

Topics November 2020

An amendment of the application form and documents or evidence required for the submission of a work permit.

From 1 November 2020 onwards, The Department of Employment has changed the form and documents or evidence required to support the submission of applications and notices, According to the Ministerial Regulations, applying for work permission issuing work permits and notification of the work of the foreigner who wishes to apply for work permit or a licensee to work which wishes will continue to work in accordance with the following ministerial regulations As follows;

No.	Name of Application Form	Old form and revocation	New form	Note
1.	Work permit Application and Renewal Application Form for a foreigner under Section 59.	FORM W.P.1 .For first time Work Permit application and FORM W.P.5 Work Permit Renewal Application.	FORM W.P. 25	For the skilled and expert level.
2.	Work permit Application and Renewal Application Form for a foreigner under Section 63	None	FORM W.P.26	For a foreigner who is to be deported or Being able to enter the city without permission to wait for non-deportation Which is not section 63/2
3.	Work permit Application and Renewal Application Form for a foreigner under Section 63/1	FORM W.P.7	FORM W.P.27	(1) Withdrawn the citizenship according to the announcement of the revolution (2) Born in the Kingdom but not of Thai citizenship according to the announcement of the revolution
4.	Work permit Application Form for application made on behalf of a foreigner pursuant to Section 60 paragraph 2	FORM W.P.3	FORM W.P. 32	The employer submit on behalf of the foreigner in expert level at staying outside the Kingdom.

5.	Notification Form for a foreigner commencing the works which can be characterized as necessary, urgent, or Ad-hoc pursuant under section 61	FORM W.P.10	FORM W.P.34	
6.	Work duration extension request Form for a foreigner Performing the Works which can be characterized as necessary, urgent or ad-hoc pursuant under section 61	None	FORM W.P.35	
7.	Receipt confirmation Form for the Notification on a foreigner commencing the works which can be characterized as necessary, urgent, or ad-hoc pursuant	None	FORM W.P.36	
8.	Receipt Confirmation Form for the Work Duration Extension Request for a Foreigner Performing the Works which can be Characterized as Necessary, Urgent, or Ad-hoc pursuant.	None	FORM W.P.37	FORM W.P.3 application for a work permit on behalf of an alien
9.	List of supplementary Items, documents or proofs for the Notification on commencing the Works under Section 62	None	FORM W.P.38	Under privilege of BOI / IEAT / Petroleum /other law
10.	Request Form for making change(s) to Particulars of the Work Permit	Application for changing items in work permit.	FORM W.P.44	For example changing of name – last name including detail of items in work permit.
11.	Request Form for making change(s) to particulars of the Work Permit in case of changing or adding type(s) of work under Category 2 and Category 3 appended to Notification of the Ministry of Labour concerning works and occupations prohibited for foreigners dated 1 April 2020	None	FORM W.P.45	Never been in accounting 4, for example, Home Service will change to account 2 and 3.

12.	Employment Certification	Employment Certification	FORM W.P.46
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The characteristics of work necessary, urgent or ad-hoc pursuant that the foreigner must be complete the work within 15 days.

The Department of Employment has determined the nature of the work necessary, urgent or Ad-hoc pursuant that the foreigner which is permitted to enter the Kingdom temporarily with a period of time to complete the work within 15 days, effective from 30 October B.E.2563(2020) with characteristics necessary, urgent or Ad-hoc pursuant as follow ;

- (1) Organizing or setting up conferences, training and/or seminars
- (2) Conducting special educational lecture
- (3) Aviation superintendent work
- (4) Occasional internal audit
- (5) Inspection, follow-up and technical solution works.
- (6) Inspection of products/goods quality
- (7) Inspection or improvement of production process
- (8) Inspection or repairing machinery and electricity generation equipment/systems
- (9) Machine repairing or installing work
- (10) Electric train system technical work
- (11) Aircraft or aircraft equipment system technical work
- (12) Advisory on machine repairing or machine control system
- (13) Machinery demonstrative or testing work
- (14) Movie taking and photography work
- (15) Recruitment of job seeker for overseas job placement
- (16) Skill testing work for overseas job placement

Reporting of results of compliance with ISO conditions or other international standards through electronics system.

The person who has been promoted by Board of Investment Promotion shall follow special condition which is need to obtain quality system certificate according to the standard of ISO 9000 and ISO 14000 or other international standard within 2 years after commenced business operation. In the past promoted person must prepare the letter file to the office but now the Board of Investment Promotion has announced the Notification of Board of Investment Promotion No. Por.5/2563 subject: the procedures to report of results of compliance with ISO conditions or other international standards through electronics system (e-ISO) which allowing the promoted person to be able to report of results of compliance with ISO conditions or other international standards through electronics system for twenty-four hours, not excepting public holidays since 1 December B.E.2563 (2020) onwards and the office will cancel to file the application letter since 30 November B.E.2563 (2020).

Extension the period to commence business operation through electronics system.

The person who has been promoted by Board of Investment Promotion shall proceed to be ready for commence business operation within 36 months since issued BOI certificate. The business which is need to use machines can applying for extension the period of import machine together with extension the period of commence business operation at once through Electronics Machine Tracking system. Which will be allowed to extend for another one year each. When the promoted person requests an extension of the period of import machine for 3 times (totally extension 3 years), the promoted person can request an extension only for commence business operation for 1 more year. In the past promoted person must prepare the letter file to the office but now the Board of Investment Promotion has announced the Notification of Board of Investment Promotion No. Por.6/2563 subject: The procedures to extension the period only for commence business operation through electronics system (e-Extension) which allowing the promoted person to be able to request for an extension only the period of commence business operation through the electronic system for twenty-four hours, not excepting public holidays since 1 December B.E.2563 (2020) onwards and the office will cancel to file the application letter since 30 November B.E.2563 (2020).

Cancellation of notifying the registrar since a delay in meeting due to Coronavirus Disease 2019 or COVID-19

Announcement of the Department of Business Development (DBD) has announced the cancellation of the measure support for the pandemic of Coronavirus Disease 2019 or COVID-19 dated 4 March B.E.2563 (2020) as a result the company or juristic partnership has been affected by the aforementioned situation causing unable to hold a meeting or hold a meeting longer than the time specified by law and once the meeting has been conducted, shall prepare a letter explaining the reason to submit to the registrar on a case-by-case basis with effect cancel this announcement and the Department of Business Development (DBD) shall to organize an electronic meeting under section 9 of Emergency Decree on Public Administration in Emergency Situations, B.E. 2548 (2005)(No. 10) and including Emergency Decree on Electronic Meetings, B.E. 2563 (2020) with enforce since 1 December B.E.2563 (2020) onwards.

Civil Mediation before Litigation

The government gazette has published the Requirement of the President of the Supreme Court on Mediation before Litigation B.E. 2563 (2020), which describes about court-supervised mediation prior to the actual filing of the case which can be enforced in all of civil disputes unless it is a forbidden case. The complaint shall be submitted in writing and file by post, the parcel delivery, fax or other electronic media as prescribed by the Court of Justice. After that the officer will inquire the preliminary facts from the petitioner for consideration whether there is a reason to accept the complaint for mediation. When receiving the complaint, the other party's willingness to participate in mediation will be questioned by telephone and shall make an agreement or compromise agreement in writing the parties shall

sign the name by themselves. For requesting the court to have a judgment by an agreement or a compromise agreement, both parties shall submit their request at the latest on the date of the settlement agreement or compromise agreement. If the court deems that it is necessary to have the judgment immediately, the court will have a judgment by the agreement or the compromise agreement and deem the mediation as a lawsuit and the court shall record the report of the proceedings in the lawsuit.

A forbidden case shall not to accept a complaint for mediation including the complaint is in bad faith or with the intention of taking advantage of the party or other person, the dispute has been filed in a civil case to court, has been mediated according to this requirement but this will not be effective unless circumstances change or it is not subject to mediation.

It is an alternative to civil disputes as a means of resolving disputes before a lawsuit is filed The civil dispute can be resolved quickly without the need for prosecution. It also saves time and resources. However, if the parties do not wish to mediate the case before filing Able to sue as a normal civil case

Civil Mediation before Litigation is an option for the civil disputes as a means of settling disputes prior to a lawsuit. It can be quickly resolve civil disputes without the need for prosecution and save time and resources. However, if the parties do not wish to mediate the case before filing, able to sue as a normal civil process.

Draft of the Ministerial Regulation for waiver of machine registration Fee B.E. ...

Currently, the situation of the COVID-19 epidemic which affects industrial and service sectors and continually affects the overall economy of the country, causing the operators to suffer from low income conditions as well as higher production costs. Therefore, the Cabinet has approved a draft of the Ministerial Regulation to waive fees related to machine registration, BE... as proposed by the Ministry of Industry. By exempting the fees related to the registration of the ownership of machinery which must be paid in accordance with the Ministerial Regulations prescribing the fees related to the registration of machinery B.E. 2560 (2017) issued under Section 17 of the Machine Registration Act B.E. 2514 (1971) and the amendments in total 3 items including machinery ownership fee, registration marks fee which the official has stamped or made on the machine and the cost of copying of documents together with the certification for a period of 1 year from the date the such draft of the ministerial regulations come into force by waive for the business operator who is the owner of the machinery that uses the machinery to register ownership of the machinery under the Machine Registration Act B.E. 2514 (1971) in order to be used as a security for financing for business operation.

Notification of the Ministry of Finance on Exchange Control (No. 10)

The Government Gazette has published Notification of the Ministry of Finance on Exchange Control (No. 10) by repealing the message in Clause 2 of Notification of the Ministry of Finance on Exchange Control dated 31 March B.E.2547 (2004) as amended by the Notification of the Ministry of Finance on the Exchange Control (No. 7) dated 8 February B.E.2560 (2017) and replace a new Clause 2 with the differences as follow:

Clause 2 (Old law)	Clause 2 (New law)
The exportation or taking out from Thailand of currency under the following conditions shall not be required approval from the Competent Officer	The exportation or taking out from Thailand of banknotes and coin currency under the following conditions shall not be required approval from the Competent Officer
(1) The exportation or taking out from Thailand of currency by an authorized bank in an amount not exceeding the value of currency or foreign currencies that a bank abroad brings in for an exchange	(1) The exportation or taking out from Thailand of currency <u>by an authorized juristic person who is not an authorized company or by an overseas bank</u> in an amount not exceeding the value of the foreign currency or currency that the overseas bank exports or imports for exchange or sale as the banknote and coin to be export or take out of the such country.
(2) The exportation or taking out from Thailand of currency to Vietnam, China (only Yunnan province) and countries bordering Thailand in an amount not exceeding 2,000,000 Baht.	No change
The old law had no provision.	(3) The exportation or taking out from Thailand of currency <u>by an authorized juristic person who is not an authorized company or bank which located in Vietnam, China (only Yunnan province) and countries bordering Thailand</u> for the currency withdrawn from the Thai baht account of the non-resident person of the bank in foreign in the amount exceeding 2,000,000 baht for export or return to such country where the overseas bank is located.
(3) The exportation or taking out from Thailand of currency other than those specified in (1) and (2) in an amount not exceeding 50,000 Baht.	(No change)