

**BOI Announcement**  
**No. Por. 5/2559**  
**Criteria for the e-Investment Promotion System**  
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To facilitate investment promotion in accordance with Section 17 of the Investment Promotion Act B.E. 2520;

By virtue of Sections 11, 13, 17, 21 and 22 of the Investment Promotion Act B.E. 2520, the Office of the Board of Investment, as authorized by the Board of Investment, hereby issues the criteria for the e-Investment Promotion system services as follows:

1. This announcement applies to applicants in regards to investment promotion and to BOI-promoted projects in accordance with Section 17 of the Investment Promotion Act B.E. 2520, via the electronic system.

2. Any other procedures and methods relating to the e-Investment Promotion system that are not specified in this announcement shall be subject to a law on electronic transactions.

3. For this announcement:

“Service provider” refers to the Office of the Board of Investment.

“Users” refer to applicants for investment promotion and BOI-promoted projects.

“Application form for the e-Investment Promotion system” refers to the application form for investment promotion services via the electronic system, for which the service provider requires users to submit and provide information via the Internet, such as investment promotion application forms, project amendment request forms, promotion certificate application forms, etc.

“System” means the e-Investment Promotion system.

“Username” means a user’s identification used to access the system.

“Password” means a secret code used to verify the user’s identification in order to access the system.

**Section 1**

**Usage Procedures for the e-Investment Promotion System**

4. Criteria and procedures for applying for investment promotion services via the e-Investment Promotion system are as follows:

4.1. Users wishing to submit applications for investment promotion services via the e-Investment Promotion system must follow the stipulations as prescribed in the announcement on procedures for the e-Investment Promotion system.

4.2. Users must register as a member in the e-Investment Promotion system in order to obtain the username and password to log into the system.

4.3. The service provider will operate a system to process applications for investment promotion services via the e-Investment Promotion system as follows:

4.3.1. In the event where the law requires that any information be presented or retained in its original form as an original document, if such information is presented or retained by the service provider in the form of a data message pursuant to the following requirements, it shall be deemed that such information is presented or retained as an original document under the law:

(1) a reliable method is used with the data message to assure the integrity of the information from the time it is generated in its final form; and

(2) the information is capable of being subsequently displayed.

The integrity of the information under (1) shall be determined by having regard to its completeness and unalteration, apart from the addition of any endorsement, record, or any change which may arise in the normal course of communication, storage or display of the information, which does not affect the integrity of that information.

In determining the method used for assuring the integrity of the information under (1), all relevant circumstances must be taken into consideration, including the purpose for which such information is generated.

4.3.2. Subject to the provision of no. 4.3.1., in the event where the law requires that certain documents or information be retained, if such retention is made in the form of a data message pursuant to the following requirements, it shall be deemed that such a document or information is retained pursuant to the requirements of the law:

(1) the data message is accessible so as to be usable for subsequent reference without it being altered;

(2) the data message is retained in the format in which it was generated or sent, or in a format which can be demonstrated to accurately represent the information generated or sent; and

(3) the information, if any, which specifies the source, origin and destination of a data message including the date and time sent or received, is retained.

4.3.3. The service provider will process applications for investment promotion services via the e-Investment Promotion system in accordance with no. 4.5. under the criteria stipulated by the service provider.

4.4. In the case where users have logged into the system, users are responsible for the accuracy of the information provided. In the event where there is an unauthorized use of the system for any purposes by obtaining a user's username or password, without permission from the service provider, and that is not caused by errors from the service provider's side, the service provider shall not in any way be held liable for any damages incurred.

4.5. In submitting applications for investment promotion services via the e-Investment Promotion system, users shall complete the application form in the e-Investment Promotion system, along with submitting related documents or other supporting evidence, in accordance with the criteria and procedures stipulated by the service provider.

4.6. Users must verify that the documents or other supporting evidence submitted for the investment promotion applications are true and accurate, and allow the service provider to keep the documents or other supporting evidence as government property. In the event where the service provider requires such documents, users shall promptly provide the service provider with the required documents.

4.7. After users have verified that the information provided is true and accurate, and have submitted it to the service provider, it shall be regarded as complete and cannot be amended, unless with permission from the service provider.

4.8. To ensure the security of electronic data transmission, users must have measures to monitor their operators to secure their username and password as confidential data. Users must not grant, or, by any means, allow an unauthorized party who is not the owner of the username and password to have access to such confidential data. Users shall be held liable in the case where an unauthorized party uses the username and password to incur damages to the service provider.

4.9. Users must notify the service provider immediately in the event of the following incidents:

4.9.1. The user becomes aware that the username and password used in data transmission are lost, terminated, changed, known or used by an unauthorized party who is not the owner of the user's account.

4.9.2. When the circumstances suggest a high risk that the username and password used in data transmission are lost, terminated, changed, known or used by an unauthorized party who is not the owner of the user's account.

Users cannot claim the clause stated in paragraph 1 to deny responsibility in any electronic data submitted to the service provider prior to notifying the service provider of the clause in paragraph 1.

The notification must be made by letter. In case of an emergency, however, users are allowed to notify the service provider via facsimile or email, and submit a letter to the service provider on the next working day.

After having received a notification of the clause stated in paragraph 1, the service provider shall cancel any issuance previously granted to the user. In this case, the user can resubmit applications for investment promotion services.

4.10. It shall be understood that the service provider has received the user's electronic data only when the service provider replies to the user by electronic format or other substitute format.

The reply of the service provider as stated in paragraph 1 does not equate to an approval or confirmation that the service provider has verified the completeness of the submitted electronic data.

4.11. The service provider reserves the right to not accept the electronic data submitted by users in the following cases:

4.11.1. If technical data suggests that the submitted electronic data has been changed or amended after the submission, or there are irregularities associated with the username and password that regulates the submitted electronic data.

4.11.2. If it is found that the electronic data received is not in accordance with the technical stipulation prescribed in the user's guide currently in force during the time of the submission.

In the event the service provider rejects the electronic data, the service provider shall immediately notify the user by electronic format or other substitute format.

4.12. The service provider shall verify the completeness of the application for investment promotion services before accepting such applications in the e-Investment Promotion system. If the data provided is complete, the service provider shall notify the user of the application acceptance via the system. If the data provided is incomplete, the service provider shall notify the user via the system, and the user will be allowed to amend the application via the system.

4.13. Regarding electronic data transmission;

4.13.1. The time displayed on the service provider's server as the user's operator submits the data shall be taken as the submission time. The time displayed on the service provider's server as the service provider receives the data is the time of receipt.

4.13.2. The user's headquarters shall be regarded as the data submission location. The service provider's headquarters shall be regarded as the location where the data was received.

4.14. Subject to the provision of no. 4.13, the date and time that the service provider receives the electronic data shall be regarded as the date that the user submits the electronic data for verification. The service provider shall verify the completeness and accuracy of the data provided, and confirm the application's acceptance on the same day it is received. If the user does not receive the application acceptance confirmation on the same day, the system will automatically confirm the application acceptance on the following day.

Regarding the date and time of document submission or of any business conduct with, or by, service providers of the investment promotion act, when being done through electronic data format in the service provider's computer system, applications for investment promotion services via the e-Investment Promotion system can be submitted 24 hours a day, including on public holidays.

4.15. In the event of force majeure or any inevitable circumstance causing the service provider to be incapable of providing the service due to a system error or malfunction, for which the service provider is not held responsible by law, the service provider shall not be held liable for any damages incurred to users.

4.16. The service provider reserves the right to not consider applications for investment promotion services via the e-Investment Promotion system that do not comply with the stipulation prescribed by the service provider.

## **Section 2**

### **Scope of the e-Investment Promotion System**

5. Users can submit applications in the e-Investment Promotion system for the following services:

5.1. Applications for Investment Promotion

5.2. Promotion Certificate Issuance (only for projects applying for the investment promotion via the e-Investment Promotion system), as follows:

- (1) Extension for Promotion Acceptance Form
- (2) Promotion Acceptance Form
- (3) Extension for Documents Submission Deadline for Promotion Certificate Issuance Form
- (4) Promotion Certificate Issuance Form

5.3. Project Amendments, as follows:

- (1) Shareholders' Proportion Amendment Request Form
- (2) Project Location Amendment Request Form
- (3) Registered Capital Amendment Request Form
- (4) Request for Additional Production Capacity (by increasing work hours)

## **Section 3**

### **Usage Procedures for the e-Investment Promotion System In the Event of Any Malfunctions with the Computer System**

6. In the event of any malfunctions with the computer system of the service provider or of responsible agencies that obstruct the services of the e-Investment Promotion system, and for which the service provider has announced the temporary substitution of services via the computer system with services via a paper-based system, users can submit paper-based applications for investment promotion services, by submitting the documents in accordance with the format and procedures stipulated by the service provider, at the service provider's office, or via mail or e-mail, during the period of time of any computer or technical malfunction.

7. The Office of the Board of Investment will commence the procedures for processing applications for investment promotion services via the e-Investment Promotion

system from October 1, 2016 onwards, and will terminate the services for processing paper-based applications for investment promotion that are not printed from the e-Investment Promotion system, from January 1, 2017.

8. Any case that cannot be decided in accordance with this Announcement shall be decided by the Secretary-General of the Board of Investment.

Announced on September 30, 2016

(Hirunya Suchinai)  
Secretary of the Board of Investment