

The Regulations of the Film Board of Thailand on the Request for the Permission for Foreign Film Production in Thailand, B.E. 2544 (2001)

Translation

Whereas the produce makes the request for the permission to stage the production of a foreign film in Thailand and then to disseminate the film in other countries, the production of the film and the film itself may have the effect on the promotion of tourism as well as the investment in the country. But at the same time this may have the impact on the image, national security regarding political, economic, social, cultural, moral, and environmental realm and reputation of the country.

In order to properly facilitate the permission seeker of the foreign film production in Thailand so that it is incongruent with the morals and culture of Thailand, and according to the power vested by the regulations of the Office of the Prime Minister on the Promotion of the Film Industry in Thailand, B.E. 2533 (1990) Article 8 (7), the Film Board of Thailand therefore issues the following regulations:

Article 1

These regulations are called "The Regulations of the Film Board of Thailand on the Request for the Permission for Foreign Film Production in Thailand, B.E. 2544 (2001)."

Article 2

Te repeal the Regulations of the Film Board of Thailand on the Request for the Permission for Foreign Film Production in Thailand dated 22 November B.E. 2539 (1996).

Article 3

These regulations shall come into force thenceforward.

Article 4

These regulations are applicable for the foreign film or still picture that is produced in Thailand with the intention of taking the film or still picture out of the kingdom whether or not the producer of such foreign film or still picture is an alien or a Thai.

Article 5

In these regulations,

"Film" includes videotapes whether it is film, documentary and advertisement movie, but this does not include the film produced by a tourist for private or family use.

"Still Picture" means the picture produced to disseminate to the public.

"Board" means the Film Board of Thailand

"Sub-Committee" means the Sub-Committee on the Review of the Request for the Permission for Foreign Film Production in Thailand, or abbreviated as "SRF," appointed by the Board to observe these regulations.

"FB Secretary" means committee and secretary to the Film Board of Thailand.

"FB Representative" means the representative of the Film Board of Thailand, written in English as "Film Board Representative" who is an officer of government sector, state enterprise or and individual entrusted by the Board to supervise, facilitate, coordinate, advise, recommend, follow-up and review the filming.

"Coordinator" means an individual or a juristic person with the domicile in Thailand, who can manage and coordinate in lieu of the foreign production group.

Article 6

Anyone wishes to make still picture has to notify the FB Secretary before commencing the production and the FB Secretary has to issue a letter of cooperation to the various agencies concerned for the facilitation for the producer.

Article 7

Anyone wished to request for the permission for filming has to submit the application from along with the film script and summary of each film slated for production to the FB Secretary at the Public Relations Department before commencing the production as follows:

- (1) A film with made-up story (Feature Film) that is produced for showing in theater or television on docudrama, the application form has to be submitted at least 14 working days before the production.
- (2) A documentary, advertisement film and public relations film within an agency, the application form has to be submitted at least 5 working days.

In the event that the person who asks for the permission is in a foreign country, the application form has to be submitted through the following agencies:

- (1) The Thai Embassy or Consulate in that country or
- (2) The Office of the Tourism Authority of Thailand in that country or
- (3) The Office of the Representative of the Ministry of Commerce in that country.

The submission of the application from according to this Article, the person making the request for the permission must arrange for the Coordinator, with the exception for which the FB Secretary will issue a waiver on a case-by-case basis.

The Coordinator entrusted by the person making the request for the permission for film production has a responsibility to manage and coordinate in lieu of that person or the grantee of the film production as follows:

- (1) To submit the application form for the film production.
- (2) To coordinate and liaise with agencies or places concerned with the film production.
- (3) To demonstrate the fact and details of the production group and the production as well as to coordinate between the production supervisor and the permission grantee and the film producer so that the regulations are upheld.
- (4) To submit a copy of the film to the FB Secretary as he sees fit or if being request for when the filming is completed.

In the event that the Coordinator does not conform to Clause One, the Sub-Committee can consider eliminating his name from the Registrar of Coordinators in Thailand, then send the circular to the agencies concerned both in Thailand and other countries.

Article 8

In the event that the FB Secretary considers that application form submitted according to Article 7 does not have the sufficient fact or details for consideration, the notification to the person making the request for the permission for and additional fact or details and for the submission of necessary documentation for consideration must be made.

If the film script, plot or the production of that particular film is concerned with any agency, the FB Secretary may solicit an opinion form such agency for inclusion in the consideration

Article 9

The consideration of the permission request for the film production shall be categorized into the following:

- (1) The FB Secretary shall consider the permission request for the production of advertisement films and documentaries, then report to the Sub-Committee.
- (2) If the FB Secretary considers that the content of that particular documentary is undermining or contradictory to the peace and morals of the people or it may have the impact on the security, environment and reputation of the country, he can suggest to the Sub-Committee for consideration.

- (3) The Sub-Committee shall consider the permission request for the production of feature film or television drama or series film, and consider the matter according to Article 9 (2)

Article 10

When the FB Secretary has considered the permission request according to Article 9 (1), he must then notify the person making the request for the permission the result within 5 working days after the date of the consideration.

In the event that the Sub-Committee has considered the permission request according to Article 9 (2) and (3), it must notify the person making the request for the permission the result within 5 working days after the date of the resolution.

Article 11

When the meeting of the Sub-Committee is not convened, the chairperson must consider the permission request for the foreign film production in Thailand or, in case that the chairperson cannot perform his duty, the FB Secretary must consider the permission for the filming, then report to the Sub-Committee at the next meeting.

Article 12

In case that the permission is granted, the FB Secretary or the Sub-Committee has assigned any government sector, state enterprise, agency or individual as Film Board Representative to supervise the filming and to notify the assigned party and the grantee.

Article 13

During the filming the grantee and the producer must execute the production of the film in a way that it is not undermining or contradictory to the law and order or the morals of the public or may have the impact on the security, environment and reputation of the country.

Article 14

According to Article 13 the grantee and the producer must execute the production of the film as accurate as possible to the script and plot as well as the details given the time of the request for the permission. In any event, the grantee and the producer must consider and be aware of the scene, dialogue, site, leading and supporting actors, and prop so that it is conformed to the situation, social condition and environment at the time of filming.

During the filming, if is imperative for the grantee or the producer to change the site or to have the script adaptation, as previously permitted, it can be done only if it has received the permission from the Film Board Representative. But the change or the adaptation must not be of major significance.

Article 15

Before the commencement of the filming, the grantee or the producer must notify the government sector, state enterprise or agency assigned as a Film Board Representative, at least 2 working days according to Article 12, of the time schedule and the site.

Article 16

For the filming the grantee the producer must allow the Film Board Representative to accompany the production group. In so doing the grantee and the producer must be responsible for the expenses of the representative supervising the production. The rate is to be set by the Board. The expenses for the transportation, food and accommodation to accompany the production groups, the same rate for the foreign executive of the production group must be applied.

Article 17

In the event of the violation of Article 13 or Article 14 the Film Board Representative is empowered to:

- (1) Order the grantee or the producer stop the filming and correct the production according to the approved script,

- (2) Stop the filming at the scene or the part that is not conformed to the approved script if the grantee or the producer is not able to make the correction, and
- (3) Report to the police to take legal action if there is and illegal act committed.

In case that the action has been taken according to (1), (2) and/or (3), the Film Board Representative has to send the written report to the FB Secretary immediately. For this matter there may be some recommendations for the FB Secretary to take action.

Article 18

In case that the Sub-Committee or the FB Secretary has received the report from the Film Board Representative, according to the last clause of Article 17, and considered that if the grantee or the producer has been permitted to continue filming until its completion, it may be undermining or contradictory to the peace and morals of the people or it may have the impact on the security, environment and reputation of the country, the Sub-Committee or the FB Secretary has the power to revoke the permission given for filming.

Article 19

After the completion of each roll of filming and the Film Board Representative believe that the filming is not in violation of Article 13 or Article 14, the Film Board Representative must put his signature in accordance with the procedure.

Article 20

After the completion of the production, the Film Board Representative must immediately report to the FB Secretary the result of the supervision of the filming.

Article 21

The film that the grantee has received the authorization to take out of the kingdom must be the film produced in accordance with these regulations, and must have the signature of the Film Board Representative in accordance with the procedure.

Article 22

In the event that there is some problem concerning the supervision of the production of the film in accordance with these regulations, the Film Board Representative must notify the FB Secretary immediately for the consideration of the proper action to be carried out.

Article 23

The chairperson of the Sub-Committee must consider the Request for the Permission for Foreign Film Production in Thailand, and the FB Secretary shall have charge and control of the execution of these regulations.

The details and procedures, concerning the Request for the Permission for Foreign Film Production in Thailand (including videotapes for advertisement and distribution), attached herewith must also be observed.

Given on the 15th Day of February B.E. 2544 (2001)

Signed by Khunying Supatra Masdit

Minister to the Prime Minister's Office

Chairperson of the Film Board of Thailand

The Details and procedures concerning the Request for the Permission for Foreign Film Production in Thailand

(including videotapes and still pictures for advertisement and distribution) attached to the Regulations of the Film Board of Thailand on the Request for the Permission for Foreign Film Production in Thailand, B.E. 2544 (2001)

1. Submission of Application Form

- 1.1 The person wishes to request for the permission must complete the Application Form provided by the Film Board of Thailand, and has the foreign permission seeker and the authorized coordinator in Thailand sign their names.
- 1.2 In submitting the Application Form, it must be accompanied with the related documents, to the Secretary to the Film Board of Thailand or FBT, at the Public Relations Department.
- 1.3 The permission seeker must not start filming before the permit is granted.
- 1.4 When the Secretary to the FBT or the Sub-Committee has approved of the production, the Secretary to the Sub-Committee must issue the permit to the aforementioned permission seeker.

2. Qualifications and Responsibilities of the Coordinator

- 2.1 The coordination according to 1.1 must have the following qualifications:
 - 2.1.1 Having the domicile in Thailand.
 - 2.1.2 Being the juristic person of the registered company dealing with films in Thailand and having the domicile in Thailand.
- 2.2 The permission seeker and the coordinator according to 2.1 must have their roles and responsibilities in the management and coordination for the request for the permission, or the approved producer as follows:
 - 2.2.1 Must acknowledge study and understand the Regulations of the FBT before taking the role of the coordinator.
 - 2.2.2 Must register the name, as the coordinator, at the FBT.
 - 2.2.3 Must submit the Application Form for filming to the Secretary to the FBT.
 - 2.2.4 Must arrange the person who has full understanding of the Regulations of the FBT for foreign film production in Thailand. He is to coordinate and contact with the central and regional agencies or venues concerned, both government and private sectors, for the permission to film in the government venue. Such coordination to get the first opinion must be done prior to the submission of the Application Form.
 - 2.2.5 Must demonstrate the facts and details concerning the production group and the production as well as coordinate with the Film Board Representative, the grantee and the producer so that the regulations can be upheld for some adaptation during the filming. He must also create an understanding and explain the story of the picture to everyone on the production group so that each and every one will have a mutual understanding, especially the Film Board Representative assigned to supervise the filming.
 - 2.2.6 The coordination must advise and create the correct understanding to the production group in advance, for the protection of the impact on the image and reputation of the country.

- 2.2.7 The coordinator in Thailand must take full responsibility in case that the foreign production group does not follow the Regulations of the FBT or has the action causing consequential damage to the image, reputation, customs and traditions, and environment.
- 2.3 In the event that any coordinator does not follow the regulations and responsibilities as prescribed, the Sub-Committee for the Permission for Foreign Film Production in Thailand is able to consider in taking some action deemed appropriate as follows:
 - 2.3.1 To send a warning,
 - 2.3.2 To stop the filming and to suspend the permit for filming, and
 - 2.3.3 To bar the right of such coordinator from the Register of coordinating companies in Thailand, and send the circular to the agencies concerned both domestic and overseas.

3. Procedures of the Permit Holder

- 3.1 For the filming, the script, plot and details of the picture that has been approved must be followed. And the filming must not, in any way, be undermining or affecting the national security or contradictory to the peace, morals, environmental interest, or the rules and regulations that any government agency has issued.

When filming at the venue for which the government agency is responsible, the permission must be sought according to the procedures of that particular government agency.
- 3.2 When the production group has received the permission from the Sub-Committee of the FBT, if there is the need for filming in additional places or expanding the production time or postponing the production schedule or changing the coordinator, prior notification to the Secretary of the FBT for consideration must be adhered.
- 3.3 The coordinator must notify the provincial office and organization of local administration before entering the filming area.
- 3.4 When requesting for the permission to use the armaments of the government for the filming, the production group or the coordinator in Thailand must notify the Secretary of the FBT to issue a letter of cooperation to the Supreme Command Headquarters, Royal Thai Army, Royal Thai Navy, Royal Thai Air Force, or Royal Thai Police possessing the said armaments for consideration. Hence, the production group or the coordinating company must follow the instructions given by the aforementioned government agency.
- 3.5 When the production group has arrived in Thailand, they must notify and coordinate with the Secretary of the FBT.
- 3.6 When the production group or the coordinator has learned which agency is the Film Board Representative, they must coordinate with the Film Board Representative for the clear schedule of the production prior to the filming.
- 3.7 The production group must apply for the work permit from the Alien Occupational Control Division, Department of Employment before the arrival in the country. With the exception for the production time of less than 15 days, the Secretary of the FBT must notify the Alien Occupational Control Division, Department of Employment of the matter. This is in accordance with the laws regarding the employment of aliens.
- 3.8 The import of the equipment and consumable goods for the production of the picture, in and out of the kingdom, must be obliged to the rules and regulations of the Customs Department as well as the guarantee or the payment of duty taxes.

The import of the equipment using the A.T.A. CARNET System is the temporary import exempt from the duty taxes (It is the privilege received according to the international convention).

If the import of the equipment is not using the A.T.A. CARNET System, it is categorized as the temporary import requiring the cash or the bank guarantee for the taxes. The export of the said equipment must strictly follow the customs procedure in order to uphold the promise and receive the guarantee in return.

- 3.9 The import of certain materials for the filming is restricted for example toxic dye and explosive. There must be a letter of permission, from the government agency controlling the import of such materials, shown to the Customs Department before they can be imported into the country. The importer must also provide the export to supervise these materials.
- 3.10 The import of animals for the filming in different scenes in the picture, care must be taken for the well-being of each animal in accordance to its natural way of life. There must be a veterinarian taking care of the animals.
- 3.11 The coordinator, with the foreign production group filming in Thailand, must be responsible for their legal actions.
- 3.12 The coordinator or the production group must be responsible for the life and accidental insurance to cover what might have happened to both Thai and international crew during the filming. For the feature film the copy of the document must be provided.
- 3.13 The working hour has to be conformed to the international standard used by the production group for example the working hours shall not exceed 12 hours per day. If any worker has exceeded the said time limit, the overtime payment must be paid to everyone at the same rate.
- 3.14 The filming or the picture shall not exceed 6 days per week with 1 day off (any day of the week) in accordance to the Labor Law of Thailand. If it is necessary to do the film everyday, there must be an arrangement of the sufficient work force according to Article 3.13
- 3.15 The coordinator or the production group must be responsible for the occupational safety for all the workers.
- 3.16 The filming of the feature film must provide the nursing unit at the production site.
- 3.17 When the filming is concluded, the production group must present the films, videotapes and still pictures to the representative of the Sub-Committee which can be stipulated that the production is legally complete.

For the films that are going to be taken out of the Kingdom, the fee for the export permit must be paid at the Film Censorship Section, Sub-Division 2, Registration Division, Royal Thai Police.
- 3.18 In case there are freelance actors/actresses and workers working for the production group, the coordinator responsible for such production group must inform the production group about the withholding tax at the place of employment, and submit the tax in accordance with the Fiscal Code.
- 3.19 The coordinator must be responsible for the tax payment of the production group whether they are juristic persons, a group of people or individuals, both Thai and foreigner. The tax payment must be systematic and with the correct understanding for the foreign production group.
- 3.20 The production group or the coordinating company in Thailand must be responsible for the payment of the assessed income of the freelance actors/actresses and workers working of the production group. The tax must be computed every time there is the payment for the assessed income in

accordance with the conditions and rates set by the Revenue Department. And the assessed taxes must be submitted to the district Revenue Office or the Regional Revenue Office within 7 days after the end of the month for the payment of the assessed income.

4. Authority for Consideration of the Secretary of the FBT or the Sub-Committee Considering the Request for the Permission for Foreign Film Production in Thailand

In case there is the permission for the filming, the Secretary of the FBT or the Sub-Committee must proceed as follows:

- 4.1 To appoint the Film Board Representative from the government agency, state enterprise or any organization, as deemed appropriate, for the supervision of the production of the picture, by notifying the person appointed.
- 4.2 To ask for the cooperation in facilitating the production from the agencies concerned for example the Customs Department, Airports Authority of Thailand, Alien Occupational Control Department, Department of Employment, and Revenue Department.
- 4.3 To ask for the support from the government agencies or religious monuments for the use of venue as well as the use of armaments in the filming.
- 4.4 To have the government agencies concerned dealing with the issue of the work permit, personal income tax collection, stamping of visa on the passport, film tax collection, etc., giving advice and facilitating for the production group so that they can follow the rules and regulations of each government agency. The production group must be responsible for the expenses that may be incurred at the operation of each government agency.
- 4.5 To coordinate with the province in which there is the filming of the picture, for the facilitation and cooperation with the local agency.
- 4.6 To consider taking some action in accordance with Article 2.3 in case any coordinator does not follow the regulations and responsibilities as prescribed.

5. Authority and Responsibility of the Film Board Representative

- 5.1 To study the film script, plot and details, for which the producer has been granted the permission, as an advantage in supervising.
- 5.2 To supervise and facilitate the production so it has reflected the film script, plot and details, for which the producer has been granted the permission, from the beginning to the end as appropriate

The filming, if there is no adaptation of major significance, is at the discretion of the Film Board Representative, and to report must be sent to the Sub-Committee for the Consideration of the Request for the Permission for Foreign Production in Thailand. If the production group has encountered some problem and obstacle while filming, the supervisor can utilize his discretion to solving the problem so that the production can proceed smoothly.

- 5.3 In the event that the violation is underling or contradictory to the national security, peace, morals of the people, environment, or rules and regulations of each particular government agency, the Film Board Representative must act as follows:
 - 5.3.1 Notify the producer to stop the filming, and
 - 5.3.2 If the producer does not obey the order, report to the local police to take legal action, then report to the Secretary to the FBT for further action.

- 5.4 To coordinate with the Secretary to the FBT for further action when there is some problem dealing with some specific details.
- 5.5 When the filming is concluded, the Film Board Representative must put his signature on the sticker and attach it on the box of used film, then issue the letter of confirmation for the production group and report the supervision result to the Secretary to the FBT or the Sub-Committee considering the Request for the Permission for Foreign Film Production in Thailand as soon as possible.

In case that the production group has developed the film being filmed in Thailand, the Film Board Representative must put the sticker on it before it can be exported.

- 5.6 The government agency assigned to be the Film Board Representative must select the person with good qualifications to supervise the production as follows:
 - 5.6.1 Possessing the knowledge and understanding of the movie production as well as industry.
 - 5.6.2 Possessing good human relation and the conscience of the image of the country, including the duty as the Film Board Representative.
 - 5.6.3 Holding the appropriate position and responsibility as assigned and giving credible advice to the production group and giving credible advice to the production group and various agencies concerned with the production.
 - 5.6.4 Possessing the working knowledge and understanding of the foreign language, or at the level not hindering the communication.
 - 5.6.5 Being knowledgeable about Thailand and government bureaucracy.
 - 5.6.6 Being a man of punctuality.
 - 5.6.7 Being listed at the Registrar of the Film Board of Thailand and possessing the identification card as the Film Board Representative.

6. Details of the Expenses for the Foreign Production Group Filming in Thailand to Follow for film:

- 6.1 The film being produced for filming a documentary called within the company, organizations or private companies.
 - 6.1.1 In case the production is done in the province, which has the Film Board Representative, the Film Board Representative can go for the inspection without any prior notice. The day and time of the inspection is at the discretion of the Film Board Representative.
 - 6.1.2 In case the production is done outside the province which the Film Board Representative has his domicile, the producer of the film must be responsible for the expenses for the Film Board Representative, using the same rate for the executive of the producer. The Film Board Representative can go for the inspection without any prior notice.
 - 6.1.3 The producer has to pay per diem of Baht 2,000 for every 5 days of filming, the fraction of the day is counted as 5 days.
 - 6.1.4 In case the production is done outside the province which the Film Board Representative has to travel from his domicile to that production site, the per diem of Baht 4,000 for every 5 days must be paid.
- 6.2 Documentary and advertisement movie.
 - 6.2.1 One Film Board Representative supervising the production must accompany the production group until the filming is concluded.

- 6.2.2 The production group must pay per diem of Baht 2,000 to the Film Board Representative in case of traveling upcountry. The production group must be responsible for the expenses for the transportation, food and accommodation for the Film Board Representative, using the same or higher rate than for the executive of the production group.
- 6.3 Feature film/Docudrama/TV drama
- 6.3.1 There must be the supervisors for the production according to the number of the production units and the production time period, i.e. one Film Board Representative for one production unit x 10 hours, if there are more than 10 hours of filming per one production unit. When the filming is under way, if the Filming Board Representative or the Sub-Committee considers that it is appropriate to increase or decrease the number of supervisors to suit the mission, he can propose this issue to the chairperson of the Sub-Committee or Secretary to the Film Board of Thailand for further consideration.
- 6.3.2 In case the Film Board Representative has to travel upcountry, the production group must be responsible for the expenses for the transportation, food and accommodation for the Film Board Representative, using the same rate of the executive of the producer.
- 6.3.3 The supervisor must be paid per diem of Baht 2,000 for 12 hours of work.
- 6.3.4 In case the production is done upcountry, the chairperson of the Sub-Committee for the Consideration of the Request for the Permission for Foreign Film Production in Thailand or the Secretary to the Film Board of Thailand is able to notify the production group to be responsible for the expenses for the transportation, food, accommodation and per diem at the same rate for the Film Board Representative. This is to facilitate the senior official of the FBT to be able to travel for the inspection of the production, if it is considered that the filming might have the impact on the people or environment or cause any problem.
- 6.3.5 For the production using the film, such film must be paid the fee for export at the rate of 100 meters/100 Baht, at the Film Censorship Section, Sub-Division 2, Registration Division, Royal Thai Police.
- 6.4 In case there are freelance actors/actresses and workers working for the production group, the coordinator responsible for such production group must inform the production group about the withholding tax at the place of employment, and submit the tax in accordance with the Fiscal Code.
- 6.5 In case the production is done upcountry and the Film Board Representative has to travel from another province, during his stay upcountry the production group must be responsible for the expenses for the food and accommodation for the Film Board Representative in supervising everyday of the filming, without any exemption from the day off. For those days off per diem of Baht 500 must be paid to the representative.
- 6.6 In case the production is done in the provinces, which the Film Board Representative has lived, per diem for the filming days only is to be paid.
- 6.7 Exception.
- 6.7.1 The production group of the documentary, invited by the government agency, must notify the Secretary by filling the form and submitting it to the Secretary prior to the filming.
- 6.7.2 For the production group according to Article 6.7.1, other procedures must be exempted from these regulations and the key agency must be responsible for the supervision. If the production group does not wish to

be exempted, the responsible agency must notify the Secretary of the FBT for consideration.

6.8 Payment of per diem and return of the money.

- 6.8.1 The coordinating company or the producer must pay per diem of the Film Board Representative at the Office of the Secretary of the FBT, Public Relations Department. The exception is for the production upcountry and the Film Board Representative is in that province, then the coordinating company must pay per diem directly to the Film Board Representative.
- 6.8.2 The payment of per diem must be in full on the day receiving the permit. If part of the filming is in accordance with Article 6.1, the payment must be in full except part of the payment must be in full except part of the payment for the Film Board Representative upcountry.
- 6.8.3 Any Film Board Representative who does not travel to supervise the production must return the money to the coordinating company through the Secretary to the FBT, and must send a written report explaining the matter to the Sub-Committee and the responsible agency.

Disclaimer

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