

ANNEX IV
SCHEDULE OF SPECIFIC COMMITMENTS ON
TEMPORARY MOVEMENT OF NATURAL PERSONS

THAILAND

1. The following sets out Thailand's commitments in accordance with Chapter 9 (Temporary Movement of Natural Persons) with respect to its commitments for the temporary entry and temporary stay of natural persons of another Party covered under Article 9.2 (Scope).
2. Thailand reserves the right to adopt or maintain any measure in respect of requirements of requisite visa, criteria, and conditions stipulated or may be stipulated by relevant authorities in obtaining permission for temporary entry or temporary stay. The 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, economic needs tests, and labour market needs tests.
3. Any measure in obtaining a licence or permission in any committed sector or subsector shall be set out in Thailand's Schedule in Annex II (Schedules of Specific Commitments for Services).
4. The obligations of Thailand under this Agreement with respect to permanent residents of other Parties are unbound. 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 them through this Agreement.
5. Thailand remains unbound in respect of the temporary entry of natural persons of another Party into, or their temporary stay in, the territory of Thailand under Chapter 9 (Temporary Movement of Natural Persons), except for sectors and subsectors set out in Appendix A (Sectoral Specific Commitments) and the categories of persons set out below.

Description of Category	Conditions and Limitations (including length of stay)
A. Short Term Business Visitor (BV)	
<u>Definition:</u> A natural person seeking to enter or stay in Thailand temporarily, whose remuneration and financial support for the duration of the visit is derived from outside Thailand: (i) as a representative of a goods seller or service supplier, for the purpose of negotiating the sale of goods or supply of services, or entering into agreements to sell goods or supply services for that goods seller or service supplier, where such negotiations do not involve direct sale of goods or supply of services to the general public; (ii) as an employee of a juridical person¹ only for the purpose of establishing an investment or setting up a commercial presence in Thailand for the juridical person; (iii) for the purpose of participating in business negotiations or meetings; or	Temporary entry and temporary stay for a period not exceeding 90 days from the arrival date shall be granted, when applied for, to a short-term business visitor.

¹ All references to "juridical person" in this Schedule shall be as defined in subparagraph (d) of Article 8.1 (Definitions).

Description of Category	Conditions and Limitations (including length of stay)
(iv) for the purpose of establishing an investment or setting up a commercial presence in Thailand.	
In relation to the financial services sectors and subsectors set out in Appendix A, Business Visitor is defined as 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.	Such temporary entry will be permitted for an initial period of not more than 90 days from the arrival date and may be extended for a further period of not more than one year, provided that the criteria stipulated by the Immigration Bureau and the Department of Employment have been satisfied.
B. Intra-Corporate Transferee (ICT)	
<u>Definition:</u> A natural person who is an employee of a juridical person established in the territory of another Party, who is transferred temporarily for the supply of a service through commercial presence (either through a representative office, branch, subsidiary, or affiliate) in Thailand, and who has been an employee of the juridical person for a period specified in the Conditions and Limitations column of this entry, and who is: (i) an Executive: a natural person within the organisation who primarily directs the management of the organisation and exercises wide latitude in decision making and receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the business; an executive would not directly perform tasks related to the actual provision of the service or services of the organisation; (ii) a Manager: a natural person within the organisation who primarily directs the organisation, department, or subdivision and exercises supervisory and control functions over other supervisory, managerial or professional staff; does not include first line supervisors unless employees supervised are professionals; does not include employees who primarily perform tasks necessary for the provision of the service of the organisation; or (iii) a Specialist: a natural person within the organisation who possesses knowledge at an advanced level of expertise essential to the establishment or provision of the service, or who possesses proprietary knowledge of the organisation's service, research equipment, techniques, or management;	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. Such temporary stay may be extended for a further three terms of not more than one year each.

Description of Category	Conditions and Limitations (including length of stay)
may include members of a licensed profession.	
In relation to the financial services sector and subsectors set out in Appendix A, Intra-corporate Transferee is defined as a corporate transferee of the managerial or executive level or a specialist, provided that such person 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 and has satisfied the criteria stipulated by the Immigration Bureau and the criteria for management needs ² stipulated by the Department of Employment.	The temporary stay is limited to a one-year period from the arrival date and may be extended for a further three terms of not more than one year each.

² In considering managerial needs, the following facts shall be taken into consideration by the relevant authority, namely: (1) size of fully paid-up capital; (2) employment creation; (3) extent of foreign investment; (4) export promotion; (5) transfer of technology; (6) special needs of the management.

Appendix A
SECTORAL SPECIFIC COMMITMENTS^{3, 4}

Thailand extends its commitments under Article 9.4 (Grant of Temporary Entry) for the temporary entry and temporary stay of natural persons only for Short Term Business Visitor (BV) and Intra-Corporate Transferee (ICT) engaging in the following subsectors only, and subject to conditions and limitations specified for each particular sector and subsector:

Sector or Subsector	Conditions and Limitations
1. BUSINESS SERVICES A. Professional Services • Engineering services (CPC 8672) B. Computer and Related Services • Consultancy services related to the installation of computer hardware (CPC 841) • Software implementation services (CPC 842) • Data processing services (excluding those provided over public telecommunications network) (CPC 843) • Database services (excluding those provided over public telecommunications network) (CPC 844) • Other computer services: Software training services for staff of clients (part of CPC 849) C. Research and Development Services • Research and development on natural sciences: Basic research services in engineering and technology (CPC Version 2.1: 8114) • Research and experimental development services in linguistics and languages (CPC Version 1.1: 81240) E. Rental or Leasing Services without Operators • Rental and leasing services concerning agricultural machinery, construction machinery, office machinery, other machinery and equipment without operator (CPC 83106 - 83109)	Unbound for civil engineer

³ 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 the 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.

⁴ 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.

F. Other Business Services

- Advertising services (CPC 87110 + 87120 + 87190)
- Sales of internet advertising space (except on commission) (CPC Version 1.1: 83633)
- Market research and public opinion polling services (CPC 86401 - 86402)
- Management consulting services: General Management consulting services (CPC 86501)
- Technical testing and analysis services (CPC 86761 + 86769)
- 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
- Services incidental to forestry (CPC 881):
 - Forestry consultant services
- Services incidental to fishing (CPC 882):
 - International trading, exporting products services (broker)
 - Quality analysis services
 - Canning process analysis services
- Technical services
 - Consulting
 - Research on marketing
 - Quality control
- Services incidental to mining at oil and gas fields
- Related scientific and technical consulting services: Scientific consulting services from mathematicians and statisticians
- Maintenance and repair services of office machinery and equipment including computers (CPC 84500)
- Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment): Machinery and equipment, on a fee or contract basis (part of CPC 88620)

• Other: Translation and interpretation services (CPC Version 1.1: 83910)	
2. COMMUNICATION SERVICES C. Telecommunications Services • Fixed-line voice telephone services • Private leased circuit services: Dedicated network services (CPC 75222) • Electronic mail (CPC 7523**) • Voice mail (CPC 7523**) • On-line information and database retrieval (CPC 7523**) • On-line information and/or data processing services provided over public telecommunications network (part of CPC 843, excluding transaction processing)	
• Other: Telecommunications terminal equipment leasing services (CPC 75410) • Telecommunications equipment sales services (part of CPC 75420) • Telecommunication consulting services (CPC 75440)	Unbound for civil engineer
• Videotext • Teleconference • Motion picture and video tape production and distribution services: Film or video production and distribution services, excluding promotion or advertising services (CPC 96112** + 96113**) • Radio and television services (CPC 9613): Radio and television services only for production of radio and television programmes (CPC 96131** + 96132**)	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES A. Construction Work for Buildings (CPC 512) B. Construction Work for Civil Engineering (CPC 513)	Unbound for civil engineer
C. Installation and Assembly Work (CPC 514 + 516) E. Other: • Pre-erection work at construction sites (CPC 511) • Special trade construction work (CPC 515) • Renting services related to equipment for construction or demolition of building or civil engineering work, with operator (CPC 518)	

6. ENVIRONMENTAL SERVICES A. Sewage Services • Environmental consultancy on sewage system, refuse disposal, hazardous waste management, air pollution and noise management, sanitation and other environmental management services (CPC 9401**) • Environmental protection and environmental abatement services (CPC 9401**) • Sewage services (including industrial waste water treatment system) (CPC 9401**) B. Refuse Disposal Services (including hazardous waste management and incinerator) (CPC 9402) C. Sanitation and Similar Services (CPC 9403) D. Other • 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)	
7. FINANCIAL SERVICES A. Insurance and Insurance-related Services • Life insurance services (CPC 81211) • Non-life insurance services (CPC 8129)	Only senior managerial personnel, specialists, and technical assistants with the approval of the Insurance Commissioner
• Services auxiliary to insurance (excluding pension funding services): Insurance broking and agency services (CPC 81401)	Only senior managerial personnel, specialists, and technical assistants with the approval of the Insurance Commissioner Unbound for individual broker and agent 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
• Insurance consultancy services (CPC 81402) • Average and loss adjustment services (CPC 81403) • Actuarial services (CPC 81404)	Only senior managerial personnel, specialists, and technical assistants with the approval of the Insurance Commissioner

B. Banking and Other Financial Services • Acceptance of deposits and other repayable funds from the public • Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction • Financial leasing • Payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts • Guarantees and commitments • Trading for own account, or for account of customers in the following: - Money market instruments - Foreign exchange - Exchange rate and interest rate instruments - Transferable securities	Limitations on the number of foreign personnel per foreign bank office: (a) two persons for banks operating as representative office; (b) six persons for each foreign bank branch
• Participation in issues of all kinds of securities, including under-writing and placement as agent (whether publicly or privately) and provision of services related to such issues⁵ • Asset management as follows: - Cash or portfolio management - Collective investment management - Custodian and depository services • Advisory, intermediation and other auxiliary financial service⁶ • Provision and transfer of financial information, and financial data processing and related software	
• For securities companies⁷: - Securities brokerage and dealing - Trading for own account or for account of customers in transferable securities - Securities underwriting: 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 - Investment advisory	The number of foreign personnel is limited to two persons for a representative office
• For asset management companies - Collective investment schemes	Only for a representative office, the number of foreign personnel is limited to two persons
• Credit card services (CPC 81133)	Mobilising funds from the public is prohibited, unless licensed under a financial law
• Financial consultancy services (CPC 81332)	

⁵ The commitments for securities companies under this subsector are separately listed below.

⁶ The commitments on investment advisory for securities companies under this subsector are separately listed below.

⁷ "Securities companies" means securities companies which are not commercial banks and insurance companies.

9. TOURISM AND TRAVEL RELATED SERVICES A. Hotels and Restaurants • Hotel lodging services (CPC 64110) • Camping and caravan site services (CPC 64195) • Restaurant services (CPC 64210) • Catering services (CPC 64230) B. Travel Agency and Tour Operator Services: Travel agency and tour operator services (CPC 74710) D. Other: Hotel management services (CPC Version 1.1: part of 63110) 10. RECREATIONAL, CULTURAL AND SPORTING SERVICES A. Entertainment Services: Amusement parks (CPC Version 1.1: 96910**) C. Libraries, Archives, Museums and Other Cultural Services: Private library services (CPC 96311**) D. Sporting Services (excluding other sporting services specified in CPC 96419) (CPC 96411 + 96412 + 96413) E. Other Recreational Services (CPC 9649**): Recreation park and beach services 11. TRANSPORT SERVICES	
• Passenger transportation (CPC 7211 less cabotage transport) • Freight transportation (CPC 7212 less cabotage transport) • International towing (CPC 7214)	Unbound for ships' crew
• Supporting Services for maritime transport (CPC 745**): Shore reception facilities (collection of waste or oily water from ships)	
• Maintenance and repair of rail transport equipment on a fee or contract basis (CPC 8868)	Unbound for civil engineer
• Supporting Services for rail transport services (CPC 743**) - Passenger and freight car cleaning services - Security services at railway station • Freight transportation only for frozen or refrigerated goods, bulk liquids or gases and containerised freight (CPC 71231 - 71233) • Rental services of passenger cars with operator (CPC 71222) • Rental services of buses and coaches with operator (CPC 71223)	

• Maritime cargo handling services in private-owned port • Storage and warehousing services (CPC 742) • Storage and warehousing services of frozen or refrigerated goods (CPC 74210)	
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Reference Paper
NOTE TO THE APPENDIX

For the purposes of this Appendix:

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; and
2. **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:
 - the loading or discharging of cargo to or from a ship;
 - the lashing or unlashings of cargo;
 - the reception or delivery and safekeeping of cargoes before shipment or after discharge.