

No 0813 4747



Ministry of Finance
Rama 6 Road,
Bangkok 10400, Thailand

MARCH 6, 2000

Excellency

Pursuant to Article 25 of the Agreement between the Government of the Kingdom of Thailand and the Government of the People's Republic of China for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income signed at Bangkok on 27th October 1986 (hereinafter referred to as "the Agreement"), the delegations from both countries met in Bangkok on January 24-28, 2000 to discuss the People's Republic of China's proposal to amend paragraph 3 of Article 2, paragraph 1 of Article 3, and paragraph 3 of Article 11 and Thailand's proposal to amend paragraph 3 of Article 11 of the Agreement. I, therefore, have the honour to propose the amendment to the Agreement as follows:

1. Sub-paragraph (b) of paragraph 3 of Article 2 shall be deleted and replaced with the following:

"(b) in the case of China:

- (i) the individual income tax;
- (ii) the income tax for enterprises with foreign investment and foreign enterprises; and
- (iii) the local income tax.

(hereinafter referred to as "Chinese tax")"

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H.E. Mr. Jin Renqing
Commissioner (Minister Level)
State Administration of Taxation
No. 5 Yangfangdian Xilu,
Haidian District, Beijing 100038
People's Republic of China

2. Sub-paragraph (j) of paragraph 1 of Article 3 shall be deleted and replaced with the following :

“(j) the term “competent authority” means, in the case of Thailand, the Minister of Finance or his authorized representative and in the case of China, the State Administration of Taxation or its authorized representative.”

3. Sub-paragraphs (a) and (b) of paragraph 3 of Article 11 shall be deleted and replaced with the following :

“(a) in the case of Thailand, means the Royal Government of Thailand and shall include:

(i) the Bank of Thailand

(ii) the Export - Import Bank of Thailand ;

the Government Savings Bank;

the Government Housing Bank;

the local authorities ; and

such financial institutions, the capital of which is wholly owned by the Royal Government of Thailand or any local authority as may be agreed from time to time between the competent authorities of both of the Contracting States ;

(b) in the case of China, means the Government of the People's Republic of China and shall include :

(i) the People's Bank of China and Bank of China to the extent that its activity is carried on within the scope of the normal authority of a central bank; -

“(ii).

- (ii) the State Development Bank ;
- (iii) the Export - Import Bank of China ;
- (iv) the Agricultural Development Bank of China ;
- (v) the local authorities ; and
- (vi) such financial institutions, the capital of which is wholly owned by the Government of the People's Republic of China or any local authority as may be agreed from time to time between the competent authorities of both of the Contracting States."

I have further the honour to propose that this Note and Your Excellency's Note in reply confirming the acceptance by the Government of the People's Republic of China shall constitute an integral part of the Agreement, which will enter into force on the date of Your Excellency's reply.

I avail myself of this opportunity to extend to Your Excellency the assurances of my highest consideration.



Tarrin Nimmanhaeminda
Minister of Finance of Thailand

HE Mr Tarrin Nimmanhaeminda
Minister of Finance of Thailand

Excellency,

I have the honour to acknowledge receipt of Your Excellency's Note dated 6 March 2000, which reads as follows:

"Pursuant to Article 25 of the Agreement between the Government of the Kingdom of Thailand and the Government of the People's Republic of China for the Avoidance of Double Taxation and Prevention of Fiscal Evasion with respect to Taxes on Income signed at Bangkok on 27th October 1986 (hereinafter referred to as "the Agreement"), the delegation from both countries met in Bangkok on January 24-28, 2000 to discuss the People's Republic of China's proposal to amend paragraph 3 of Article 2, paragraph 1 of Article 3, and paragraph 3 of Article 11 and Thailand's proposal to amend paragraph 3 of Article 11 of the Agreement. I, therefore, have the honour to propose the amendment to the Agreement as follows:

Sub-paragraph (b) of paragraph 3 of Article 2 shall be deleted and replaced with the following:

(b) in the case of China:

- (i) the individual income tax;
- (ii) the income tax for enterprises with foreign investment and foreign enterprises; and
- (iii) the local income tax.

(hereinafter referred to as "Chinese tax")

2. Sub-paragraph (j) of paragraph 1 of Article 3 shall be deleted and replaced with the following:

"(j) the term "competent authority" means, in the case of Thailand, the Minister of Finance or his authorized representative and in the case of China, the State Administration of Taxation or its authorized representative."

3. Sub-paragraphs (a) and (b) of paragraph 3 of Article 11 shall be deleted and replaced with the following:

"(a) in the case of Thailand, means the Royal Government of Thailand and shall include:

- (i) the Bank of Thailand;

- (ii) the Export-Import Bank of Thailand;
- (iii) the Government Saving Bank;
- (iv) the Government Housing Bank;
- (v) the Local authorities; and
- (vi) such financial institutions, the capital of which is wholly owned by the Royal Government of Thailand or any local authority as may be agreed from time to time between the competent authorities of both of the Contracting States;

(b) in the case of China, means the Government of the People's Republic of China and shall include:

- (i) the People's Bank of China and Bank of China to the extent that its activity is carried on within the scope of the normal authority of a central bank;
- (ii) the State Development Bank;
- (iii) Export-Import Bank of China;
- (iv) the Agricultural Development Bank of China;
- (v) the local authorities; and
- (vi) such financial institutions, the capital of which is wholly owned by the Government of the People's Republic of China or any local authority as may be agreed from time to time between the competent authorities of both of the Contracting States;

I have further the honour to propose that this Note and Your Excellency's Note in reply confirming the acceptance by the Government of the People's Republic of China shall constitute an integral part of the Agreement, which will enter into force on the date of Your Excellency's reply.

I avail myself of this opportunity to extend to Your Excellency the assurances of my highest consideration."

I have further the honour to confirm the acceptance by the Government of the People's Republic of China of the above proposal and agree that Your Excellency's Note and this Note shall be regarded as constituting an agreement between the two Governments which will enter into force on the date of this reply.

I avail myself of this opportunity to extend to Your Excellency the assurances of my highest consideration.

Done at Beijing the 25th day of *av* 2000.

Jin Renqing
Commissioner (Minister Level)
State Administration of Taxation
People's Republic of China