

Questionnaire on the Requirements for Provision of Professional Services

Services Sub-Sector: Engineering Services

Country Name: Thailand

Notes:

- (1) Where there are different requirements/regulations/procedures for locals and foreigners please specify in your responses.
- (2) Briefly please define the main terms and acronyms used in your responses to the questionnaire (if applicable).

I. Regulation and Organisation of this Professional Services

1. Please describe in general the structure and organisation of this sub-sector and how it is being regulated in your country. This could include:

- The range of the activities regularly practised by the professionals in this sub-sector in your country. Please indicate which of these activities that are NOT regulated in your country, if any.
- Explanation of whether this sub-sector is regulated by law, self-regulated by a professional body, or a combination of both; whether the regulation is centralised or decentralised; etc.
- List of concerned professional bodies and/or ministries/government agencies, the functions of each of them, and how they interact in regulating this sub-sector.

Professional engineering services in Thailand are regulated and controlled by law under the Engineers Act, B.E. 2542 (1999) (the “Engineers Act”) . The Council of Engineers (the “Council”), established under the Engineers Act is the central regulatory body for these services in Thailand. It comprises of 15 Committee Members elected from and by the ordinary members of the Council and 5 members elected from the ordinary members by the Council of Ministers. The Minister of Interior also has certain power over the Council such as a general power to monitor the work of the Council and, with an approval from the Council of Ministers, a power to remove a Committee Member. As a result, the Council is a partial self-regulated and partial government controlled professional body. The Engineers Act and its subordinated regulations are centralized within the power of the Council and the Minister of Interior.

Professional engineering services that are regulated and controlled under the Engineers Act are currently limited to: civil engineering, mining engineering, mechanical engineering, electrical engineering, industrial engineering, environmental engineering and chemical engineering.

In addition to the Engineers Act, foreign engineers who want to provide engineering services, whether as regulated and controlled under the Engineers Act or not, are also required to comply with other laws and regulations which generally apply to all foreigners who work in Thailand (therefore, they are not within the power of Council of Engineers). These laws include but not limited to law on foreign currency control, immigration law and Foreign Business Act, B.E. 2542 (1999). As such, foreign engineers who want to provide engineering services in Thailand will be required to obtain proper visa (from the Ministry of Foreign Affairs), work permit (from the Ministry of Labor), permit to conduct business by a foreigner (from the Ministry of Commerce) and permit to remit foreign currencies into and out of the kingdom (from the Bank of Thailand). These additional permits will be issued if certain requirements by the relevant government agencies are fulfilled. How these requirements can be fulfilled is subject to the governing law.

2. Please list down the relevant legislations/rules and regulations regulating this sub-sector in your country.

The Engineers Act, B.E. 2542 (1999) and other related laws and regulations (see answer in question 1).

II. Qualification Requirements

3. What are the qualification requirements for individual practitioners in your country in terms of:
 - professional education (e.g. whether shall be university/higher education degree, post-graduate education etc)

- professional examination/assessment
- work experience
- practice and training
- language skills

There are four levels of regulated engineering profession in Thailand. They are: (1) Senior Professional Engineer (2) Professional Engineer (3) Associate Engineer and (4) Adjunct Engineer.

General requirements for issuance of relevant permits to each categories of engineers are as follows :

	Education	Years of experience	Certified record for proof of experience	Professional testing
Adjunct Engineer (1)	Bachelor degree in Engineering (but not completed all required courses)	2 years	Yes, to be signed by a Professional Engineer or Senior Professional Engineer	Yes
Adjunct Engineer (2)	High Vocational Certificate in an area related to Engineering	4 years	Yes, to be signed by a Professional Engineer or Senior Professional Engineer	Yes
Adjunct Engineer (3)	Vocational Certificate in an area related to Engineering	6 years	Yes, to be signed by a Professional Engineer or Senior Professional Engineer	Yes
Adjunct Engineer (4)	Others	10 years	Yes, to be signed by a Professional Engineer or Senior Professional Engineer	Yes
Associate Engineer	Bachelor degree in Engineering from accredited institution (completed all required courses)	N/A	N/A	Yes
Professional Engineer	(upgraded from Associate Engineer)	3 years after having become an Associate Engineer with sufficient experience and continuing professional development	Yes, to be signed by a Professional Engineer or Senior Professional Engineer	Yes
Senior Professional Engineer	(upgraded from Professional Engineer)	5 years after having become a Professional Engineer with sufficient experience and continuing professional development	Yes, to be signed by other Senior Professional Engineer	Yes

4. Please specify the number of years/months required for each of the above, as well as the availability of alternative routes (e.g. degree route and non-degree route) to achieve the qualifications required. If different qualification requirements exist for different activities or types of work, please specify.

see answer in question 3

5. Are there any other qualification requirements apart from those set out in Q.3 above (e.g. minimum age, registration with a professional body, restriction on the scope of practice, place of origin/citizenship/residency requirements)? Please specify.

Other qualification requirements:

- (1) Minimum age requirement: 18 years.
- (2) Must be registered with the Council of Engineers as an ordinary member or extraordinary member
- (3) Restriction on scope of practice depends on level of engineering profession practice. A Senior Professional Engineer may practice and provide advice in engineering without limitation. A Professional Engineer may practice engineering without limitation, but may not provide advice. An Associate Engineer's and a Adjunct Engineer's practice will be limited as specified in the relevant permit such as with respect to the area of practice and the size of work.
- (4) Place of origin/citizenships/residency requirements: Citizenship requirement is only for ordinary members of the Council of Engineers, not for permitting requirements. The only residency requirement is a six months visa for a stay in the kingdom for Adjunct Engineers. However, language skill can be an indirect restriction since all the testing will be conducted in Thai.

6. Who conducts/supervises the professional examination/assessment?

Council of Engineers of Thailand (COE)

7. Are the professional examinations/assessments conducted at regular intervals? Please specify the frequency, fees charged, and differences in practice adopted by individual provinces/states.

The professional examinations are conducted on a regular intervals; annually for Professional Engineers and monthly for Associate and Adjunct Engineers. Examination fees are at Baht 1,500. There are also additional fees for each type of permits which vary between Baht 5,000 for Senior Professional Engineers, Baht 3,500 for Professional Engineers, Baht 1,000 for Associate and Adjunct Engineers. There is no provincial or state branch of COE to conduct such examination.

III. Qualification Procedure

8. What are the procedures involved in order to qualify as a professional in this sub-sector, including the approving authorities involved, their respective requirements, the fees charged and the timelines that need to be observed? How long does it normally take to complete the procedures?

Application for registration as controlled professional engineer should be submitted to Council of Engineers in the prescribed form available at See answer in question 7

IV. Recognition Arrangements

9. Are there any existing mechanisms (e.g. automatic recognition or mutual recognition arrangements at government level or between professional bodies) to take account of qualifications, experience, expertise, license etc. acquired or obtained by foreign professionals in another country? Please explain the mechanism and specific requirements.

Under current regulations, only those who graduated from foreign institutions may apply for a permit for Associate Engineer, but it will be done on a case by case basis.

10. Please give a brief explanation of foreign reciprocity provisions/requirements for granting registration to professionals from foreign countries, if any.

N/A

V. Licensing Requirements

(a) For Individuals

11. Apart from the qualification requirements mentioned above, what are the licensing requirements for individuals in your country, for example:
- membership in a professional body
 - registration with the relevant ministry or any other institution
 - absence of criminal record
 - taking of an oath
 - minimum and/or maximum age
 - subscription to a professional indemnity insurance (including any minimum specification)
 - place of origin/citizenship/residency requirement
 - continuing professional development (CPD)
 - others (please specify)

If different licensing requirements exist for different activities, please specify.

(b) For Firms (Including Regulations Governing Establishment)

- Ordinary member or extraordinary member of the Council of Engineers.
- Compliance with the etiquette of the engineering profession.

Other requirements: generally, please see answer to question 5.

Absence of criminal record: only with imprisonment in a criminal case against professional etiquette.

Taking of an oath: N/A.

Minimum age: 18

Maximum age: N/A

Professional indemnity insurance: Not required

CPD: please see answer to question 3.

Illness: must show medical certificate that he or she is free from specified diseases.

12. Are professional firms regulated? If yes, are there any specific licensing requirements, for example:

- legal form in which one can establish (e.g. partnership, incorporation, other)
- minimum capital
- minimum/maximum number of partners
- qualifications of individual partners
- membership in a professional body
- incorporation or registration with the relevant ministry or any other institution
- requirements regarding natural persons carrying out professional services on behalf of the firm, including any restrictions on foreign firms employing local professionals
- requirements regarding ownership (voting rights) of the firm, including place of origin/citizenship/residency requirements of board of directors and restrictions on partnership with local firms.
- requirements regarding management/administration of the firm, including place of origin/citizenship/residency requirements of board of directors, minimum number/ percentage of local directors, managers etc.
- others (please specify)

If different requirements exist for different activities, please specify.

Answer 12.

There is no restriction in relation to the form of establishment, whether as a partnership, or a company. However, the form of establishment must be recognized under Thai law, therefore, the most common forms of establishment are: partnership and company. Other requirements are :

- Having principal in the Kingdom of Thailand
- Having at least half of the partners (in case of a partnership) or directors (in case of a company); or having the managing partner (in case of a partnership) or the managing director (in case of a company) or the only management of that juristic person (in case of other form of juristic person) with license for controlled engineering profession.

13. Is the use of international or foreign firms names restricted? Please specify.

None

VI. Licensing Procedures (For Both Individuals and Firms)

14. What are the procedures required for application for license and/or renewal of license, including the authorities involved, their respective requirements (including documentation), and fees charged? How long does it normally take to obtain or renew a license? Please specify in case of differences between individuals and firms.

Each type of licenses is valid for 5 years but renewable. There are no additional documents required for renewal of license. Renewal fees will be charged as follows:
Senior Professional Engineer license: Baht 1,500
Professional Engineer license: Baht 1,000
Associate and Adjunct Engineer license: Baht 500
Firm license: Baht 3,000

VII. Regulations Governing Entry and Temporary Stay of Natural Persons for the Purpose of Supplying the Professional Services

15. Is the entry and stay of professionals subject to labour market tests or any other restrictions? Please specify.

A Royal Decree of B.E. 2516 (1973) has listed Civil Engineering Work as prohibited profession to foreigners.

VIII. Professional Ethics

16. What activities/disciplines are subject to professional ethical codes? Please specify the main policy objectives of these codes.

Code of Ethics for Engineering Profession is as prescribed in the Regulation of the Council of Engineers, B.E. 2543 (2000). The main policy objectives are for:

- Professional development at high ethical value and standard.
- Having the norms for code of conduct.
- Protecting public interests and safety.

17. Which body or institution develops this code and monitors its implementation? What are the consequences in case of breach of the ethical code by a professional or a firm?

The Code of Ethics for Engineering Profession has been adopted and monitored by the Council of Engineers. The Council of Engineers has delegated the power to monitor the Code of Ethics to an Ethics Committee. If an engineer with license to conduct regulated engineering profession breaches this code, he may be subject to the following disciplinary measures depending on the seriousness of the breach:

- (1) warning
- (2) probation
- (3) suspension of license for a specified period, which will not exceed 5 years
- (4) revocation of license.

IX. Appeal Mechanisms and Dispute Resolution Procedures

18. Do individuals or firms have the right to appeal if their application is rejected or their license withdrawn?

If the rejection to an application for license is made in contrary to the Engineers Act or related regulations, the applicant may submit an appeal with the Minister who has the power to order the Council of Engineers to act in compliance with the Engineers Act and related regulations (Section 66(4)). A rejection order of the Council of Engineers will also be deemed to be an administrative order and hence can be appealed to the Administrative Court.

19. What body or institution is responsible for the resolution of disputes?

Apart from appeal to the Minister and the Administrative Court, there is no other body responsible for dispute resolution (in relation to rejection to an application for a license for controlled engineering profession)

20. Please provide a summary of the mechanism/procedures and a list of relevant legislation/regulations.

An appeal to the Minister is under the Engineers Act, Section 66(4)
An appeal to the Administrative Court is under the Administrative Court Act.

X. Additional Information

21. Is it possible to obtain further or updated information on the regulatory regimes of the professional services concerned through web-sites, journals, or brochures? What sort of information is included? Please give details.

Please refer to www.coe.or.th (under construction)

22. Please provide contact details (name, address, fax, telephone, email address, etc.) of the persons who can provide further information/clarification on this sub-sector in your country.

COUNCIL OF ENGINEERS OF THAILAND (COE)
2th FLOOR Wor.Sor.Tor Building
487/1 Ramkhamhaeng39 Rd.
Wangtonglang Bangkok 10310
Tel. : 66-2935-6868
Fax : 66-2935-6695
E-mail : panadda@coe.or.th

REQUIREMENT FOR PROVISION OF PROFESSIONAL SERVICES

ENGINEERING SERVICES

KINGDOM OF THAILAND