



Newsletter No. 72 (EN)

**Capital Gain from the Sale of Shares of a
Thai Co., a Listed Co., or a Foreign Co.**

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**Capital Gain in Thailand on the Profit from the Sale of Shares of a
*Thai Private Company***

	The seller	The buyer	
		Thai Co and Individual, residing in Thailand	Foreign Co (DTA or non-DTA)
INDIVIDUAL	Individual, residing in Thailand	W/T tax at the rate of 0-35% Pay PIT in Thailand and W/T deducted can be taken as tax credits	No W/T on capital gain Pay PIT in Thailand
	Individual, residing in foreign country (non-DTA)	W/T at 15% on Capital Gain No PIT in Thailand on Capital Gain	No W/T on Capital Gain No PIT in Thailand on Capital Gain
	Individual, residing in foreign country (with DTA)	No W/T on Capital Gain No PIT in Thailand on Capital Gain	No W/T on Capital Gain No PIT in Thailand on Capital Gain
	Thai Co.	No W/T on Capital Gain Pay CIT in Thailand on Capital Gain	No W/T on Capital gain Pay CIT in Thailand on Capital Gain
JURISTIC PERSON	Foreign Company (non-DTA)	W/T at 15% on Capital Gain No CIT in Thailand	No W/T on Capital Gain No CIT in Thailand
	Foreign Company (with DTA)	No W/T / No CIT in Thailand because Capital Gain is taxed in the country where the seller is a resident under Article 13 para 5 of the OECD Model Taxation Convention. (May be different according to other DTA.)	No W/T /No CIT in Thailand because Capital Gain is taxed in the country where the seller is a resident under Article 13 para 5 of the OECD Model Taxation Convention. (May be different according to other DTA.)

**Capital Gain in Thailand on the Profit from the Sale of Shares of a
Thai Listed Company**

	The seller	The buyer	
		Thai Co and Individual, residing in Thailand	Foreign Co (DTA or non-DTA)
INDIVIDUAL	Individual, residing in Thailand	No W/T on Capital Gain No PIT in Thailand on Capital Gain	No W/T on Capital Gain No PIT in Thailand on Capital Gain
	Individual, residing in foreign country (non-DTA)	No W/T on Capital Gain No PIT in Thailand on Capital Gain	No W/T on Capital Gain No PIT in Thailand on Capital Gain
	Individual, residing in foreign country (with DTA)	No W/T on Capital Gain No PIT in Thailand on Capital Gain	No W/T on Capital Gain No PIT in Thailand on Capital Gain
JURISTIC PERSON	Thai Co	No W/T on Capital Gain Pay CIT in Thailand on Capital Gain	No W/T on Capital Gain Pay CIT in Thailand on Capital Gain
	Foreign Company (non-DTA)	W/T at 15% on Capital Gain No CIT in Thailand on Capital Gain	No W/T on Capital Gain No CIT in Thailand on Capital Gain
	Foreign Company (with DTA)	No W/T/ No CIT in Thailand because Capital Gain is taxed in the country where the seller is a resident under Article 13 para 5 of the OECD Model Taxation Convention.	No W/T /No CIT in Thailand because Capital Gain is taxed in the country where the seller is a resident under Article 13 para 5 of the OECD Model Taxation Convention.

**Capital Gain in Thailand on the Profit from the Sale of Shares of a
*Foreign Private Company***

	The seller	The buyer	
		Thai Co and Individual, residing in Thailand	Foreign Co (DTA and non-DTA)
INDIVIDUAL	Individual, residing in Thailand	W/T at the rate of 0-35% and Pay PIT in Thailand on Capital gain only if capital gain is brought into Thailand in the same year that the transaction of stock sale is made W/T deducted can be taken as tax credits	No W/T No PIT in Thailand except the capital gain is brought into Thailand in the same year that the transaction of stock sale is made
	Individual, residing in foreign country (non-DTA)	Not applicable	Not applicable
	Individual, residing in foreign country (with DTA)	Not applicable	Not applicable
JURISTIC PERSON	Thai Co	No W/T on Capital Gain Pay CIT in Thailand on Capital Gain	No W/T on Capital Gain Pay CIT in Thailand on Capital Gain
	Foreign Company (non-DTA)	Not applicable	Not applicable
	Foreign Company (with DTA)	Not applicable	Not applicable

*We hope that the information provided in this newsletter was helpful for you.
If you have any further questions please do not hesitate to contact us.*

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