

Legal Update

MOBILE NUMBER PORTABILITY

The National Telecommunications Commission (“**NTC**”) on 28 July 2009 has announced the NTC’s Notification regarding the provisions of the Mobile Number Portability (“**MNP**”) services which has been in effect since 4 August 2009 (“**Effective Date**”).

Certain significant provisions of the said Notification are summarized as follows:

- The consumers shall be entitled to take and maintain their mobile phone numbers with them when they switch the network providers.
- The network providers shall provide MNP services within three months from the Effective Date.
- A consumer intending to switch the network provider to a new network provider shall submit the application at the service point specified by the new network provider. The arrangement of the network switching shall be completed within three business days from the date of submission the application except in case that the documents and evidences are incomplete or not consistent with the information of such customer as maintained in the information system.
- The new network provider may reject the switching application in case of any of the followings:
 - i. the illegal number or protection of national security;
 - ii. the number to be switched is under the legal proceedings or the attachment or the order of prohibition to change; or
 - iii. any reasons as to the switch method prescribed by the network provider which shall be approved by NTC.
- 6. The fee rate for such switching to be charged by the network provider shall be in accordance with the rate so prescribed by NTC.
- 7. The Clearing House for providing IT system service and database shall be established through the joint investment of the network providers by way of consortium according to the investment proportion to be prescribed by NTC.

Source: <http://www.ntc.or.th> – August 2009

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 **TAX COLLECTION**

Due to the expectation of increasing revenue of the Revenue Department (“RD”) against the tax collection, it expects that the list of new taxpayers in this year would be expanded to be approximately 342,000 persons. RD expects to increase the efficiency on the tax collection through various methods including the followings:

First, RD has decided to use the Global Position System (“GPS”) by cooperating with Bangkok Metropolis authority for helping collection of taxes from new taxpayers who avoid paying taxes. RD will use GPS map to randomly inspect the potential taxpayers in the business areas e.g. the shopping malls and restaurants in MBK, Bobae, Sathorn, Sukhumvit, Bangkapi, and Donmuang etc. If the potential taxpayer is found, the RD official at the Revenue Office located in such area will visit and advise such potential taxpayer to pay taxes properly.

In addition, RD will cooperate with other government agencies in obtaining necessary information relating thereto, e.g. information of importers and exporters from the Customs Department, information of alcohol and cigarette from the Excise Department etc., and exchange the information with other government agencies, e.g. Anti-Money Laundering Office, Office of the Narcotics Control Board including the Ministry of Commerce.

Furthermore, RD will also look into the big manufacturers’ supply chain for inspecting where the materials or products come from through the whole supply chain and RD will organize the information into the systems for collecting taxes from any avoided taxpayers.

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