

THAILAND

Schedule of Specific Commitments

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
All Sectors ; For a service supplier of another Party who is natural person of that Party but is not national of that Party in mode 1,2,3,4: unbound			
	<p>(3) In the case of the supply of services through commercial presence, only juridical persons of another Party owned and controlled by persons of any Party may benefit from Thailand's commitments.</p> <p>Unless otherwise specified at the sector- specific level, commercial presence in sectors or subsectors in this schedule is permitted only through a limited liability company which is registered in Thailand and which meets the following conditions:</p> <p>(a) Foreign equity participation must not exceed 49 per cent of the registered capital; and</p> <p>(b) The number of foreign shareholders must be less than half of the total number of shareholders of the company concerned.</p> <p>(4) Unless otherwise specified at the sector-specific level, temporary movement of natural persons is</p>	<p>(3) In the case of the supply of services through commercial presence, only juridical persons of another Party owned and controlled by persons of any Party may benefit from Thailand's commitments.</p> <p>Unless otherwise specified at the sector- specific level, for commercial entity incorporated pursuant to Thailand's laws and regulations with foreign equity participation not exceeding 49 percent of the registered capital : None</p> <p>The manager or the representative of the juristic person who apply for a license must be a Thai national.</p> <p>The director and deputy director must be Thai nationals.</p> <p>The manager and executive manager must be Thai nationals.</p> <p>Others : Unbound, including subsidies</p> <p>(4) Unbound, except as provided in the MA column</p>	

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	<p>unbound except in the following categories:</p> <p>I. Business Visitors (BV)</p> <p>(a) Service sellers :Representatives of a service supplier who enter and stay in Thailand temporarily without receiving remuneration from within Thailand for the sale of goods or services or entering into agreement for such sale for that services supplier.</p> <p>(b) Persons responsible for establishing a commercial presence : Representatives of a service supplier who enter and stay in Thailand temporarily for the purposes of:</p> <ul style="list-style-type: none"> - participating in business meetings or contacts, - visiting of business establishments or other similar activities, - entering with a purpose to establish a commercial presence of a service supplier in Thailand when the service supplier has no commercial presence in Thailand. <p><u>Condition :</u> Representatives of such service</p>		

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	<p>juridical person will not be suppliers or employees of such engaged in making direct sales to the general public or in supplying services themselves.</p> <p><u>Duration of stay :</u> Temporary stay will be permitted and a work permit granted, when apply for, for an initial period of not more than 90 days. Representative of category (b) may be extended for a further period of not more than one year from the arrival date, provided that the criteria stipulated by the Immigration Bureau and the Department of Employment have been satisfied.</p> <p>II. Intra-corporate Transferees (ICT)</p> <p>Employees of a company established in the territory of another Party who are transferred temporarily for the supply of a service through commercial presence in Thailand.</p> <p>The employees refer to Executives, Managers, or Specialists as defined below.</p>		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Manager is defined as : A person within an organization who primarily directs the organization, or a department or sub-division of the organization; supervises and controls the work of other supervisory, professional or managerial employees; has the authority to hire and fire or recommend hiring, firing, or other personnel actions (such as promotion or leave authorization); and exercises discretionary authority over day-to-day operations. Does not include first-line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily perform tasks necessary for the provision of the service.</p> <p>Executive is defined as : A person within an organization who primarily directs the management of the organization, exercises wide latitude in decision-making, and receives only general supervision or direction from higher-level executives, (the board of directors, or shareholders of the business). An executive would not directly perform tasks related to the actual provision of a service or</p>		

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	<p>services of the organization.</p> <p>Specialist is defined as : A person within an organization who possesses knowledge at an advanced level of continued expertise possesses proprietary knowledge of the organization services, research equipment, techniques, or management.</p> <p>Condition : Such employees must have been employed by the company concerned outside Thailand for a period of not less than one year immediately preceding the date of his or her application for admission; have satisfied the criteria stipulated by the Immigration Bureau and hold a Non-Immigration visa; and have satisfied the criteria for management needs¹ stipulated by the Department of Employment.</p> <p>Duration of stay : Temporary stay will be permitted and a work permit granted, when apply for, for a one year period, and may be extended for a further three terms of not more than one year</p>		

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

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	<p>each subject to verification of ongoing employment with original employer and compliance with relevant Thai laws and regulations.</p> <p>(3, 4) Acquisition and usage of land: according to the Land Code of Thailand, foreign nationals or domestic companies which are deemed foreigners are not allowed to purchase or own land in Thailand. However, they may lease land and own buildings. Foreigners are also allowed to own part of condominium units under the laws and regulations governing the ownership of condominiums.</p> <p>(1, 2, 3, 4) Taxation measures are subject to domestic laws, rules and regulations, consistent with the GATS.</p>	<p>(3, 4) Acquisition and usage of land: Unbound, except as provided in the MA column</p> <p>(1, 2, 3, 4) Taxation measures are subject to domestic laws, rules and regulations, consistent with the GATS.</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES	(1) Unbound	(1) Unbound	
A. Professional Services	(2) None	(2) None	
(a) Legal services (CPC 86111+86119+ 86120+86130+86190)	(3) None	(3) None	
	(4) Unbound	(4) Unbound	
(b) Accounting, auditing and bookkeeping services (CPC 862)	(1) None	(1) Unbound	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound	(4) Unbound	
(d) Architectural services (CPC 8671)	(1) None	(1) Service must be authenticated by licensed architect in Thailand	
	(2) None	(2) None	
	(3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is	(3) None	

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	<p>registered in Thailand and which meets the following conditions:</p> <p>a) Foreign equity participation must not exceed 49 per cent of the registered capital;</p> <p><u>Limited Liability Company</u></p> <p>b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from the Architects Council;</p> <p><u>Limited Partnership or Registered Ordinary Partnership</u></p> <p>c) The managing partner or manager must be the person of Thai nationality; and At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Architects Council.</p> <p>(4) Unbound</p>	<p>(4) Unbound</p>	
(e) Engineering services (CPC 8672)	<p>(1) None</p> <p>(2) None</p>	<p>(1) Unbound</p> <p>(2) None</p>	

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	<p>(3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions:</p> <p>a) Foreign equity participation must not exceed 49 per cent of the registered capital;</p> <p><u>Limited Liability Company</u></p> <p>b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from Council of Engineers;</p> <p><u>Limited Partnership or Registered Ordinary Partnerships</u></p> <p>c) The managing partner or manager must be the person of Thai nationality; and</p> <p>d) At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Engineers Council.</p> <p>(4) a) As indicated in the horizontal section b) Unbound for civil engineer.</p>	<p>(3) None</p> <p>(4) Unbound, except as provided in the horizontal section</p>	

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(g) Urban planning Service (CPC 86741)	<p>(1) None</p> <p>(2) None</p> <p>(3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions:</p> <p style="margin-left: 20px;">a) Foreign equity participation must not exceed 49 per cent of the registered capital;</p> <p style="margin-left: 20px;"><u>Limited Liability Company</u></p> <p style="margin-left: 20px;">b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from the Architects Council;</p> <p style="margin-left: 20px;"><u>Limited Partnership or Registered Ordinary Partnership</u></p> <p style="margin-left: 20px;">c) The managing partner or manager must be the person of Thai nationality; and</p> <p style="margin-left: 20px;">d) At least half of its partner(s), or its managing partner must be the person of Thai nationality and obtain a license from the Architects Council.</p> <p>(4) Unbound</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound</p>	

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Landscape architectural services (CPC 86742)	<p>(1) None</p> <p>(2) None</p> <p>(3) Commercial presence is permitted either in the form of a limited liability company or limited partnership or registered ordinary partnership whose head office is registered in Thailand and which meets the following conditions:</p> <p style="margin-left: 20px;">a) Foreign equity participation must not exceed 49 per cent of the registered capital;</p> <p style="margin-left: 20px;"><u>Limited Liability Company</u></p> <p style="margin-left: 20px;">b) At least half of its director(s), or its managing director must be a person of Thai nationality and obtain a license from the Architects Council;</p> <p style="margin-left: 20px;"><u>Limited Partnership or Registered Ordinary Partnership</u></p> <p style="margin-left: 20px;">c) The managing partner or manager must be the person of Thai nationality; and</p> <p style="margin-left: 20px;">d) At least half of its partner(s), or its managing partner must be the person of Thai nationality</p>	<p>(1) Services must be authenticated by licensed architect in Thailand</p> <p>(2) None</p> <p>(3) None</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	and obtain a license from the Architects Council. (4) Unbound	(4) Unbound	
B. Computer and Related Services (a) Consultancy services related to the installation of computer hardware (CPC 84100)	(1) Unbound (2) None (3) None (4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by Ministry of Information and Communications Technology (hereinafter "ICT Ministry"), otherwise as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(b) Software implementation services (excluding programming and systems maintenance services) (CPC 84210+84220 +84230)	(1) Unbound (2) None (3) None other than that indicated in the horizontal section	(1) Unbound (2) None (3) None	

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	(4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section.	(4) Unbound, except as provided in the horizontal section	
(c) Data processing services (excluding those provided over public telecommunications network) (CPC 84310+84320 +84330+84390)	(1) Unbound (2) None (3) None other than that indicated in the horizontal section (4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(d) Data base services (excluding those provided over public telecommunications network) (CPC 84400)	(1) Unbound (2) None (3) None other than that indicated in the horizontal section (4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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E. Rental/Leasing Services without Operators	(1) Unbound	(1) Unbound	
d) Rental and leasing services concerning agricultural machinery, construction machinery, office machinery, other machinery and equipment without operator (CPC 83106-83109)	(2) None	(2) None	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	
F. <u>Other Business Services</u>	(1) Unbound	(1) Unbound	
(a) Advertising services (CPC 87110+87120 +87190)	(2) None	(2) None	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	
(b) Market research and public opinion polling services (CPC 86401 to 86402)	(1) Unbound	(1) Unbound	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

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(c) General management consulting services (CPC 86501)	(1) None (2) None (3) None (4) (a) As indicated in the horizontal section (b) Unbound for legal and auditing consultants	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(e) Technical testing and analysis services (CPC 86761+86769)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(f) Services incidental to agriculture; Consultancy services on agricultural extension: - soil preparation - seed production - plant protection - harvesting - grading - packing - storing	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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Soil analysis laboratory	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Soil survey and land use Planning	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Soil survey and land use Planning	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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Cover crop seed multiplication	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(f) Services incidental to forestry: Forestry consultant services	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(g) Services incidental to fishing: International trading, exporting products services (broker)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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Quality analysis services	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Canning process analysis services	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Technical services - Consulting - Research on marketing - Quality control	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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(h) Services incidental to mining at oil and gas fields	(1) Unbound (2) None (3) None (4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(n) Maintenance and repair services of office machinery and equipment including computers (CPC 84500)	(1) Unbound (2) None (3) None (4) Entry of contractual service suppliers may subject to numerical ceilings and specific qualification requirements set by ICT Ministry, otherwise as indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(q) Packaging services (CPC 87600)	(1) Unbound (2) None	(1) Unbound (2) None	

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	(3) None (4) As indicated in the horizontal section	(3) None (4) Unbound, except as provided in the horizontal section	
(r) Publishing and printing services excluding publishing newspaper (CPC 88442)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(t) Other Translation and interpretation services (CPC 87905)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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<p>2. COMMUNICATION SERVICES</p> <p>C. Telecommunications Services</p> <p><u>Commitments undertaken in this offer are subject to the following general conditions:</u></p> <ul style="list-style-type: none"> - Each service to be supplied in Thailand requires a specific governmental licence. - Licences are granted only to service suppliers duly constituted according to the Thai legislation, which requires head office and management located in the Thai territory. - Due to scarce resources, the number of licences may be limited. - The services in the Schedule of Specific Commitments shall be on facilities basis. - The service provider shall be a Thai registered company with foreign equity participation not exceeding 20 per cent of the registered capital and the number of foreign shareholders must not exceed 20 per cent of the total number of shareholders of the company. - The Communications Authority of Thailand has exclusive right to link with Intelsat and Inmarsat. - Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year of 2006, commitments on public telecommunication services will be introduced, and carried out in accordance with the implementing regulations to be issued by virtue of those acts. 			
<p>Public local, domestic long distance and international services:</p> <p>(a) Voice telephone services (b) Telex services (c) Telegraph services (d) Facsimile services</p>	<p>(1) None, other than traffic shall be routed through a gateway in Thailand operated by a supplier duly licensed; the provision of concerned services shall be agreed by the supplier duly licensed of both ends.</p> <p>(2) None, other than traffic shall be routed through a gateway in Thailand operated by a supplier duly licensed; the provision of concerned services shall be agreed by the supplier duly licensed of both ends.</p>	<p>(1) None</p> <p>(2) None</p>	<p>Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year of 2006, Thailand will introduce into its Schedule of Specific Commitments on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce</p>

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	<p>(3) Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year of 2006, Thailand will introduce the market access elements as contained in those acts into the relevant parts of its Schedule of Specific Commitments relating to the supply of public telecommunication services.</p> <p>(4) Unbound as indicated in the horizontal section</p>	<p>(3) Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year of 2006, Thailand will introduce the market access elements as contained in those acts into the relevant parts of its Schedule of Specific Commitments relating to the supply of public telecommunication services.</p> <p>(4) Unbound as indicated in the horizontal section</p>	resources.
(j) Data base access services (part of CPC 7523)	<p>(1) 1.1 Service providers must use public telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability</p> <p>(2) None</p> <p>(3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) No limitations as long as foreign equity participation does not exceed 40 per cent</p>	

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	<p>(b) Such company shall be permitted under the built-transferred-operated concept</p> <p>(c) Must use public telecommunication network under national telecommunication authorities</p> <p>(4) As indicated in the horizontal Section</p>	<p>(4) Unbound, except as provided in the horizontal section</p>	
<p>(n) On-line information and/or data processing services (part of CPC 843)</p>	<p>(1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability.</p> <p>(2) None</p> <p>(3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company (b) Such company shall be permitted under the built-transferred-operated concept (c) Must use public</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) No limitations as long as foreign equity participation does not exceed 40 per cent</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p align="center">telecommunication network under national telecommunication authorities</p> <p>(4) As indicated in the horizontal section</p>	<p>(4) Unbound, except as provided in the horizontal section</p>	
<p>(o) Other</p> <p>Telecommunications equipment sales services (part of CPC 75420)</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) (a) As indicated in the horizontal section (b) Unbound for civil engineer</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as provided in the horizontal section</p>	
<p>Telecommunications consulting services (CPC 75440)</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None other than that indicated in the horizontal section</p> <p>(4) a) As indicated in the horizontal section (b) Unbound for civil engineer</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as provided in the horizontal section</p>	

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Videotext (part of CPC 75299)	<p>(1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability.</p> <p>(2) None</p> <p>(3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company (b) Such company shall be permitted under the built-transferred-operated concept by national telecommunication authorities² (c) Must use public telecommunication network under national telecommunication Authorities (d) Selection of service providers shall be based on open tender</p> <p>(4) As indicated in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) No limitations as long as foreign equity participation does not exceed 40 per cent</p> <p>(4) Unbound, except as provided in the horizontal section</p>	

² This condition will be applied for at least 10 years.

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Teleconference (part of CPC 75292)	<p>(1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability.</p> <p>(2) None</p> <p>(3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company (b) Such company shall be permitted under the built-transferred-operated concept by national telecommunication authorities³ (c) Must use public telecommunication network under national telecommunication Authorities (d) Selection of service providers shall be based on open tender</p> <p>(4) As indicated in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) No limitations as long as foreign equity participation does not exceed 40 per cent</p> <p>(4) Unbound, except as provided in the horizontal section</p>	

³ This condition will be applied for at least 10 years.

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Domestic leased circuits (part of CPC 75299)	<p>(1) 1.1 Services providers must use telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability.</p> <p>(2) None</p> <p>(3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital and the number of foreign shareholders must not exceed 40 per cent of the total number of shareholders of the company (b) Such company shall be permitted under the built-transferred-operated concept by national telecommunication authorities⁴ (c) Must use public telecommunication network under national telecommunication Authorities (d) Selection of service providers shall be based on open tender</p> <p>(4) As indicated in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) No limitations as long as foreign equity participation does not exceed 40 per cent</p> <p>(4) Unbound, except as provided in the horizontal section</p>	

⁴ This condition will be applied for at least 10 years.

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Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. <u>Audiovisual Services</u>	(1) Unbound	(1) Unbound	
(a) Film/video production and distribution services excluding promotion or advertising services (CPC 96112+96113)	(2) None	(2) None	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	
(c) Radio/television services only for production of radio/TV programmes (CPC 96131+96132)	(1) Unbound	(1) Unbound	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Pre-erection Work at Construction Site (CPC 511)	(1) Unbound	(1) Unbound	
Construction Work for Buildings (CPC 512)	(2) None	(2) None	
Construction Work for Civil Engineering (CPC 513)	(3) None	(3) None	
Assembly and Erection of Prefabricated Constructions (CPC 514)	(4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	(4) Unbound, except as provided in the horizontal section	
Special Trade Construction (CPC 515)			
Installation Work (CPC 516)			
Building Completion and Finishing Work (CPC 517)			
Renting services related to equipment for construction or demolition of building or civil engineering works with operator (CPC 518)			
4. DISTRIBUTION SERVICES			
A. Commission Agents' Services (CPC 62111 to 62118)	(1) Unbound	(1) Unbound	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound	(4) Unbound	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
5. EDUCATIONAL SERVICES			
B. Secondary Education Services	(1) Unbound	(1) Unbound*	
A + B. International and National School Education Services excluding adult and other education (CPC 9219+ 9221, 9222)	(2) None	(2) None	
	(3) None	(3) None	
	(4) Foreign natural persons may enter Thailand to supply education services provided that: (1)the natural persons are invited or employed by education institutions duly established and registered in Thailand; (2)the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of Education, where applicable The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension. Others : As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section. The person who applies for the license to operate must have a domicile in Thailand	

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Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Technical and Vocational Education Services (CPC 9223, 9224)	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Foreign natural persons may enter Thailand to supply education services provided that:</p> <p style="padding-left: 20px;">(1) the natural persons are invited or employed by education institutions duly established and registered in Thailand;</p> <p style="padding-left: 20px;">(2) the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of Education, where applicable</p> <p style="padding-left: 20px;">The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension.</p> <p>Others : As indicated in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as provided in the horizontal section</p>	

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
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Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Professional and/or Short Courses Education Services (CPC 92400)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
E. Other education services (CPC 92900) Chinese language tuition services (part of CPC 92900)	(1) Unbound (2) None (3) Unbound (4) Foreign natural persons may enter Thailand to supply Chinese language tuition services provided that: (1) the natural persons are invited or employed by education institutions duly established and registered in Thailand; (2) the natural persons possess qualification and experiences set by such institutions as well as meeting other criteria that may be set by Ministry of Education where applicable The initial temporary stay shall be one year or the duration of employment period, whichever is shorter, with possibility of extension. Others : As indicated in the horizontal section	(1) Unbound (2) None (3) Unbound (4) Unbound	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
6. ENVIRONMENTAL SERVICES			
A . Environmental Consultancy on Sewage System, Refuse Disposal, Hazardous Waste Management, Air Pollution and Noise Management, Sanitation and Other Environmental Management Services (CPC 9401)	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Environmental Protection and Environmental Abatement Services(CPC 9401)	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Sewage Services (including industrial waste water treatment system) (CPC 9401)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Refuse Disposal Services (including hazardous waste management and incinerator) (CPC 9402)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
C. Sanitation and Similar Services (CPC 9403)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
D. Other Cleaning services of exhaust gases (including industrial emission abatement) (CPC 9404)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Noise abatement services (CPC 9405)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Nature and landscape protection services(CPC 9406)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Other environmental protection services (CPC 9409)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>7. FINANCIAL SERVICES</p> <ul style="list-style-type: none"> - With regard to the scope of operation and types of financial services that can be provided, each type of financial institution will be permitted to operate the sector or sub-sector of banking and other financial services only to the extent that their respective governing legislation permit them to do so. - All commitments in this sector are subject to horizontal commitments in Thailand's GATS schedule of specific commitments. 			
<p>A. <u>Insurance including Reinsurance and retrocession</u></p> <p>(a) Life insurance services (CPC 81211)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) (a) Foreign equity participation limited to 25 per cent of registered share capital. (b) New establishment is subject to licence approved by the Minister with the consent of the Cabinet.</p> <p>(4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner</p>	<p>(1) None</p> <p>(2) Life insurance premium is tax deductible up to a certain amount for holders of policies issued by local companies.</p> <p>(3) None other than that indicated in the MA column</p> <p>(4) Unbound, except as provided in the horizontal section</p>	
<p>(b) Non-life insurance services (CPC 8129)</p>	<p>(1) Unbound except for international marine, aviation and transit and all classes of reinsurance.</p> <p>(2) None</p> <p>(3) (a) Foreign equity participation limited to 25 per cent of</p>	<p>(1) Unbound</p> <p>(2)</p> <p>(3) None other than that indicated in the MA column</p>	

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS

For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>registered share capital. (b) New establishment is subject to license approved by the Minister with the consent of the Cabinet</p> <p>(4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.</p>	<p>(4) Unbound, except as provided in the horizontal section</p>	
<p>(d) Services auxiliary to insurance (excluding pension funding services)</p> <p>Insurance broking and agency services (CPC 81401) (Brokers shall not induce, advise or do any acts so as to cause any person to enter into insurance contracts with insurers abroad, except for reinsurance contracts)</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) Foreign equity participation not to exceed 25 per cent.</p> <p>(4) (a) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner. (b) Unbound for individual broker and agent.</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None other than that indicated in the MA column</p> <p>(4) Unbound, except as provided in the horizontal section</p>	
<p>Insurance consultancy services excluding pension consulting services (CPC 81402)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Only senior managerial personnel,</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as provided in the</p>	

THAILAND - SCHEDULE OF SPECIFIC COMMITMENTS
For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	specialists and technical assistants with the approval of the Insurance Commissioner.	horizontal section	
Average and loss adjustment services (CPC 81403)	(1) None (2) None (3) None (4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner.	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Actuarial Services (CPC 81404) Services auxiliary to financial intermediation other than to insurance and pension funding services	(1) None (2) None (3) None (4) Only senior managerial personnel, specialists and technical assistants with the approval of the Insurance Commissioner. None	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section (1) None	
Credit card services (CPC 81133) (Mobilizing funds from the public is prohibited, unless licensed under a financial law)	(1) None (2) None (3) (a) As indicated in B(3)(j) below.	(1) None (2) None (3) None	

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Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(b) Financial institutions must obtain prior approval from the Bank of Thailand.</p> <p>(4) As indicated in the horizontal section</p>	<p>(4) Unbound, except as provided in the horizontal section</p>	
Financial consultancy services (CPC 81332)	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) As indicated in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as provided in the horizontal section</p>	
<p>B. <u>Banking and Other Financial Services</u></p> <p>Acceptance of deposits and other repayable funds from the public</p> <p>Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions</p> <p>Financial leasing</p> <p>Payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts</p>	<p>(1) None for financial advisory and financial data processing. Unbound for all other services.</p> <p>(2) None for financial advisory and financial data processing. Unbound for all other services.</p> <p>(3) <u>(a) Representative office of banks:</u> None.</p> <p><u>(b) Foreign bank branches:</u></p> <p>I. None for existing foreign bank branches under present shareholding structure. New establishment is subject to licence approved by the Minister</p>	<p>(1) None</p> <p>(2)</p> <p>(3)</p>	

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Guarantees and commitments</p> <p>Trading for own account, or for account of customers in the following: (a) money market instruments (b) foreign exchange (c) exchange rate and interest rate instruments (d) transferable securities</p> <p>Participation in issues of all kinds of securities, including underwriting and placement as agents (whether publicly or privately) and provision of services related to such issues</p> <p>Asset management as follows: - cash or portfolio management - collective investment management - custodian and depository services</p> <p>Advisory, intermediation and other auxiliary financial services</p> <p>Provision and transfer of financial information, and financial data processing and related software</p>	<p>of Finance with the consent of the Cabinet.</p> <p>II. ATM operations permitted under the following conditions only: (i) joining ATM pools operated by Thai banks; or (ii) operation within own premises or sharing the facilities with other commercial banks in Thailand.</p> <p>III. Existing foreign banks which already had the first branch office in Thailand prior to July 1995 will each be permitted to open no more than two additional branches.</p> <p>IV. None for participation in cheque clearing and settlement system.</p> <p><u>(c) Locally incorporated banks</u></p> <p>I. Market access limited to the acquisition of shares of existing banks.</p> <p>II. (i) Maximum foreign equity participation limited to 25 per cent of paid-up registered capital. Combined shareholding of an individual and his/her related persons not to exceed 5 per cent of bank's paid-up registered capital.</p>		

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(ii) The Minister of Finance upon recommendation of the Bank of Thailand may relax the above-mentioned limits on maximum foreign equity participation and combined shareholding of an individual and his/her related persons, subject to the terms and conditions announced by the Minister of Finance, including the following:</p> <ul style="list-style-type: none"> - the relaxation is deemed necessary to improve the condition or business of the commercial bank; - such equity participation will be authorized for a period of up to 10 years, with foreign shareholders who enter in this period being grandfathered thereafter with respect to the absolute amount of their equity holding. <p>III. At least three-fourths of the directors must be of Thai nationality. The Minister of Finance upon recommendation of the Bank of Thailand may allow more foreign nationals than specified above subject to</p>		

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>the same terms and conditions as stated in II (ii) above.</p> <p><u>(d) International Banking Facility⁵</u> New establishment is subject to licence approved by the Minister of Finance.</p> <p><u>(e) Finance companies and credit foncier companies</u></p> <p>I. None for representative offices.</p> <p>II. Market access limited to the acquisition of shares of existing companies.</p> <p>III. (i) Maximum foreign equity participation limited to 25 per cent of paid-up registered capital. Combined shareholding of an individual and his/her related persons not to exceed 10 per cent.</p> <p>(ii) The Minister of Finance upon recommendation of the Bank of Thailand may relax the above-mentioned limits</p>		

⁵ IBF units permitted to operate only the banking and investment banking business as specified in the Ministerial Order issued on 16 September 1992, and Notification of the Bank of Thailand dated 14 December 1993.

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>on maximum foreign equity participation and combined shareholding of an individual and his/her related persons, subject to the terms and conditions announced by the Minister of Finance, including the following:</p> <ul style="list-style-type: none"> - the relaxation is deemed necessary to improve the condition or business of the finance company and credit foncier company. - such equity participation will be authorized for a period of up to 10 years, with foreign shareholders who enter in this period being grandfathered thereafter with respect to the absolute amount of their equity holding. <p>IV. At least three-fourths of the directors must be of Thai nationality. The Minister of Finance upon recommendation of the Bank of Thailand may allow more foreign nationals than specified above subject to the same terms and conditions as stated in III(ii) above.</p>		

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Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(f) <u>Securities companies</u> Securities brokerage, securities dealing, investment advisory service and securities underwriting:</p> <p>I. None for representative offices.</p> <p>II. Market access limited to share acquisition of existing companies only. Unbound for new licences.</p> <p>III. Maximum foreign equity participation limited to 49 per cent of paid-up registered capital.</p> <p>IV. At least one-half of the directors of a locally incorporated securities firm must be Thai national.</p> <p>(g) <u>Asset management companies</u>:</p> <p>I. None for representative offices.</p> <p>II. Market access limited to share acquisition of existing companies.</p> <p>III. During the first five years after the licence has been granted, maximum foreign equity participation is limited to 25 per</p>		

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For the 2nd Package of Commitments under ASEAN - China FTA Trade in Services

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>cent of paid-up registered capital and at least three-fourths of the directors must be Thai national.</p> <p>IV. After five years, maximum foreign equity participation is limited to 49 per cent of paid-up registered capital and at least one-half of the directors must be Thai national.</p> <p>(h) Financial leasing services Can only be provided by leasing companies which are subject to maximum foreign equity participation of 49 per cent of paid-up registered capital, or by finance companies which are subject to maximum foreign equity participation of 25 per cent of paid-up registered capital, except in (e) III (ii).</p> <p>(i) Factoring services Can only be provided by factoring companies which are subject to maximum foreign equity participation of 49 per cent of paid-up registered capital, or by finance companies which are subject to maximum foreign equity participation of 25 per cent of paid-up registered capital, except in (e) III (ii).</p>		

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Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(j) Credit, charge and debit cards Credit, charge and debit cards can only be provided by companies which are subject to maximum foreign equity participation of 49 percent of paid-up registered capital or locally incorporated banks and foreign bank branches.</p> <p>The conduct of businesses under h), i) and j) will be subject to licensing and regulations to be announced.</p> <p>(4) As indicated in the horizontal section</p>	<p>(4) Unbound, except as provided in the horizontal section</p>	
9. TOURSIM AND TRAVEL RELATED SERVICES			
A. Hotel lodging services (CPC 64110)	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) As indicated in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as provided in the horizontal section</p>	
Restaurant services (CPC 64210)	<p>(1) None</p> <p>(2) None</p>	<p>(1) None</p> <p>(2) None</p>	

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Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) None (4) As indicated in the horizontal section	(3) None (4) Unbound, except as provided in the horizontal section	
Catering services (CPC 64230)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
B. Travel Agencies and Tour Operators Services (CPC7471)	(1) Unbound (2) None (3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must be Thai nationality (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Other Hotel management services	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
D. Sporting Services (excluding other sporting services specified in CPC 96419) (CPC 96411 + 96412 + 96413)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Recreation Park and Beach Services (CPC 96494)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
11. TRANSPORT SERVICES			
<u>A. Maritime Transport Services</u>			
(a) Passenger transportation (CPC 7211 less cabotage transport: as defined below - 3.1)	(1) None (2) None (3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in the horizontal section (4) (a) Ships' crews: Unbound (b) Other personnel: As indicated in the horizontal section	(1) None (2) None (3) a) Unbound b) None (4) a) Unbound b) Unbound, except as provided in the horizontal section	
(b) Freight transportation (CPC 7212 less cabotage transport: as defined below - 3.1)	(1) None (2) None (3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand	(1) None (2) None (3) (a) Unbound (b) None other than: (i) Shareholders of Thai maritime transport	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in the horizontal section</p> <p>(4) (a) Ships' crews: Unbound (b) Other personnel: As indicated in the horizontal section</p>	<p>companies with ownership of Thai flag vessels may be granted exemption or reduced rates of income tax leviable on dividends paid by such companies</p> <p>(ii) Exporters or importers of goods shipped from or to Thailand by Thai flag vessels may be entitled to special deduction of not more than 50 per cent of the freight values or other expenses paid in the ordinary course of carriage of such goods from their net income for the purpose of calculation of income tax</p> <p>(4) (a) Unbound (b) Unbound, except as provided in the horizontal section</p>	
Maritime agency services (as defined below – 3.6)	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None⁶</p> <p>(4) As indicated in the horizontal section</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as provided in the horizontal section</p>	

⁶ For transparency purposes, domestic regulations may require registration of service suppliers, minimum paid-up capital, experienced personnel, etc., on a non-discriminatory basis

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Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(e) International towing (CPC 7214)	<p>(1) None</p> <p>(2) None</p> <p>(3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand (b) Other forms of commercial presence for the supply of international towing service (as defined below - 3.2) except branch office: As indicated in the horizontal section</p> <p>(4) (a) Ships' crews: Unbound (b) Other personnel: As indicated in the horizontal section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) (a) Unbound (b) None</p> <p>(4) (a) Unbound (b) Unbound, except as provided in the horizontal section</p>	
(f) Supporting Services for maritime transport (CPC 745) Shore reception facilities (collection of waste/oily water from ships)	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) As indicated in the horizontal section</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as provided in the horizontal section</p>	

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Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Port captain's services attached to specific foreign vessels	(1) None (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Marine surveys and classification societies for the purpose of providing accurate documentation and certification of vessels	(1) None other than those under regulations stipulated by the Harbour Department (2) None (3) None (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provide in the MA column	
Freight forwarding services	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maritime cargo handling services ⁷	(1) Unbound (2) None (3) Supplying of services in the area under the jurisdiction of the Port Authority of Thailand is subject to certain conditions set up by the Ministerial Regulations issued under the Port Authority of Thailand Act B.E.2494 (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
<u>A. Air Transport Services</u> (d) Aircraft repair and maintenance services (CPC 8868)	(1) None (2) None (3) Services providers must perform their services outside the prescribed apron (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as provided in the horizontal section	

⁷ Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers when this workforce is organized independently of the stevedoring or terminal operator companies. The activities include the organization and supervision of:

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge

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Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(e) Supporting services for air transport (CPC 746) Selling and marketing of air transport services	(1) None	(1) Unbound	
	(2) None	(2) Unbound	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) Unbound, except as provided in the horizontal section	
Computer reservation system services	(1) None other than: (1) Service providers must use public telecommunication network under national telecommunication authorities. (2) Radio application service is subject to frequency availability	(1) None	
	(2) None	(2) None	
	(3) (1) Distribution through CRS is allowed for airlines offices and one General Sales Agent office (2) Service providers must use Thai public telecommunication network under national telecommunication authorities and have to comply with terms and conditions set out in Thailand's GATS offer on Telecommunication	(3) Unbound	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) As indicated in the horizontal section	(4) Unbound	
<u>E. Rail Transport Services</u>			
(d) Maintenance and repair of rail transport equipment (CPC 8868)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
(e) Supporting Services for rail transport services (CPC 743) Passenger and freight car cleaning services	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	
Security services at railway station	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>F. <u>Road Transport Services Other non-scheduled passenger transportation</u></p> <p>(b) Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerized freight (CPC 71231 to 71233)</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must have Thai nationality</p> <p>(4) As indicated in the horizontal section</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as provided in the horizontal section</p>	
<p>(c) Rental services of passenger cars with operator (CPC 71222)</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must have Thai nationality</p> <p>(4) As indicated in the horizontal section</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as provided in the horizontal section</p>	
<p>(C) Rental services of buses and coaches with operator (CPC 71223)</p>	<p>(1) Unbound</p> <p>(2) None</p>	<p>(1) Unbound</p> <p>(2) None</p>	

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Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must have Thai nationality (4) As indicated in the horizontal section	(3) None (4) Unbound, except as provided in the horizontal section	
H. <u>Services Auxiliary to All Modes of Transport</u> (b) Storage and warehousing services (CPC 742)	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as provided in the horizontal section	

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NOTE TO THE SCHEDULE

1. Where road, rail, inland waterways and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purpose of inland forwarding of cargoes, or have access to and use of these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations.

2. "Reasonable and non-discriminatory terms and conditions" means, for the purpose of multimodal transport operations, the ability of multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which enter the port at a later date.

3. Definitions:

3.1 "cabotage": for the purpose of this schedule, means the transportation or towage of passengers or goods, between a port or place located in Thai waters and another port or place located in Thai waters.

3.2 "Other forms of commercial presence for the supply of international maritime transport services": for the purpose of this schedule, means the ability for international maritime transport service suppliers of other members to undertake locally the following:

- (a) Marketing and sales of maritime transport services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself;
- (b) The procurement, on their own account of any transport and related services, necessary for the supply of the integrated service;
- (c) The preparation of documentation concerning transport documents, customer documents, or other document related to the origin and character of the goods transported;
- (d) Setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally with any locally established shipping agency: As indicated in the horizontal section.

3.3 "Multimodal transport operator" means the person on whose behalf the bill of lading/multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.

3.4 "Freight forwarding services" means the activity consisting of organizing and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, preparation of documentation and provision of business information.

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3.5 “Maritime cargo handling services” means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers when this workforce is organized independently of the stevedoring or terminal operator companies. The activities include the organization and supervision of:

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge

3.6 “Maritime agency services” means activities consisting of representing as an agent, the business interests of one or more shipping lines, for the following purposes:

- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuing of bill of lading of the shipping lines; procurement and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the shipping lines organizing the call of a ship or taking over cargoes when required.