



## Legal Update Week 19 - 20 (10 – 23 May 2021)

### Thailand legal news

#### Highlights:

- **22 May 2021:**
  - Alternative state quarantine (ASQ) changed to field hospitals, temporarily offering the additional rooms for the mild-symptoms Covid-19 patients, in order to support the public hospitals, in the situation of bed shortage during the third wave.
- **20 May 2021:**
  - Creditors of Thai Airways International (THAI) officially approved the airline's debt rehabilitation plan, emphasizing the government's assistance in obtaining new funding.
- **18 May 2021:**
  - The travel restriction rule requiring any visitors entering Phuket province to provide the Covid-19 medical test certificate within 72 hours and a letter declaring the visiting reason or alternatively a vaccine certificate will be maintained until the end of the year in order to cope with the Covid-19 situation and to prepare for Phuket Sandbox program in July 2021.
- **15 May 2021:**
  - The Bank of Thailand (BOT) launched the new policy for the debt relief measures including the debt restructuring measures for consumer loan products:

- Debt relief measures for consumers launched by BOT

- New Notifications on the vaccine damage payment scheme, in the event that a person is injured as a result of the Coronavirus vaccine

- New BOI Announcements to determine additional incentives

unsecured credit card and personal loans, auto hire-purchase loans, car title loans, and mortgages. The measure is the third phase of aiding scheme, providing additional options for longer loan period and lower interest rates than the second phase.

## New Cabinet resolutions

- **18 May 2021**

- **Approved Draft:** Draft Ministerial Regulation Prescribing the Load, Resistance, and Durability of the Building and the Ground Supporting the Building according to the Building Control Act B.E. ...:
  - Determines that any tall buildings, extra-large buildings, large buildings with a height of 4 or more floors, and buildings with a height of 4 or more floors that are constructed in the land development project must provide a foundation soil survey report accompanying the list for calculating the permissible bearing force of the foundation soil or the permissible resistance of the pile;
  - Determines that the calculation and design of retaining walls must take into account the effects of different types of forces acting on the retaining wall, i.e. the pressure of the soil mass, pressure or lifting force of weight, the load acting on the back of the retaining wall, etc. which shall be in accordance with the standards on the calculation of soil pressure of the Department of Public Works and Town Planning or other standards certified by the Building Control Committee.
- **Approved principle:** Draft Ministerial Regulation Prescribing Funeral Expense Rates to be paid by Employers B.E. ...:
  - Requires an employer to pay for funeral expenses at a rate of THB 40,000 for work-related death or disappearance from 9 December 2018 (the date on which the Workmen's Compensation (No. 2) Act B.E. 2561 came into effect), until the effective date of this draft Ministerial Regulation;

# Lorenz & Partners

Legal, Tax and Business Consultants

- The new funeral expense rate is THB 50,000 after the effective date of the draft Ministerial Regulation (the funeral expense under the Social Security Fund is currently at THB 50,000, non work-related death).
- **Approved principle:** Draft Ministerial Regulation Prescribing Criteria for Reducing Surcharge (No. 2) B.E. ... under Customs Act:
  - Determines that the importers or exporters who pay incorrect duties without an intention of avoiding the duty and paying incorrect duties to pay to the Customs Department during the period when this Ministerial Regulation comes into force, to receive an additional discount of 0.25% per month of outstanding duty or tax, from the date on which the goods are taken out of the customs protector or sent out of the Kingdom until the date of payment;
  - This shall be effective from the day following the date of its publication in the Government Gazette until 30 September 2021.
- **Approved Draft:** Draft Royal Decree issued under the Revenue Code Regarding Tax Exemption (No. ...) B.E. ....:
  - Exempts PIT and CIT for debtors of financial institutions, for income from the waiver of debt by financial institutions under the assets and collateral transfer for debt repayment, in accordance with the Royal Decree on Assistance and Rehabilitation of Business Operators Affected by the Coronavirus Disease 2019 B.E. 2564.
- **Approved principle:** Draft Ministerial Regulation Prescribing Social Security Fund Contribution Rates B.E. ....:
  - From 1 June to 31 August 2021, governments, employers, and insured persons under Section 33 shall contribute to the Social Security Fund for the compensation in the event of injury or illness, disability, death, and maternity cases at the rate of 1% of the insured person's wages, while the contribution rate for the child benefit, retirement pension is at the rate of

# Lorenz & Partners

Legal, Tax and Business Consultants

1.25% in respect of employers and insured persons, and the government contributes at the rate of 1.5% of the insured wages. For unemployment benefits, it is determined at 0.25% for each side (total employer-employee 2.5% each);

- From 1 September 2021 onwards, the government, employers and insured persons under Section 33 shall contribute to the fund for the benefits in the event of injury or illness, disability, death and childbirth at the rate of 1.5% of the wages of persons. For the child benefit, and old-age pension, employers and the insured persons shall contribute at the rate of 3% of the insured's wages and the government bears at 1% of the insured wages. For unemployment benefits, the employer and the insured person contribute 0.5% of the insured person's wages while the government's rate is 0.25 % of the wages of insured persons (total employer-employee 5% each).

- **11 May 2021**

- **Approved Draft:** Draft Public Limited Companies Act (Issue No. ...) B.E. ....

- Adds additional advertising channels other than newspapers by allowing to advertise via electronic means instead of newspaper advertising;
- Allows the company or the board of directors to send letters or documents to the directors, shareholders, or creditors by electronic means;
- Revises and adds procedures for the Board of Directors meeting and optional channels so that the director may hold the board of directors or the shareholders meeting via electronic media and determine the meeting place to be held at a head office of the company or nearby province within Thailand, unless the AOA prescribe otherwise;
- Amends the rules and procedures of the invitation to the board of directors meeting for example, the vice chairman has an authority to summon the meeting due to the absence of the chairman of the board of director etc.

- **Approved principle:** Draft Royal Decree issued under the Revenue Code Regarding tax exemption (No. ...) B.E. ... (tax

# Lorenz & Partners

Legal, Tax and Business Consultants

measures to promote entrepreneurs, SMEs to transform their businesses into the digital economy):

- Exempts CIT for companies or juristic partnerships which have the paid-up capital on the last day of the accounting period of not more than THB 5 million and the income from sales of goods and services in the accounting period not exceeding THB 30 million. The exemption is for the income in the amount of the actual expenditures paid for purchases of computer software that is registered with the Digital Economy Promotion Department under the Ministry of Digital Economy and Society, only for the portion not exceeding THB 100,000 for accounting periods beginning on or after 1 January 2021 to 31 December 2022.

## Government Gazette Update:

Date	Part	Subject
21 May 2021	Phiset Ngor	<ul style="list-style-type: none"><li>• Notification of the National Health Security Office Regulations, Methods, and Conditions for Basic Compensation in the event that the service recipient is damaged from the Coronavirus vaccine 2019 or COVID-19 (Coronavirus Disease 2019 (COVID-19)) B.E. 2554:<ul style="list-style-type: none"><li>- Determines the basic compensation payment in case that the person is damaged due to the Coronavirus vaccine 2019 as follows:<ol style="list-style-type: none"><li>1) Loss of life or permanent disability or chronic illness that requires lifelong treatment and has a serious impact on livelihoods is entitled to an initial compensation rate at the rate of not more than THB 400,000;</li><li>2) Loss of organs or disabilities that affect livelihoods is entitled to an initial compensation at the rate not exceeding THB 240,000;</li><li>3) Injury or continuing illness from vaccination with the opinion of the examining physician can be compensated at the rate not exceeding THB 100,000;</li></ol></li><li>- Service recipients who are damaged arising from getting a vaccination against Coronavirus Disease 2019, or their heirs</li></ul></li></ul>

# Lorenz & Partners

Legal, Tax and Business Consultants

		<p>or sponsors or the service unit that provides the service can submit a request for initial compensation at the service unit or Office of the Provincial Public Health Office or the National Health Security Office and provincial branches within 2 years from the acknowledgment date.</p> <ul style="list-style-type: none"><li>- <u>Effective on:</u> 5 April 2021.</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/110/T_0026.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/110/T_0026.PDF</a></p>
	Phiset Ngor	<ul style="list-style-type: none"><li>• Notification of the Customs Department No. 74/2564 re: Extension of the export period for duty refund and duty refund period under Section 29 of Customs Act B.E. 2560 during the pandemic situation of Coronavirus 2019 (Covid-19):</li><li>- Extends the export period for additional 6 months from the original due date of 1 year from the date the raw material is imported from 1 January 2020 to 31 May 2021, in the case where it is impossible to deliver goods obtained from production, mixing, assembling, packing, or processing by any other means out of Thailand, within 1 year from the date of importing raw materials into Thailand;</li><li>- In the event that the duty cannot be refunded within 6 months from the date of delivery outside Thailand, it shall be extended for another 6 months from the expiration date of such 6 months for exported goods made from imported raw materials imported from 1 January 2020 to 31 May 2021.</li><li>- <u>Effective date:</u> 11 May 2021</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/110/T_0007.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/110/T_0007.PDF</a></p>
14 May 2021	Phiset Ngor	<ul style="list-style-type: none"><li>• Notification of the Medical Committee under the Social Security Act re: Criteria and medical service fees in case of proactive testing for Coronavirus Disease 2019 (COVID-19) in the workplace:</li><li>- Determines the duty of the Social Security Office to pay medical services fee for the testing of COVID-19 infection among the insured persons in the workplace and other services related to hospitals at the determined rate.</li><li>- <u>Effective on:</u> 1 May 2021 -30 June 2021</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/103/T_0090.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/103/T_0090.PDF</a></p>
12 May 2021	Phiset Ngor	<ul style="list-style-type: none"><li>• Announcement of the Office of the Board of Investment No. Por. 1/2564 re: Activities that are Not Eligible for Rights and Benefits according to the Announcement of the Board of Investment No. 1/2564 and No. 2/2564:</li><li>- Determines the activities that are <b>not</b> eligible for promotion according to the Announcement of the Board of Investment</li></ul>

# Lorenz & Partners

Legal, Tax and Business Consultants

		<p>No. 1/ 2564 dated 13 January 2021 on Efficiency Enhancement Measure, such as Activity 7.7 Trade and Investment Support Office: TISO, Activity 5.8 E-commerce;</p> <ul style="list-style-type: none"><li>- Determines the activities that are <b>not</b> eligible for additional rights and benefits according to the Announcement of the Board of Investment No. 2/2564 dated 13 January 2021 on Measures for Additional Rights and Benefits for Activities in Group B that Utilize Modern Machinery together with Automation or Robotics System, e.g., Activity 4.6 Manufacture of the general automobile.</li><li>- <u>Effective on:</u> 9 March 2021.</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/100/T_0017.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/100/T_0017.PDF</a></p>
Phiset Ngor		<ul style="list-style-type: none"><li>• Announcement of the Office of the Board of Investment No. Sor. 2/2564 re: Amendment of the Business Activity List with Investment Promotion under the Announcement of the Board of Investment No. 2/2557:<ul style="list-style-type: none"><li>- Cancels the contents of category 2.17, 6.15, 6.16, 6.17, and category 7.24. under the list attached to the Board of Investment Announcement No. 2/2014 dated 3 December 2014.</li><li>- <u>Effective on:</u> 4 January 2021</li></ul></li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/100/T_0019.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/100/T_0019.PDF</a></p>
Phiset Ngor		<ul style="list-style-type: none"><li>• Announcement of the Board of Investment No. 1/2564 re: Efficiency Enhancement Measure on the digital technology:<ul style="list-style-type: none"><li>- This measure applies to businesses which already operate with or without investment promotion;</li><li>- Determines the investment size of not less than THB 1,000,000, excluding the cost of land and working capital, except investment projects of small and medium-sized enterprises (SMEs) must have an investment size of not less than THB 500,000, excluding the cost of land and working capital;</li><li>- Any eligible business can enjoy CIT exemption for 3 years at a proportion of 50% of the investment amount excluding the cost of land and working capital for improvement.</li><li>- <u>Effective on:</u> 21 December 2020</li></ul></li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/100/T_0021.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/100/T_0021.PDF</a></p>
Phiset Ngor		<ul style="list-style-type: none"><li>• Announcement of the Board of Investment No. 5/2564 re: Measures to stimulate the investment:</li></ul>

# Lorenz & Partners

Legal, Tax and Business Consultants

		<ul style="list-style-type: none"><li>- Designates every province as an investment promotion area;</li><li>- Determines the conditions, types of business activities promoted incentives for eligible businesses which is the reduction of CIT on net profits derived from the invested amount at the rate of 50% of the normal rate for 5 years from the end of the CIT exemption period;</li><li>- The project applicants can submit the application form from 4 January 2021 until the end of 2021.</li><li>- <u>Effective on:</u> 4 January 2021</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/100/T_0024.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/100/T_0024.PDF</a></p>
	Phiset Ngor	<ul style="list-style-type: none"><li>• Announcement of the Board of Investment No. 6/2564 re: Establishing genomic medical promotion zones Burapha University (Bang Saen) as a promotion zone for special activities:<ul style="list-style-type: none"><li>- Adds Genomics Medical Promotion Zone, Burapha University (Bang Saen) in accordance with the area designated by the Eastern Special Development Zone Policy Committee as a promotion zone for special activities in the Eastern Special Development Zone according to promotion measures Investing in the Eastern Special Development Zone (EEC).</li><li>- <u>Effective on:</u> 21 December 2020</li></ul></li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/100/T_0026.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/100/T_0026.PDF</a></p>
	Phiset Ngor	<ul style="list-style-type: none"><li>• Announcement of the Board of Investment issue no. 7/2564 re: Investment promotion measures in special economic zones:<ul style="list-style-type: none"><li>- Determines the lists of incentives in the case of general activities according to the announcement of the Board of Investment No. 2/2014 dated 3 December 2014 located in the special economic zone such as exemption of import duty for machinery, additional CIT exemption for 3 years, but in total not more than 8 years. In case it is the target business in the special economic zone, the incentives are granted additionally such as CIT exemption for 8 years with a limit of not more than 100% of the investment.</li><li>- <u>Effective on:</u> 12 May 2021</li></ul></li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/100/T_0027.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/100/T_0027.PDF</a></p>
	Phiset Ngor	<ul style="list-style-type: none"><li>• Announcement of the Board of Investment issue no. 17/2564 re: Investment Promotion Measures for Promoted</li></ul>



# Lorenz & Partners

Legal, Tax and Business Consultants

		<p>Companies registered in the Stock Exchange of Thailand or the Market for Alternative Investment (MAI):</p> <ul style="list-style-type: none"><li>- The company which has been granted CIT exemption under Section 31 paragraph 1 and registered in the Stock Exchange of Thailand or the Market for Alternative Investment (mai) to receive additional CIT exemption rights and benefits 100% of the invested amount (excluding the cost of land and working capital):</li><li>- The application for CIT incentives must be submitted within the last working day of 2021.</li><li>- <u>Effective on:</u> 10 February 2021</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/100/T_0120.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/100/T_0120.PDF</a></p>
--	--	--