

Export-Import Bank of Thailand Act (No. 2), B.E. 2542 (1999)

Translation

BHUMIBHOL ADULYADEJ, REX.

Given this 24th day of November 1999

Being the 54th Year of the Present Reign

By the royal command of His Majesty King Bhumibhol Adulyadej, it is hereby proclaimed that:

Whereas it is expedient to amend the law governing the Export-Import Bank of Thailand, His Majesty the King is thus graciously pleased that an act shall be promulgated, by and with the advice and consent of the Parliament, as follows:

Section 1

This Act is called the "Export-Import Bank of Thailand Act (No. 2), B.E. 2542 (1999)"

Section 2

This Act shall come into force from the day following the date of its publication in the Government Gazette.

Section 3

The definitions of the terms "Investor" and "Investor's bank" shall be inserted between the definitions of the terms "Buyer's bank" and "Capital fund" in Section 3 of the Export-Import Bank of Thailand Act, 1993 (B.E. 2542).

"Investor" means:

- (1) The domestic business operator connected with the exportation of goods or services from Thailand, the business, which earns foreign exchange or contributes to foreign exchange earnings or the business which saves foreign exchange.
- (2) The business operator abroad having the investor or joint investor who is:
 - (a) A Thai national or
 - (b) A juristic person registered in Thailand having the majority capital held by the person(s) under (a) or a juristic person having the person(s) under (a) holding a majority share of the total capital in such juristic person and having the authority, by the law or regulation or agreement to appoint the majority directors or to cast a majority vote to formulate operational policies of such juristic person.

"Investor's bank" means the commercial bank, financial institution or any other organization providing the credit facilities, guarantee or other financial services for the investor in connection with investment."

Section 4

The provisions of Section 7 of the Export-Import Bank of Thailand Act, 1993 (B.E. 2542), shall be repealed and replaced by the following:

"Section 7

The Bank shall have the objective of conducting the business which promotes and supports exports, imports, and investment, both domestic and overseas, for the purpose of national development by providing credit facilities, guarantee, risk insurance or other necessary services under the provisions of this Act."

Section 5

The provisions in Section 8 (2) of the Export-Import Bank of Thailand Act, 1993 (B.E. 2542), shall be repealed and replaced by the following:

“(2) Provide credit facilities for the exporter’s bank, the exporter, the buyer’s bank, the buyer, the investor’s bank or the investor.”

Section 6

The provisions in Section 8 (4) and (5) of the Export-Import Bank of Thailand Act, 1993 (B.E. 2542), shall be repealed and replaced by the following:

“(4) Provide credit facilities or other forms of financial services in respect of international trade and investment customary to commercial banks or other financial institutions.

(5) Guarantee the debts in case of the exporter, the buyer or the investor having received the credit facilities from the exporter’s bank, the buyer’s bank or the investor’s bank, as the case may be.”

Section 7

The provisions in Section 8 (7) and (8) of the Export-Import Bank of Thailand Act, 1993 (B.E. 2542), shall be repealed and replaced by the following:

“(7) Insure the investor under Section 3 (2) receiving the credit facilities from the Bank against risks in respect of overseas investment. However, the insurance against political risks shall be in accordance with the rules, procedures and conditions prescribed by ministerial regulations.

(8) Jointly invest or provide credit facilities for investment in overseas business operations contributing to the importation or exportation of the goods and services of Thailand or resulting in the promotion of overseas business operations of the investor and jointly invest in domestic business operations in order to support export or national development.”

Section 8

The provisions in Section 17 (5) of the Export-Import Bank of Thailand Act, 1993 (B.E. 2542), shall be repealed and replaced by the following:

“(5) Prescribe the qualifications, types of goods, services and manner of operations of the exporter, the buyer and the investor eligible to be supported.”

Countersigned by
Mr. Chuan Leekpai
Prime Minister

Note: The rationale for promulgating this Act is: whereas it is expedient to amend the Export-Import Bank of Thailand Act, 1993 (B.E. 2542), to clarify and expand the objective and authority of the Export-Import Bank of Thailand regarding the support and promotion of investment by authorizing the Bank to provide credit facilities and other financial services, to guarantee debts, to provide risk insurance, to joint-invest in or to provide credit facilities for overseas investments beneficial to the importation and exportation of goods and services of Thailand or beneficial to Thai investors investing in or operating overseas business undertakings in order to satisfy the needs of the investors, both Thai

investors wishing to expand the business overseas and Thai or foreign investors wishing to invest in or to operate the domestic business undertakings by authorizing the Board of Directors of the Export-Import Bank of Thailand to prescribe the category and manner of business operation of the investors eligible to be so supported, it is thus necessary to promulgate this Act.

Published in the Government Gazette, Volume 116, Part 123 Kor, December 4, 1999,
pp.16-19

Disclaimer

This translation is intended to help Thais or foreigners to understand Thailand laws and regulations only, not to use as references, because it is only the original Thai version of legislation that carries legal effect. www.ThaiLaws.com, therefore, shall not be held responsible in any way for any damage or otherwise the user may incur as a result of or in connection with any use of this publication for any purposes. It's the responsibility of the user to obtain the correct meaning or interpretation of this publication or any part thereof from Thai version or by making a formal request to the appropriate or related authorities.