

ANNEX 8A

SCHEDULE OF SPECIFIC COMMITMENTS

THAILAND

Explanatory Notes

1. This Schedule sets out Thailand's commitments in accordance with Article 8.6 (Schedule of Specific Commitments).
2. The classification of service sectors in this Schedule is based on the 1991 provisional Central Product Classification (CPC) CPC Version 1.1 and Version 2.1 of the United Nations Statistical Office, unless otherwise indicated by the absence of a CPC number. The ordering reflects the services sectoral classification list as used in GATT document MTN.GNS/W/120, dated 10 July 1991. The scheduling of specific commitments follows the guidelines stated in GATT documents MTN.GNS/W/164, dated 3 September 1993, and MTN.GNS/W/164/Add.1, dated 30 November 1993.
3. The use of “**” against individual CPC codes indicates that the specific commitment for that code shall not extend to the total range of services covered under that code.

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of Supply:

1) Cross-border supply

2) Consumption aboard

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 INCLUDED IN THIS SCHEDULE	<p>(1)(2)(3)(4) The obligations of Thailand under this Agreement with respect to permanent residents of the other Party: Unbound</p> <p>(1) Any sector committed in Mode 1 shall be subject to Thai laws and regulations.</p> <p>(3) Only a limited liability company or a type of legal entity as specified in this Schedule, incorporated and registered in Thailand pursuant to Thai laws and regulations, is permitted. Foreign equity participation must not exceed 49 per cent of the registered capital or unless otherwise specified at the sector-specific level, and must meet the following conditions:</p> <p>(a) commercial presence in sectors or subsectors in this Schedule shall be in accordance with related Thailand's laws, requirements, rules, and regulations with respect to the number of foreign shareholders and directors, board of directors, residency requirement, and ratio or minimum of capital requirement; and</p> <p>(b) a person or representative of the limited liability company or</p>	<p>(1)(2)(3)(4) The obligations of Thailand under this Agreement with respect to permanent residents of the other Party: Unbound</p> <p>(3) For a limited liability company or a type of legal entity as specified in this Schedule, which is owned or controlled by foreigners must meet the requirements as stipulated by Thai laws and regulations regarding foreign investment.</p> <p>In establishing its commercial presence, a legal entity which is owned or controlled by foreigner(s) must apply for a certificate of business operation pursuant to a treaty or obligation under Section 11 of the Foreign Business Act B.E. 2542 (1999); Ministerial Regulation Prescribing Rules and Procedures Pertaining to the Application for a Foreign Business Certificate B.E. 2546 (2003), and as amended.</p> <p>Other than additionally indicated or otherwise specified in the specific commitments, the criteria and</p>	

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	<p>the legal entity who applies for a license must be of Thai nationality.</p> <p>Commercial presence in sectors or subsectors in this Schedule must also meet additional conditions (if any) indicated in the sector-specific commitments.</p> <p>(4) Other than additionally indicated or unless otherwise specified at the sector-specific level, temporary movement of natural persons is unbound except in the following categories:</p> <p>I. Business Visitors Business visitor refers to 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 establish a commercial presence in Thailand.</p>	<p>requirements stipulated by Articles XIV and XIV bis of GATS, and Section 5 of the Foreign Business Act B.E. 2542 (1999), and as stipulated by any other Thai laws or regulations regarding foreign investment shall be applied.</p> <p>Unbound for the measures pertaining to subsidies or privileges, minimum capital requirements, taxation measure, acquisition and usage of land, and nationality requirement.</p> <p>(4) Unbound, except as provided in the market access column</p>	

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	<p><u>Condition:</u> Representatives of such service suppliers or employees of such juridical person will not be engaged in making direct sales to the general public or in supplying services themselves.</p> <p><u>Duration of stay:</u> Temporary entry and temporary stay for a period not exceeding 90 days from the arrival date shall be granted.</p> <p>II. Intra-corporate Transferees (ICT) Employees of a company established in the territory of a 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> <p>Manager is defined as: A person within an organisation who primarily directs the organisation, or a department or sub-division of the organisation; 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</p>		

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	<p>promotion or leave authorisation); 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 organisation who primarily directs the management of the organisation, 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 services of the organisation.</p> <p>Specialist is defined as: A person within an organisation who possesses knowledge at an advanced level of continued expertise essential to the establishment provision of the service and/or possesses proprietary knowledge of the organisation's services, research equipment, techniques, or management.</p>		

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	<p><u>Condition:</u> 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.</p> <p><u>Duration of stay:</u> Temporary entry and temporary stay for an initial period not exceeding one year from the arrival date shall be granted, when applied for, to an intra-corporate transferee who has been employed by the juridical person concerned outside Thailand for a period of not less than one year immediately preceding the date of the application for admission.</p> <p>Such temporary stay may be extended for a further three terms of not more than one year each.</p> <p>Temporary movement of natural persons shall be in accordance to requirements of requisite visa and shall not include any type or category of foreign natural persons prohibited or not allowed by the Foreigners' Working Management Emergency Decree B.E. 2560 (2017), as amended, or by any other relevant Thai laws or regulations.</p>		

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>A natural person shall meet the criteria¹ stipulated by the Ministry of Labour and relevant authorities in obtaining a license or permission in any sector or subsector where it is required by specific Thai laws or regulations.</p> <p>(3)(4) A natural person or juridical person of the other Party that acquires or gains ownership of land shall be deemed ineligible to exercise rights and privileges under this Agreement.</p> <p>A natural person or a juridical person who receives other special privileges or incentives from Thai authorities to supply services may not claim benefits under this Agreement.</p>	<p>(3)(4) A natural person or juridical person of the other Party is not allowed to purchase or own land in Thailand.</p> <p>The Land Code of Thailand shall be applied to acquisition and usage of land of a natural person, a limited liability company, or a type of legal entity as specified in this Schedule.</p>	

¹ Such criteria may include: size of fully paid-up capital, employment creation, extent of foreign investment, export promotion, transfer of technology, special needs of the management, and economic or labour market needs tests.

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II. SECTOR SPECIFIC COMMITMENTS			
1. Business Services			
A. Professional Services			
a. Legal services (CPC 86111+86119+86120+86130+86190)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
- Legal advisory for drafting of documents concerning only international commercial law, excluding local laws and regulations (part of CPC Version 1.1: 82119)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) None (2) None (3) None (4) Unbound	
b. Accounting, auditing, and bookkeeping services (CPC 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	

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d. Architectural services (CPC 86711 to 86714+86719)	(1) None (2) None (3) None (4) Unbound	(1) Services must be authenticated by licensed architect in Thailand (2) None (3) None (4) Unbound	
e. Engineering services (CPC 86721 to 86727 +86729)	(1) None (2) None (3) None, other than at least half of its directors, or its managing director, must be of Thai nationality and obtain a license from Council of Engineers (4) Unbound	(1) Services must be authenticated by licensed engineer in Thailand (2) None (3) None (4) Unbound	
f. Integrated engineering services - Integrated engineering services for traffic control systems (CPC 1.1: 83319)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) Services must be authenticated by licensed engineer in Thailand (2) None (3) None (4) Unbound	

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g. Urban planning and landscape architectural services (CPC 86741 to 86742)	(1) None	(1) Services must be authenticated by licensed architect in Thailand	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound	(4) Unbound	
B. Computer and Related Services			
a. Consultancy services related to the installation of computer hardware (CPC 84100)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national	(3) None	
	(4) As indicated in the horizontal section	(4) As indicated in the horizontal section	
b. Software implementation services (CPC 84210+84220 +84230+84240+84250)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) As indicated in the horizontal section	

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- Software consultancy services (CPC 1.1: 83142**)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) None (2) None (3) None (4) Unbound	
c. Data processing services - (excluding those provided over public telecommunications network) (CPC 84310+84320 +84330+84390) d. Database services - (excluding those provided over public telecommunications network) (CPC 84400)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) As indicated in the horizontal section	(1) Unbound (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 845) - Software training services for staff of clients (part of CPC 849)	(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	

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C. Research and Development Services			
a. R&D on natural sciences: - Research and experimental development on physical sciences (CPC Version 1.1: 81110)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) None (2) None (3) None (4) Unbound	
- Basic research services in engineering and technology (CPC Version 2.1: 81114)	(1) Unbound (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	
b. R&D services on social sciences and humanities - Research and experimental development services in linguistics and languages (CPC Version 1.1: 81240)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	

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c. Interdisciplinary R&D Services: - Interdisciplinary research and experimental development services (CPC Version 1.1: 81300)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national Unbound (4)	(1) None (2) None (3) None (4) Unbound	
E. Rental or Leasing Services without Operator			
a. Relating to ships: - Leasing or rental services concerning non-Thai flag vessels without operator (CPC Version 1.1: 73115) This subclass does not include: - leasing, renting or hiring services concerning vessels for coastal and transoceanic water transport with operator, 65130 - leasing, renting or hiring services concerning cabotage and inland water vessels with operator, 65230 - leasing, renting or hiring services concerning pleasure craft, 73240	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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d. Relating to other machinery and equipment: - Computer server (CPC Version 1.1: 73124)	(1) Unbound* (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	
F. Other Business Services			
a. Advertising services (CPC 871)	(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	
c. Management consulting services: - General management consulting services (CPC 86501)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (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	

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Management consulting services: - Human resource management consulting services (CPC Version 1.1: 83113)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
e. Technical testing and analysis services: - Composition and purity testing and analysis services (CPC Version 1.1: 83561)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) None (2) None (3) None (4) Unbound	
i. Services incidental to Manufacturing: - Basic and Fabricated metal product, machinery, and equipment manufacturing services (CPC Version 2.1: 886+887)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	

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m. Related scientific and technical consulting services: - Scientific consulting services from mathematicians and statisticians (CPC 1.1: part of 83139)	(1) Unbound* (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
p. Photographic services: Photography processing services (CPC 1.1: 83820**)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) None (2) None (3) None (4) Unbound	
q. Packaging services (CPC 87600)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	

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q. Packaging services (CPC 1.1: 85400) This subclass does not include: - packing and crating services incidental to transport, cf. 64-67 - package design services, cf. 83490 - solely printing information on packaging materials, cf. 89121 - packaging services including processing of client owned materials into a different product (e.g. mixing water and concentrate to produce soft drinks, cooking fish prior to canning, blending creams and colouring materials into cosmetics), cf. 88 and 89	(1) Unbound* (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
r. Publishing and printing services - excluding publishing newspaper (CPC 88442)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	

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s. Convention services: Annual international trade fair and exhibition organisation services on a fee or contract basis (CPC 1.1: 85970**)	(1) Unbound* (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
2. Communication Services C. Telecommunications Services <u>Commitments undertaken in this Schedule are subject to the following general conditions:</u> - Any juridical person who intends to operate a telecommunications business in Thailand shall obtain a licence from designated national authorities in accordance with Section 7 (1) of the Telecommunications Business Act B.E. 2544 (2001). - Licences are granted only to service suppliers duly constituted according to the Thai laws and regulations.			
Public local, domestic long distance and international services: a. Fixed-line voice telephone services	(1)(2) - None, other than traffic shall be routed through gateways in Thailand operated by a supplier duly licensed -the provision of concerned services shall be agreed by the suppliers duly licensed of both ends (3) Foreign equity participation must not exceed 51 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) As indicated in the horizontal section	(1)(2) None (3) None (4) As indicated in the horizontal section	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of Supply:	1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
		concept c) Must use networks operated by suppliers duly licensed (4) As indicated in the horizontal section		
m. Code and protocol conversion	(1)(2) - None, other than traffic shall be routed through gateways in Thailand operated by a supplier duly licensed - the provision of concerned services shall be agreed by the suppliers duly licensed of both ends (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1)(2) None (3) None (4) Unbound		
n. On-line information and/or data processing services provided over public telecommunications network (part of CPC 843, excluding transaction processing)	(1)(2) - None, other than traffic shall be routed through gateways in Thailand operated by a supplier duly licensed - the provision of concerned services shall be agreed by the suppliers duly licensed of both ends	(1)(2) None		

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	(3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) As indicated in the horizontal section	(3) None (4) As indicated in the horizontal section	
o. Other - Telecommunications equipment sales services (part of CPC 75420)	(1) Unbound (2) None (3) None (4) d) As indicated in the horizontal section e) Unbound for civil engineer	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	
- Telecommunications consulting services (CPC 75440)	(1) Unbound (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) a) As indicated in the horizontal section b) Unbound for civil engineer	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Videotext (part of CPC 75299)	(1) Service providers must use network operated by suppliers duly licensed	(1) None	
	(2) None	(2) None	
	(3) 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	(3) None	
	(4) As indicated in the horizontal section	(4) As indicated in the horizontal section	

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- Teleconference (part of CPC 75292)	(1) Service providers must use network operated by suppliers duly licensed	(1) None	
	(2) None	(2) None	
	(3) 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	(3) None	
	(4) As indicated in the horizontal section	(4) As indicated in the horizontal section	

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- Domestic leased circuits (part of CPC 75299)	(1) Service providers must use network operated by suppliers duly licensed	(1) None	
	(2) None	(2) None	
	(3) 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	(3) None	
	(4) As indicated in the horizontal section	(4) As indicated in the horizontal section	

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D. Audiovisual Services			
a. Motion picture and video tape production and distribution services: - Video tape production services for scientific education (CPC Version 1.1: 96121**)	(1) Unbound (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	
b. Motion picture projection services: - Video projection services in private screening rooms, excluding all broadcasting and audiovisual services (part of CPC 96122)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) None (2) None (3) None (4) Unbound	
e. Sound recording services - Production of sound recording for higher education in University only (excluding all broadcasting and AV services)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) None (2) None (3) None (4) Unbound	

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3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. Construction Work for Buildings (CPC 51210+51220+51230+51240+51250+51260+51270+51280+ 51290)	(1) None (2) None (3) None (4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	
- General construction services of mines and industrial plant (CPC Version 1.1: 54260)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) None, only for consultancy (2) None (3) None (4) Unbound	
B. Construction Work for Civil Engineering (CPC 51310+51320+51330+51340+51350+51360+51371+51372 +51390)	(1) None (2) None (3) None (4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	

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4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- General construction work of harbours, waterways, dams, irrigation and other water works (CPC Version 1.1: 54230)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) None, only for consultancy (2) None (3) None (4) Unbound	
C. Installation and Assembly Work (CPC 514+516)	(1) None (2) None (3) None (4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	
- Installation and assembly work: Assembly and erection of prefabricated constructions (CPC Version 1.1: 54400)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) None, only for consultancy (2) None (3) None (4) Unbound	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of Supply:

1) Cross-border supply

2) Consumption aboard

3) Commercial presence

4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Building Completion and Finishing Work (CPC 517)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
E. Other: - Pre-erection work at construction site (CPC 511) - Special trade construction (CPC 515)	(1) None (2) None (3) None (4) (a) As indicated in the horizontal section (b) Unbound for civil engineer	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	
4. DISTRIBUTION SERVICES			
A. Commission Agents' Services (CPC 62111 to 62118)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
D. Franchising - Other non-financial intangible assets (CPC 8929)	(1) Unbound (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of Supply:

1) Cross-border supply

2) Consumption aboard

3) Commercial presence

4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>5. EDUCATIONAL SERVICES <u>Commitments undertaken in this Schedule are subject to the following general conditions:</u></p> <ul style="list-style-type: none"> - 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 or qualification for a higher education, employment or professional practice in Thailand - Services suppliers may be subject to notification or registration with the authority concerned 			
<p>A.+ B. International and national school education services, excluding adult and other education services (CPC 9219+9221+9222)</p>	<p>(1) Unbound (2) None (3) None (4) Unbound</p>	<p>(1) Unbound (2) None (3) (a) the representative of the juridical person who applies for a license must be of Thai nationality (b) the school director and deputy director must be of Thai nationality (c) the school manager or executive manager must be of Thai nationality (4) Unbound</p>	
<p>C. Higher Education Services: Science and technology faculty (CPC 92390**)</p>	<p>(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound</p>	<p>(1) None (2) None (3) At least half of the members of the University Council must be of Thai nationality and service suppliers in this sector must comply with <i>Private Higher Education Institution Act B.E.2546 (2003)</i> (4) Unbound</p>	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of Supply:

1) Cross-border supply

2) Consumption aboard

3) Commercial presence

4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Other Education Services (CPC 92900) - Foreign language tuition services (CPC 92900**)	(1) Unbound (2) None (3) None, other than that at least half of its directors, and if applicable its managing director, must be of Thai nationality (4) Unbound	(1) Unbound (2) None (3) (a) the representative of the juridical person who applies for a license must be of Thai nationality (b) the school director and deputy director must be of Thai nationality (c) the school manager or executive manager must be of Thai nationality (4) Unbound	
6. ENVIRONMENTAL SERVICES			
B. Refuse Disposal Services - Hazardous waste treatment and disposal services (CPC Version 1.1: 94222)	(1) Unbound (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	
C. Sanitation and Similar Services (CPC 9403) - Beach cleaning services and drain unblocking services (CPC Version 1.1: 94390**)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of Supply:

1) Cross-border supply

2) Consumption aboard

3) Commercial presence

4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Other Marine environmental protection services (CPC 1.1 : 94900**)	(1) Unbound* (2) None (3) Foreign equity participation must not exceed 51 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) As indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) As indicated in the horizontal section	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotel and Restaurants - Hotel lodging services (CPC 64110) - Camping and caravan site services (CPC 64195) - Restaurant services (CPC 64210) - Catering services (CPC 64230)	(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	
- Superior deluxe or six-star plus rated hotel (CPC 1.1: 63110**)	(1) None (2) None (3) Foreign equity participation must not exceed 51 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) None (2) None (3) None (4) Unbound	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of Supply:

1) Cross-border supply

2) Consumption aboard

3) Commercial presence

4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Full restaurant services (food and beverage preparation and serving services with or without entertainment) (CPC 64210**)	(1) None (2) None (3) Foreign equity participation must not exceed 51 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national - A debt to equity ratio of 3:1 or lower shall be maintained - Minimum paid-up registered capital of 50 million baht is required - The facility must have a minimum area of 450 square metres (4) Unbound	(1) None (2) None (3) None (4) Unbound	
B. Travel Agency and Tour Operator Services Travel agency and tour operator Services (CPC 74710)	(1) Unbound (2) None (3) None, except that not less than half of the board of directors of the company must be of Thai nationality (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	
D. Other Hotel management services (CPC Version 1.1: part of 63110)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of Supply:		1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments		
11. TRANSPORT SERVICES					
A. Maritime Transport Services					
a. Passenger transportation (CPC 7211 less cabotage transport: as defined in paragraph 3.1 of Reference Paper below)	(1) None (2) None (3) (a) Unbound for establishment of enterprise 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 in paragraph 3.2 of Reference Paper below): None (4) (a) Ships' crew: Unbound (b) Other personnel: as indicated in the horizontal section	(1) None (2) None (3) (a) Unbound (b) None (4) (a) Unbound (b) As indicated in the horizontal section	The following services at the port provided by the government or government enterprise are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: 1. Pilotage ² 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		

² 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 – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of Supply:

1) Cross-border supply

2) Consumption aboard

3) Commercial presence

4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
b. Freight transportation (CPC 7212 less cabotage transport: as defined in paragraph 3.1 of Reference Paper below)	(1) None (2) None (3) (a) Unbound for establishment of enterprise 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 in paragraph 3.2 of Reference Paper below): None (4) (a) Ships' crew: unbound (b) Other personnel: as indicated in the horizontal section	(1) None (2) None (3) (a) Unbound (b) None other than: i) 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 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 (4) (a) Unbound (b) As indicated in the horizontal section	(1) See Note to the schedule (3) b) See Note to the schedule

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of Supply:

1) Cross-border supply

2) Consumption aboard

3) Commercial presence

4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
d. Maintenance and repair of vessels - exceeding 100,000 deadweight tonnage (part of CPC 8868)	(1) None (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
e. International towing (CPC 7214)	(1) None (2) None (3) (a) Unbound for establishment of enterprise 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 in paragraph 3.2 of Reference Paper below): None (4) (a) Ships' crew: Unbound (b) Other personnel: as indicated in the horizontal section	(1) None (2) None (3) (a) Unbound (b) None (4) (a) Unbound (b) As indicated in the horizontal section	
f. Supporting services for maritime transport (CPC 745**) - Shore reception facilities (collection of waste or oily water from ships)	(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	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of Supply:

1) Cross-border supply

2) Consumption aboard

3) Commercial presence

4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
C. Air Transport Services			
<p>d. Aircraft repair and maintenance services (part of CPC 8868)</p> <p>- Aircraft (includes all machines that drive support in the atmosphere from the reaction of the air except for objects which are exempted under the Ministerial Regulations)</p> <p>- Major aircraft appliance (an engine, a propeller and other appliances of an aircraft designated by the Technical Commission)</p> <p>- Technical Standard Order Article (TSO Article) (an instrument, a mechanism, a part, an equipment and a component used or intended to be used in operating or controlling an aircraft in flight, whether it is installed on or attached to the aircraft, inside or outside)</p> <p>- Part (an airframe, part of an airframe or part of a major aircraft appliance)</p>	<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) As indicated in the horizontal section</p>	
<p>e. Supporting services for air transport (CPC 746**)</p> <p>Selling and marketing of air transport services</p>	<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</p>	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of Supply:

1) Cross-border supply

2) Consumption aboard

3) Commercial presence

4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Road Transport Services			
b. Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerised freight (CPC 71231 to 71233)	(1) Unbound	(1) Unbound	
	(2) None	(2) None	
	(3) None, other than that not less than half of the board of directors of the company must be of Thai nationality	(3) None, except that not less than half of the board of directors of the company must be of Thai nationality	
	(4) As indicated in the horizontal section	(4) As indicated in the horizontal section	
H. Services Auxiliary to All Modes of Transport			
a. Maritime cargo handling services (as defined in paragraph 3.3 of Reference Paper below) in private-owned port	(1) None	(1) None	
	(2) None	(2) None	
	(3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national	(3) None	
	(4) As indicated in the horizontal section	(4) As indicated in the horizontal section	
b. Storage and warehousing services (CPC 742)	(1) Unbound	(1) Unbound	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) As indicated in the horizontal section	(4) As indicated in the horizontal section	

THAILAND – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of Supply:

1) Cross-border supply

2) Consumption aboard

3) Commercial presence

4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
- Storage and warehousing services of frozen or refrigerated goods (CPC 74210)	(1) Unbound (2) None (3) Foreign equity participation must not exceed 70 per cent of the registered capital and shall only operate through joint-venture with a juridical person of Thai national (4) As indicated in the horizontal section	(1) Unbound (2) None (3) None (4) As indicated in the horizontal section	

Reference Paper

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. For the purposes of this Schedule:

3.1 **cabotage** 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** means the ability for international maritime transport service suppliers of the other Party 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 documents 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 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 organised independently of the stevedoring or terminal operator companies. The activities include the organisation and supervision of:

- (a) the loading or discharging of cargo to or from a ship;
- (b) the lashing or unlashng of cargo;
- (c) the reception or delivery and safekeeping of cargoes before shipment or after discharge.