

Legal Update Week 19 - 20

(9 – 22 May 2022)

Thailand Legal News

Thailand to remove face mask mandate as of mid-June

- The Ministry of Public Health (MOPH) has announced that by mid-June, it will propose to relax the rules on mandatory face mask wearing in 31 provinces (including Bangkok):
 - o **14** provinces, designated as **green zone “surveillance areas”** e.g. Trat, Buri Ram; and
 - o **17** provinces, designated as **blue zone “pilot tourist destinations”** e.g. Bangkok, Phetchaburi, Phuket.

However, 3 groups of persons in those provinces are still recommended to wear face masks under the new guidelines:

- o Patients or persons in high-risk groups, e.g. people aged 60 and above;
- o People in indoor spaces with poor ventilation systems;
- o People in large gatherings.

The MOPH is intended to use this new measure as a road map for COVID-19 to become an endemic disease from 1 July 2022.

Cancellation of Thailand Pass on 1 June 2022

- The Civil Aviation Authority of Thailand (CAAT) has issued a Notice to Airmen (NOTAM) to announce a new passenger screening measure. Different requirements will be implemented based on the nationality of the passengers under this new measure:

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Thai nationals	Non-Thai nationals
<ul style="list-style-type: none"> - No Thailand Pass registration required; - Immigration Officers may request proof of vaccination certificate; - Those with flu-like symptoms or high temperature may be required to take a COVID-19 test at the airport. 	<ul style="list-style-type: none"> - Must register via Thailand Pass; - Must present vaccination certificate (for fully-vaccinated person) or COVID-19 test result, i.e. RT-PCR or professional antigen test (for non- or partially vaccinated person); - Must have health insurance with a minimum coverage of USD 10,000 (THB 340,000).

Please note that all quarantine measures will be lifted for all nationals (both Thais and foreigners) as of **1 June 2022**.

Draft Notification of the Ministry of Interior (MOI) and Draft Announcement(s) of the Board of Investment of Thailand (BOI) in relation to the measure to attract High-Potential Foreigners

- Under the government’s measures to attract high-potential foreigners, the Draft Notification of the MOI re: Permission for Certain Groups of Aliens to Remain in the Kingdom as a Special Case, and the other 2 Draft Announcements from the BOI will be implemented.

For **Draft Notification of the MOI**, a 10-year Long-Term Resident (LTR) Visa will be proposed to 4 targeted groups:

- 1) wealthy global citizens;
- 2) pensioners from abroad;
- 3) Work-from-Thailand professionals; or
- 4) Highly-skilled professionals.

In detail, the request for a qualification endorsement must be submitted to the BOI mainly electronically, and the applicant must apply to the Immigration Bureau for a Non-Immigrant Visa Category “LTR” within 60 days from the date of receipt of a qualification endorsement. The fee for the LTR Visa application is a one-time fee of THB 50,000 (reduced from previously THB 100,000) for the applicant, including spouse and descendants.

Under the 1st BOI Draft Announcement, certain criteria and qualifications from the Cabinet Resolution of 14 September 2021 will be revised as follows:

- **Wealthy global citizens and pensioners from abroad** – the amount of health insurance covering medical expenses in Thailand will be reduced to USD 50,000, with a coverage period of at least 10 months from the date of the issuance of the qualification endorsement (previously required USD 100,000 of medical coverage throughout the period of validity of visa).

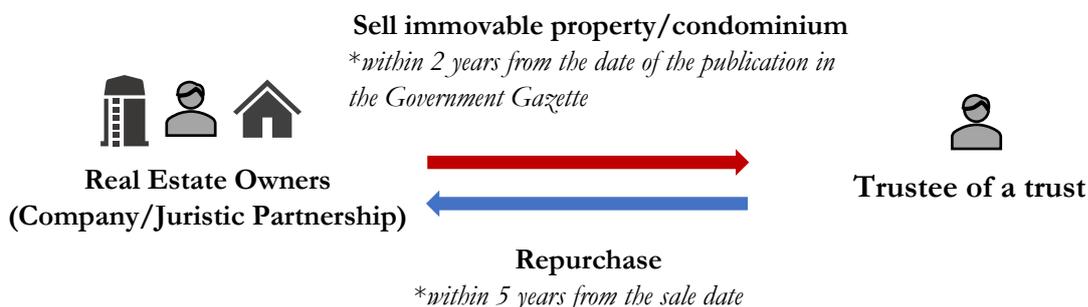
The 2nd Draft Announcement adds new targeted industries for Smart Visa applicants, while the existing targeted industries (under the Announcement of the Office of BOI No. Por 12/2561 re: Qualifications, Criteria, and Conditions for Smart Visa) remain unchanged. For example, the additional targeted industry is the International Business Center (IBC).

**These Notification and Announcements are not yet confirmed, they may be subject to further changes until the Notifications are officially published in the Government Gazette.*

<https://www.thaigov.go.th/news/contents/details/54442> (item no.3 and 7)

Thailand waives taxes and fees on Real Estate Investment Trust (REIT) buy-back to alleviate the impact of COVID-19

- Due to the impact of COVID-19 on Thailand's real estate owners, the government plans to implement a REIT buy-back measure that will allow real estate owners to sell and then repurchase their assets within a certain timeframe. The following are some of the conditions and tax exemptions under this measure:



Real estate owners will be eligible for tax exemptions when selling immovable properties or condominiums, i.e. Corporate Income Tax (from 20%), Value Added Tax (from 7%), Specific Business Tax (from 3.3%), and stamp duty (from 0.5%).

<https://www.thaigov.go.th/news/contents/details/54442> (item no.16)

Draft Amendment to the Social Security Act

- The Cabinet has approved in principle to revise the conditions and benefits for employees under the Social Security Act. For example, the age of an insured person (under Section 33) will be revised to 15 but not over 65 (from 60 years). Additionally, the condition for a former employee, who is eligible to enter a voluntary insured (under Section 39) will be altered to have paid contributions (as an employee) for not less than 48 months (increased from at least 12 months). Furthermore, the compensation (in case of severe disability) for loss of income will be increased to 70% of the monthly salary capped at THB 15,000 (increased from 50%).
<https://www.thaigov.go.th/news/contents/details/54442> (item no.4)

Extension of Deadline for filing the Transfer Pricing Disclosure Form

- The deadline for filing the transfer pricing disclosure form for transactions with related companies or juristic partnerships, was extended until **30 May 2022** for the accounting period commenced on 1 January and ending on 31 December 2020 (usually required to submit within 150 days from last day of the accounting period).
http://www.ratchakitcha.soc.go.th/DATA/PDF/2565/E/107/T_0002.PDF