

**Agreement Establishing the ASEAN-Australia-New Zealand Free
Trade Area**

THAILAND'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

THAILAND'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------------------------|---|---|------------------------|
| I. HORIZONTAL COMMITMENTS | | | |
| ALL SECTORS INCLUDED IN THIS SCHEDULE | <p>1), 2), 3) The obligations of Thailand Under This Agreement with respect to permanent Residents of the other Parties: Unbound</p> <p>Thailand reaffirms its rights and obligations regarding permanent residents as set out in its schedule of specific commitments in GATS. Nevertheless, where Parties exercise such rights, they shall not exercise through this Agreement.</p> | <p>1), 2), 3) The obligations of Thailand Under This Agreement with respect to permanent residents of the other Parties: Unbound</p> <p>Thailand reaffirms its rights and obligations regarding permanent residents as set out in its schedule of specific commitments in GATS. Nevertheless, where Parties exercise such rights, they shall not exercise through this Agreement.</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|---|------------------------|
| | <p>3) In the case of the supply of services through commercial presence, only juridical persons of another Party owned and controlled by persons of any Party may benefit from Thailand's commitments.</p> <p>Unless otherwise specified at the sector-specific level, commercial presence in sectors or sub-sectors in this schedule is permitted only through a limited liability company which is registered in Thailand and which meets the following conditions:</p> <p>(a) Foreign equity participation must not exceed 49 per cent of the registered capital; and</p> <p>(b) The number of foreign shareholders must be less than half of the total number of shareholders of the company concerned.</p> | <p>3) In the case of the supply of services through commercial presence, only juridical persons of another Party owned and controlled by persons of any Party may benefit from Thailand's commitments.</p> <p>Unless otherwise specified at the sector-specific level, for commercial entity incorporated pursuant to Thailand's laws and regulations with foreign equity participation not exceeding 49 percent of the registered capital : None</p> <p>Others : Unbound</p> | |

Note:

1. The scope and classification of sub-sectors contained in this schedule, unless otherwise specified, corresponds to the explanatory notes for services listed in the 1991 Central Product Classification (CPC) of the United Nations Statistical Office, while the ordering is based on the Services Sectoral Classification List set out in document MTN.GNS/W/120 dated 10 July 1991.
2. The use of “***” indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| | <p>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>Acquisition and usage of land: Unbound, except as provided in the MA column</p> | |
| II. SECTOR SPECIFIC COMMITMENTS | | | |
| <p>1. BUSINESS SERVICES</p> <p>A. <u>Professional Services</u></p> <p>(a) Legal services (CPC 86111+86119+86120+86130+86190)</p> <p>(b) Accounting, auditing and bookkeeping services (CPC 86211 to 86213 +86219+86220)</p> | <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> | <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|----------------------------------|-----------------------------------|------------------------|
| (d) Architectural services (CPC 86711 to 86714+86719) | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |
| (e) Engineering services (CPC 86721 to 86727 +86729) | 1) None 2) None 3) None | 1) Unbound 2) None 3) None | |
| (g) Urban planning and landscape architectural services (CPC 86741 to 86742) | 1) None 2) None 3) None | 1) Unbound 2) None 3) None | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| <p>B. <u>Computer and Related Services</u></p> <p>(a) Consultancy services related to the installation of computer hardware (CPC 84100)</p> <p>(b) Software implementation services (CPC 84210+84220+84230+84240+84250)</p> <p>(c) Data processing services (excluding those provided over public telecommunications network) (CPC 84310+84320+84330+84390)</p> <p>(d) Data base services (excluding those provided over public telecommunications network) (CPC 84400)</p> | <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> | <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|----------------------------------|-----------------------------------|------------------------|
| (e) Other computer services: software training services for staff of clients (part of CPC 84900) | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |
| E. <u>Rental/Leasing Services without Operators</u> | | | |
| (d) Rental and leasing services concerning agricultural machinery, construction machinery, office machinery, other machinery and equipment without operator (CPC 83106-83109) | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |
| F. <u>Other Business Services</u> | | | |
| (a) Advertising services (CPC 87110+87120 +87190) | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|----------------------------------|-----------------------------------|------------------------|
| (b) Market research and public opinion polling services (CPC 86401 to 86402) | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |
| (c) General management consulting services (CPC 86501) | 1) None 2) None 3) None | 1) None 2) None 3) None | |
| (e) Technical testing and analysis services (CPC 86761+86769) | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| (f) Services incidental to agriculture: Consultancy services on agricultural extension: - soil preparation - seed production - plant protection - harvesting - grading - packing - storing Soil analysis laboratory Soil survey and land use Planning Cover crop seed multiplication | 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| (f) Services incidental to forestry: Forestry consultant services | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |
| (g) Services incidental to fishing: International trading, exporting products services (broker) Quality analysis services Canning process analysis services | 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None | |

Modes of supply:

1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|----------------------------------|-----------------------------------|------------------------|
| Technical services - Consulting - Research on marketing - Quality control | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |
| (h) Services incidental to mining at oil and gas fields | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |
| (m) Related scientific and technical consulting services (CPC 8675**) Oil and gas exploration | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |
| (n) Maintenance and repair services of office machinery and equipment including computers (CPC 84500) | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |
| (q) Packaging services (CPC 87600) | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |
| (r) Publishing and printing services excluding publishing newspaper (CPC 88442) | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|----------------------------------|-----------------------------------|------------------------|
| (t) Other Translation and interpretation services (CPC 87905) | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |
| <p>2. COMMUNICATION SERVICES</p> <p>C. <u>Telecommunications Services</u></p> <p><u>Commitments undertaken in this offer are subject to the following general conditions:</u></p> <ul style="list-style-type: none"> - Each service to be supplied in Thailand requires a specific licence issued by the National Telecommunications Commission (NTC). - Licences are granted only to service suppliers duly constituted according to the Thai legislation, which requires head office and management located in the Thai territory. - Due to scarce resources, the number of licenses may be limited. - The services in the Schedule of Specific Commitments shall be on facilities basis. - The service provider shall be a Thai registered company with foreign equity participation not exceeding 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. | | | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| <p>Public local, domestic long distance and international services:</p> <p>(a) Voice telephone services (d) Telex services (e) Telegraph services (f) Facsimile services</p> | <p>1),2) None, other than traffic shall be routed through a gateway in Thailand operated by a supplier duly licensed; the provision of concerned services shall be agreed by the supplier duly licensed of both ends.</p> <p>3) Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year 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>1),2) None</p> <p>3) Telecommunication acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year 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> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| <p>(j) Data base access services (part of CPC 7523)</p> <p>(n) On-line information and/or data processing services (part of CPC 843)</p> <p>(o) Other</p> <ul style="list-style-type: none"> - Telecommunications equipment sales services (part of CPC 75420) - Telecommunications consulting services (CPC 75440) | <p>1) Service providers must use networks operated by suppliers duly licensed</p> <p>2) None</p> <p>3) (a) Shall be a Thai registered company with foreign equity participation not exceeding 40 per cent of the registered capital. (b) Must use networks operated by suppliers duly licensed</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> | <p>1) None</p> <p>2) None</p> <p>3) No limitations as long as foreign equity participation does not exceed 40 per cent</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| <ul style="list-style-type: none"> - Videotext (part of CPC 75299) - Teleconference (part of CPC 75292) - Domestic leased circuits (part of CPC 75299) | <ul style="list-style-type: none"> 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 40 per cent of the registered capital. <li style="padding-left: 20px;">(b) Must use networks operated by suppliers duly licensed <li style="padding-left: 20px;">(c) Selection of service providers shall be based on open tender | <ul style="list-style-type: none"> 1) None 2) None 3) No limitations as long as foreign equity participation does not exceed 40 per cent | |
| D. <u>Audiovisual Services</u> | | | |
| (a) Film/video production and distribution services excluding promotion or advertising services (CPC 96112+96113) | <ul style="list-style-type: none"> 1) Unbound 2) None 3) None | <ul style="list-style-type: none"> 1) Unbound 2) None 3) None | |
| (c) Radio/television services only for production of radio/TV programmes (CPC 96131+96132) | <ul style="list-style-type: none"> 1) Unbound 2) None 3) None | <ul style="list-style-type: none"> 1) Unbound 2) None 3) None | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| <p>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</p> <p>A. <u>Construction work for buildings</u> (CPC 512)</p> <p>B. <u>Construction work for civil engineering</u> (CPC 513)</p> <p>C. <u>Installation Work</u> (CPC 516)</p> | <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> | <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> | |
| <p>4. DISTRIBUTION SERVICES</p> <p>A. <u>Commission Agents' Services</u> (CPC 6211)</p> | <p>1) Unbound 2) None 3) None</p> | <p>1) Unbound 2) None 3) None</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| <p>5. EDUCATIONAL SERVICES</p> <p>A. <u>Primary education services</u> (CPC 921**)</p> <p>International and national school education services (CPC 9219)</p> <p>B. <u>Secondary education services</u> (CPC 922**)</p> <p>International and national school education services (CPC 9221+9222)</p> <p>Technical and vocational education services (CPC 9223+9224)</p> <p>C. <u>Higher education services</u> (CPC 92300)</p> | <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) Unbound 2) None 3) Unbound</p> | <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) Unbound 2) None 3) Unbound</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| <p>D. <u>Adult education services</u> (CPC 924**) Professional and/or Short Courses Education Services</p> | <p>1) Unbound 2) None 3) None</p> | <p>1) Unbound 2) None 3) None</p> | |
| <p>E. <u>Other education services</u> (CPC 929**) Foreign language tuition services</p> | <p>1) Unbound 2) None 3) None</p> | <p>1) Unbound 2) None 3) None</p> | |
| <p>6. ENVIRONMENTAL SERVICES</p> <p>A. <u>Sewage services</u></p> <p>Environmental consultancy on sewage system, refuse disposal, hazardous waste management, air pollution and noise management, sanitation and other environmental management services (CPC 9401)</p> | <p>1) None 2) None 3) None</p> | <p>1) None 2) None 3) None</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|----------------------------------|-----------------------------------|------------------------|
| Environmental Protection and Environmental Abatement Services (CPC 9401) | 1) None 2) None 3) None | 1) None 2) None 3) None | |
| Sewage Services (including industrial waste water treatment system) (CPC 9401) | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |
| B. <u>Refuse disposal services</u> (including hazardous waste management and incinerator) (CPC 9402) | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |
| C. <u>Sanitation and similar services</u> (CPC 9403) | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |

Modes of supply:

1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| <p>D. <u>Other</u></p> <ul style="list-style-type: none"> - Cleaning services of exhaust gases (including industrial emission abatement) (CPC 9404) - Noise abatement services (CPC 9405) - Nature and landscape protection services (CPC 9406) - Other environmental protection services (CPC 9409) | <ul style="list-style-type: none"> 1) Unbound 2) None 3) None | <ul style="list-style-type: none"> 1) Unbound 2) None 3) None | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| <p>7. FINANCIAL SERVICES</p> <ul style="list-style-type: none"> - With regard to the scope of operation and types of financial services that can be provided, each type of financial institution will be permitted to operate the sector or sub-sector of banking and other financial services only to the extent that their respective governing legislation permit them to do so. - All commitments in this sector are subject to horizontal commitments in Thailand's AANZFTA schedule of Specific Services Commitments. | | | |
| <p>A. <u>Insurance including Reinsurance and retrocession</u></p> <p>(a) Life insurance services (CPC 81211)</p> | <p>1) None</p> <p>2) None</p> <p>3) (a) Foreign equity participation limited to 25 per cent of registered share capital.</p> <p>(b) New establishment is subject to licence approved by the Minister with the consent of the Cabinet.</p> | <p>1) None</p> <p>2) Life insurance premium is tax deductible up to a certain amount for holders of policies issued by local companies.</p> <p>3) None other than that indicated in the MA column</p> | |

Modes of supply:

1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| (b) Non-life insurance Services (CPC 8129) | 1) Unbound except for international marine, aviation and transit and all classes of reinsurance. 2) None 3) (a) Foreign equity participation limited to 25 per cent of registered share capital. (b) New establishment is subject to license approved by the Minister with the consent of the Cabinet. | 1) Unbound 2) None 3) None other than that indicated in the MA column | |
| (d) Services auxiliary to insurance (excluding pension funding services) Insurance broking and agency services (CPC 81401) (Brokers shall not induce, advise or do any acts so as to cause any person to enter into insurance contracts with insurers abroad, except for reinsurance contracts) | 1) Unbound 2) Unbound 3) Foreign equity participation not to exceed 25 per cent. | 1) Unbound 2) Unbound 3) None other than that indicated in the MA column | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|-----------------------------------|------------------------|
| Insurance consultancy services excluding pension consulting services (CPC 81402) | 1) None 2) None 3) None | 1) None 2) None 3) None | |
| Average and loss adjustment services (CPC 81403) | 1) None 2) None 3) None | 1) None 2) None 3) None | |
| Actuarial Services (CPC 81404) | 1) None 2) None 3) None | 1) None 2) None 3) None | |
| Services auxiliary to financial intermediation other than to insurance and pension funding services | | | |
| Credit card services (CPC 81133) (Mobilizing funds from the public is prohibited, unless licensed under a financial law) | 1) None 2) None 3) (a) As indicated in B(3)(j) below. (b) Financial institutions must obtain prior approval from the Bank of Thailand. | 1) None 2) None 3) None | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|-------------------------------------|--|-------------------------------|
| Financial consultancy services (CPC 81332) | 1) Unbound 2) None 3) None | 1) None 2) None 3) None | |

Modes of supply:

1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| <p>B. <u>Banking and Other Financial Services</u></p> <p>Acceptance of deposits and other repayable funds from the public</p> <p>Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions</p> <p>Financial leasing</p> <p>Payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts</p> | <p>1) None for financial advisory and financial data processing. Unbound for all other services.</p> <p>2) None for financial advisory and financial data processing. Unbound for all other services.</p> <p>3) (a) Representative office of banks: None.</p> <p>(b) Foreign bank branches:</p> <p>I. None for existing foreign bank branches under present shareholding structure.</p> <p>New establishment is subject to licence approved by the Minister of Finance with the consent of the Cabinet.</p> | <p>1) None</p> <p>2) None</p> <p>3) (a) Representative office of banks: None</p> <p>(b) Foreign bank branches: None, except as indicated in the market access column.</p> | |

Modes of supply:

1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| <p>Guarantees and commitments</p> <p>Trading for own account, or for account of customers in the following:</p> <p>(a) money market instruments</p> <p>(b) foreign exchange</p> <p>(c) exchange rate and interest rate instruments</p> <p>(d) transferable securities</p> <p>Participation in issues of all kinds of securities, including underwriting and placement as agents (whether publicly or privately) and provision of services related to such issues</p> | <p>II. ATM operations permitted under the following conditions only:</p> <p>(i) joining ATM pools operated by Thai banks; or</p> <p>(ii) operation within own premises or sharing the facilities with other commercial banks in Thailand.</p> <p>III. Existing foreign banks which already had the first branch office in Thailand prior to July 1995 will each be permitted to open no more than two additional branches.</p> <p>IV. None for participation in cheque clearing and settlement system.</p> <p>(c) Locally incorporated banks</p> <p>I. Market access limited to the acquisition of shares of existing banks.</p> | <p>(c) Locally incorporated banks</p> <p>None, except as indicated in the market access column</p> | |

Modes of supply:

1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|-----------------------------------|------------------------|
| <p>Asset management as follows:</p> <ul style="list-style-type: none"> - cash or portfolio management - collective investment management - custodian and depository services <p>Advisory, intermediation and other auxiliary financial services</p> <p>Provision and transfer of financial information, and financial data processing and related software</p> | <p>II. (i) Maximum foreign equity participation limited to 25 per cent of paid-up registered capital. Combined shareholding of an individual and his/her related persons not to exceed 5 per cent of bank's paid-up registered capital.</p> <p>(ii) The Minister of Finance upon recommendation of the Bank of Thailand may relax the above-mentioned limits on maximum foreign equity participation and combined shareholding of an individual and his/her related persons, subject to the terms and conditions announced by the Minister of Finance, including the following:</p> | | |

Modes of supply:

1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----------------------------|---|--|-------------------------------|
| | <ul style="list-style-type: none">- the relaxation is deemed necessary to improve the condition or business of the commercial bank;- such equity participation will be authorized for a period of up to 10 years, with foreign shareholders who enter in this period being grandfathered thereafter with respect to the absolute amount of their equity holding. | | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|---|---|------------------------|
| | <p>(d) International Banking Facility¹ New establishment is subject to licence approved by the Minister of Finance.</p> <p>(e) Finance companies and credit foncier companies</p> <p>I. None for representative offices.</p> <p>II. Market access limited to the acquisition of shares of existing companies.</p> <p>III. (i) Maximum foreign equity participation limited to 25 per cent of paid-up registered capital. Combined shareholding of an individual and his/her related persons not to exceed 10 per cent.</p> | <p>(d) International banking facility None, except as indicated in the market access column</p> <p>(e) Finance companies and credit foncier companies None, except as indicated in the market access column</p> | |

¹ IBF units permitted to operate only the banking and investment banking business as specified in the Ministerial Order issued on 16 September 1992, and Notification of the Bank of Thailand dated 14 December 1993.

Modes of supply:

1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----------------------------|--|--|-------------------------------|
| | <p>(ii) The Minister of Finance upon recommendation of the Bank of Thailand may relax the above-mentioned limits on maximum foreign equity participation and combined shareholding of an individual and his/her related persons, subject to the terms and conditions announced by the Minister of Finance, including the following:</p> <ul style="list-style-type: none">- the relaxation is deemed necessary to improve the condition or business of the finance companies and credit foncier companies;- such equity participation will be authorized for a period of up to 10 years, with foreign shareholders who enter in this period being grandfathered thereafter with respect to the absolute amount of their equity holding. | | |

Modes of supply:

1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|---|------------------------|
| | <p>(f) Securities companies Securities brokerage, securities dealing, investment advisory service and securities underwriting:</p> <p>I. None for representative offices.</p> <p>II. Market access limited to share acquisition of existing companies only. Unbound for new licences.</p> <p>III. Maximum foreign equity participation limited to 49 per cent of paid-up registered capital.</p> <p>(g) Asset management companies:</p> <p>I. None for representative offices.</p> | <p>(f) Securities companies None, except as indicated in the market access column</p> <p>(g) Asset management companies None, except as indicated in the market access column</p> | |

Modes of supply:

1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|--|------------------------|
| | <p>II. Market access limited to share acquisition of existing companies.</p> <p>III. During the first five years after the licence has been granted, maximum foreign equity participation is limited to 25 per cent of paid-up registered capital.</p> <p>IV. After five years, maximum foreign equity participation is limited to 49 per cent of paid-up registered capital</p> <p>(h) Financial leasing services Can only be provided by leasing companies which are subject to maximum foreign equity participation of 49 per cent of paid-up registered capital, or by finance companies which are subject to maximum foreign equity participation of 25 per cent of paid-up registered capital, except in (e) III (ii).</p> | <p>(h) Financial leasing services None</p> | |

Modes of supply:

1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----------------------|--|---|------------------------|
| | <p>(i) Factoring services Can only be provided by factoring companies which are subject to maximum foreign equity participation of 49 per cent of paid-up registered capital, or by finance companies which are subject to maximum foreign equity participation of 25 per cent of paid-up registered capital, except in (e) III (ii).</p> <p>(j) Credit, charge and debit cards Credit, charge and debit cards can only be provided by companies which are subject to maximum foreign equity participation of 49 percent of paid-up registered capital or locally incorporated banks and foreign bank branches.</p> <p>The conduct of businesses under h), i) and j) will be subject to licensing and regulations to be announced.</p> | <p>(i) Factoring services None</p> <p>(j) Credit, charge and debit cards None</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| 9. TOURISM AND TRAVEL RELATED SERVICES A. <u>Hotels and Restaurants</u> Hotel lodging services (CPC 64110) Camping and caravan site Services (CPC 64195) Restaurant Services (CPC 64210) Catering Services (CPC 64230) B. <u>Travel Agency and Tour Operator Services</u> | 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| <p>Travel agency and tour operator services (CPC 74710)</p> <p>D. <u>Other</u> Hotel management services</p> | <p>1) Unbound 2) None 3) In addition to that indicated in the horizontal section, not less than half of the board of directors of the company must be Thai nationality</p> <p>1) Unbound 2) None 3) None</p> | <p>1) Unbound 2) None 3) None</p> <p>1) Unbound 2) None 3) None</p> | |
| <p>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</p> <p>D. <u>Sporting Services and other recreational services</u></p> <p>Sporting Services (excluding other sporting services specified in CPC 96419) (CPC 96411 + 96412 + 96413)</p> | <p>1) Unbound 2) None 3) None</p> | <p>1) Unbound 2) None 3) None</p> | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|-------------------------------------|--|-------------------------------|
| Other recreational services (CPC 9649**) Recreation Park and Beach Services | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|---|
| 11. TRANSPORT SERVICES | | | |
| <p>A. <u>Maritime Transport Services</u></p> <p>(a) Passenger transportation (CPC 7211 less cabotage transport: as defined below - 3.1)</p> | <p>1) None</p> <p>2) None</p> <p>3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in the horizontal section.</p> | <p>1) None</p> <p>2) None</p> <p>3) (a) Unbound</p> <p>(b) None</p> | <p>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:</p> <ol style="list-style-type: none"> 1. Pilotage² 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.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|--|
| <p>(b) Freight transportation (CPC 7212 less cabotage transport: as defined below - 3.1)</p> | <p>1) None other than: Traffic between Thailand-China and Thailand-Vietnam may not be fully participated in by vessels of third countries.</p> <p>2) None</p> <p>3) (a) Unbound for establishment of juristic person for the purpose of operating a fleet under the national flag of Thailand</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 3.2) except branch office: As indicated in the horizontal section</p> | <p>1) None</p> <p>2) None</p> <p>3) (a) Unbound</p> <p>(b) None other than:</p> <p>(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</p> <p>(ii) Exporters or importers of goods shipped from or to Thailand by Thai flag vessels may be entitled to special deduction of not more than 50 per cent of the freight values or other expenses paid in the ordinary course of carriage of such goods from their net income for the purpose of calculation of income tax</p> | <p>1) See Note to the schedule</p> <p>(b) See Note to the schedule</p> |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| (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 | 1) None 2) None 3) (a) Unbound (b) None | |
| (f) Supporting Services for maritime transport (CPC 745**) | | | |
| Shore reception facilities (collection of waste/oily water from ships) | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |
| Port captain's services attached to specific foreign vessels | 1) None 2) None 3) None | 1) None 2) None 3) None | |

Modes of supply:

1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|-----------------------------------|------------------------|
| Marine surveys and classification societies for the purpose of providing accurate documentation and certification of vessels | 1) None other than those under regulations stipulated by the Harbour Department 2) None 3) None | 1) None 2) None 3) None | |
| Freight forwarding services | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |
| C. <u>Air Transport Services</u> | | | |
| (d) Aircraft repair and maintenance services (CPC 8868) | 1) None 2) None 3) Services providers must perform their services outside the prescribed apron. | 1) None 2) None 3) None | |

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| (e) Supporting services for air transport (CPC 746**) Selling and marketing of air transport services | 1) None 2) None 3) None | 1) Unbound 2) Unbound 3) None | |
| E. Rail Transport Services | | | |
| (d) Maintenance and repair of rail transport equipment (CPC 8868) | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |
| (e) Supporting Services for rail transport services (CPC 743**) Passenger and freight car cleaning services Security services at railway station | 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None 1) Unbound 2) None 3) None | |

Modes of supply:

1) Cross-border supply 2) Consumption abroad 3) Commercial presence

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

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|----------------------------------|-----------------------------------|------------------------|
| H. <u>Services Auxiliary to All Modes of Transport</u> (b) Storage and warehousing services (CPC 742) | 1) Unbound 2) None 3) None | 1) Unbound 2) None 3) None | |

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. 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.

