fueled bus fleet of the Bangkok Mass Transport Authority and the extension of the Blue Line rail project of Mass Rapid Transit Authority of Thailand. Moreover, the Integrity Pact will cover more projects and government agencies in the future. |  |
| ***Value of Money*** | CGD will implement price performance, which allow government agencies to decide the winner of the bid by using not only lowest price but also including other criteria such as past performance, after sale service and customer satisfaction. |  |
| ***Open and Effective Competition*** | * Thailand is in the process of developing the 3rd phase of the Electronic Government Procurement (EGP) System which are:   + E-bidding   + E-market   + Supplier grading system   + Price Performance   + Certified Authority (CA)/digital signature   + e-Contract   The process of bidding composed of ;  1) All bidders have to register in the e-GP system in order to join the government procurement projects. All of them can receive bid announcement at the same time via e-mail that they have already registered whenever government entities submitted those bid announce.  2) For the purpose in making the Term of Reference (TOR) or supply specifications to be procured and the prospectus prior to the procurement actions by way of the General Invitation Announcement Method, the relevant procuring entity may first hold opinion hearing process on the draft of TOR or supply specifications on the supply to be procured and the prospectus from the suppliers.  3) All bidders have to download bid documents via e-GP. They do not need to go to the procuring entity but they can download from the website as the Comptroller General’s Department specified in Circular letter of the Ministry of Finance (Committee in Charge of Procurement) 0402.3/150 dated April 10, B.E. 2558, 2015 that in case of buying bid document, bidders must make a payment at the commercial bank before downloading. This will help to decrease the interaction among stakeholders.  4) Bidders should submit their bids and bid securities online via website [www.gprocurement.go.th](http://www.gprocurement.go.th). It means that they do not need to go to the government agencies.  5) The procuring entities cannot know the name of the bidders until the end of bidding.  6) Normally, in Thailand, the only bid evaluation technique which has been used is the lowest price, where bidder who bids for the lowest price must be awarded the contract. In this year, however, Thailand has launched another bid evaluation, technique called Price Performance.  In respect of the consideration on Price Performance, the procuring entity may opt to use several bases in collaboration with the price basis and that the weight of each basis must be expressly prescribed, as well.  Once the consideration on the bidding proposals in collaboration with the basis which the procuring entity is used in the consideration has been complete, result of the selections shall be lined up in respective order by rated scores. The procuring entity shall select the bidding proposal of proposer accounted for the highest score.  The procuring entity shall as well publish the basis for use in the consideration on the selections and the weight of each basis in the invitation announcement. |  |
| ***Fair Dealing*** | * All bidders, who have already registered in e-GP system, can receive bid announcement at the same time with other bidders via e-mail whenever government entities submitted bid announce. * Procurement officers have to carefully examine qualifications of bidders to prevent collusive bidders and unlawful relation between bidders and government officers. * The collusive bidders are punished by the same penalty as debarred tenders whose rights to propose bids to public organizations are deprived of. * Anti – Collusion Act specifies that procurement officers carefully examine qualifications of bidders to ensure the absence of collusive bidders. * Chapter 9 of Anti – Corruption Act 1999 prescribed the Conflicts of Interest provision that any State Official is forbidden to carry out certain activities that make conflicts between personal and public interest. |  |
| ***Accountability and Due Process*** | e-GP facilitates the examination from public because public can examine and trace the status of government procurement projects of all government agencies in every step since publishing draft of bid document until contract management. Moreover, public can verify government procurement projects and check status of them on website [www.gprocurement.go.th](http://www.gprocurement.go.th). All procurement announcements have to publish on website, therefore it is so convenient to search procurement information and monitor government procurement projects from e-GP website. |  |
| Website for further information: |  |  |
| Contact point for further details: | The Comptroller General’s Department,  Ministry of Finance |  |
| ***Deregulation/Regulatory Review***  *Office of the Council of State* | By enacting the Royal Decree on matters to be considered by the Council of Ministers in 2005, Thailand has established a process for reviewing all new legislation proposals. Under this process, all government agencies are required to conduct the Regulatory Impacts Analysis (RIA) before submitting any bill to the Council of Ministers. This RIA process not only supports government agencies to enhance the quality of regulatory review, but also enables more transparency in the legislative process.  Thailand recently enacted the Royal Decree on the Revision of Law, B.E. 2558 (2015) (the Sunset Law). This Royal Decree establishes the mandatory review cycle for most laws and regulations every five years. The responsible Ministries then have to conduct the review process, which shall be made known to public, and make recommendations to improve, revise, or repeal those laws and regulations under their responsibilities. Additionally, the related agencies shall, within two years as from the date the Royal Decree comes into force, translate the new laws and regulations in the working language of ASEAN and publish them via information technology system. The general public will thus gain free access to this information. | The Law Reform Commission shall prepare an annual report on the execution of the Royal Decree on the Revision of Law, B.E. 2558 (2015) to the Council of Ministers and the Parliament for information. If any responsible Minister fails to comply with this Royal Decree, it shall be recorded in such annual report. |
| ***Identification and Review of Proposed Regulations***  *State Enterprise Policy Office,*  *Ministry of Finance* | - One of the key policy of the current government is to have  the State - Owned Enterprises (SOEs) reformed, so that they can be used as an effective mechanism to promote sustainable economic and social development for Thailand.  - The main objective of SOEs reforms is to increase efficiency and effectiveness, enhance transparency and accountability, and mitigate political abuses.  ***-*** One of the main processes is to set up the ownership structure (i.e. National holding company), which will be an independent supervision to manage and monitor the performance of major SOEs. This requires a new legislation that establishes the governance structure, outlining responsibilities and relationships among the State Enterprise Policy Committee (SEPC), the State Enterprise Policy Office, National holding company, and SOEs. The draft Act comprises two main parts which are 1) the overseeing of SOEs and 2) the establishment of the holding entity.  ***-*** According to the governance structure in the proposed legislation, the SEPC will supervise 55 SOEs and will design policies in a macro perspective. These 55 SOEs are divided into 2 groups. On the one hand, National holding company will govern SOEs that are listed and limited companies (in the first stage of implementation). On the other hand, the State Enterprise Policy Office will govern the rest. | - Currently, the Act for establishing such governance structure  is now being drafted and supervised by the SEPC.  *-* The proposed legislation is expected to be under the Cabinet’s consideration within the first half of 2016.  -In addition to the above legal framework, the SEPC establishes “National Holding Company” Establishment Subcommittee  to determine the action plan and timeframe for setting up National holding company, and propose the governance structure, budget, personnel and compensation scheme  for National holding company. |
| Website for further information: |  |  |
| Contact point for further details: | *1. Office of the Council of State*  *2. State Enterprise Policy Office, Ministry of Finance* |  |
| ***Implementation of WTO Obligations/ROOs***  *The Customs Department,*  *Ministry of Finance*  ***WTO Agreement, Annex 1A (Goods)*** | - The Secretariat and Technical Committee on Rules of Origin (TCRO) are transposing the Product Specific Rules from the 2007 version to the 2012 version of Harmonized System concerning the accuracy, and the simplification of rules and transparency. | - The members will consider and provide feedback on the pending 363 lines to the secretariat. |
| ***Rules of Origin*** | - Harmonization of Non-Preferential Rules of Origin – Dedicated Item on Existing Non-Preferential Rules of Origin: The meeting provided the country report that using Non-Preferential Rules of Origin and the members presented their experience of Non-Preferential Rules of Origin practicing. | - The Secretariat and TCRO will continue considering the Non-Preferential Rules of Origin under WTO and TCRO. The informal discussion for private sector will also be arranged and report in the next meeting. |
| Website for further information: |  |  |
| Contact point for further details: | *The Customs Department, Ministry of Finance* |  |
| ***Dispute Resolution*** | No changes made. |  |
| Website for further information: |  |  |
| Contact point for further details: |  |  |
| *Mobility of Business People* **Regulatory Visa Regimes** | - As from September 2014, tourists entering Thailand with visa exemtion can extend their stay for another 30 days.  - With proper documents, tourists with tourist visas may change their visa status to business visas at Thai Immigration Office.  - Thailand and Myanmar signed an agreement in July 2015 allowing their citizens with ordinary passports to make visa-free visits (through international airports) of up to 14 days. This development concludes that Thai citizen can enter all ASEAN countries without visa.  - Thailand starts issuing multiple-entry tourist visas as from 13 November 2015.  - Beginning early December 2015 inbound and outbound passengers at the country’ s six international airports will go through background screening check. The Airports of Thailand (AoT) introduced the new system to check passengers. The system called the Advance Passenger Processing System (APPS) which will boost airport security by screening each passenger more closely than the current system in use.  - Thailand continues committing to information dissemination on the subject of regulatory visa. The information could be viewed at [www.mfa.go.th](http://www.mfa.go.th/). Moreover, information on Thailand’s business visa arrangements in the online APEC Business Travel Handbook is regularly updated: <http://www.businessmobility.org/travel/> index.asp. | - In the long run: Thailand’s e-Visa is under construction. It will be done after visa outsourcing project has been launched. Once it is completed, it will be more convenient to businessmen and visitors who would like to visit Thailand.  - In the short run: Thailand is about to establish visa data center where information will be kept in electronic files. Within this setting, there is no need for Thai authorities in Thailand to contact Thai Embassies/ Consulates for visa information. The information can be searched at the Consular Affairs Department, Bangkok. Hence, foreign businessmen who lost passports could seek assistance at the Consular Affairs Department for copies of their visas. |
| **Implementation of APEC Leaders’ Transparency Standards on Business Mobility** | - Thailand remains committed to making available all relevant information pertaining to Thailand’s visa regimes and border management practices and procedures. Information on the Working of Aliens Act B.E. 2008 including ruling of general applications are published and made available at <http://wp.doe.go.th>  - Thailand supported ABTC Scheme End to End Business Process Review Project proposed by Australia. This project is endorsed by APEC at APEC 2013 in Indonesia.  - As from 1 September 2015, Thailand issues 5-year ABTC to eligible businessmen who apply for the Card through Thai Chamber of Commerce, Federation of Thai Industries, and Thai Bankers Association. | - Thailand plays an active role in developing ABTC. Thailand conducts surveys regarding the use of biometric data for ABTC application.  - Thailand plans to have Online Lodgement system for Thai ABTC applicants. The project is on its way. |
| **Short Term Business Entry** | - The Non-Immigrant “B” Visa exists to facilitate short-term business travels. Three-year Non-Immigrant “B” visa still remains in effect. This type of visa suits foreign businessmen who wish to enter Thailand often for business purposes.  - As for the ABTC Scheme, at present (October 2015) Thailand has more than 11,004 active ABTCs in circulation in Thailand.  - **It is now possible to make your Notification of Staying in the Kingdom over 90 Days online. Currently the system only works with Internet Explorer but it will be possible to do the 90 day report with other browsers soon.** Applicants can submit this online application within 15 days and not less than 7 days before the due date of notification. | - Thailand remains committed to promoting foreign business activities and investments in Thailand, thus, is committed to facilitating the issuance of appropriate visas to foreign business persons. |
| **Temporary Business Stay** | - Thailand remains operating One-Stop Service Centre to facilitate stay permit, re-entry permit and work permit requests and extensions, as well as all related arrangements within 3 hours for foreign business people. For more information on the services offered by the One-Stop Service Center and the criteria foreign business people must meet to qualify for those services, inquiry can be made at the following address:  One Stop Service Center for Visa and Work Permit  18th Floor, Chamchuri Square Building, Phayathai Road, Pathumwan, Bangkok 10330 Thailand  Tel: 022091186-8  For further details regarding Work Permits, visit website  http://wp.doe.go.th  - The Immigration Bureau continues to coordinate closely with all foreign Chambers of Commerce in Thailand to ensure that they are aware of the availability of such service. The Immigration Bureau’s website is at [www.Immigration.go.th](http://www.Immigration.go.th). |  |
| **Dialogue with Business** | - The Ministry of Foreign Affairs instructed the Joint Standing Committee on Industry, Commerce and Banking to set-up e-lodgement services for APEC Business Travel Card applicants so that they could apply for ABTC through internet. | - After the Project of e-lodgement services for APEC Business Travel Card applicants is completed, the possibility of having the internet linkage to ABTC system in Australia will be the next step. |
| *Website for further information:* |  |  |
| *Contact point for further details:* | *Department of Consular Affairs, Ministry of Foreign Affairs* |  |
| *Official websites that gather economies’ information* | 1. Ministry of Foreign Affairs  2. Department of Trade Negotiations |  |
| ***Transparency*** | No changes made. |  |
| Website for further information: |  |  |
| Contact point for further details: | *Office of the Official Information Commission* |  |

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| --- | --- | --- | --- |
| **RTAs/FTAs** | | | |
| ***-*** ***Description of current agreements***  The Comptroller General’s Department, Ministry of Finance | | To date, Thailand has entered into a number of FTA negotiations at both bilateral and regional levels. Those FTAs, which are in effected, included:   * Thaialnd – Australia Free Trade Agreement (TAFTA) * Thailand – New Zealand Closer Economic Partnership Agreement (TNZCEP) * Japan – Thailand Economic Partnership Agreement (JTEPA)   According to these agreements, both Parties establish working groups for meeting or correspondence regularly to discuss all relevant issues about government procurement. In terms of information exchange, the Parties will exchange information in a timely manner on their respective government procurement policies, practices and procedures including with any proposed reforms or alterations to their existing government procurement regimes.   * The Agreement on Government Procurement (GPA): Thailand has become observer to the GPA since 3 June 2015. | | |
| ***- Agreements under negotiation***  The Comptroller General’s Department, Ministry of Finance | | There are 2 agreements that contain the government procurement topic but still under negotiation process.   * Thailand – EFTA Free Trade Agreement (TEFTA) * Thailand – EU Free Trade Agreement | | |
| **Part 1: Description of current agreements** | | | |
| **Agreement #1**  **ASEAN-China FTA (ACFTA)** | | | |
| Background (membership, date of entry into force, type of agreement) | | ACFTA is a free trade agreement between ASEAN and China. The agreement entered into force on July 1, 2003. | |
| Date of notification to the WTO | | 24 November 2004 | |
| General provisions | | The parties agreed to establish a free trade area consistent with Article XXIV of the General Agreement on Tariffs and Trade 1994 (GATT 1994) and Article V of the General Agreement on Trade in Services (GATS). | |
| Institutional framework and dispute settlement | | * Pending the establishment of a permanent body, the AEM-MOFCOM, supported and assisted by the SEOM-MOFCOM, shall oversee, supervise, coordinate and review the implementation of this Agreement. * A party complained against shall accord due consideration and adequate opportunity for consultations regarding a request for consultations made by a complaining party with respect to any matter affecting the implementation or application of the Framework Agreement. * If the consultations fail to settle a dispute within 60 days after the date of receipt of the request for consultations or within 20 days after such date in cases of urgency including those which concern perishable goods, the complaining party may make a written request to the party complained against to appoint an arbitral tribunal under this Article. | |
| Provisions relating to treatment of goods | | * Each Party shall accord national treatment to the products of all the other Parties covered by this Agreement and the Framework Agreement in accordance with Article III of the GATT 1994. * Any Party to this Agreement may, by negotiation and agreement with any Party to which it has made a concession under this Agreement, modify or withdraw such concession made under this Agreement but shall maintain a general level of reciprocal and mutually advantageous concessions not less favorable to trade than that provided for in this Agreement prior to such negotiations and agreement. * Each Party undertakes not to maintain any quantitative restrictions at any time unless otherwise permitted under the WTO disciplines. | |
| Product coverage | | All products | |
| Rules of origin | | A good shall be considered to be an originating good, if it meets one of the following requirements:  - It is wholly obtained or produced in the exporting party  - It satisfies the general rule by having a regional value content not less than 40 percent; or  - It satisfies the requirement of product specific rule for that good  **Status** Implemented | |
| Provisions relating to treatment of services, investment and government procurement | | **Trade in Services**   * The Parties agree to enter into negotiations to progressively liberalize trade in services with substantial sectoral coverage. Such negotiations shall be directed to: * Progressive elimination of substantially all discrimination between or among the Parties and/or prohibition of new or more discriminatory measures with respect to trade in services between the Parties, except for measures permitted under Article V(1)(b) of the WTO General Agreement on Trade in Services (GATS) * Expansion in the depth and scope of liberalization of trade in services beyond those undertaken by ASEAN Member States and China under the GATS   - Thailand’s specific commitments under the Package 2 comprise of following sectors: business, communication, construction and related engineering, distribution, education, environmental, financial services, tourism and travel related, recreational, cultural and sporting and transport services.  - Acheivement of ASEAN-China regarding the negotiations of upgrading the Agreement:  - The ASEAN-China Upgraded Protocol was signed on the 22 of November 2015.  - The Third Package of Schedule of Specific Commitments as one of the upgrading elements of the Agreement is in the process of entry into force.  **Investment**   * To promote investments and to create a liberal, facilitative, transparent and competitive investment regime, the Parties agree to: * Enter into negotiations in order to progressively liberalize the investment regime. * Strengthen co-operation in investment, facilitate investment and improve transparency of investment rules and regulations. * Provide for the protection of investments.   -The ASEAN-China Upgraded Protocol was signed on the 22 of November 2015. As one of the upgrading elements of the Agreement, the upgrading the investment chapter in respect of promotion, facilitation, protection and liberalisation, beginning initially with promotion and facilitation. | |
| Trade Facilitation provisions (SPS, TBT, mutual recognition, customs cooperation, e-commerce, etc.) | | * The Parties agree to strengthen and enhance economic co-operation through the establishment of effective trade and investment facilitation measures, including, but not limited to, simplification of customs procedures and development of mutual recognition arrangements * The Parties agree to establish measures to strengthen co-operation which shall include, but shall not be limited to promotion and facilitation of trade in goods and services, and investment, such as standards and conformity assessment, technical barriers to trade/non-tariff measures, and customs co-operation; * The Parties agree to abide by the provisions of the WTO disciplines on, among others, non-tariff measures, technical barriers to trade, sanitary and phytosanitary measures, subsidies and countervailing measures, antidumping measures and intellectual property rights. | |
| Treatment of other issues (competition, intellectual property, labour, environment, etc). | | The Parties agree to abide by the provisions of the WTO disciplines on intellectual property rights. | |
| Other | | Any details from website <http://www.thaifta.com> | |
| Changes in 2012 | | The ratification of the Protocol to Incorporate the TBT and SPS Chapters into the ASEAN-China TIG Agreement.Signing and implementation of the second package for the schedule of commitments to liberalize trade in services under the ACFTA. | |
| Expected change in 2015 | | The ASEAN-China Upgraded Protocol is signed on the 21 th of November 2015 | |

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| **Agreement #2**  **Thailand-Australia Free Trade Agreement (TAFTA)** | |
| Background (membership, date of entry into force, type of agreement) | TAFTA is a free trade agreement between Thailand and Australia. The Agreement entered into force on 1 January 2005. |
| Date of notification to the WTO | 27 December 2004 |
| General provisions | The Parties agreed to establish a free trade area consistent with Article XXIV of the General Agreement on Tariffs and Trade 1994 (GATT 1994) and Article V of the General Agreement on Trade in Services (GATS). |
| Institutional framework and dispute settlement | - A Free Trade Agreement Joint Commission (FTA Joint Commission) was established to ensure the proper implementation of the Agreement and to review periodically the economic relationship and partnership between the Parties.  - A Party shall accord adequate opportunity for consultations requested by the other Party with respect to any matter affecting the interpretation, implementation or application of the Agreement.  - If the consultations fail to settle a dispute, the Party which made the request for consultations may make a written request to the other Party to establish an arbitral tribunal. |
| Provisions relating to treatment of goods | Each Party shall accord national treatment to the goods of the other Party in accordance with Article III of GATT 1994 and progressively eliminate its customs duties on originating goods of the other Party. Each Party shall not increase an existing customs duty or introduce a new customs duty on imports of an originating good. Each Party may adopt or maintain import measures to allocate in-quota imports made pursuant to a tariff quota set out in the Agreement, provided that such measures do not have trade restrictive effects on imports additional to those caused by the imposition of the tariff quota. |
| Product coverage | All products |
| Rules of origin | A good shall be considered to be an originating good, if it meets one of the following requirements:  - It is wholly obtained or produced in the exporting party  - It satisfies the requirement of product specific rule for that good  **Status** Implemented |
| Provisions relating to treatment of services, investment and government procurement | - The Parties shall enter into further negotiations on trade in services within three years from the date of entry into force of the Agreement with the aim of enhancing the overall commitments undertaken by the Parties under the Agreement.  - Each Party shall encourage and promote investments in its territory by investors of the other Party, ensure fair and equitable treatment in its own territory of investments, and accord within its territory protection and security to investments.  - The Parties shall, to the extent possible, promote and apply transparency, value for money, open and effective competition, fair dealing, accountability and due process, and non-discrimination in their government procurement procedures. |
| Trade in Services | Under negotiating the further liberalization on market access. Recently, Joint Concept Paper have been elaborated in order to provide principle asnd guidelines of the future negotiations. |
| Trade Facilitation provisions (SPS, TBT, mutual recognition, customs cooperation, e-commerce, etc.) | - The Parties are to facilitate safe bilateral trade in food, plants and animals, including their products, and animal feed..  - The Parties are to facilitate trade and investment between the Parties through collaborative efforts which minimise the impact of technical regulations and/or assessments of manufacturers or manufacturing processes on the goods traded between the Parties, in the most appropriate or cost-effective manner.  - Each Party shall ensure that its customs procedures and practices are predictable, consistent and transparent and facilitate trade. |
| Treatment of other issues (competition, intellectual property, labour, environment, etc). | There are provisions to promote and enhance cooperation on competition and intellectual property issues. |
| Other | Further details are available on the Department of Trade Negotiations website: [http://www.dtn.go.th](http://www.dtn.go.thcom) |
| Expected changes in 2015 | Both parties expected to launch a new round of bilateral negotiations which covers issues of trade in services |

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| **Agreement #3**  **Thailand-New Zealand Closer Economic Partnership (TNZCEP)** | |
| Background (membership, date of entry into force, type of agreement) | TNZCEP is a free trade agreement between Thailand and New Zealand. The agreement entered into force on July 1, 2005. |
| Date of notification to the WTO | 2 December 2005 |
| General provisions | The Parties agree to establish a free trade area consistent with the WTO Agreement, based upon the principles of common interest and cooperation and the goals of free and open trade and investment. |
| Institutional framework and dispute settlement | The Closer Economic Partnership Joint Commission (CEP Joint Commission) was established to ensure the proper implementation of the Agreement and to review periodically the economic relationship and partnership between the Parties. |
| Provisions relating to treatment of goods | Each Party shall accord national treatment to the goods of the other Party in accordance with Article III or GATT 1994. A Party shall not increase an existing customs duty or introduce a new customs duty on imports of an originating good and progressively eliminate its customs duties on originating goods of the other Party. Each Party may adopt or maintain measures necessary to administer a tariff quota provided that such measures are transparent and predictable and shall not have trade restrictive effects on imports additional to those caused by the imposition of the tariff quota. |
| Product coverage | All products |
| Rules of origin | A good shall be considered to be an originating good, if it meets one of the following requirements:  - It is wholly obtained or produced in the exporting party  - It satisfies the requirement of product specific rule for that good  **Status** Implemented |
| Provisions relating to treatment of services, investment and government procurement | * The Parties agree to conclude an agreement which liberalises trade in services between the Parties and which is consistent with Articles V.1 and V.3 of GATS. The Parties shall enter into negotiations on trade in services within three years from the date of entry into force, with the aim of concluding an agreement to liberalise trade in services between the two Parties as soon as possible. * The Parties shall encourage and promote the open flow of investment between the Parties; ensure transparent rules conducive to increased investment flows between the Parties; accord protection and security to investments of the other Party within each Party’s territory; and enhance cooperation in investment between the Parties in order to improve the efficiency, competitiveness and diversity of investment. |
| Services coverage | Negotiations on trade in services will begin within 3 years from the date of entry into force of this agreement. In the meantime, Thai chefs will be allowed to enter in New Zealand for 3-4 years. |
| Trade Facilitation provisions (SPS, TBT, mutual recognition, customs cooperation, e-commerce, etc.) | The Joint SPS Committee was established to initiate, develop and review implementing arrangements on technical matters including harmonization, equivalence, control, inspection and approval procedures in order to facilitate trade between the Parties, particularly in agricultural and food products. |
| Treatment of other issues (competition, intellectual property, labour, environment, etc). | There are provisions to promote competition and cooperation in intellectual property issues. |
| Other | Any details from website http://www.dtn.go.th |
| Expected changes in 2014 | Both parties expect to launch a new round of bilateral negotiations which cover issues of services, government procurement and Special safeguards. |

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| **Agreement #4**  **ASEAN-Japan Comprehensive Economic Partnership Agreement (AJCEP)** | |
| Background (membership, date of entry into force, type of agreement) | AJCEP is a comprehensive free trade agreement between the 10-coutry Association of Southeast Asian Nations and Japan. The agreement entered into force on December 1, 2008 for Japan, Singapore, Vietnam, Lao PDR., Myanmar; on January 1, 2009 for Brunei Darussalam; on February 1, 2009 for Malaysia; and on June 1, 2009 for the Kingdom of Thailand. |
| Date of notification to the WTO | On the process of notification to WTO |
| General provisions | The Parties agree to establish a free trade agreement consistent with the WTO Agreement, based upon the principles of common interest and cooperation and the goals of free and open trade and investment. |
| Institutional framework and dispute settlement | * The Joint Committee was established to ensure the proper implementation of the Agreement and to supervise and coordinate the work of all sub-committees established under the Agreement. * A Party shall accord adequate opportunity for consultations requested by the other Party with respect to any matter affecting the interpretation or application of the Agreement. * If the party complained against does not respond to the request of consultation or if the consultations fail to settle a dispute, the complaining party may request in writing, to the party complained against, the establishment of an arbitral tribunal. |
| Provisions relating to treatment of goods | * Each Party shall accord national treatment to the goods of the other Party in accordance with Article III or GATT 1994. * Each Party shall not institute or maintain any non-tariff measures including quantitative restrictions on the importation of any goods of the other Parties or on the exportation or sale of any good destined for another Party, except the same measures as those permitted under the WTO Agreement. * The Parties shall not nullify or impair any of the concessions under the Agreement, except in cases provided in the Agreement. * A Party which is a member of the WTO may apply a safeguard measure to an originating goods of the other Parties in accordance with Article XIX of GATT 1994 and the Agreement on Safeguards in Annex 1A to the WTO Agreement, or Article 5 of the Agreement on Agriculture in Annex 1A to the WTO Agreement. |
| Product coverage | All products |
| Rules of origin | A good shall be considered to be an originating good, if it meets one of the following requirements:  - It is wholly obtained or produced in the exporting party  - It satisfies the general rule by having a regional value content not less than 40 percent or undergoing a change in tariff classification at four-digit level of the Harmonized System; or  - It satisfies the requirement of product specific rule for that good  **Status** Implemented |
| Provisions relating to treatment of services, investment and government procurement | * The Parties agree to establish Sub-committee on Trade in Services within one year from the date of entry into force of the Agreement to continue to discuss and negotiate provisions for trade in services with a view to exploring measures towards further liberalization and facilitation of trade in services among ASEAN Member States and Japan. * The Parties agree to establish Sub-committee on Investment within one year from the date of entry into force of the Agreement to continue to discuss and negotiate provisions for investment, with a view to improving the efficiency and competitiveness of the investment environment of ASEAN Member States and Japan through progressive liberalization, promotion, facilitation and protection of investment. |
| Trade in Services | * Concluded the the negotiation of text Agreement. Regardings, the negotiations of market access, Thailand has concluded the negotiations and now in the mid of revising and legal scrubbing. |
| Investment | * Under negotiations of Investment Chapter. |
| Trade Facilitation provisions (SPS, TBT, mutual recognition, customs cooperation, e-commerce, etc.) | * The Parties reaffirm their existing rights and obligations with respect to each other under the SPS Agreement and the TBT Agreement. * The Parties agree to establish Sub-Committee on Standards, Technical Regulations and Conformity Assessment Procedures and the Sub-Committee on Sanitary and Phytosanitary Measures for the purposes of the effective implementation and operation. * For prompt customs clearance of goods traded among the Parties, each Part shall endeavour to (a) simplify its customs procedures and (b) harmonise its customs procedures, to the extent possible, with relevant international standards and recommended practices. |
| Treatment of other issues (competition, intellectual property, labour, environment, etc). | * There are cooperation on competition policy and intellectual property issues. * The Parties agreed to establish a special working group to review and monitor the implementation of intellectual property cooperation. |
| Other | Any details from website http://www.dtn.go.th |

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| **Agreement #5**  **Japan-Thailand Economic Partnership Agreement** | |
| Issues being covered in the negotiations | Trade in Goods, Trade in Services, Investment, Safeguard Measures, Rules of Origin, Customs Procedures, Paperless Trading, Mutual Recognition, Movement of Natural Persons, Intellectual Property, Government Procurement, Economic Cooperation (Agriculture Forestry and Fisheries, Human Resource Development, Enhance Business Environment, Financial Services, Information and Communication Technology, Science Technology, Energy and Environment, Small and Medium Enterprises, Tourism, Promotion of Trade and Investment). |
| Status of negotiations | Signed on 3 April 2007 and entered into force since 1 November 2007 |
| Scope and coverage of Services | Thailand’s specific commitments comprise of following sectors: business, communication, construction and related engineering, distribution, education, environmental, financial services, tourism and travel related, recreational, cultural and sporting and transport services.  No further negotiations. |
| Future Plans | Further liberalization on Trade in Goods, Trade in Services and Investment. |

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| **Agreement #6**  **ASEAN-Korea Free Trade Agreement** | |
| Issues being covered in the negotiations | Trade in Goods, Trade in Services, Investment, Rules of Origin, Intellectual Property, Government Procurement, Economic Cooperation (Customs Procedures, Trade and Investment Promotion, Small and Medium Enterprises, Human Resource Management and Development, Tourism, Science and Technology, Financial Services, Information and Communication Technology, Agriculture, Fisheries, Livestock, Plantation and Forestry, Intellectual Property, Environment Industry, Broadcasting, Construction Technology, Standards and Conformity Assessment and Sanitary & Phytosanitary Measures, Mining, Energy, Natural Resources, Shipbuilding & Maritime Transport, Film) |
| Status of negotiations | ASEAN and Korea have concluded Trade in Goods Agreement in August 2006 The said agreement has been effective since June 2007 and for Thailand in 2010. |
| Future Plans | - ASEAN and KOR explore the possibility for further liberalization on Trade in Services. They currently exchange questionnaires and answer on policy matter in areas/sectors where both parties are interested.  - ASEAN and KOR agree to reactivate their Working group on Investment to negotiate Investment by first Quarter of 2014.  - ASEAN and KOR agree to further liberalization of products in the Sensitive Track (ST) and set goal to conclude the negotiation by August 2015. |
| Rules of origin | A good shall be considered to be an originating good, if it meets one of the following requirements:  - It is wholly obtained or produced in the exporting party  - It satisfies the general rule by having a regional value content not less than 40 percent or undergoing a change in tariff classification at four-digit level of the Harmonized System; or  - It satisfies the requirement of product specific rule for that good  **Status** Implemented |
| Trade in Services | - No further negotiations of Trade in Services Chapter. |
| Investment | - Fourth Round of discussion of built in agenda items under Article 27 Work Program. |

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| **Agreement #7**  **ASEAN (ATIGA)** | |
| Rules of origin | A Good shall be considered to be an originating goods, if it meets one of the following requirements:  - It is wholly obtained or produced in the exporting party  - It satisfies the general rule by having a regional value content not less than 40 percent or undergoing a change in tariff classification at four-digit level of the Harmonized System; or  - It satisfies the requirement of product specific rule for that goods  **Status** Implemented |

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| **Agreement #8**  **ASEAN-Australia-New Zealand (AANZFTA)** | |
| Rules of origin | A Good shall be considered to be an originating good, if it meets one of the following requirements:  - It is wholly obtained or produced in the exporting party  - It satisfies the requirement of product specific rule for that good  **Status** Implemented |

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| **Agreement #9**  **ASEAN-India (AIFTA)** | |
| Rules of origin | A good shall be considered to be an originating good, if it meets one of the following requirements:  - It is wholly obtained or produced in the exporting party  - It satisfies the general rule by having a regional value content not less than 35 percent and undergoing a change in tariff classification at six-digit level of the Harmonized System; or  - It satisfies the requirement of product specific rule for that good  **Status** Implemented |

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| **Agreement #10**  **Thai-China** | |
| Rules of origin | A good shall be considered to be an originating good, if it meets one of the following requirements:  - It is wholly obtained or produced in the exporting party  - It satisfies the general rule by having a regional value content not less than 40 percent or undergoing a change in tariff classification at four-digit level of the Harmonized System; or  - It satisfies the requirement of product specific rule for that good  **Status** Implemented |

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| **Part 2: Agreements under negotiation** | |
| **Agreement #1**  **Thailand-India Free Trade Agreement** | |
| Issues being covered in the negotiations | Comprehensive agreement covered Trade in Goods, Trade in Services, Investment, Rules of Origin, Trade Remedies, Customs Procedures, Sanitary and Phytosanitary Measures, Technical Barrier to Trade, Economic Cooperation, and Dispute Settlement Mechanism |
| Status of negotiations | Twenty-eighth round of negotiation in November 2013, New Delhi, India. |
| Rules of origin | A good shall be considered to be an originating good, if it meets one of the following requirements:  - It is wholly obtained or produced in the exporting party  - It satisfies the general rule by having a regional value content not less than 40 percent and undergoing a change in tariff classification at four-digit level of the Harmonized System; or  - It satisfies the requirement of product specific rule for that good  **Status** Implemented |
| Trade in Services | Under negotiations of Trade in Services Chapter, Movement of Natural Persons Chapter. |
| Investment | Under negotiations of Investment Chapter. |

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| **Agreement #2**  **BIMSTEC Free Trade Area** | |
| Issues being covered in the negotiations | Trade in Goods, Trade in Services, Investment, Rules of Origin, Custom Procedures, Economic Cooperation, Dispute Settlement Mechanism |
| Status of negotiations | 20th round of negotiation in September 2015 |
| Services and Investment | Under negotiations of Trade in Services and Investment Chapter |

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| **Agreement #3**  **Thailand–Peru Closer Economic Partnership Agreement** | |
| Issues being covered in the negotiations | Trade in goods, Trade in services, Investment, Rules of origin, Trade Remedies, Sanitary and Phytosanitary Measures, Technical Barriers to Trade, Customs procedures, Transparency, and Dispute Settlement Mechanism |
| Status of negotiations | Protocol of Early Harvest, provided for elimination of tariffs on 70% of all products, was effective since December 2011. Thailand and Peru started the negotiations on the expansion of the agreement in the first quarter of 2012. Recently Thailand and Peru have concluded the negotiations in October 2013. |
| Rules of origin | A good shall be considered to be an originating good, if it meets one of the following requirements:  - It is wholly obtained or produced in the exporting party  - It satisfies the requirement of product specific rule for that good  **Status** Implemented |
| Trade in Services | Concluded the negotiation of Trade in Services Chapter. Regarding the negotiations of market access is under negotiations. |
| Investment | The Investment Chapter will be negotiated no later than two years after the entry into force of the Agreement with the agreement of both Parties. |

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| **Agreement #4**  **Thailand–EU Free Trade Agreement** | |
| Issue being covered in the negotiations | Trade in Goods, SPS, TBT, Rules of Origin, Customs Procedures, Trade Remedies, Trade in Services, Investment, Intellectual Property, Government Procurement, Competition, Trade and Sustainable Development, Transparency, and Dispute Settlement |
| Status of negotiations | - Forth Round of Negotiations in March 2014  - The next negotiation has not been set. |
| Trade in Services and Investment | The negotiations are temporarily suspended. |

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| **Agreement #5**  **Thailand-Chile Free Trade Agreement** | |
| Issue being covered in the negotiations | Trade in Goods, Rules of Origin, Customs Procedures, Sanitary and Phytosanitary Measures, Technical Barriers to Trade, Trade Remedies, Trade in Services, Trade in Financial Services, Economic Cooperation, Transparency, Administration and Institutional Provisions, Dispute Settlement |
| Status of negotiations | Thailand and Chile has signed the Free Trade Agreement in October 2013. Recently Thailand and Chile have already entered into force on 5 November 2015 |
| Rules of origin | A good shall be considered to be an originating good, if it meets one of the following requirements:  - It is wholly obtained or produced in the exporting party  - It satisfies the requirement of product specific rule for that good  **Status** Implemented |
| Trade in Services | Concluded the negotiations of Trade in Services Chapter and market access. The Agreement was signed and entered into force on the 5th of November 2015. |
| Investment | The Investment Chapter will be negotiated no later than two years after the entry into force of the Agreement with the agreement of both Parties. The Agreement was signed and entered into force on the 5th of November 2015. |

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| **Agreement #6**  **RCEP (Regional Comprehensive Economic Partnership)** | |
| Issues being covered in the negotiations | Comprehensive Agreement covered Trade in Goods, Trade in Services, Investment, Rules of Origin, Trade Remedies, Customs Procedures, Sanitary and Phytosanitary Measures, Technical Berrier to Trade, Economic and Technical Cooperation, Dispute Settlement, Intellectual Property, Competition Policy and other issues that may identified and mutually agreed during the course of negotiations |
| Status of negotiations | Tenth Round of Negotiations in October 2015 |
| Trade in Services | Under negotiations of Trade in Services Chapter and exchange requests-offers between Parties. |
| Investment | Under negotiations of Investment Chapter and Non-Comforming Measures of Reservation Lists. |

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| **Agreement #7**  **ASEAN-Hong Kong** | |
| Status of negotiations | 5th Round of Negotiations in November 2015 |

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| **Agreement #8**  **Thai-Pakistan** | |
| Status of negotiations | 1st round of negotiation in September 2015 |

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| ***Other voluntary reporting areas***  Website for further information: | [www.dit.go.th/otcc](http://www.dit.go.th/otcc) |
| Contact point for further details: | Mr.Urajitt Chittacevi Email : [urajittj@hotmail.com](mailto:urajittj@hotmail.com)  Mr.Pongkun Supavita Email: [pongkunsu@gmail.com](mailto:pongkunsu@gmail.com) |

1. [↑](#footnote-ref-1)