

(Translation)



**NOTIFICATION OF THE DEPARTMENT OF BUSINESS DEVELOPMENT
RE: PRESCRIBING RULES AND PROCEDURES FOR ISSUANCE OF FOREIGN BUSINESS OPERATION CERTIFICATES
UNDER SECTION 12, B.E. 2546 (2003) ***

By virtue of the provisions of section 12 of the Foreign Business Act, B.E. 2542 (1999) which is the Act containing certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 29, in conjunction with section 35 and section 50 of the Constitution of the Kingdom of Thailand so permits by virtue of provisions of law, the Director-General of the Department of Business Development issues the Notification, as follows.

Clause 1. This Notification is called the “Notification of the Department of Business Development Re: Prescribing Rules and Procedures for Issuance of Foreign Business Operation Certificates under Section 12, B.E. 2546 (2003)”.

Clause 2. This Notification shall come into force after thirty days as from the date of its publication in the Government Gazette. **

Clause 3. The issuance of a foreign business operation certificate under section 12 shall be in accordance with the rules and procedures as follows.

(1) The person intending to be granted a certificate must make, to the Director-General, a notification in writing containing completely typed statements and affixed with a signature of the person making the notification for obtaining a certificate or affixed with a signature of the authorised person in the case where authorisation is given to another person to act for and on behalf of the former.

(2) The notification in writing under (1) must be accompanied by the following evidence or supporting documents:

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1) a copy of a certificate of, or evidence indicating, an entity as a juristic person, with particulars as to its name, capital, objects, place of business, directors and persons with the authority to affix signatures with a binding force on the juristic person;

2) a written notification of the shareholding between Thai nationals and foreigners, the number, types or classes of shares held by foreigners;

3) evidence indicating that the person making the notification for obtaining a certificate is under investment promotion or under permission for the operation of the industry or the operation of trade for export;

4) a map indicating a brief location of a place of business in Thailand;

5) a power of attorney in the case where authorisation is given to another person to act for and on behalf of the notifier;

6) other evidence or documents (if any)

Clause 4. In submitting copies or photographs of supporting evidence or documents, the person making the notification for obtaining a certificate must certify correctness of such copies or photographs.

Clause 5. A notification for the purpose of obtaining a certificate shall be made at the following places:

(1) in case of the notification in Bangkok, at the Department of Business Development, Ministry of Commerce or at any other place prescribed in the Notification by the Director-General;

(2) in case of the notification in any other province, at the Provincial Business Development Office or at any other place prescribed in the Notification by the Director-General.

Clause 6. In the case of necessity for the purpose of issuance of a certificate, the competent official may request the person making the notification for obtaining a certificate to explain facts or furnish other related evidence or documents.

Clause 7. A business operation certificate shall be in accordance with the Form Tor 7 as prescribed in the Notification of the Department of Business Development Re: Prescribing Forms for Making Notification of, and Certificates for, Foreign Business Operation, B.E. 2546 (2003).

Given on the 17th Day of June 2003.

Orajit Singkalavanich
Director-General of the
Department of Business Development