



## Legal Update Week 43 - 44 (19 October – 1 November 2020)

### Thailand legal news

#### Highlights:

- Foreigners are required to stay in the alternative state quarantine (ASQ) only in Bangkok.
- Notification of Department of employment on determination of lists of works which has the characteristics as necessary or urgent.
- Cancellation of the serious emergency decree in Bangkok.

- **17 October 2020:**

- Ministry of Finance plans to restructure the tax incentives policies of the BOI, to attract more foreign investors after a full reopening of the country next year.

- **28 October 2020:**

- Department of Business Development plans to apply artificial intelligence (AI) for scrutinizing the financial statements of companies in 2021 to promote transparency and upgrade the efficiency of the service.

- **29 October 2020:**

- Thai government signed a contract with China for purchasing the high-speed railway system from Bangkok to Nakhon Ratchasima worthily THB 50.63 billion. The project is expected to be completed in 2025.
- The deadline for all creditors of Thai Airways International Public Company Limited to apply for debt repayment was on 2 November 2020, according to the Central Bankruptcy Court order delivered on 14 September 2020.

# Lorenz & Partners

Legal, Tax and Business Consultants

- **30 October 2020:**
  - The Tourism Authority of Thailand (TAT) announced that in the first phase of reopening the border, tourists arriving in Thailand are required to stay in the alternative state quarantine (ASQ) facilitated in Bangkok due to the best public health system to take care of the tourists.
- **31 October 2020:**
  - The Director-General of the Department of European Affairs is resuming the trade negotiation with European trade officials regarding the Thai-EU free trade agreement aiming to have the agreement signed and sealed by the end of this year.

## New Cabinet resolutions

- **20 October 2020**
- **Approved principle:** 3 Draft Ministerial Regulations in accordance with the Medical Facility Act, B.E.2541 as follows
  - Draft Min. Reg. on medical facility operation (Issue no....) B.E....
  - Draft Min. Reg. on medical facility management (Issue no....) B.E....
  - Draft Min. Reg. on providing and reporting of evidence about the professional practitioner, patient, and other documents relating to medical services (Issue no....) B.E....
- **Approved principle:** 4 Draft Ministerial Regulations in accordance with the Export Commodity Standards Act B.E. 2503 amendment on the Export Commodity Standards Act (issue no. 2) B.E. 2522 as follows;
  - Draft Min. Reg. on the determination of the criteria and procedures of registration of a standard commodity exporter and conditions of conduct for the commodity exporter B.E....

# Lorenz & Partners

Legal, Tax and Business Consultants

- Draft Min. Reg. on the determination of criteria and procedures of application for the license of commodity standard inspector as business operation and conditions of conduct for commodity standard inspector B.E....
- Draft Min. Reg. on the determination of criteria and procedures of application for the license of commodity standard inspector and conditions of conduct for commodity standard inspector B.E....
- Draft Min. Reg. on the determination of the rate of fee B.E....
- **Approved Draft:** Draft Ministerial Regulations issue no....(B.E....) in accordance with the Building Control Act B.E. 2522
  - Amended the Min. Reg. issue no. 55 (B.E. 2543) as follows:
  - Defines the definition of “Solid wall”, “Building line”, “Public Water Recourse”;
  - Prescribe that the construction of buildings or houses for replacement or modification are exempted from the obligations under the Min. Reg.

## Government Gazette Update:

Date	Part	Subject
20 October 2020	Phiset Ngor	<ul style="list-style-type: none"><li>• Notification of Department of Employment re: Determination of form and attachments for applying and notifying in accordance with the Min. Reg. on the work permit application, the issuance of work permit, and the notification of foreigner’s work B.E. 2563</li><li>- <u>Effective date:</u> 1 November 2020</li></ul> <a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/246/T_0005.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/246/T_0005.PDF</a>
	Kor	<ul style="list-style-type: none"><li>• Min. Reg. (Issue no. 368) under the Revenue Code, on the tax exemption:</li></ul>

# Lorenz & Partners

Legal, Tax and Business Consultants

22 October 2020		<ul style="list-style-type: none"><li>- Deduct the income from the tax calculation up to THB 30,000 in which those are paid for the eligible products and services are books and One Tambon One Product (OTOP) goods, excluding alcoholic beverages, tobacco, lottery tickets, fuel, accommodation, and air tickets.</li><li>- The eligible persons do not include people participating in “Kon La Khreung” stimulus campaign or welfare cardholders</li><li>- <u>Effective date:</u> 23 October 2020</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/A/088/T_0003.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/A/088/T_0003.PDF</a></p>
	Phiset Ngor	<ul style="list-style-type: none"><li>• Notification of the Department of Health Service Support re: business operation required to have an operator B.E. 2563</li><li>- Determine that the lists of business are required to have an operator who stay in the office during the operation hours and follow the requirements under the health establishment act.</li><li>- The types of business are as follows;<ol style="list-style-type: none"><li>1. Spa business;</li><li>2. Elderly care business.</li></ol></li><li>- <u>Effective date:</u> 23 October 2020</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/249/T_0054.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/249/T_0054.PDF</a></p>
	Phiset Ngor	<ul style="list-style-type: none"><li>• Announcement: Cancellation of the serious emergency decree in Bangkok</li><li>- <u>Effective date:</u> from 22 October 2020</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/248/T_0001.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/248/T_0001.PDF</a></p>
	Kor	<ul style="list-style-type: none"><li>• Min. Reg. re: the application and issuance of driving license and renewable of driving license B.E. 2563</li><li>- Amend the lists of required documents to apply for the driving license such as the medical certificate to certify that person does not have the prohibited disease and any condition that under the doctor’s opinion may affect the driving ability;</li><li>- The driving license for high power motorcycles (big bike 400 cc.) is required to show the certificate of additional training and tests in accordance with the notification of the Director-General.</li><li>- <u>Effective date:</u> 19 February 2021</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/A/088/T_0006.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/A/088/T_0006.PDF</a></p>

# Lorenz & Partners

Legal, Tax and Business Consultants

28 October 2020	Phiset Ngor	<ul style="list-style-type: none"><li>• Notification of Bank of Thailand no. Sor Kor Sor 2. 9/2563 on default Interest rate calculation for debt repayment and depreciation</li><li>- The new default interest calculation is based on the principle that is actually preset (the majority of future installments that are not yet due are excluded from the calculation).</li><li>- Determine the interest rate for default on the contract interest rate adding up no more than 3%.</li><li>- Determine the depreciation sequence by writing off the longest outstanding installments, together with the fee, interest firstly.</li><li>- <u>Effective date:</u> 1 April 2020</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/253/T_0039.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/253/T_0039.PDF</a></p>
29 October 2020	Phiset Ngor	<ul style="list-style-type: none"><li>• Notification of Department of Employment re: Determination of lists of works which has the characteristics as necessary or urgent</li><li>- Foreigners are permitted to enters into Kingdom temporarily for 15 days (can be extended another 15 days) to conduct the prescribed lists of work such as conference, discussion, seminar or business invitation works, inspection, follow-up, and technical solution works.</li></ul> <p><u>Effective date:</u> 30 October 2020</p> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/254/T_0001.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/254/T_0001.PDF</a></p>
	Phiset Ngor	<ul style="list-style-type: none"><li>• Notification of Department of Employment re: determination of request form for extension of the permitted duration of work for a foreigner under section 62 of the royal ordinance on the management of foreign workers employment B.E. 2560 and its amendments</li><li>- In case the foreigners who obtained the work permit under section 62 received an extension of the working period under the law on investment promotion, the law on pretorium, or others, the responsible agencies are obligated to notify the registrar under the forms as described under this notification.</li><li>- <u>Effective date:</u> 1 November 2020</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/254/T_0002.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/254/T_0002.PDF</a></p>

# Lorenz & Partners

Legal, Tax and Business Consultants

	Phiset Ngor	<ul style="list-style-type: none"><li>● Announcement: extension of the declaration of the state of emergency for all areas in the Kingdom of Thailand (7<sup>th</sup> time)</li><li>- Extend the state of emergency, effective <b>1 – 30 November 2020</b></li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/255/T_0018.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/255/T_0018.PDF</a></p>
30 October 2020	Phiset Ngor	<ul style="list-style-type: none"><li>● Notification of Interior Ministry re: the permission of some specific foreigners to stay in Thailand particularly</li><li>- Permit foreigners with cruise ships and private yachts to enter the Kingdom under the criteria as follows;<ol style="list-style-type: none"><li>1. Accept the Covid-19 preventive measures including the quarantine period not less than 14 days;</li><li>2. The health insurance covering Covid-19 check-up and healthcare in the amount of USD 100,000 during the staying period etc.</li><li>3. The evidence of advance payment for renting a mooring</li></ol></li><li>- The entitled foreigners can apply for the Special Tourist Visa (STV).</li><li>- <u>Effective date:</u> from 31 October 2020 to 30 September 2021</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/256/T_0019.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/256/T_0019.PDF</a></p>
	Phiset Ngor	<ul style="list-style-type: none"><li>● Notification of Custom Department No. 169/2563 re: The custom procedure for ASEAN Customs Transit System: ACTS</li><li>- Prescribes the custom procedures for Customs transit management system available to operators who export goods across borders among at least 3 ASEAN member countries without paying the required duties and taxes.</li><li>- <u>Effective date:</u> 31 October 2020</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/256/T_0021.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/256/T_0021.PDF</a></p>