Unofficial Translation

This translation is for the convenience of those unfamiliar with the Thai language.

Please refer to the Thai text for the official version

Notice of the Competent Officer

Re: Rules and Practices regarding Currency Exchange

(No. 34)

By virtue of the power conferred upon him by Clause 11, 12, 13 and 16 of the Notification of the Ministry of Finance on Directions of the Minister to Authorized Agents dated 31st March B.E. 2547 and the amendments thereof, the Competent Officer gives a notice as follows:

Clause 1. The definition of "Digital asset" shall be added between "Financial instruments" and "Spot transaction" in Clause 2 of the Notice of the Competent Officer on Rules and Practices regarding Currency Exchange dated 31st March B.E.2547 and the amendments thereof;

""Digital asset" means digital asset according to the laws relating to digital asset businesses, except a digital currency issued by a central bank of each country (Central Bank Digital Currency (CBDC))."

Clause 2. The provision of Clause 13 of the Notice of the Competent Officer on Rules and Practices regarding Currency Exchange dated 31st March B.E. 2547 and the amendments thereof shall be repealed.

Clause 3. The provision of (1) in the first paragraph of Clause 14 of the Notice of the Competent Officer on Rules and Practices regarding Currency Exchange dated 31st March B.E. 2547 and the amendments thereof shall be repealed and replaced by the following;

"(1) Purchase of foreign currencies under spot transactions or forward transactions for the following purposes:

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(a) Payments related to purchase or sale of foreign currencies, or derivatives linked to exchange rates involving baht or variables related to exchange rates involving baht conducted with counterparties abroad,

(b) Payments for gold which are purchased from outside Thailand but not imported."

Clause 4. The provision of Clause 16 of the Notice of the Competent Officer on Rules and Practices regarding Currency Exchange dated 31st March B.E. 2547 and the amendments thereof shall be repealed and replaced by the following;

"Clause 16. In the case where a resident wishes to purchase foreign currencies for the following purposes, the authorized juristic persons shall ensure that all the scopes and conditions prescribed for each purpose are considered before conducting the transaction. For the purposes where the amount limits are specified, the authorized juristic persons are allowed to proceed up to the limits.

(1) Remittances of funds for investment or lending abroad

(a) In the case where a juristic person wishes to purchase foreign currencies, the following scopes and conditions for the purposes shall be complied with.

1. Remittances of funds for investment in a business abroad, which include a foreign branch, by establishment of an entity or participation in an investment, the juristic person must have at least ten percent of shareholding or ownership in the business entity abroad, counted per person, or for investment in an affiliated business entity, only as defined in (a), located abroad which is in the same group;

2. Remittances of funds for lending abroad must be the case where the borrower is a business entity abroad.

(b) Remittances of funds by a natural person for investment in a business entity abroad by establishment of an entity or participation in an investment, the person must have at least ten percent of shareholding or ownership in that business entity, counted per person, or for investment in an affiliated business entity, only as defined in Clause 2 (a), located abroad of that business entity.

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The business entities abroad according to (a) and (b) shall be the ones which conduct their businesses pursuant to the business objectives or as registered with overseas regulatory agencies, as the case may be.

(2) Remittances of funds belonging to a Thai who is a permanent resident abroad, or remittances of funds to a family member or relative who is a permanent resident abroad, provided that there shall be no reason to believe that they are carried out to avoid a verdict or a court order to seize or confiscate assets, or to avoid the laws on anti-money laundering, or for tax evasion or fraud.

(3) Remittances of funds for purchase of immovable properties abroad or leasehold rights on immovable properties abroad, or payments for decoration of immovable properties abroad, including remittances of funds for such purposes for a family member.

(4) Remittances of funds for grants to a person abroad in an amount not exceeding USD 200,000 or its equivalent at a market rate per person per year; except for remittances of funds to a family member or relative who is a permanent resident abroad or donation for public benefit which can be proceeded without amount limit.

(5) Remittances of funds for payments for investment tokens to a non-resident holder where the tokens have been issued and distributed in Thailand under the approval from the Securities and Exchange Commission.

(6) Remittances of funds for payments for digital assets and associated expenses to a non-resident where the payments are made by mutual funds or private funds, and such digital assets are not linked to baht."

Clause 5. The provision of the first paragraph of Clause 19 of the Notice of the Competent Officer on Rules and Practices regarding Currency Exchange dated 31st March B.E. 2547 and the amendments thereof shall be repealed and replaced by the following;

"Clause 19. Except for the cases specified in Chapter 4 of Title 2, and Title 3, in the case where a resident wishes to exchange foreign currencies under spot transactions and forward transactions, the authorized juristic persons are allowed to proceed with the transactions and are not required to request the person to submit supporting documents."

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Clause 6. The provision of (1) of Clause 20 of the Notice of the Competent Officer on Rules and Practices regarding Currency Exchange dated 31st March B.E. 2547 and the amendments thereof shall be repealed and replaced by the following;

"(1) For purchase of foreign currencies, the authorized juristic persons shall request the person to declare details of the transaction according to Clause 44.

The sources of baht funds received in Thailand to be used to purchase foreign currencies shall not be those received from the purposes as prescribed in Clause 14 (1) and (2). For the purchase of foreign currencies in an amount of USD 200,000 or more or its equivalent at a market rate, the authorized juristic persons shall request the person to submit supporting documents indicating the sources of the baht funds as declared and shall comply with the practices on request for documents as specified in Clause 15 (2) (a) 3.

The authorized juristic persons shall also comply with Clause 15 (2) (b) and (c)."

Clause 7. The provision of Clause 35 of the Notice of the Competent Officer on Rules and Practices regarding Currency Exchange dated 31st March B.E. 2547 and the amendments thereof shall be repealed and replaced by the following;

"Clause 35. The authorized juristic persons are allowed to open non-resident baht accounts only for the purposes as follows:

(1) non-resident baht accounts for securities (NRBS) only for investment in the securities and financial instruments issued and distributed in Thailand,

(2) special non-resident baht accounts for trade and investment with neighboring countries (SNRBA),

(3) non-resident baht accounts (NRBA) for general purposes,

(4) special non-resident baht accounts for baht loans or issuance of baht-denominated securities (SNA)."

Clause 8. The provision of Clause 35/1 of the Notice of the Competent Officer on Rules and Practices regarding Currency Exchange dated 31st March B.E. 2547 and the amendments thereof shall be repealed and replaced by the following;

"Clause 35/1. Authorized juristic persons are allowed to accept baht for deposit into a non-resident baht account for securities (NRBS) in the following cases:

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(1) Baht value of foreign currencies remitted from abroad or withdrawn from a non-resident's foreign currency accounts,

(2) Baht transferred from another non-resident baht account for securities, or special non-resident baht accounts for baht loans or issuance of baht-denominated securities,

(3) Baht paid for the purposes as specified in Clause 15 as follows:

(a) Baht from financial derivatives transactions, or investment in securities and financial instruments,

(b) Baht loans under Clause 16 (1) provided to an affiliated business entity, only as defined in (a) and must be a non-resident non-financial institution (NR Non-FI) according to the Bank of Thailand's circulars on Measures to Prevent Thai Baht Speculation,

(c) Baht loans obtained from authorized juristic persons.

(4) Baht transferred from the baht account of overseas central banks, international organizations or financial institutions located abroad, or the International Monetary Fund (IMF) opened with the Bank of Thailand.

In withdrawing baht from non-resident baht accounts for securities, authorized juristic persons are allowed to proceed with the following cases:

(1) Payment for investment in securities and financial instruments, and payment related to such investment,

(2) Transfer to another non-resident baht account for securities, or special non-resident baht accounts for baht loans or issuance of baht-denominated securities only where the non-residents receiving the funds will use such funds to repay the baht loans obtained from authorized juristic persons or repay the baht-denominated bonds or debentures issued in Thailand by such persons,

(3) Payment related to financial derivatives transactions,

(4) Loan repayment to residents,

(5) Loan repayment to authorized juristic persons,

(6) Purchase of foreign currencies from authorized juristic persons."

Clause 9. The provision of the first paragraph of Clause 35/2 of the Notice of the Competent Officer on Rules and Practices regarding Currency Exchange dated 31st March B.E. 2547 and the amendments thereof shall be repealed and replaced by the following;

"Clause 35/2. Baht can be deposited into a special non-resident baht account for trade and investment with neighboring countries (SNRBA) for Thai commercial banks' branches

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located in Vietnam, China (only Yunnan province) or countries bordering Thailand, each of which shall open only one SNRBA with its head office or any other branch of the same commercial bank in Thailand, in the following cases:

(1) Baht value of foreign currencies remitted from abroad or withdrawn from a non-resident's foreign currency accounts,

(2) Baht transferred from another special non-resident baht account for trade and investment with neighboring countries,

(3) Baht paid for the purposes as specified in Clause 15, including baht loans obtained from authorized juristic persons,

(4) Baht which banks in Vietnam, China (only Yunnan province), or countries bordering Thailand send or bring into Thailand from such countries or receive from engaging in financial transactions with authorized juristic persons and deposit into their own accounts."

Clause 10. The following provision shall be added as (6) of the second paragraph of Clause 35/2 of the Notice of the Competent Officer on Rules and Practices regarding Currency Exchange dated 31st March B.E. 2547 and the amendments thereof;

"(6) Loan repayment to authorized juristic persons."

Clause 11. The provision of Clause 35/3 of the Notice of the Competent Officer on Rules and Practices regarding Currency Exchange dated 31st March B.E. 2547 and the amendments thereof shall be repealed and replaced by the following;

"Clause 35/3. Authorized juristic persons are allowed to accept baht for deposit into a non-resident baht account (NRBA) in the following cases:

(1) Baht value of foreign currencies remitted from abroad or withdrawn from a non-resident's foreign currency accounts,

(2) Baht transferred from another non-resident baht account, or special non-resident baht accounts for baht loans or issuance of baht-denominated securities,

(3) Baht paid for the purposes as specified in Clause 15, including baht loans obtained from authorized juristic persons and baht from financial derivatives transactions, which is not the following:

(a) Proceeds related to financial derivatives transactions traded on the Thailand Futures Exchange (TFEX) or investment in securities and financial instruments.

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Authorized juristic persons are allowed to accept deposits of proceeds from sale of investment in stocks by a non-resident having at least ten percent of shareholding, including returns and funds related to such investment.

(b) Funds invested in or lent to business entities abroad as specified in Clause 16 (1), and funds that non-resident juristic persons have received from issuance of stocks or warrants listed or to be listed on the Stock Exchange of Thailand.

Authorized juristic persons are allowed to accept the funds as specified in the first paragraph for deposit into non-resident baht accounts under the following conditions:

1. Baht loans provided to an affiliated business entity, only as defined in (a) and must be a non-resident non-financial institution (NR Non-FI) according to the Bank of Thailand's circulars on Measures to Prevent Thai Baht Speculation,

2. Funds invested in a business entity located in Vietnam or countries bordering Thailand or baht loans provided to a business entity in those countries other than the baht loans in 1., where the entity shall use such funds for trade or investment in Thailand or in those countries, or

3. Funds that non-residents in Vietnam and countries bordering Thailand have received from sales of stocks or warrants where such funds shall be used for trade or investment in Thailand or in those countries

For the case of 2. And 3., authorized juristic persons shall deposit the funds into the non-resident baht account of entities in Vietnam or countries bordering Thailand.

(4) Baht which banks in Vietnam, China (only Yunnan province), or countries bordering Thailand send or bring into Thailand from such countries or receive from engaging in financial transactions with authorized juristic persons and deposit into their own accounts,

(5) Baht paid to non-residents in Vietnam, and countries bordering Thailand for investment or transactions according to Title 3 of Part 4 where the products are issued and distributed in those countries or relating to the securities issued and distributed in those countries where the rules and practices under such Part are also complied with,

(6) Baht transferred from baht accounts of overseas central banks, international organizations or financial institutions located abroad, or the International Monetary Fund (IMF) opened with the Bank of Thailand.

In withdrawing baht from non-resident baht accounts, authorized juristic persons are allowed to proceed with any case, except for the following:

(1) Payment of investment in securities and financial instruments.

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Authorized juristic persons are allowed to withdraw baht for investment in stocks invested by a non-resident having at least ten percent of shareholding, and payment relating to such investment.

(2) Transfer to non-resident baht accounts for securities, special non-resident baht accounts for trade and investment with neighboring countries, or special non-resident baht accounts for baht loans or issuance of baht-denominated securities.

Authorized juristic persons are allowed to withdraw and transfer the baht funds to special non-resident baht accounts for baht loans or issuance of baht-denominated securities only where the non-residents receiving the funds will use such funds to repay baht loans obtained from authorized juristic persons or the baht-denominated bonds or debentures issued in Thailand by such persons,

(3) Payment relating to investment in derivatives transactions traded on the Thailand Futures Exchange (TFEX).

Clause 12. The following provision shall be added as Clause 35/4 of the Notice of the Competent Officer on Rules and Practices regarding Currency Exchange dated 31st March B.E. 2547 and the amendments thereof;

"Clause 35/4. Authorized juristic persons are allowed to accept baht for deposit into a special non-resident baht account for baht loans or issuance of baht-denominated securities (SNA) in the following cases:

(1) Baht value of foreign currencies remitted from abroad or withdrawn from a non-resident's foreign currency accounts,

(2) Baht paid for the purposes as specified in Clause 15 as follows:

(a) Bath from issuance of baht-denominated bonds or debentures in Thailand by the non-resident account holders,

(b) Baht loan obtained from authorized juristic persons,

(c) Baht from financial derivatives transactions engaged with authorized juristic persons for the purposes related to baht loan obtained from authorized juristic persons or issuance of baht-denominated bonds or debentures in Thailand,

(d) Baht for loan repayment to authorized juristic persons or repayment of the baht-denominated bonds or debentures issued in Thailand by the account holder.

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(3) Baht transferred from non-resident baht accounts or non-resident baht accounts for securities for the purposes of loan repayment to authorized juristic persons or repayment of the baht-denominated bonds or debentures issued in Thailand by the account holder,

(4) Baht transferred from the account holder's another special non-resident baht account for baht loans or issuance of baht-denominated securities.

In withdrawing baht from special non-resident baht accounts for baht loans or issuance of baht-denominated securities, authorized juristic persons are allowed to proceed with the following cases:

(1) Payment to residents or authorized juristic persons in accordance with the purposes of the loan obtained from authorized juristic persons or issuance of baht-denominated bonds or debentures in Thailand,

(2) Transfer to non-resident baht accounts or non-resident baht accounts for securities for payment in accordance with the purposes of the loan obtained from authorized juristic persons or issuance of baht-denominated bonds or debentures in Thailand,

(3) Transfer to the account holder's another special non-resident baht account for baht loans or issuance of baht-denominated securities,

(4) Repayment of the baht-denominated bonds or debentures issued in Thailand by the account holder,

(5) Loan repayment to authorized juristic persons,

(6) Payment related to financial derivatives transactions engaged with authorized juristic persons for purposes related to the loans obtained from authorized juristic persons or issuance of baht-denominated bonds or debentures in Thailand,

(7) Purchase of foreign currencies from authorized juristic persons, where the baht to be used to purchase the foreign currencies must be the Baht which the account owner has obtained from issuance of baht-denominated bonds or debentures in Thailand for use abroad or payment for obligations in foreign currencies to residents or authorized juristic persons."

Clause 13. The provision of Clause 36 of the Notice of the Competent Officer on Rules and Practices regarding Currency Exchange dated 31st March B.E. 2547 and the amendments thereof shall be repealed and replaced by the following;

"Clause 36. In accepting deposits in the cases as prescribed in Clause 35/1, 35/3 and 35/4 of this notice, authorized juristic persons shall request for supporting documents showing

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the funds are eligible for deposit, as the case may be, except for the deposits of baht transferred from the same types of non-resident baht accounts where the authorized juristic persons are not required to request for supporting documents. In the case of baht paid for the purposes as specified in Clause 15 or baht under Clause 35/3 (5), authorized juristic persons shall comply with the practices on request for documents according to Clause 15 or Clause 20/4, as the case may be.

In accepting deposits of baht paid for the purposes as specified in Clause 15 or baht under Clause 35/3 (5), authorized juristic persons shall also comply with the rules, procedures, conditions, and amount limits as specified in Clause 15 or Title 3 of Part 4, as the case may be.

In withdrawing baht in the cases as prescribed in Clause 35/1 and 35/3 of this Notice, authorized juristic persons are allowed to proceed without requesting for supporting documents and shall ensure that the withdrawal is in accordance with the purposes of each type of account. The authorized juristic persons may request for supporting documents as deemed appropriate.

In withdrawing baht in the cases as prescribed in Clause 35/4 of this Notice, authorized juristic persons shall request for supporting documents showing the funds are eligible for withdrawal, as the case may be, except for the withdrawal of baht for transfer to the account holder's another non-resident baht account of the same type where the authorized juristic persons are not required to request for supporting documents."

Clause 14. The provision of Clause 37 of the Notice of the Competent Officer on Rules and Practices regarding Currency Exchange dated 31st March B.E. 2547 and the amendments thereof shall be repealed and replaced by the following;

"Clause 37. Authorized juristic persons are allowed to accept the baht loans from authorized juristic persons obtained by specialized organizations of the United Nations, international organizations or institutions, or parties of an international cooperation, which have been granted privileges and immunities in Thailand, or bath from issuance of baht-denominated bonds or debentures in Thailand by such persons for deposit into non-resident baht accounts or non-resident baht accounts for securities in accordance with the purposes of each type of account, and shall also comply with Clause 35/1, 35/3, 36 and 47."

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Clause 15. The Competent Officer's approval letters for any course of action related to the rules, procedures, and conditions under this Notice which exist prior to the effective date of this Notice shall further remain in force; except for the case where such letters have specified the conditions that are less accommodative than those specified in this Notice, the rules and conditions under this Notice shall be complied with.

Clause 16. This Notice shall come into force as from 1st December B.E. 2568.

Announced on the 1st September B.E. 2567

(Ms. Pimpan Charoenkwan)
Competent Officer

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