



Legal Update Week 17 - 18 (20 April – 3 May 2020)

- Highlights:** - Financial aid and slowdown of debt repayment for entrepreneurs affected by COVID-19
- Emergency Decree re: COVID-19 extension 1 – 31 May 2020 and government regulations in emergency situation and the guidelines
 - Announcement of Wage Committee re: wage rate according to skill standards (No. 9)

Thailand legal news

- **22 April 2020:**
 - Due to the impact of COVID-19, Airports of Thailand Plc. (AOT) expects air traffic volume for flights and passengers in the fiscal year 2020 to decrease by 44.9% and 53.1%, respectively.
- **22 April 2020:**
 - The Ministry of Digital Economy and Society in cooperation with Shopee (online shopping platform) introduced “Shopee Seller Support Package” to help SMEs. This scheme is open for registration between 23 April – 31 May 2020. Business operators will receive marketing support, e-learning for sellers, and other benefits and privileges from Shopee.
- **27 April 2020:**
 - The government agreed to extend the ban for all international flights to airports in Thailand to 31 May 2020 (23.59 hrs.), unless falling into any exception, e.g. repatriation flights, transportation of goods, etc.
 - The Civil Aviation Authority of Thailand imposed a social distancing measure for all flights by ordering airlines to skip the seat between two people, starting on 1 May 2020. The flight operators may charge extra fees to passengers, especially in low-cost airlines.

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- **29 April 2020:**

- Nissan Motor (Thailand) has temporarily extended the suspension of the production line of the second factory (located in Samut Prakan) until 31 May 2020. For the first factory, the production plan has been adjusted to fit the current market needs.

- **1 May 2020:**

- Research of SCB Economic Intelligence Center shows that the number of job postings on the recruitment website JobsDB tends to decrease continuously. As of 24 April 2020, the number of job postings has decreased by 37.4% from 21 March 2020 (1 day before the lockdown of Bangkok and vicinity due to COVID-19).
- The Office of the U.S. Trade Representative (USTR) released the annual Special 301 report on the adequacy and effectiveness of trading partners' protection of intellectual property rights (2020). Thailand remains on the Watch List (WL) same as last year (2019).

- **3 May 2020:**

- The Civil Aviation Authority of Thailand allows airports that serve only domestic flights to take-on and take-off only between 7.00 – 19.00 hrs. and prohibit international flights carrying passengers to enter the country, except state or military aircraft, emergency landing, technical landing, humanitarian aid, medical and relief flights, repatriation, cargo aircraft.
- The State Railway of Thailand announced the suspension of fast trains (no. 135, 136), regular trains (no. 201, 202, 257, 258) and local trains (no. 415, 418, 421, 426, 439, 440, 489, 490), totaling 14 routes, to reduce people from traveling across the provinces in accordance with the regulations by virtue of Section 9 of the Emergency Decree (No.5).

New Cabinet resolutions

21 April 2020:

- **Approved Principle:** Draft Act amending the Land Code Amendment Act (No.11) B.E. 2551 (No. ..) B.E. ...
 - Amend Section 8 paragraph 4 regarding the power of competent officials to give opinions to the court, besides opinions of the Land Department
- **Approved Draft:** Draft measures to prevent and solve problems on sexual harassment in the workplace (proposed by the Ministry of Social Development and Human Security)
 - Add new measures to protect complainants, witnesses and culprits
- **Approved Principle:** Reconsider the Cabinet's resolution regarding income compensation to employees or other people affected by COVID-19 under the Social Security laws (second time)
 - Extend the target group to cover 14 million people in need (formerly 9 million people)
- **Acknowledged:** Measures to help electricity users affected by COVID-19 (residential use) for the billing cycle of March – May 2020

Meter <u>not</u> more than 5 amp.	
Electricity use	Price
Less than or equal to 150 units per month	Free of charge
Meter more than 5 amp.	
Electricity use	Price
More than billing cycle of February 2020 but less than or equal to 800 units per month	Charge equal to the billing cycle of February 2020
More than 800 units but less than or equal to 3,000 units per month	Charge equal to the billing cycle of February 2020 + units beyond 800 will be charge 50%
More than 3,000 units per month	Charge equal to the billing cycle of February 2020 + units beyond 800 but less than or equal to 3,000 will be charge 50% + units beyond 3,000 will be charge 70%

28 April 2020:

- **Approved Principle:** Draft Royal Decree issued under the Revenue Code re: tax reduction (No. ..) B.E. ... (3 drafts)
 - Tax measure to support the relocation of production base to Thailand for foreign investors (Thailand Plus Package)
- **Approved Principle:** Draft Architects Act (No. ..) B.E. ...
 - Insert additional powers and duties of the Council of Architects and Committees
- **Approved Principle:** Draft Administrative Procedure Act (No. ..) B.E. ...
 - Add new provisions and revoke existing provisions in the Administrative Procedure Act B.E. 2539
 - Amend existing provisions to be clear, complete, and appropriate
- **Approved Draft:** Draft Royal Decree establishing land boundaries to be expropriated and draft Royal Decree determining land boundaries for mass transit
 - Expropriation for MRT purple line project (Tao Poon - Rat Burana) in the following districts:
 1. **Bangkok:** Bang Sue, Dusit, Phra Nakhon, Pom Prap Sattru Phai, Samphanthawong, Thonburi, Khlong San, Chom Thong, Rat Burana, Thung Khru
 2. **Samut Prakan:** Phra Pradaeng
- **Approved Principle:** Draft Min. Reg. re: annual fee exemption for factory operators B.E. ...
 - Waive annual fees under the Factory Act B.E. 2535 and its amendment for factory operators type 2 and 3 on any scale for 1 year
- **Approved:** Remedial measures to help the **disabled** during COVID-19 crisis
- **Approved:** Emergency decree re: COVID-19 extension: 1 - 31 May 2020

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Royal Gazette Update:

Date	Part	Subject
21 April 2020	Ngor Piset	<ul style="list-style-type: none">● Announcement of the Ministry of Labor re: prohibited occupations for foreigners- <u>Effective date</u>: 21 June 2020 http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/092/T_0014.PDF
22 April 2020	Ngor Piset	<ul style="list-style-type: none">● Announcement of the Ministry of Public Health re: areas of a dangerous communicable disease outside of Thailand in case of Coronavirus Disease 2019 (COVID-19) (No.2) B.E. 2563- The areas outside of Thailand as stated below shall be the areas of a dangerous communicable disease, Coronavirus Disease 2019 (COVID-19). Newly announced countries are colored in red. <ol style="list-style-type: none">(1) Korea(2) China, Macau and Hong Kong(3) Italy(4) Iran(5) Malaysia(6) Cambodia(7) Laos(8) Indonesia(9) Myanmar <ul style="list-style-type: none">- This list has been set only to carefully and strictly monitor, prevent, and control the disease.- <u>Effective date</u>: 23 April 2020 http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/093/T_0016.PDF
23 April 2020	Ngor	<ul style="list-style-type: none">● Announcement of the Director-General of the Revenue Department on Income Tax (No.366) re: rules, procedures, and conditions for corporate income tax exemption for income that is paid for the investment in machinery (not repair) under Section 65 Ter (5) of the Revenue Code

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	Ngor Piset	<p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/D/032/T_0082.PDF</p> <ul style="list-style-type: none"> ● Announcement of the Bank of Thailand No. SorGorSor1. 2/2020 re: financial aid to entrepreneurs affected by COVID-19 - The Bank of Thailand grants soft loan with the interest rate of 0.01% per annum to commercial banks, amounting to THB 500 billion, for 2 years. - The maximum amount of loan for each SME is <u>not more than 20% of the outstanding debt</u> as at 31 December 2019. SMEs can apply for a loan at their banks. <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/094/T_0009.PDF</p>
	Ngor Piset	<ul style="list-style-type: none"> ● Announcement of the Bank of Thailand No. SorGorSor1. 3/2020 re: slowdown of debt repayment for entrepreneurs affected by COVID-19 - Financial institutions shall delay the repayment of the principal and interest of SMEs for a period of 6 months from the day following the date of this announcement. However, financial institutions can still charge interest throughout this period. - <u>Effective date</u>: 23 April 2020 <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/094/T_0018.PDF</p>
24 April 2020	Ngor Piset	<ul style="list-style-type: none"> ● Announcement of the Ministry of Interior re: special permits for certain types of foreigners to stay in the Kingdom (No.2) - Extend the period to stay in Thailand (Section 35 of the Immigration Act B.E. 2522) from 1 May 2020 to 31 July 2020 - Extend the notification of residence (Section 37(5) of the Immigration Act B.E. 2522) from 1 May 2020 to 31 July 2020 - <u>Effective date</u>: 1 May 2020 <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/096/T_0008.PDF</p>
	Gor	<ul style="list-style-type: none"> ● Min. Reg. prescribing rules, procedures and conditions for public auction B.E. 2563 - Revoke the same Min. Reg. B.E. 2559

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		<p>- To promote transparency, justice, and efficiency and to be in line with the provisions regarding the public auction in the amended Civil Procedure Code.</p> <p>- <u>Effective date</u>: 25 May 2020</p> <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/A/031/T_0014.PDF</p>
	Ngor Piset	<p>● Regulations of the Social Security Office re: return of the excess amount of contribution (No. 2) B.E. 2563</p> <p>- The contributions are reduced during March – May 2020 (contribution reduction scheme by the SSO due to COVID-19), but some employers still paid or deducted full contributions from employees' salaries. The SSO, then, imposed these regulations to refund the excessive amounts to employers/employees.</p> <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/096/T_0001.PDF</p>
28 April 2020	Ngor Piset	<p>● Announcement: extension of the declaration of the state of emergency for all areas in the Kingdom of Thailand (1st time)</p> <p>- Extend the state of emergency, effective 1 – 31 May 2020</p> <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/098/T_0040.PDF</p>
29 April 2020	Ngor Piset	<p>● Announcement of the Customs Department re: cease the use of copies of ID card/house registration/other documents issued by the government</p> <p>- In the case of authorization, a principal still has to provide a certified copy of ID card.</p> <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/100/T_0029.PDF</p>
30 April 2020	Ngor Piset	<p>● Announcement of the Department of Employment re: types of foreigners for which employers are exempted from notifying the employment:</p> <ol style="list-style-type: none"> 1. Foreigners who are allowed to work in the Kingdom under the law on investment promotion, the petroleum law or other laws under Section 62 2. Foreigners who are allowed to work in the Kingdom with employers who apply for work permit for them under Section 60 para.2 <p>- <u>Effective date</u>: 1 May 2020</p> <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/101/T_0023.PDF</p>

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1 May 2020	Ngor Piset	<ul style="list-style-type: none">● Regulations by virtue of Section 9 of the Emergency Decree on Public Administration in Emergency Situation B.E. 2548 (No.5) <ol style="list-style-type: none">1. Not using schools buildings: for teaching, examination, or other activities; except via telecommunication or electronic means;2. No activities with many participants: e.g. meetings, seminars, distribution of foods or goods, or catering, unless approved by officials with at least 1 m. distancing, in open or not crowded location, in a short period, with preventive measures;3. Not using airports: unless specified in the air travel laws;4. A person entering Thailand: subject to regulations and government measures to prevent the disease (e.g. testing, quarantine, etc.);5. Close risky places: e.g. theaters, entertainment establishment, pubs, bars, playgrounds, amusement parks, zoos, game centers, internet cafes, public pool, shopping mall, fitness center, beauty clinic, convention center, museum, public library, nursery, elderly care center, boxing stadium, martial arts school (gym), tattoo or piercing shop, and massage parlor. Stricter rules can be applied for each province.6. Rituals or religious activities: depend upon the discretion of the authority of each religion;7. Travel across the provinces: asking to refrain from traveling across the provinces. In case of necessity, a traveler needs to declare the reason to authority and will be subjected to testing and preventive measures (which may cause delay). <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/102/T_0001.PDF</p>
	Ngor Piset	<ul style="list-style-type: none">● Regulations by virtue of Section 9 of the Emergency Decree on Public Administration in Emergency Situation B.E. 2548 (No.6) <ol style="list-style-type: none">1. Economic and lifestyle activities<ol style="list-style-type: none">a. Selling foods or beverages in hotels, airports, railway stations, bus stations, hospitals, restaurants, convenience stores, street vendors, stalls (excluding places of entertainment, pubs, bars)

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		<ul style="list-style-type: none">➤ Dine-in: must be organized in accordance with disease prevention measures and suggestion of the government;➤ Alcoholic beverages take-away only;b. Department stores, shopping centers, and community malls<ul style="list-style-type: none">➤ Supermarkets, pharmacies, essential items, retail stores in telecommunications businesses, banks, government agencies, and state enterprises can be open;➤ Restaurant departments (take-away only);c. Small retail/wholesale stores, retail/wholesale community stores, markets, floating markets, and flea markets<ul style="list-style-type: none">➤ Control entrances and exits;➤ Have body temperature measurement; and➤ Distancing for shopping and payment.d. Beauty salon, hairdressing or haircut for men or women<ul style="list-style-type: none">➤ Wash, cut, trim, and hairdressing only;➤ No waiting in the shop; <p>2. Exercise or health care activities</p> <ul style="list-style-type: none">a. Hospitals, clinics, dental clinics, and all types of hospitals that are legally established;b. Golf courses or golf practice areas:<ul style="list-style-type: none">➤ No gathering or holding competition event;c. Sports arenas:<ul style="list-style-type: none">➤ Outdoor sports only (with international rules);➤ Having a social distance and no close contact (e.g. tennis, horseback riding, shooting, archery);➤ No gathering or holding competition event;d. Public parks, public areas, exercise venues, sports stadiums, sports fields:<ul style="list-style-type: none">➤ Open space for walking, running, biking, or other exercises (individual activities);➤ No gathering or holding competition event, show, performance;e. Animal care, grooming, pet nursing. <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/102/T_0004.PDF</p>
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	Ngor Piset	<ul style="list-style-type: none">● Guideline of the regulations by virtue of Section 9 of the Emergency Decree on Public Administration in Emergency Situation B.E. 2548 http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/102/T_0007.PDF
	Ngor Piset	<ul style="list-style-type: none">● Announcement of the Ministry of Labour re: contributions for the Skill Development Fund for the year 2019- Business operators who have to pay to the Skill Development Fund for the year 2019 shall pay within July 2020 (extension) http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/103/T_0013.PDF - Exemptions for some types of business operators http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/103/T_0028.PDF
	Ngor Piset	<ul style="list-style-type: none">● Announcement of Wage Committee re: wage rate according to skill standards (No. 9)- Determine the wage rates according to the skill standards of 83 career fields.- <u>Effective date</u>: 1 May 2020 http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/103/T_0029.PDF
	Ngor Piset	<ul style="list-style-type: none">● Road transport regulations in an emergency situation during curfew- In case of transportation of goods for the benefit of the people, drivers must present driver's license, ID card, employee card, certificate of employment, or related documents to officials and allow body temperature measurement. http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/103/T_0039.PDF - Implement other preventive measures http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/103/T_0045.PDF