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## Legal Update Week 9 - 10 (1- 14 March 2021)

### Thailand legal news

#### Highlights:

- **14 March 2021:**
  - Thailand plans to sign bilateral agreements on vaccine passports with low infection rate countries as part of the vaccine passport scheme announced by the Public Health Ministry.
- **10 March 2021:**
  - The Trade Negotiation Department plans to present the framework for the free trade agreement (FTA) with the European Union to the Commerce Minister for approval, after the completion of public hearings on the agreement's impact. The talk with the bloc is expected to start within this year.
- **9 March 2021:**
  - The IEAT cooperates with governmental offices to upgrade the digital platform under the Smart EIA Management System to support and facilitate the factories to meet the requirements under the Environmental Impact Assessment (EIA) in order to reduce the conflict and increase the confidence among the communities nearby the Industrial Estates.
- **8 March 2021:**
  - The DBD started a new platform for e-registration by allowing 6 types of professionals including accountant,

- New DBD platform for e-registration allowing 6 types of professionals including accountant

- Amendment of CCC on amendment of interest rate

- New Notification of the Department of Employment re: determination of details of a contract bringing in the foreigners to work

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chief of the certified accounting practices, notary public, receiver in a secured transaction, certified auditor, and the ordinary member and particular member of the Thai Bar Association to apply for the company registration for the business operator without using username & password of the business operator to sign in to the system. The representative is required to register and certify himself/herself for receiving its username & password. This service started on 8 March 2021.

- **6 March 2021:**

- The Finance Ministry announced the consideration on the third phase of the Co-payment Scheme (Kon ra Keung) for mobilizing the economic recovery, especially in the retail sector. It is confirmed that this phase will allow the eligible persons to use the platform for public welfare such as public transport.

- **1 March 2021:**

- The express trademarks process delivers remarkable results, allowing the applicant to apply for the certificate renewal issuance within 45 minutes without any additional fee. Under this expedited process, the application must meet the requirements prescribed in the notification from the Department of Intellectual Property (DIP), such as the total number of goods or services must not exceed 30 lists.

## New Cabinet resolutions

- **9 March 2021:**

- **Approved Draft:** Draft Amendment of Civil and Commercial Code (Issue no. □ ) B.E. □ (amendment of interest rate under the law):
  - In case the agreement or the law does not determine otherwise, the standard interest rate is amended from 7.5% to 3% per year, and can be changed by a royal decree;

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- The default interest rate is changed from 7.5% to 5% per year;
  - Determines the default interest calculation for the debt repayment in installments by accruing only on the overdue principal amount;
  - Determines that this amendment will apply only to the interest which is due on the date this draft becomes effective and does not affect the calculation of interest prior to the announcement.
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- **Approved principle:** Draft Ministerial Regulation on the criteria, measures, and requirements on the dispute resolution of maritime labour, business closure, strike appointment, and unfair treatment B.E. □ :
    - Defines the definitions of □dispute resolution of maritime labour□, □business closure□, □strike appointment□, and □committee□;
    - Determines the criteria on the agreement of working conditions between seafarer and ship owner such as submitting the petition to the Maritime Labour Committee;
    - Determines that the ship owner may close down the business, while the seafarer may appoint the strike when there is a petition under the notification of the labour ministry;
    - Determines the unfair actions prohibiting for the ship owner, such as unfair termination or any actions resulting in the seafarer's inability to work.
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- **Approved principle:** Draft Ministerial Regulation for the abolishment of Ministerial Regulations in relation to applications for the securities business license and Ministerial Regulations on the merger of security business operators:
    - Abolish 7 Ministerial Regulations in relation to applications for the securities business license and Ministerial Regulations on the merger of security business operators;
    - Determines criteria, measures, and requirements for the application for securities business

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operation of the company arising from the merger of securities companies, the application for a securities business license in advance.

- **2 March 2021:**

- **Approved principle:** Draft Royal Decree re: exemption of tax payment under the Expropriation and Acquisition of Immovable Property Act B.E. 2562:
  - Exempts specific business tax for juristic persons under the Revenue Code for income under the Expropriation and Acquisition of Immovable Property Act from 30 May 2019 onwards;
  - Exempts the stamp duty in relation to selling or expropriation of immovable property under the Act from 30 May 2019 onwards;
  - Amends Section 3 of the Revenue Code on the tax exemption (issue no. 295) B.E. 2539 by cutting the specific business tax for the compensation of the company or partnership only in the event that the company or juristic partnership does not request such compensation.

## Government Gazette Update:

Date	Part	Subject
11 March 2021	Phiset Ngor	<ul style="list-style-type: none"><li>• Notification of the Department of Labour Protection and Welfare re: criteria, procedures, and training curriculum on occupational safety in confined space:<ul style="list-style-type: none"><li>- Determines that the employer must provide the training on the occupational safety in the confined space for every employee who is responsible for the permission, supervisors, helpers, and operators in relevant to the confined space.</li><li>- Determines the procedures and curriculum of the training provided by the employer.</li><li>- <u>Effective date:</u> 10 April 2021</li></ul></li></ul> <a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/054/T_0008.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/054/T_0008.PDF</a>

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10 March 2021	Kor	<ul style="list-style-type: none"> <li>• Regulation of the President of the Supreme Court re: the application for the request for the permission to appeal to the Supreme Court in Civil Case B.E. 2564:</li> <li>- The request for the appeal to the Supreme Court shall be filed to the Court of First Instance by presenting the following:               <ol style="list-style-type: none"> <li>1. The factual or legal issues on which the party intends to appeal; and</li> <li>2. Explanation why the requested matter is essential for the Supreme Court to accept and adjudicate;</li> </ol> </li> <li>- Other significant matters under Section 249 paragraph 2 (6) are:               <ol style="list-style-type: none"> <li>(1) The judgment or orders of a Court of Appeal contains opposing opinion (by a judge) in the significant matter and the Supreme Court deems that the issue is essential for the Court to determine;</li> <li>(2) The judgements or orders of the Court of Appeal in significant legal issues contradict an international convention ratified by Thailand;</li> <li>(3) The judgements or orders of the Court of First Instance and the Court of Appeal are contradicting in a significant issue and the Supreme Court deems it essential to consider the issue.</li> </ol> </li> <li>- <u>Effective date</u>: 11 March 2021  <a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/017/T_0026.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/017/T_0026.PDF</a> </li> </ul>
2 March 2021	Kor	<ul style="list-style-type: none"> <li>• Ministerial Regulation re: determination of the standard of management, administrative and operation of safety, health, and the environment in the working place regarding the construction site B.E. 2564:</li> <li>- Determines the obligations of the employer to inform and notify regarding the information of the listed construction to the director-general not less than 15 days before the commencement of the construction site;</li> <li>- Determines the obligations of the employers to ensure the safety of employees during the constructions such as drilling and mining work, removal or demolish, construction in water.</li> <li>- <u>Effective date</u>: 31 May 2021  <a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/015/T_0036.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/015/T_0036.PDF</a> </li> </ul>
	Kor	<ul style="list-style-type: none"> <li>• Ministerial Regulation re: determination of the standard of management, administrative and operation of safety, health, and the environment in the working place where there is</li> </ul>

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		<p>danger from falls and steep slopes, from material hitting, dropping and collapsing, and from falling into a storage or container B.E. 2564:</p> <ul style="list-style-type: none"> <li>- Determines the obligations of the employer to provide the regulations and procedures for the safety in the workplace that has dangers from falls and steep slopes, from material hitting, dropping and collapsing, and from falling into a storage or container;</li> <li>- Determines the measures and standards for employers to arrange and prepare the workplace in order to protect the employees from any danger generated from working in such conditions.</li> <li>- <u>Effective date:</u> 3 March 2021 <a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/015/T_0051.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/015/T_0051.PDF</a></li> </ul>
	Phiset Ngor	<ul style="list-style-type: none"> <li>• Rules of Justice Fund Committee re: criteria, procedure, and requirements for the assistance of the victims of human rights violations or any persons affected from human rights violation (issue no.2) B.E. 2564:</li> <li>- Lists the eligible victims of human rights violation who can ask for the fund support: <ol style="list-style-type: none"> <li>1. Being a victim of a lawful self-defense;</li> <li>2. Being a defendant, who is imprisoned under the court's decision which is over the rate under the law;</li> <li>3. Being a defendant who is eligible for a compensation and expense under the laws, in relation to the benefits for victims and compensation and expenses for defendants in criminal process and being imprisoned during the investigation;</li> <li>4. Sustaining damage to life, body, mental health, or freedom from tort by officers or governmental authorities;</li> <li>5. Any human rights violation in any cases as approved by the committee.</li> </ol> </li> <li>- <u>Effective date:</u> 3 March 2021 <a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/047/T_0004.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/047/T_0004.PDF</a></li> </ul>
	Phiset Ngor	<ul style="list-style-type: none"> <li>• Notification of the Department of Employment re: determination of details of a contract bringing in the foreigners to work:</li> <li>- Determines the lists of specific details, required in a contract between the person granted permission for bringing foreigners and employers of the foreigners in Thailand, such</li> </ul>



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		<p>as details of employer, details of bringing in the foreigners (i.e. numbers, nationality), rights to termination;</p> <ul style="list-style-type: none"> <li>- The contract must not contain unfair clauses (e.g. limitation of contractual liability, termination clause without justifiable reason, etc.).</li> <li>- <u>Effective date:</u> 3 March 2021</li> </ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/047/T_0021.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/047/T_0021.PDF</a></p>
	Phiset Ngor	<ul style="list-style-type: none"> <li>• Notification of the Director-General of the Revenue Department (Issue no. 29) re: determination of the criteria, procedures, and requirements in case of debt restructuring under the Royal Decree in accordance with the Revenue Department on the tax exemption (Issue no. 709) B.E. 2563:</li> <li>- Determines the form of the certificate for the debt that must be under the process of the debt restructuring of finance institutions, determined by the Bank of Thailand under the Royal Decree (Issue no. 709) B.E. 2563;</li> <li>- Determines the procedures of the debtors to notify the Revenue Department regarding the certificate.</li> <li>- <u>Effective date:</u> 1 January 2020</li> </ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/047/T_0024.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/047/T_0024.PDF</a></p>
	Phiset Ngor	<ul style="list-style-type: none"> <li>• Notification of the Director-General of the Revenue Department (Issue no. 28) re: determination of the criteria, procedures, and requirements in case of debt restructuring under the Royal Decree in accordance with the Revenue Department on the tax exemption (issue no. 623) B.E. 2559:</li> <li>- Determines the form of the certificate for the debt that must be under the process of the debt restructuring of the finance institutions determined by the Bank of Thailand under the Royal Decree (Issue no. 623) B.E. 2559;</li> <li>- The debtor of the financial institutions must notify the certificate to the Director of Revenue Department via the local Revenue Department office near the debtor's office.</li> <li>- <u>Effective date:</u> 1 January 2020</li> </ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/047/T_0022.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/E/047/T_0022.PDF</a></p>
1 March 2021	Kor	<ul style="list-style-type: none"> <li>• Ministerial Regulation re: determination of the standard of management, administrative and operation of safety, health, and environment in the workplace regarding scaffolding and bracing B.E. 2564:</li> <li>- Regulates the employers to provide a safe workplace for the employees who work with scaffolding and bracing, such as</li> </ul>

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		<p>providing the safety uniform and equipment for the employees during work, determining the dangerous area together with the warning sign, calculated and controlled by an engineer.</p> <p>- <u>Effective date</u>: 2 March 2021</p> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/014/T_0011.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2564/A/014/T_0011.PDF</a></p>
25 February 2021	-	<ul style="list-style-type: none"><li>• Notification of the Director-General of Revenue Department (Issue no. 31) re: determination of criteria, procedures, conditions, and period for filing the tax remittance via electronic system of the Revenue Department:</li><li>- Extends the period of tax remittance for the taxpayer to within 15 days from the end of the month submitting tax and lists of information to the bank.</li><li>- <u>Effective date</u>: 25 February 2021</li></ul> <p><a href="https://www.rd.go.th/fileadmin/user_upload/kormor/newlaw/dgg31.pdf">https://www.rd.go.th/fileadmin/user_upload/kormor/newlaw/dgg31.pdf</a></p>