



Legal Update Week 5 - 6 (1- 14 February 2021)

Thailand legal news

Highlights:

- **12 February 2021:**

- The BOI approved in principle to grant the incentives in relation to an inland container depot project, a distribution center project, and a project to construct buildings for industrial plants and warehouses, for cross border cargo transportation by land, on the R12 route that links Thailand, Laos, Vietnam and Southern China.

- **9 February 2021:**

- The rehabilitation plan of Thai Airways International (TG) will be submitted to the Central Bankruptcy Court by the deadline of 2 March 2021. This was confirmed by the Deputy Prime Minister after the deadline had been postponed twice. He explained that the plan requires unanimous consent which is hard for some issues to be agreed upon by all committee members.

- **8 February 2021:**

- Hua Hin Airport shall be further expanded and renovated to support and prepare for the rebound of the tourism industry next year. The upgrade plan, effective in the 2023 fiscal year,

- Insured persons under Section 33 are granted THB 4,000 under the Mor33 Rao Rak Kan scheme

- E-service providers from abroad to pay VAT

- Extension of the fee for the registration of property transfer and mortgage reduced to 0.01%

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covers the expansion of the aviation runway to facilitate larger airplanes.

- **4 February 2021:**

- In 2020, 719 industrial factories closed down their business due to the economic recession, which created 30,000 unemployed. On the other hand, 3,324 new factories were launched or enlarged, which created 187,088 jobs, as reported by the Department of Industrial Works.

- **2 February 2021:**

- The Eastern Economic Corridor Office set the goal for 2021 to attract THB 300 billion in investment applications for the Eastern Economic Corridor (EEC). The EEC Office and the BOI were assigned to amend the regulations and investment promotions to facilitate and attract the investment.
- Insured persons under Section 33 of the Social Security Act will be granted financial relief support of THB 4,000 per person from the government under the “Mor33 Rao Rak Kan” scheme. The eligible persons must have financial deposits shown in the bank account of not more than THB 500,000. The registration period is between 21 February and 7 March 2021. Those eligible will be given THB 1,000 per week for four weeks from 22 March 2021 and allowed to spend from 12 April to 31 May 2021.

New Cabinet resolutions

- **9 February 2021:**

- **Approved draft:** Draft the abolishment of some acts which are unnecessary or duplicate with other provisions B.E. ...

- Abolishing of the following 7 acts that are deemed unnecessary:
 1. Training and Disciplining a Certain Type of Child Act, B.E. 2479 (1936)
 2. Emergency Decree on Control and Operation of Gold Mining, B.E. 2483 (1940)
 3. Electric Power Promotion Act, B.E. 2484 (1941)
 4. Prescription of the treatment for persons who disseminate news which threaten the alliance between Thailand and a country that has a Treaty of Amity with Thailand in the state of war Act B.E. 2488 (1945)
 5. Prescribing Methods for Suspending Unreasonable Profits traded by the Government Act, B.E. 2491 (1948)
 6. Training and Disciplining a Certain Type of Child Act (issue no. 2), B.E. 2501 (1958)
 7. Production of CD products B.E. 2548 (2005)
- **Approved principle:** Draft Notification of the Ministry of Interior re: the collection of the registration and transaction fee under the Land Code in the case of transfer and mortgage of property in accordance with the stimulus measure for Special Administrative Development Zone:
 - Approves the measures to support businesses located in the Southern border provinces (Yala, Pattani, Narathiwat, Satun) such as reduction of the personal income tax, withholding tax, specific business tax, corporate income tax for new startups.
- **Approved principle:** Draft Ministerial Rule re: determination of criteria and measures of repurchase, distribution, and cut of treasury shares (Issue no. ...) B.E. ...

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- Amending of the period required by the company to distribute the treasury shares by reducing the time from 6 to 3 months for each time that the company repurchases shares.
 - Amending the period for the company to undertake a new share repurchase program by reducing the time limit for companies to buy back the new shares after 6 months (previously, 1 year)
 - Amending the regulation regarding the period for the company to disclose the information of the repurchase of treasury shares project.
- **2 February 2021:**
 - **Approved draft:** Draft Pinai Penalty (การปรับเป็นพินัย) Act B.E. ...
 - Defining the terms “Pinai Penalty” and “Pinai Offense” as the fine for the small offense applied instead of the criminal penalty whereby there is no imprisonment or detainment in place of the fine and also no criminal record;
 - Determining the legal procedures;
 - Authorizing the court to order the offenders to work in the social service or public interest in case they cannot afford the fine;
 - Prescribing the conditions to amend administrative and criminal penalties to Pinai Penalty.
 - **Approved principle:** Draft Ministerial Rule re: determining standards for industrial products, air conditioning B.E. ...
 - The industrial products, air conditioning must be in accordance with the standard TISI Number: 1529 – 2561 under the notification of the Ministry of Industry issue no. 5822 (B.E. 2563).

Government Gazette Update:

Date	Part	Subject
11 February 2021	Phiset Ngor	<ul style="list-style-type: none">Notification of the Ministry of Interior re: approval of stay permit for foreign nationals from Cambodia, Lao, or Myanmar in particular under the pandemic of Covid-19 pursuant to the Cabinet Resolution dated 26 January 2021:<ul style="list-style-type: none">Extending the stay permission for foreign nationals; from Cambodia, Lao, or Myanmar who have been permitted and stamped to work in Thailand under the Cabinet Resolution dated 20 August 2020, until 30 September 2021.<u>Effective date:</u> 11 February 2021 http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/034/T_0035.PDF
	Phiset Ngor	<ul style="list-style-type: none">Notification of the Ministry of Interior re: approval of stay permit for foreign nationals from Cambodia, Lao, or Myanmar in particular under the pandemic of Covid-19 pursuant to the Cabinet Resolution dated 21 August 2020 (Issue no. 2):<ul style="list-style-type: none">Amending the procedures and deadline to apply for the stay permit to be in accordance with the Cabinet Resolution dated 21 August 2020.<u>Effective date:</u> 11 February 2021 http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/034/T_0037.PDF
	Phiset Ngor	<ul style="list-style-type: none">Notification of the Ministry of Interior re: approval of stay permit in particular for foreign nationals from Cambodia and Myanmar who were approved to work in Thailand under Section 64 of the Foreign Workers Management Emergency Decree B.E. 2560 (2017) and the amendment under the pandemic of Covid-19 (Issue no. 2):<ul style="list-style-type: none">Amending the deadline to have a health check, register in the social security system or have health insurance within 31 July 2021 to apply for the stay permit to be in accordance with the Cabinet Resolution dated 26 January 2021.<u>Effective date:</u> 11 February 2021 http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/034/T_0040.PDF

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	Phiset Ngor	<ul style="list-style-type: none"> • Notification of the Ministry of Interior re: approval of some foreigners to stay in Thailand in particular under the Covid-19 pandemic situation in accordance with the Cabinet Resolution dated 29 December 2020 (issue no. 2): <ul style="list-style-type: none"> - Determining that foreigners who wish to stay in Thailand for work from 14 February 2021 to 13 February 2023 must comply with the Notification of the Ministry of Labour under the Cabinet Resolution dated 26 January 2021; - Determining the application procedures. - <u>Effective date:</u> 11 February 2021 <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/034/T_0042.PDF</p>
10 February 2021	Kor	<ul style="list-style-type: none"> • Amendment of the Revenue Code (issue no. 53) B.E. 2564: <ul style="list-style-type: none"> - Amending that any summons, notice to the tax payment, forms, tax invoice, any documents required to have, issue, or use in accordance with the Revenue Code can be conducted via electronic methods; - Adding the definitions of “electronic service”, “electronic platform”; - E-service providers from abroad (services used in Thailand by users who are not VAT registrants) have the duty to pay VAT calculated from the output tax without the deduction of the input tax; - If e-services are provided through an e-platform, which supports the continual process from service proposal, service payment, service delivery, and other processes, the foreign e-service provider must pay VAT on behalf of every foreign provider of e-services, without the separation of the details of each service provided by each provider. The duty and liability of an e-platform operator will be the same as that of the foreign provider of e-services. - <u>Effective date:</u> 11 February 2021 <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/011/T_0001.PDF</p> <p>-</p>
	Kor	<ul style="list-style-type: none"> • Act on the determination of the powers and duties among Courts (issue no.2) B.E. 2564: <ul style="list-style-type: none"> - In case the party who submitted the case considers that such case is under the jurisdiction of another court, such party may file a petition with the plaintiff-receiving court prior to the hearing date for the court of justice or military court, or within the period of the answer submission deadline, or

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		<p>prior to the expiration of the latest period to file the answer as determined by the court. The court to which the case is submitted may temporarily pause the proceedings and deliver without delay its opinion to the court that is considered to be the competent court by the party. The relevant courts shall proceed as follows:</p> <p>(1) If the opinion-delivering court considers that the case is under its jurisdiction and the opinion-receiving court has the same opinion, the latter shall notify its opinion to the former to resume the proceedings;</p> <p>(2) If the opinion-delivering court considers that the case is under the jurisdiction of the other court, as considered by the party, and the opinion-receiving court has the same opinion, the latter shall notify its opinion to the former in order for the case to be transferred to such court, or the case to be disposed in order for the party to file the plaint with the competent court;</p> <p>(3) If the opinion-delivering court and the opinion-receiving court have conflicting opinions with regard to the competent jurisdiction over such case, the former shall submit the matter to the Jurisdiction Committee; the Committee shall decide within 30 days after the date the matter is received. In case of necessity, the Committee may extend the period for no longer than 30 days with the record of such necessity.</p> <p>- <u>Effective date:</u> 11 February 2021</p> <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/011/T_0013.PDF</p>
	Kor	<ul style="list-style-type: none"> • Royal Decree re: determination of the criteria and the contribution rate, types of the benefits together with the criteria and requirements to receive the benefits of any person applying for the insured person (issue no.2) B.E. 2564: <ul style="list-style-type: none"> - Granting the following benefits in case of death (for the voluntary insured person under Section 40): <ol style="list-style-type: none"> 1. The funeral expense at the rate of THB 25,000 shall be paid to the persons in the following order: <ol style="list-style-type: none"> (a) The person(s) determined by the insured person to be the funeral manager; (b) Husband, wife, parents, or children of the insured person who can prove to be the funeral manager of the insured person;

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		<p>(c) any person who has proof to be the funeral manager of the insured person;</p> <p>2. The allowance at the rate of THB 8,000 (the insured person contributes to the fund not less than 60 months prior to the month that insured person deaths):</p> <ul style="list-style-type: none"> - The allowance shall be paid to the person as determined by the insured person. In case there is no person determined, the allowance shall be paid averagely to the spouse, parents and children of the insured person at the same amount. - In case the insured person under Section 8 who contributed to the fund THB 300 per month for not less than 6 months within the period of 12 months dies, the funeral expense is granted at the rate of THB 50,000. - <u>Effective date:</u> 11 February 2021 <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/011/T_0020.PDF</p>
6 February 2021	Ngor	<ul style="list-style-type: none"> • Notification of the Director-General of the Revenue Department in relation to income tax (issue no. 394) re: determination of criteria, measures, and requirements of the corporate income tax exemption of company or partnership under the Greenhouse Gas Reduction program: - Any company or partnership participating in the Greenhouse Gas Reduction Program (registered with the Thailand Greenhouse Gas Management Organization (Public Organization)) can receive the CIT exemption by submitting the income tax return form together with the corporate account and profit and loss account of each project. - <u>Effective date:</u> 23 June 2020 <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/D/010/T_0073.PDF</p>
	Kor	<ul style="list-style-type: none"> • Amendment to the Penal Code Act (issue no. 28) B.E. 2564: - Legalizing abortion in the first 12 weeks of pregnancies; - Allowing the doctor to perform the medical miscarriage in accordance with the amended code; - Adding the additional exception in case of high risk of serious fetal impairment after delivery. - <u>Effective date:</u> 7 February 2021 <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/010/T_0001.PDF</p>
3 February 2021	Phiset Ngor	<ul style="list-style-type: none"> • Notification of the Central Commission on Prices of Goods and Services issue no. 1, B.E. 2564 re: determination of additional controlled goods: - Designating the following goods as controlled goods:

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		<ol style="list-style-type: none"> 1. Surgical mask; 2. Synthetic fiber polypropylene (spunbond) for mask production; 3. Any products containing alcohol for hand cleaning; 4. Piece paper and recyclable paper. <p>- <u>Effective date:</u> from 4 February 2021 to 4 February 2022</p> <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/025/T_0032.PDF</p>
2 February 2021	Phiset Ngor	<ul style="list-style-type: none"> • Notification of the Ministry of Interior re: the collection of registration fee under the Land Code in case of the property of land together with building in accordance with the criteria determined by the cabinet: - The fee for the registration of property transfer and mortgage if land and buildings are transferred at the same time is reduced to 0.01%; - This rate applies only to the purchase of land together with the building on the types of a single house, twin house, row house, or commercial building, allocated or sold by the land developer, whereby the purchasing price and price of mortgage must not be more than THB 3 Million. - <u>Effective date:</u> from 3 February 2021 to 31 December 2021 <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/024/T_0014.PDF</p>
	Phiset ngor	<ul style="list-style-type: none"> • Notification of the Ministry of Interior re: the collection of registration and transaction fee under the Condominium Act in case of an apartment in accordance with the criteria determined by the Cabinet: - The fee for the registration of property transfer and mortgage is reduced to 0.01% (the purchasing price and price of mortgage must not be more than THB 3 Million, and purchased from a developer). - <u>Effective date:</u> from 3 February 2021 to 31 December 2021 <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/024/T_0015.PDF</p>
	Phiset Ngor	<ul style="list-style-type: none"> • Notification of the Ministry of Labour re: contribution rate method for billing the contributions minimum and maximum wages used as a basis for calculating contributions to the Skill Development Fund (Issue no. 2): - Granting that the contributions can be filled via electronic means determined by the Skill Development Fund except

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		<p>that the electronic system defects, it can be filled at the Skill Development Office.</p> <ul style="list-style-type: none"> - <u>Effective date:</u> 3 February 2021 <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/024/T_0017.PDF</p>
	Phiset Ngor	<ul style="list-style-type: none"> • Notification of the Ministry of Labour re: contribution rate Method for billing the contributions Minimum and maximum wages used as a basis for calculating contributions to the Skill Development Fund (Issue no. 2) - Grants that the contributions can be filled via electronic determined by the Skill Development Fund except that the electronic system defects, it can be filled at the Skill Development Office. - <u>Effective date:</u> 3 February 2021 <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/024/T_0017.PDF</p>
1 February 2021	Phiset ngor	<ul style="list-style-type: none"> - Notification of the Director-General of the Revenue Department in relation to stamp duty (issue no. 61) re: prescription of the measures to payment of duty for e-stamp duty : - The taxpayer can choose to pay by cash at the local RD office for any e-stamp duty issued from 1 July 2019 to 31 December 2021. - <u>Effective date:</u> 2 February 2021 <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/023/T_0018.PDF</p>
	Phiset ngor	<ul style="list-style-type: none"> - Notification of the Director-General of the Revenue Department in relation to the stamp duty (issue no. 62) re: prescription of the payment measures of the e-stamp duty (Aor.Sor.9) via internet system for some types of instruments: - Some types of instruments issued from 29 September 2020 to 31 December 2021 can be paid via the internet. - <u>Effective date:</u> 2 February 2021 <p>http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/023/T_0019.PDF</p>