

-Unofficial Translation-

Regulations of the Council of Engineers
On Registration of Foreign Professional Engineers
Under the ASEAN Mutual Recognition Arrangement on Engineering Services,
B.E. 2561 (A.D. 2018)

Whereas it is expedient to have regulations of the Council of Engineers on Registration of Foreign Professional Engineers to fulfil the commitments of Thailand under the ASEAN Mutual Recognition Arrangement on Engineering Services;

By virtue of Section 8 (6) (k), Section 8 (7) and Section 7 (8) of the Engineer Act, B.E. 2542 (A.D. 1999), the Ministerial Regulations Prescribing Other Objectives of the Council of Engineers, B.E. 2560 (A.D. 2017), and the resolution of the 1/2017 Extraordinary General Assembly on 6 July 2017, the Council of Engineers with approval of the Special President of the Council of Engineers issues these Regulations as follows:

Clause 1. These Regulations shall be called “Regulations of the Council of Engineers on Registration of Foreign Professional Engineers under the ASEAN Mutual Recognition Arrangement on Engineering Services, B.E. 2561 (A.D. 2018).”

Clause 2. These Regulations shall come into force from the day following the date of its publication in the Government Gazette onwards.

Clause 3. In these Regulations:

“ASEAN Chartered Professional Engineer” means a person who is listed on the ASEAN Chartered Professional Engineers Register in accordance with the ASEAN Mutual Recognition Arrangement on Engineering Services.

“Foreign Professional Engineer” means an ASEAN Chartered Professional Engineer who wishes to practice the engineering profession or regulated engineering profession in Thailand and be listed on the ASEAN Chartered Professional Engineers Register in accordance with the ASEAN Mutual Recognition Arrangement on Engineering Services.

Chapter 1

Specific Qualifications and Prohibited Characteristics of Foreign Professional Engineers

Clause 4. A person applying for registration as a Foreign Professional Engineer shall meet the qualifications and be free from the prohibited characteristics as follows:

- (1) Holding the nationality of an ASEAN Member Country;
- (2) Being an ASEAN Chartered Professional Engineer;
- (3) Being an extraordinary member of the Council of Engineers; and
- (4) Never having been removed from the Foreign Professional Engineer Register.

Chapter 2

Rules, Procedures and Conditions for Being Listed on the Foreign Professional Engineers Register

Clause 5. A person wishes to be listed on the Foreign Professional Engineers Register shall submit a registration application and pay the application fee to Council of Engineers Office in the form and with supporting evidence specified by the Board of the Council of Engineers.

Supporting evidence under the preceding paragraph shall, at a minimum, include:

- (1) A certificate of performance of the Foreign Professional Engineer issued by a juristic person licensed to practice the regulated engineering profession, specifying the applicant's name, position, and duration of service;
- (2) A copy of passport;
- (3) A copy of certificate of the ASEAN Chartered Professional Engineer registration; and
- (4) A copy of license or certificate of registration of professional engineering practitioner issued by the country of the applicant.

Clause 6. The Board of the Council of Engineers shall proceed to register the Foreign Professional Engineers in the name of the Council of Engineers when the applicants meet all required qualifications and have no prohibited characteristics specified herein.

Clause 7. When the Board of the Council of Engineers agrees to register an applicant or resolves to reject the application, the Council of Engineers Office shall give a written notice of its resolution to the applicant within sixty days from the date the resolution is reached.

The written notice under the first paragraph may be made in an electronic form.

The applicant shall proceed to pay the Foreign Professional Engineer registration fee within sixty days from the date of receipt of the written notice from the Council of Engineers. In the case where the applicant fails to pay the registration fee within the designated period, it shall be deemed that the applicant does not wish to be registered as a Foreign Professional Engineer any longer.

After payment of the Foreign Professional Engineer registration fee is made by the applicant, the Council of Engineers Office shall issue a registration certificate to such applicant.

The certificate of the Foreign Professional Engineer registration shall be in the form designated by the Board of the Council of Engineers and remain valid for one year from the date of issuance by the Council of Engineers.

Clause 8. A registrant who wishes to renew the Foreign Professional Engineer registration shall submit an application for renewal and pay the renewal fee to the Council of Engineers Office in the form and with supporting evidence determined by the Board of the Council of Engineers within ninety days before expiration of the Foreign Professional Engineer registration certificate. After an application for renewal of the Foreign Professional Engineer registration has been submitted, the applicant may continue his/her operations until the Board of the Council of Engineers issues an order not permitting the renewal of the Foreign Professional Engineer registration.

The provisions of paragraphs one, two and three of Clause 7 shall apply to the written notice of the result of the decision on the renewal of the Foreign Professional Engineer registration, *mutatis mutandis*.

After the applicant has paid the fee for renewal of the Foreign Professional Engineer registration, the Council of Engineers Office shall issue a certificate of renewal of the Foreign Professional Engineer registration to the applicant.

The certificate of renewal of the Foreign Professional Engineer registration shall be in the form designated by the Board of the Council of Engineers and remain valid for a period of one year from the date of expiration of the existing certificate of registration.

Chapter 3

Rules and Conditions for the Foreign Professional Engineer's Practice of the Engineering Profession or Regulated Engineering Profession

Clause 9. Foreign Professional Engineers are obliged to comply with Thai laws and the ASEAN Mutual Recognition Arrangement on Engineering Services and may not practice the profession freely. The Foreign Professional Engineers need to practice the profession in cooperation with a juristic person having the license to practice the regulated engineering profession and a natural person licensed to practice the regulated engineering profession working for such juristic person as notified to the Council of Engineers.

Clause 10. In case of a Foreign Professional Engineer wishing to practice the regulated engineering profession, he/she shall receive a license to practice the regulated engineering profession from the Council of Engineers.

Clause 11. If a Foreign Professional Engineer has already been listed on the Foreign Professional Engineers Register, but subsequently there is change of the juristic person licensed to practice the regulated engineering profession as notified to the Council of Engineers Office, the said Foreign Professional Engineer shall submit an application to notify the Council of Engineers Office of such change within sixty days from the date of such change. In the case where no notice of change is made within the designated period, such Foreign Professional Engineer's Foreign Professional Engineer registration shall end.

Chapter 4

Termination and Revocation of Registration

Clause 12. The Foreign Professional Engineer registration shall be terminated when any of the following cases:

- (1) Death of the registrant;
- (2) Failure to renew the registration as prescribed herein;

- (3) Expiration of the ASEAN Chartered Professional Engineers Register;

- (4) Resolution to revoke the registration by the Board of the Council of Engineers;
- (5) Failure to notify the change in a juristic person licensed to practice the regulated engineering profession within the period of time specified under Clause 11 of these Regulations.

Clause 13. The Board of the Council of Engineers shall have the power to revoke the registration upon occurrence of the following circumstances:

- (1) Lacking any required qualifications or having any prohibited characteristics specified herein;
- (2) Provision of false information or evidence in the application for registration or application for renewal of the registration in an essential part;
- (3) Violation or failure to comply with conditions for practicing the profession as provided in these Regulations or the ASEAN Mutual Recognition Arrangement on Engineering Services;
- (4) Carrying out any act or behavior that seriously damages or disgraces the profession.

In the case where the condition for revocation of the registration of Foreign Professional Engineers under the first paragraph is met, the Secretary-General of the Council of Engineers shall submit the matter to the Board of the Council of Engineers without delay.

Announced on 19 December 2018
Kamol Takabut
President of the Council of Engineers