



### Thailand Legal News

#### Highlights:

- Vaccination to be given to migrant workers.
- TISI standard for single-use medical gloves
- VAT to be maintained at 7% for another 2 years (until Sep 2023)

#### **Social Security Office extends credit limits to facilitate business enterprises, for up to THB 30 million (25 August 2021)**

- This is for businesses who hire 200 employees or more.

#### **Construction bidding for MRT Orange Line to be re-launched in October (20 August 2021)**

- Following a cancellation of the previous bidding process and several law suits, the new auction criteria will be revealed in October for the private entity investment bidding process, and selection of contractors in the following months.

#### **All migrant workers to get vaccinated (19 August 2021)**

- Employers can submit their employee's list to the Ministry of Health for an allocation of vaccines and the Social Security Office will arrange a schedule afterwards, while the migrant workers who are not under the Social Security Fund can directly contact the hospital themselves.

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## Government Gazette Update:

Date	Part	Subject
19 August 2021	Phiset Ngor	<ul style="list-style-type: none"><li>Notification of the Trade Competition Commission re: Guidelines for Consideration of Unfair Trade Practices in Franchise Business (No.3)<ul style="list-style-type: none"><li>The franchisor must notify the nearby franchisees, in case of an opening of a new branch (by the franchisor/or other franchisees), giving the first right for the existing franchisee to operate the new branch, except if such franchisee fails to meet operating targets. The franchisee has at least 30 days to consider.</li></ul></li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/192/T_0047.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/192/T_0047.PDF</a></p>
23 August 2021	Phiset Ngor	<ul style="list-style-type: none"><li>Notification of the Ministry of Finance re: Time Extension for filing Tax Refunds request for operation according to the Mutual Agreement Procedure or DTA<ul style="list-style-type: none"><li>A person is entitled to file for the refund within 60 days after receipt notice of the result of the mutual agreement procedure.</li></ul></li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/194/T_0001.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/194/T_0001.PDF</a></p>
27 August 2021	Kor	<ul style="list-style-type: none"><li>Ministerial Regulation No.377 (B.E. 2564) issued under the Revenue Code re: the electronic proceedings of document and evidence and VAT registration for business persons who have provided electronic services from abroad.<ul style="list-style-type: none"><li>Establishing regulations for VAT electronic documentations and evidence for e-service providers in foreign countries, providing services consumed in Thailand.</li></ul></li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/054/T_0013.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/054/T_0013.PDF</a></p>

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## Interesting FBL Rulings for July 2021 – August 2021

FBL Rulings for July 2021	
Activity	FBL Ruling
<i>Ref: Page 1 of July 2021 (Commission Agent/Service of Affiliated Offices)</i>	
<p>(1) Entity registered in Thailand would like to operate the following business:</p> <ol style="list-style-type: none"><li>1. Provide service to local company in sourcing clients to purchase the products for export and provide sales support with remuneration of 3% of the product price</li><li>2. Provide service to affiliates in other country to coordinate/negotiate in selling products to local company in Thailand and provide service to local company for sourcing of client as well. The company will receive remuneration from affiliated company according to the ratio of products that affiliated company sold to local company</li></ol>	<p>Activity 1.</p> <ul style="list-style-type: none"><li>- For sourcing activity, this is commission agent for international trading. If the company has registered capital of at least THB 100 million, the FBL is exempted as per List 3 (11)(c)</li><li>- For the sales support activity, this requires an FBL under List 3(21)</li></ul> <p>Activity 2</p> <ul style="list-style-type: none"><li>- Activity between company and affiliated office considered as commission agent for international trading as per List 3 (11)(c) as well. FBL is exempted for registered capital of at least THB 100 million.</li></ul>
<b>FBL Rulings for August 2021</b>	
<i>Ref: Page 1 of August 2021 (Fitness Center)</i>	
<p>Company obtained FBL under List3(21) to provide fitness center service. Is the company permitted to provide the following services?</p> <ol style="list-style-type: none"><li>1. Provide service to non-member</li><li>2. Provide service out of the fitness center area</li><li>3. Provide online service, e.g. on-demand, live streaming</li><li>4. Membership registration through online channel</li></ol>	<p>The service must be provided in the company's fitness center only.</p>
<i>Ref: Page 6 of August 2021 (Retail)</i>	
<p>Company received drawing of mold from client for further producing. The company hired 3 rd party to produce mold as per drawing and sell to client</p>	<p>The business activity of the company is considered as retail activity under List 3(14).</p>