

(สำเนา)

เลขที่รับ ๖๕๐๗/๒๕๕๒ วันที่ ๖ พ.ค. ๒๕๕๒

สำนักงานเลขาธิการสภาผู้แทนราษฎร

ที่ นร ๐๕๐๗/๒๕๕๒

สำนักนายกรัฐมนตรี

ทำเนียบรัฐบาล กทม. ๑๐๓๐๐

๖ พฤษภาคม ๒๕๕๒

เรื่อง ข้อเสนอผูกพันเปิดตลาดการค้าบริการของไทยชุดที่ ๗ ภายใต้กรอบความตกลงว่าด้วยบริการของอาเซียน  
กราบเรียน ประธานรัฐสภา

สิ่งที่ส่งมาด้วย ข้อเสนอผูกพันในเรื่องนี้ และเอกสารประกอบ

ด้วยคณะรัฐมนตรีได้ประชุมปรึกษาลงมติให้เสนอข้อเสนอผูกพันเปิดตลาดการค้าบริการของไทย  
ชุดที่ ๗ ภายใต้กรอบความตกลงว่าด้วยบริการของอาเซียน เพื่อขอความเห็นชอบจากรัฐสภา ดังที่ได้ส่งมาพร้อมนี้

จึงขอเสนอข้อเสนอผูกพันฯ ดังกล่าว มาเพื่อขอได้โปรดนำเสนอรัฐสภาพิจารณาให้ความเห็นชอบ  
ตามมาตรา ๑๙๐ ของรัฐธรรมนูญแห่งราชอาณาจักรไทยต่อไป

ขอแสดงความนับถืออย่างยิ่ง

(ลงชื่อ)

อภิสิทธิ์ เวชชาชีวะ

(นายอภิสิทธิ์ เวชชาชีวะ)

นายกรัฐมนตรี

สำนักเลขาธิการคณะรัฐมนตรี

โทร. ๐ ๒๒๔๐ ๙๐๐๐ ต่อ ๓๐๖

โทรสาร ๐ ๒๒๔๐ ๙๐๕๔

สำเนาถูกต้อง

(นางสาวรุ่งนภา ชันธิโชติ)

ผู้อำนวยการกลุ่มงานระเบียบวาระ

สำนักการประชุม

วันนา พิมพ์

๖๖๖๗ ทาน

LL ตรวจ

**ASEAN**

30 April 2009

**ASEAN Framework Agreement on Services**

Original: English

**THAILAND**

## **Offers**

**For the 7<sup>th</sup> Package of Schedule of Specific Commitments under AFAS**

Attached are Thailand offers for the 7<sup>th</sup> Package of Schedule of Specific Commitments under AFAS, which consists of:

- Horizontal Commitments;
- Sector-Specific Commitments; and
- Final list of MFN Exemptions

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**THAILAND OFFER FOR THE 7<sup>th</sup> PACKAGE OF SCHEDULE OF SPECIFIC COMMITMENTS UNDER AFAS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>3. <del>Unless otherwise specified at the sector-specific level</del>, 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, except in the following sub-sectors which this condition is not applied:</p> <ul style="list-style-type: none"> <li>- Accounting, auditing and bookkeeping services (CPC 862)</li> <li>- Consultancy services related to the installation of computer hardware (CPC 841)</li> <li>- Data base services (excluding those provided over public telecommunications network) (CPC 844)</li> <li>- Construction and related engineering services (CPC 511-518)</li> <li>- Maritime passenger and freight transportations (CPC 7211-7212 less cabotage transport)</li> </ul> <p>4. <del>Unless otherwise specified at the sector-specific level</del>, Temporary movement of natural persons is unbound except in the following categories:</p> <p>I. Business Visitor : A natural person who stays in Thailand for the purpose of participating in business meetings or contacts, entering into contract to sell or purchase services, visiting of business establishments or other similar activities and entering with a purpose to</p>	<p>3. <del>Unless otherwise specified at the sector-specific level</del>, 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><b>Commercial presence which is owned or controlled by foreigner(s) may be subject to certain requirements as stipulated by laws regarding foreign investment.</b></p> <p><b>The manager or the representative of the juristic person who apply for a license must be a Thai national.</b></p> <p><b>The director and deputy director must be Thai nationals.</b></p> <p><b>The manager and executive manager must be a Thai nationals.</b></p> <p>Others : Unbound, including subsidies</p> <p>4. Unbound, except as provided in the MA column</p>	

**THAILAND OFFER FOR THE 7<sup>th</sup> PACKAGE OF SCHEDULE OF SPECIFIC COMMITMENTS UNDER AFAS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>establish a commercial presence in Thailand. Such temporary entry will be permitted for an initial period of not more than 90 days and may be extended for a further period of not more than one year.</p> <p>II. Intra-corporate Transferee : A corporate transferee of the managerial or executive level or a specialist, provided that such person has 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 and has satisfied the criteria for management needs<sup>1</sup> stipulated by the Department of Employment. The temporary stay is limited to a one year period and may be extended for a further three terms of not more than one year each.</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>3, 4. Acquisition and usage of land: Unbound, except as provided in the MA column</p>	

<sup>1</sup> 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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Modes of supply: 1) Cross-border supply      2) Consumption abroad      3) Commercial presence      4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
1. BUSINESS SERVICES			
A. Professional Services			
(a) Legal services (CPC 861)	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
(b) Accounting, auditing and bookkeeping services (CPC 862) (i.e. 86211 to 86213 +86219+86220)	1) None 2) None 3) None 4) Unbound	1) Auditing must be authenticated by licensed auditor in Thailand. 2) None 3) None 4) Unbound	
(c) Taxation services (CPC 863)	1) None 2) None 3) None 4) Unbound	1) Tax filing must be authenticated by licensed tax auditor and/or licensed auditor in Thailand. 2) None 3) None 4) Unbound	
(d) Architectural services (CPC 8671) (i.e. 86711 to 86714+86719)	1) 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 registered in Thailand and which meets the following conditions: a) Foreign equity participation must not exceed 49 per cent of the registered capital; <u>Limited Liability Company :</u> 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; <u>Limited Partnership or Registered Ordinary Partnership :</u> c) The managing partner or manager must be the person of Thai nationality; and 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. 4) Unbound	1) Services must be authenticated by licensed architect in Thailand 2) None 3) None 4) Unbound	

THAILAND OFFER FOR THE 7<sup>th</sup> PACKAGE OF SCHEDULE OF SPECIFIC COMMITMENTS UNDER AFAS

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Engineering services (CPC 8672) (i.e. 86721 to 86727 +86729)	1) 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 registered in Thailand and which meets the following conditions: a) Foreign equity participation must not exceed 49 per cent of the registered capital; <u>Limited Liability Company :</u> 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; <u>Limited Partnership or Registered Ordinary Partnership :</u> c) The managing partner or manager must be the person of Thai nationality; and 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. 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) Services must be authenticated by licensed engineer in Thailand 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
(g) Urban planning and landscape architectural services (CPC 8674)	1) 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 registered in Thailand and which meets the following conditions: a) Foreign equity participation must not exceed 49 per cent of the registered capital; <u>Limited Liability Company :</u> 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; <u>Limited Partnership or Registered Ordinary Partnership :</u> c) The managing partner or manager must be the	1) Services must be authenticated by licensed architect in Thailand 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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>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 Architects Council.</p> <p>4) Unbound</p>	<p>4) Unbound</p>	
<p><b>(h) Medical and dental services:</b></p> <p>- General medical services (CPC 93121)</p> <p>- Specialized medical services (CPC 93122)</p> <p>- Dental services (CPC 93123)</p>	<p>1) None</p> <p>2) None</p> <p>3) Must only be OP clinic in a hospital. A person is allowed to operate not more than one sanatorium.</p> <p>4) As indicated in the horizontal section The person who will be responsible to operate the OP Clinic is required to have the license to operate for not more than one OP Clinic, and has obtained a license to practice in Thailand.</p> <p>1) None</p> <p>2) None</p> <p>3) Must only be dental department in a hospital, not dental clinic nor dental hospital. A person is allowed to operate not more than one sanatorium.</p> <p>4) As indicated in the horizontal section. The person who will be responsible to operate the dental department is required to have the license to operate for not more than one dental department, and has obtained a license to practice in Thailand.</p>	<p>1) None</p> <p>2) None</p> <p>3) The person who applies for the license to operate must have a domicile in Thailand</p> <p>4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b> The person who applies for the license to operate must have a domicile in Thailand.</p> <p>1) None</p> <p>2) None</p> <p>3) The person who applies for the license to operate must have a domicile in Thailand.</p> <p>4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b> The person who applies for the license to operate must have a domicile in Thailand.</p>	
<p><b>(i) Veterinary services</b></p> <p>- Veterinary services for pet animals (CPC 93201)</p>	<p>1) None</p> <p>2) None</p> <p>3) <b>A person is allowed to operate not more than one veterinary hospital.</b></p> <p>4) <b>Unbound</b></p>	<p>1) None</p> <p>2) None</p> <p>3) <b>The person who applies for the license to operate must have a domicile in Thailand.</b></p> <p>4) <b>Unbound</b></p>	
<p><b>(j) Services provided by nurses, (part of CPC 93191)</b></p>	<p>1) None</p> <p>2) None</p> <p>3) Must only be nursing department in a hospital. A person is allowed to operate not more than one sanatorium.</p>	<p>1) None</p> <p>2) None</p> <p>3) The person who applies for the license to operate must have a domicile in Thailand.</p>	

**THAILAND OFFER FOR THE 7<sup>th</sup> PACKAGE OF SCHEDULE OF SPECIFIC COMMITMENTS UNDER AFAS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	4) As indicated in the horizontal section. The person who will be responsible to operate the nursing department is required to have the license to operate for not more than one nursing department, and has obtained a license to practice in Thailand.	4) <del>Unbound, except as provided in the horizontal section.</del> <b>As indicated in the horizontal section</b> 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

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>B. Computer and Related Services</b>			
(a) Consultancy services related to the installation of computer hardware (CPC 841) (i.e. 84100)	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) As indicated in the horizontal section	
(b) Software implementation services (CPC 842) (i.e. 84210+84220+84230+84240+84250)	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) As indicated in the horizontal section	
(c) Data processing services [excluding those provided over public telecommunications network] (CPC 843) (i.e. 84310+84320+84330+84390)	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) As indicated in the horizontal section	
(d) Data base services (excluding those provided over public telecommunications network) (CPC 844) (i.e. 84400)	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) As indicated in the horizontal section	
(e) Other computer services:  - Maintenance and repair services of office machinery and equipment including computers (CPC 84500)	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	

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

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
C. Research and Development services			
(a) Research and experimental development on natural sciences:  - physical sciences (CPC 85101) - chemistry and biology (CPC 85102) - engineering and technology (CPC 85103)	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
(b) Research and experimental development on social sciences and humanities:  - economics (CPC 85202) - law (CPC 85203) - linguistic and languages (CPC 85204)	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
(c) <b>Interdisciplinary research and experimental development services</b>	1) <b>None</b> 2) <b>None</b> 3) <b>None</b> 4) <b>Unbound</b>	1) <b>None</b> 2) <b>None</b> 3) <b>None</b> 4) <b>Unbound</b>	
D. Real Estate Services			
(a) <b>Involving own or leased property</b>  - <b>Renting or leasing services involving own or leased residential property (CPC 82101)</b>	1) <b>None</b> 2) <b>None</b> 3) <b>None</b> 4) <b>Unbound</b>	1) <b>None</b> 2) <b>None</b> 3) <b>None</b> 4) <b>Unbound</b>	
(b) <b>On a fee or contract basis</b>  - <b>Residential property management services on a fee or contract basis (CPC 82201)</b>	1) <b>None</b> 2) <b>None</b> 3) <b>None</b> 4) <b>Unbound</b>	1) <b>None</b> 2) <b>None</b> 3) <b>None</b> 4) <b>Unbound</b>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. Rental/Leasing Services without Operators			
(a) <b>Relating to ships:</b>  - Leasing or rental services concerning vessels	1) None 2) None 3) Foreign participation is permitted only through juridical person engaged in leasing or renting non-Thai flag vessels. Foreigner chartering Thai flag vessels is not allowed to conduct transport services within Thai territorial waters. 4) Unbound	1) None 2) None 3) Vessels registered under Thai flag may be granted rights and privileges in accordance with relevant Thai laws. 4) Unbound	
(c) <b>Relating to other transport equipment :</b>  - Private car	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
(d) <i>Relating to other machinery and equipment:</i> <del>Rental and leasing services concerning</del> - agricultural machinery and equipment without operator (CPC 83106) - construction machinery and equipment without operator (CPC 83107) - office machinery and equipment (incl. Computer) without operator (CPC 83108) - other machinery and equipment without operator (CPC 83109)	1) Unbound* 2) None 3) None 4) As indicated in the horizontal section	1) Unbound* 2) None 3) None 4) As indicated in the horizontal section	
(e) <b>Other</b>  Leasing or rental services concerning pleasure and	1) None 2) None	1) None 2) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
leisure equipment (CPC 83204)	3) None 4) Unbound	3) None 4) Unbound	
F. Other Business Services			
(a) Advertising services (CPC 871)	1) <del>Unbound</del> None 2) None 3) None 4) As indicated in the horizontal section	1) <del>Unbound</del> None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> As indicated in the horizontal section	
(b) Market research and public opinion polling services:  - Market research services (CPC 86401)  - Public opinion polling services (CPC 86402)	1) None 2) None 3) None 4) As indicated in the horizontal section  1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) As indicated in the horizontal section  1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
(c) Management consulting services:  - General management consulting services (CPC 86501)  - Financial management consulting services (CPC 86502 except business tax and except as provided in financial services sector) - Human resource management consulting services (CPC 86504)	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) As indicated in the horizontal section	1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> As indicated in the horizontal section  1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> As indicated in the horizontal section	
(d) Services related to			

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>management consulting:</b>  - <b>Project management services other than for construction (CPC 86601)</b>	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
(e) <b>Technical testing and analysis services (CPC 86761+86769) :</b>  - <b>Composition and purity testing and analysis services (CPC 86761)</b> - <b>Other technical testing and analysis services (CPC 86769)</b>	1) <del>Unbound</del> None 2) None 3) None 4) As indicated in the horizontal section	1) <del>Unbound</del> None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
(k) <b>Placement and supply services of personnel:</b>  - <b>Executive search services only for local employment</b>	1) None 2) None 3) <b>The managing partner and/or manager must be the person of Thai nationality</b> 4) Unbound	1) None 2) None 3) None 4) Unbound	
(m) <b>Related scientific and technical consulting services :</b>  - <b>Oil and gas exploration</b>	1) Unbound* 2) None 3) None 4) Unbound	1) Unbound* 2) None 3) None 4) Unbound	
(n) <b>Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment):</b>  - <b>Machinery and equipment, on a fee or contract basis</b>	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
(o) <b>Building-cleaning services:</b>			

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<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
- <b>Disinfecting and exterminating services (CPC 87401)</b>	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
(p) <b>Photographic services:</b>  - <b>Specialty photography services except aerial photography</b>	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
(q) <b>Packaging services (CPC 876)</b>	1) Unbound* 2) None 3) None 4) Unbound	1) Unbound* 2) None 3) None 4) Unbound	
(r) <b>Publishing and printing services excluding publishing newspaper (CPC 88442)</b>	1) Unbound* 2) None 3) None 4) Unbound	1) Unbound* 2) None 3) None 4) Unbound	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(s) <b>Convention services:</b>  Convention centre over 2,000 participants (The development of a building that consists of Exhibition Halls, Meeting Rooms, a conference hall with more than 2,000 seating capacity, a banquet and a business centre equipped with state of the art telecommunication and teleconferencing facilities to cater for the needs of the convention industry. The centre will also provide adequate carparks, shops and restaurants/cafes to the exhibitors, participants and visitors)	1) Unbound* 2) None 3) None 4) As indicated in the horizontal section	1) Unbound* 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
(t) Other: - Translation and interpretation services (CPC 87905)	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) As indicated in the horizontal section	

## 2. COMMUNICATION SERVICES

## C. Telecommunications Services

Commitments undertaken in this offer are subject to the following general conditions:

- Each service to be supplied in Thailand requires a specific licence issued by the National Telecommunications Commission (NTC). The number of licenses may be limited.
- 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.
- 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 25 per cent of the registered capital. The NTC may prescribe the prohibition that the applicant for certain nature or categories of telecommunications business who is a juristic person, shall not commit any other act which has the nature of business takeover by a person who is not of Thai nationality.
- Basic necessary new telecommunication acts are now in force. Commitments on public telecommunication services will be introduced and carried out in accordance with the implementing rules and regulations to be issued by virtue of those acts.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Public local, domestic long distance and international services:			
(a) Fixed-line voice telephone services	1), 2) None, other than - traffic shall be routed through a gateways in Thailand operated by a suppliers duly licensed;	1), 2) None	Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced 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 resources.
(a) Mobile telephone services (CPC 75213)	- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.		
(d) Telex services (CPC 7523**)	3) Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce the market access elements as contained in relevant legislation into its Schedule of Specific Commitments relating to the supply of public telecommunication services.	3) Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce the national treatment elements as contained in relevant legislation into its Schedule of Specific Commitments relating to the supply of public telecommunication services.	
(e) Telegraph services			
(f) Facsimile services (CPC 7521**+7529**)			
Paging services (CPC 75291)	4) As indicated in the horizontal section	4) As indicated in the horizontal section	
(j) Data base access services (part of CPC 7523)	1) Service providers must use networks operated by suppliers duly licensed 2) None 3) a) Shall be a Thai registered company with foreign equity participation not exceeding 25 per cent of the registered capital b) Must use networks operated by suppliers duly licensed 4) As indicated in horizontal section	1) None 2) None 3) No limitations as long as foreign equity participation does not exceed 25 per cent 4) As indicated 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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(h) Electronic mail (CPC 7523**)</p> <p>(i) Voice mail (CPC 7523**)</p> <p>(j) On-line information and data base retrieval (CPC 7523**)</p> <p>(n) On-line information and/or data processing services provided over public telecommunications network (part of CPC 843, excluding transaction processing)</p>	<p>1), 2) None, other than</p> <ul style="list-style-type: none"> <li>- traffic shall be routed through gateways in Thailand operated by suppliers duly licensed;</li> <li>- the provision of concerned services shall be agreed by the supplier duly licensed of both ends.</li> </ul> <p>3) Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce the market access elements as contained in relevant legislation into its Schedule of Specific Commitments relating to the supply of public telecommunication services.</p> <p>4) As indicated in the horizontal section</p>	<p>1), 2) None</p> <p>3) Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce the national treatment elements as contained in relevant legislation into its Schedule of Specific Commitments relating to the supply of public telecommunication services.</p> <p>4) As indicated in the horizontal section</p>	<p>Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced 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 resources.</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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(o) Other:			
Telecommunications terminal equipment leasing services (CPC 75410)	1) None, subject to commercial arrangement with licensed operators 2) None 3) None 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
Domestic VSAT (Up to the end of 1999, service provider must use THAICOM satellite)	1) 1.1 Service providers must use public telecommunication network under national telecommunication authorities; 1.2 Radio application service is subject to frequency availability 2) None 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 authorities <sup>2</sup> (c) Must use public telecommunication network under national telecommunication authorities 4) As indicated in the horizontal section	1) None 2) None 3) No limitations as long as foreign equity participation does not exceed 40 per cent 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
Telecommunications equipment sales services (part of CPC 75420)	1) None 2) None 3) None 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
Telecommunications consulting services (CPC 75440)	1) None 2) None 3) None 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	

<sup>2</sup> 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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Dedicated network services (CPC 75222)	1), 2) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends.  3) Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce the market access elements as contained in relevant legislation into its Schedule of Specific Commitments relating to the supply of public telecommunication services.  4) As indicated in the horizontal section	1), 2) None  3) Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce the national treatment elements as contained in relevant legislation into its Schedule of Specific Commitments relating to the supply of public telecommunication services.  4) As indicated in the horizontal section	Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced 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 resources.
Videotext  Teleconference  Domestic leased circuits	1) a) <b>Service providers must use public telecommunication network under national telecommunication authorities</b> b) <b>Radio application service is subject to frequency availability</b> 2) <b>None</b> 3) a) <b>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> b) <b>Such company shall be permitted under the built-transferred-operated concept by national telecommunication authorities<sup>2</sup></b> c) <b>Must use public telecommunication network under national telecommunication authorities</b> d) <b>Selection of service providers shall be based on open tender</b> 4) <b>As indicated in the horizontal section</b>	1) <b>None</b>  2) <b>None</b> 3) <b>No limitation as long as foreign equity participation does not exceed 40 percent</b>  4) <b>None</b>	

<sup>2</sup> 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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Audiovisual Services			
(a) <b>Motion picture and video tape production and distribution services :</b>  Film/video production and distribution services excluding promotion or advertising services (CPC 96112+96113)	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
(c) Radio/television services : <del>only for production of radio/TV programmes (CPC 96131+96132)</del>  - Production services of radio programmes (CPC 96131) - Production services of television programmes (CPC 96132)	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
(e) <b>Sound recording</b>  - Production of sound recording only (excl. all broadcasting and AV services)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
(f) <b>Other</b>  - Colour correction services, i.e. adding, modifying, or excluding colour of audiovisual works (produced on film, video, or digital media, etc.) electronically, using digital techniques	1) None 2) None 3) None 4) Unbound	1) None 2) None  3) None 4) Unbound	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. <b>General</b> construction work for Buildings (CPC 512)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
B. <b>General</b> construction work for Civil Engineering (CPC 513)	4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	4) As indicated in the horizontal section	
C. <i>Installation and assembly work</i> (CPC 514+516)			
<del>C. Installation Work (CPC 516)</del>			
D. Building completion and finishing work (CPC 517)			
E. Other: Pre-erection work at construction sites (CPC 511)			
Special trade construction work (CPC 515)			
Renting services related to equipment for construction or demolition of building or civil engineering work, with operator (CPC 518)			

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

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>4. DISTRIBUTION SERVICES</b>			
<b>A. Commission Agents' Services (CPC 62111 to 62118)</b>	1) <b>Unbound None</b> 2) <b>None</b> 3) <b>None</b> 4) <b>Unbound</b>	1) <b>Unbound None</b> 2) <b>None</b> 3) <b>None</b> 4) <b>Unbound</b>	
<b>B. Wholesale trade services:</b>  <b>- Wholesale trade services of sports goods (incl. bicycles) (CPC 62266)</b>	1) <b>None</b> 2) <b>None</b> 3) <b>None</b> 4) <b>Unbound</b>	1) <b>None</b> 2) <b>None</b> 3) <b>None</b> 4) <b>Unbound</b>	
<b>D. Franchising:</b>  <b>- Other non-financial Intangible assets</b>	1) <b>None</b> 2) <b>None</b> 3) <b>None</b> 4) <b>Unbound</b>	1) <b>None</b> 2) <b>None</b> 3) <b>None</b> 4) <b>Unbound</b>	
<b>E. Other:</b>  <b>- Retail sales of motor fuel and fuel oil</b>	1) <b>Unbound*</b> 2) <b>None</b> 3) <b>None</b> 4) <b>Unbound</b>	1) <b>Unbound*</b> 2) <b>None</b> 3) <b>None</b> 4) <b>Unbound</b>	
<b>5. EDUCATIONAL SERVICES</b> Commitments undertaken in this offer are subject to the following general conditions: - Specific commitments on Market Access and National Treatment through any mode of supply shall not be construed to apply to the recognition of degrees for the purpose of admission, registration and qualification for a higher education, employment or professional practice in Thailand - Services suppliers may be subject to notification or registration with the authority concerned.			
<b>A. Primary education services:</b>  <b>- Preschool education services (CPC 92110)</b>	1) <b>None</b> 2) <b>None</b> 3) <b>At least half of its director(s), and if applicable its managing director, must be the person of Thai nationality</b>	1) <b>None</b> 2) <b>None</b> 3) <b>- The manager or the representative of the juristic person must be a Thai national, only who can apply for school license. - The school director and deputy director must be Thai nationals.</b>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	4) Unbound	- The School manager/Executive manager must be a Thai national. 4) Unbound	
<p><del>A+B. International and National School Education Services (excluding adult and other education services) (CPC 9219+9221+9222)</del></p> <p><del>B. Technical and Vocational Education Services (CPC 9223+9224)</del></p> <p><b>B. Secondary education services:</b></p> <ul style="list-style-type: none"> <li>- General Secondary education services (CPC 9221)</li> <li>- Higher secondary education services (CPC 9222)</li> <li>- Technical and vocational secondary education services (CPC 9223)</li> <li>- Technical and vocational secondary school-type education services for handicapped students (CPC 9224)</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) As indicated in the horizontal section</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound</li> </ul>	
<p><b>C. Higher education services:</b></p> <ul style="list-style-type: none"> <li>- Post-secondary technical and vocational education services (CPC 9231)</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) At least half of its director(s), and if applicable its managing director, must be the person of Thai nationality</li> <li>4) Unbound</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) - The manager or the representative of the juristic person must be a Thai national, only who can apply for school license.</li> <li>- The school director and deputy director must be Thai nationals.</li> <li>- The School manager/Executive manager must be a Thai national.</li> <li>4) Unbound</li> </ul>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
- Other higher education services (CPC 9239)	1) None 2) None 3) At least half of the university council members must be of Thai nationality 4) Unbound	1) None 2) None 3) At least half of the university council members must be of Thai nationality 4) Unbound	
D. Adult education services:  Professional and/or Short Courses Education Services (CPC 92400)	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) Unbound	
E. Other education services:  - Foreign language tuition services	1) None 2) None 3) At least half of its director(s), and if applicable its managing director, must be the person of Thai nationality 4) Unbound	1) None 2) None 3) - The manager or the representative of the juristic person must be a Thai national, only who can apply for school license. - The school director and deputy director must be Thai nationals. - The School manager/Executive manager must be a Thai national. 4) Unbound	
6. ENVIRONMENTAL SERVICES			
A. 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 As indicated in the horizontal section	
Environmental Consultancy on Sewage System, Refuse Disposal, Hazardous Waste Management, Air Pollution and Noise Management, Sanitation and Other Environmental	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 As indicated 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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Management Services (part of CPC 9401)			
Environmental Protection and Environmental Abatement Services (part of CPC 9401)	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
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) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
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) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
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) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
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) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
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) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
Other environmental protection	1) Unbound*	1) Unbound*	

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

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
services (CPC 9409)	2) None 3) None 4) As indicated in the horizontal section	2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
8. HEALTH RELATED AND SOCIAL SERVICES			
A. Hospital Services (CFC 9311)	1) None 2) None 3) Thailand may prescribe, in any area, numbers of hospital, or types of medical services to be provided in the hospital. A person is allowed to operate not more than one hospital. 4) As indicated in the horizontal section. The person who will be responsible to operate the hospital is required to have the license to operate for not more than one hospital, and has obtained a license to practice in Thailand.	1) None 2) None 3) The person who applies for the license to operate must have a domicile in Thailand. 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b> The person who applies for the license to operate must have a domicile in Thailand.	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. <b>Hotel and restaurants (incl. Catering)</b>  <b>Hotel and other lodging Services :</b>  - Hotel lodging services (CPC 6411)  - Motel lodging services (CPC 6412)  - <b>Other lodging services :</b> Holiday center and holiday home services (CPC 64.192)	1) None 2) None 3) None 4) As indicated in the horizontal section  1) None 2) None 3) None 4) As indicated in the horizontal section  1) None 2) None	1) None 2) None 3) None 4) As indicated in the horizontal section  1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>  1) None 2) 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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Camping and caravan site services (CPC 64195)</p> <p><b>Food serving services :</b></p> <p>- Meal serving services with full restaurant services (CPC 64210)</p> <p>- Catering services (CPC 64230)</p> <p><b>Beverage serving services for consumption on the premises :</b></p> <p>- Beverage serving services without entertainment (CPC 64310)</p>	<p>3) None 4) As indicated in the horizontal section</p> <p>1) None 2) None 3) None 4) As indicated in the horizontal section</p> <p>1) None 2) None 3) None 4) As indicated in the horizontal section</p> <p>1) None 2) None 3) None 4) As indicated in the horizontal section</p> <p>1) None 2) None 3) None 4) As indicated in the horizontal section</p>	<p>3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b></p> <p>1) None 2) None 3) None 4) As indicated in the horizontal section</p> <p>1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b></p> <p>1) None 2) None 3) None 4) As indicated in the horizontal section</p>	
<p>B. Travel Agency and Tour Operator Services (CPC 74710)</p>	<p>1) Unbound 2) None 3) <del>In addition to that indicated in the horizontal section,</del> Not less than half of the board of directors of the company must be Thai nationality 4) As indicated in the horizontal section</p>	<p>1) Unbound 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b></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 Sub-sector	Limitations on Market Access	Limitations 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) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. Entertainment services:  - Theme parks, amusement parks (CPC 96194)	1) Unbound* 2) None 3) None 4) As indicated in the horizontal section	1) Unbound* 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
B. News agency services:  - Picture supply services (CPC 96212)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
C. Libraries, archives, museums and other cultural services:  - Library services (CPC 9631)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
D. Sporting and other recreational services : (excluding other sporting services specified in CPC 96419) (CPC 96411 + 96412 + 96413)  - Sports event promotion services (CPC 96411)	1) Unbound* 2) None	1) Unbound* 2) 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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>- <i>Sports event organization services</i> (CPC 96412)</p> <p>- <i>Sports facility operation services</i> (CPC 96413)</p> <p>- <i>Recreation Park and Beach Services</i> (CPC 96491)</p>	<p>3) None 4) As indicated in the horizontal sections</p> <p>1) Unbound* 2) None 3) None 4) As indicated in the horizontal sections</p> <p>1) Unbound* 2) None 3) None 4) As indicated in the horizontal sections</p> <p>1) Unbound* 2) None 3) None 4) As indicated in the horizontal sections</p>	<p>3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b></p> <p>1) Unbound* 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b></p> <p>1) Unbound* 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b></p> <p>1) Unbound* 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b></p>	
<p>E. Other: Marina facilities (A small sea, lake or river harbour with docking facilities for motor and sailing boats, with maintenance and supply services Marina provide berths for long and short term use and some also offer boat charter)</p>	<p>1) Unbound* 2) None 3) None 4) As indicated in the horizontal section</p>	<p>1) Unbound* 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b></p>	
<p>11. TRANSPORT SERVICES</p>			
<p>A. Maritime Transport Services</p> <p>(a) Passenger transportation (CPC 7211 less cabotage transport: as defined below - 3.1)</p>	<p>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</p>	<p>1) None 2) None 3) (a) Unbound</p>	<p>The following services at the port provided by the government enterprises are made available to international maritime transport suppliers on reasonable and non-</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 Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(b) Other forms of commercial presence for the supply of international maritime transport services except branch offices: As indicated in the horizontal section  4) (a) Ship's crew: Unbound (b) Other personnel: As indicated in the horizontal section	(b) None  4) (a) Unbound (b) As indicated in the horizontal section	discriminatory terms and conditions: 1. Pilotage <sup>3</sup> 2. Towing and tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal 5. Port captain's service 6. Navigation aids 7. Shore-based operational services essential to ship operations, water and electrical supplies 8. Emergency repair facilities 9. Anchorage, berth and berthing services 10. Inland transports services (internal waterways transport services, rail transport services and road transport services)

<sup>3</sup> A Thai captain of a Thai ship which sails regularly in certain compulsory pilotage area may be permitted to pilot the ship in the area.

**THAILAND OFFER FOR THE 7<sup>th</sup> PACKAGE OF SCHEDULE OF SPECIFIC COMMITMENTS UNDER AFAS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(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 (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 other than: - Shareholders of Thai maritime transport companies with ownership of Thai flag vessels may be granted exemption or reduced rates of income tax leviable on dividends paid by such companies - 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  4) (a) Unbound (b) As indicated in the horizontal section	
(d) Maintenance and repair of vessels exceeding 100,000 DWT (CPC 8868)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
(e) International towing (CPC 7214)	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 towing service (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 As indicated in the	



**THAILAND OFFER FOR THE 7<sup>th</sup> PACKAGE OF SCHEDULE OF SPECIFIC COMMITMENTS UNDER AFAS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment horizontal section	Additional Commitments
(f) Supporting Services for maritime transport:			
- Shore reception facilities (collection of waste/oily water from ships)	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
- 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) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
- Classification societies	1) Unbound <sup>4</sup> 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
- Vessels salvage and refloating services – not applicable in harbour	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
- Custom clearance services (as indicated below – 3.5)	1) Unbound 2) None 3) <del>As indicated in the horizontal section.</del> In addition a customs broker must be natural person of Thai nationality and must obtain a license from the Customs Department 4) <del>Unbound</del> except as indicated in the horizontal section	1) Unbound 2) None 3) <del>No limitation as long as foreign equity participation does not exceed 49 per cent.</del> In addition a custom broker must be natural person of Thai nationality and must obtain a license from the Customs Department 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
E. Rail Transport Services			

<sup>4</sup> Thai-flag vessels may be required to conform to ship survey regulations stipulated by relevant administration

**THAILAND OFFER FOR THE 7<sup>th</sup> PACKAGE OF SCHEDULE OF SPECIFIC COMMITMENTS UNDER AFAS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Maintenance and repair of rail transport equipment (CPC 8868)	1) None 2) None 3) None 4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
(e) Supporting services for rail transport services :			
- Passenger and freight car cleaning services	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
- Security services at railway station	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
F. <u>Road Transport Services</u> <u>Other non-scheduled passenger transportation</u>			
(a) <i>Passenger transportation</i>			
- Rental services of passenger cars with operator (CPC 71222)	1) <i>Unbound</i> 2) <i>None</i> 3) <del>In addition to that indicated in the horizontal section</del> , not less than half of the board of directors of the company must have Thai nationality 4) <i>As indicated in the horizontal section</i>	1) <i>Unbound</i> 2) <i>None</i> 3) <i>None</i> 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
- Rental services of buses and coaches with operator (CPC 71223)	1) <i>Unbound</i> 2) <i>None</i> 3) <del>In addition to that indicated in the horizontal section</del> , not less than half of the board of directors of the company must have Thai nationality 4) <i>As indicated in the horizontal section</i>	1) <i>Unbound</i> 2) <i>None</i> 3) <i>None</i> 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	

**THAILAND OFFER FOR THE 7<sup>th</sup> PACKAGE OF SCHEDULE OF SPECIFIC COMMITMENTS UNDER AFAS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b) Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerized freight (CPC 71231 to 71233)	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) <del>In addition to that indicated in the horizontal section,</del> Not less than half of the board of directors of the company must have Thai nationality</li> <li>4) As indicated in the horizontal section</li> </ol>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) None</li> <li>4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b></li> </ol>	
(e) <del>Rental services of passenger cars with operator (CPC 71222)</del>	<ol style="list-style-type: none"> <li>1) <del>Unbound</del></li> <li>2) <del>None</del></li> <li>3) <del>In addition to that indicated in the horizontal section,</del> <del>not less than half of the board of directors of the company must have Thai nationality</del></li> <li>4) <del>As indicated in the horizontal section</del></li> </ol>	<ol style="list-style-type: none"> <li>1) <del>Unbound</del></li> <li>2) <del>None</del></li> <li>3) <del>None</del></li> <li>4) <del>Unbound, except as provided in the horizontal section</del></li> </ol>	
(e) <del>Rental services of buses and coaches with operator (CPC 71223)</del>	<ol style="list-style-type: none"> <li>1) <del>Unbound</del></li> <li>2) <del>None</del></li> <li>3) <del>In addition to that indicated in the horizontal section,</del> <del>not less than half of the board of directors of the company must have Thai nationality</del></li> <li>4) <del>As indicated in the horizontal section</del></li> </ol>	<ol style="list-style-type: none"> <li>1) <del>Unbound</del></li> <li>2) <del>None</del></li> <li>3) <del>None</del></li> <li>4) <del>Unbound, except as provided in the horizontal section</del></li> </ol>	
(d) Maintenance and repair of road transport equipment			
- Automobile emergency road services	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound</li> </ol>	
(e) Supporting services for road transport services			
- Parking services (CPC 7443)	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound</li> </ol>	

**THAILAND OFFER FOR THE 7<sup>th</sup> PACKAGE OF SCHEDULE OF SPECIFIC COMMITMENTS UNDER AFAS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
H. Services Auxiliary to All Modes of Transport			
(a) <b>Cargo handling services:</b>			
Maritime cargo handling services (as defined below - 3.6)	1) None 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) None 2) None 3) None 4) As indicated in the horizontal section	
(b) <b>Storage and warehousing services:</b>			
- Storage and warehousing services for maritime transport (CPC 742)	1) None 2) None 3) None 4) As indicated in the horizontal section	1) None 2) None 3) None 4) As indicated in the horizontal section	
(c) <b>Freight transport agency services :</b>			
- Maritime freight forwarding services	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) <del>Unbound, except as provided in the horizontal section</del> <b>As indicated in the horizontal section</b>	
- Maritime agency services (as defined below - 3.7)	1) Unbound 2) None 3) None <sup>5</sup> 4) As indicated in the horizontal section	1) Unbound 2) None 3) None 4) As indicated in the horizontal section	
<b>OTHER SERVICES</b>			
<b>Skill training services (not classified under education services, incl.</b>	1) <b>None</b> 2) <b>None</b>	1) <b>None</b> 2) <b>None</b>	

<sup>5</sup> 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

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>educational institution ) related to alternative energy production, on a fee or contract basis (CPC 97090)</b>	3) None 4) Unbound	3) None 4) Unbound	

**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.
  - 3.5 "Customs clearance services" means activities consisting of carrying out on behalf of another party customs formalities concerning the import, export or through transport of cargoes, whether this service is the main activities of the service supplier or a usual
  - 3.6 "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.
  - 3.7 "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.

### THAILAND – FINAL LIST OF MFN EXEMPTIONS

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Business services				
- Auditing services	Bilateral agreement based on reciprocity treatment	Countries which allow Thai nationals to practise auditing in their territories	Indefinite	Reciprocal basis
- Publishing newspapers	Thailand will grant permission to a natural person of the countries which have treaties with Thailand	Countries which have treaties with the Thai Government	Indefinite	Reciprocal basis
Computer reservation system services	Only airlines/CRS partners which are in Amadeus system can bring in and install their own systems in Thailand	Countries whose CRS operators are in Amadeus system and intend to bring in and install the systems to any travel agencies in Thailand	Indefinite	To ensure that local operators are able to make complete access to the Amadeus system within a certain period of time
Transport services				
- Selling and marketing of maritime transport services	The value added tax in use comprises three rates, namely 10 per cent, zero per cent and exempted. VAT collection is based on a reciprocal basis.	- Countries which have the same zero rate VAT system as Thailand	Indefinite	Reciprocal basis
- Selling and marketing of air transport services		- Countries which exempt Thai persons from VAT or other taxes of similar nature by virtue of the treaties concluded or to be concluded with Thailand		
		- Countries which exempt juristic persons constituted in accordance with Thai law from VAT or other taxes of similar nature on the basis of reciprocity		
		- Countries which do not levy VAT or other taxes of similar nature on juristic persons constituted in accordance with Thai law on the basis of reciprocity		

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
International maritime transport of cargoes	1) Rights to carry all products: Treaty of Amity and Economic Relations between the Kingdom of Thailand and the United States of America  2) Cargo sharing - Commercial Maritime Navigation Agreement between the Government of the Kingdom of Thailand and the Government of the Socialist Republic of Vietnam - Agreement of Maritime Transport between the Government of the Kingdom of Thailand and the Government of the People's Republic of China	The United States of America  The Socialist Republic of Vietnam  The People's Republic of China	10 years  10 years  10 years	Bilateral agreement  Bilateral agreement  Bilateral agreement
International road transport services - Passenger transportation - Freight transportation - Rental of non-commercial vehicles with/without driver	Reciprocity treatment	Countries that have the agreement on international road transport with Thailand	Indefinite	Reciprocal basis
Aircraft repair and maintenance services	Thailand will grant permission to airlines of those countries which treat Thai carriers on reciprocal basis	- Countries whose airline is accepted as a designated airline by Thailand under bilateral air services agreements  - Countries whose regulations do not prevent Thai carriers from performing similar activities in that country	Indefinite	Reciprocal basis
Service sectors stipulated in the relevant articles of the Treaty of Amity and Economic Relations especially Articles 4 and 10	Only American citizens and entities are granted national treatment with respect to operating business and providing services in Thailand	The United States of America	10 years	Bilateral agreement

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