

## **Commerce Ministry relieves Foreign Investor's Worries on the Amendment of Foreign Business Act**

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**Ministry of Commerce relieves Foreign Investor's Worries** on the Amendment of Foreign Business Act B.E. 2542 (FBA). In fact, the Act has not been drafted to amendment yet. The Ministry is currently on the process of study the existing FBA. The amendment, if any, will be based on four key objectives; (1) promote foreign investment (2) minimize license application steps (3) facilitate trade and investment and (4) not create any impact to the existing business.

**Miss Pongpun Gearaviriyapun, Director-General, Department of Business Development (DBD)**, reveals that according to investors have concerns on the amendment of FBA, we would like to clarify that, at present, we are in the process of studying and gathering viewpoints and opinions from the relevant interested parties, including both government and private sectors. The Ministry of Commerce has instructed all of its agencies to make sure that the laws under their jurisdiction are consistent with the legal policy of the government which places a priority on a revision of laws, in order to facilitate to drive trade forwards, reduction of investment obstacles, and increase competitiveness for both local and foreign business operators. While the DBD has jurisdiction over nine legislations, we believe the study the existing FBA, in order to review will be consistent to government policy. For the conducted study, the DBD recognize on four key objectives (1) promote foreign investment (2) minimize license application steps (3) facilitate trade and investment and (4) not create any impact to the existing business.

**In the case where there was a draft of Foreign Business Act amendment disseminated** on the public website, we would like to inform that the amendment of FBA has not been drafted yet. Now, we are in the process of studying the existing law, according to government policy and the policy of Minister of Commerce, General Chatchai Sarikulya, which focus on promotion, facilitation and reduce difficulties of trade and investment. Presently, we conducted a public hearing from concerned stakeholders and we expect to reach the conclusion within 2014.

**In addition, the issues concerning the Foreign Business Act amendment** are (1) revising the definition of "foreigner" to be in line with International principle (2) Minimized restriction qualification of foreigner (3) reviewing the business lists annexed to the Act to enhance potential

competition (4) considering the exemption of the minimum capital required to be consistent with Thai obligations to the International Agreements. (5) reducing time frame and procedure for issuing a foreign business certificate (6) adjusting the penalty for unlawful nominees. However, the study review may attract various and different opinions. Therefore, please be informed that the Department shall uphold the four key objectives mentioned above, for further step.

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Department of Business Development  
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