
Notification of the Eastern Economic Corridor Policy Committee

Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment
by Private Entities B.E. 2560

In order to enhance the development of the Eastern Special Economic Corridor more efficient; therefore, it is expedient to prescribe criteria, methods, conditions and procedures for Public-Private Partnership or Investment by Private Entities in the Eastern Economic Corridor specifically by taking into account the principles of public-private partnership, principles of openness, transparency, accountability, and anti-corruption measures at all stages.

By virtue of the provision of clause 12/2 of the Order of the head of the National Council for Peace and Order No. 2/2560 Re: Development of the Eastern Economic Corridor of Thailand dated 17 January 2017, amended by the Order of the head of the National Council for Peace and Order No. 28/2560 Re: Measures for Enhancing the Development Efficiency of the Eastern Special Economic Corridor dated 26 May 2017, the Eastern Economic Corridor Policy Committee, hereby, issues the Notification as follows:

Clause 1 This Notification is called “Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities B.E. 2560.”

Clause 2 This Notification shall come into force on the day of its publication in the Government Gazette.

Clause 3 In this Notification:

“Project” means the project prescribed by the Policy Committee to be implemented under this Notification;

“Project Owner Agency” means a government agency, state enterprises, local administrative organisations, public organisation or any other government agencies that are responsible for the project that allows the private entity to do a joint investment or to be an investor;

“Affiliated Ministry” means the ministry or bureau in which the Minister is an acting person under the law on establishing the Project Owner Agency, or is responsible for the Project Owner Agency’s work;

“Office” means the Eastern Economic Corridor Office.

Section 1: Project Proposal

Clause 4 To propose a project, the Project Owner Agency must prepare a study report and analyse the project according to the format and details as specified and notified by the Office and such notification shall provide guidelines and procedures to support the private entity.

The Project Owner Agency shall hire a Thai and/or a foreign consultant with qualifications as specified and notified by the Office to prepare the report under Paragraph One.

Clause 5 The Office shall appoint a working group comprised of a representative of the Office, as the chairman of the working group; a representative of the Affiliated Ministry, a representative of the Office of the National Economic and Social Development Committee, a representative of the Department of Public Works and Town & Country Planning, a representative of the State Enterprise Policy Office, a representative of any other relevant State Agencies, as members of a working group; and a representative of the Project Owner Agency as a secretary. In case of the project spending on the government expenditure budget, there shall be a representative of the Bureau of the Budget; or in case of the project spending on loan, there shall have a representative of the Public Debt Management Office; or in the case that a project has to prepare an environmental impact assessment report, there shall be a representative of the Office of Natural Resources and Environmental Policy and Planning; or in the case that the project uses a Ratchaphatsadu Land, there shall be a representative of the Treasury Department, as a member of a working group.

The working group under Paragraph One shall have duties to advise the Project Owner Agency on the preparation of the study and analysis report under Clause 4 in order to provide a complete and sufficient report for further presentation to the Policy Committee and relevant agencies.

Clause 6 Within 7 days from the date the Project Owner Agency has finished preparing the project study and analysis report under Clause 4 and Clause 5, the Project Owner Agency shall submit the report to the Affiliated Ministry, the Office, the Office of the National Economic and Social Development Committee, the State Enterprise Policy Office, and any other relevant State Agencies to consider and provide suggestions in the section related. Additionally, in case of the project spending on the government expenditure budget, the Budget Bureau shall consider and provide suggestions; and in case of the project spending on loan, the Public Debt Management Office shall consider and provide suggestions.

The relevant State Agencies under Paragraph One shall submit the suggestions to the Project Owner Agency and the Office within 15 days from the date of receiving the study and analysis report of the project.

Clause 7 The Project Owner Agency shall propose the study and analysis report of the project, the suggestions from relevant agencies, and other related documents to the Office within 15 days from the date of receiving all suggestions. In the case that the Project Owner Agency has an amendment to the study

and analysis report according to the suggestions from relevant agencies under Clause 6, the amended report shall also be submitted. In case of defaulting submission of the report to the Office within the specified period, the Project Owner Agency shall inform reasons and set the time for submitting to the Office for further monitoring.

In the case that the project shall have a private entity to be granted approval, permission, rights, concession, license, and consent; or to make registration or declaration to the State Agency or the committee under the applicable law; or to receive any rights or benefits including tax exemption or tax deduction under the law on investment promotion, or use the land in possession of the State Agency or the Ratchaphatsadu Land; the Project Owner Agency shall submit the issue together with the project study and analysis report and suggestions from the State Agency that has the authority to take any action related to the aforementioned issues as information for consideration of the Policy Committee.

Clause 8 When the Office has completely received the study and analysis report of the project, suggestions from relevant agencies, and other related documents as stated in Clause 7, there shall be submitted to the Policy Committee for consideration and approval of the project principle within 15 days from the date of completely receiving the report and documents.

Clause 9 In the case that any project has to spend on the government expenditure budget or spend on the loan for operation, or there is a law requiring the presentation to the Cabinet for consideration; when the Policy Committee has approved the project principle under Clause 8, the Office shall propose that project to the Cabinet for consideration and approval and/or the limit of expenditure budget or loan amount used to finance the project's debt.

Section 2: Private Entity Selection

Clause 10 Invitation notice, methods for invitation notice, selection procedures of the selection committee, and other criteria necessary for selecting private partnership, including details of private entity selection document and standard requirements of a draft of joint investment contract shall be as prescribed and notified by the Office.

The invitation notice under Paragraph One shall comprise at least the following:

- (1) Fee for sale of private entity selection document;
- (2) Fee for evaluation of private entity proposal;
- (3) Fee for signing in a joint investment contract; and
- (4) Envelope collateral and contract collateral.

Clause 11 The Project Owner Agency shall prepare drafts of invitation notice, private entity selection document, and joint investment contract together with preparation of a study and analysis report of the project under Clause 4.

The Project Owner Agency shall hire a Thai and/or a foreign consultant with qualifications as specified by the Office to prepare drafts of invitation notice, private entity selection document, and joint investment contract under Paragraph One.

In case of necessity, the Office shall coordinate with the Office of the Attorney General to consider the draft of joint investment contract and provide preliminary opinions on drafting the joint investment contract.

Clause 12 When the Policy Committee has determined a project that must be implemented under this Notification, the Policy Committee shall appoint a selection committee which comprises of the head of the Project Owner Agency or the Permanent Secretary of the Affiliated Ministry as the Chairman, a representative of the Affiliated Ministry, a representative of the Office, and a representative of the Office of the Attorney General as members. In the case that the project has to spend on the government expenditure budget, there shall be a representative of the Budget Bureau as a member; or in the case that the project has to spend on loan, there shall be a representative of the Public Debt Management Office as a member. Additionally, there shall have one representative of the Project Owner Agency as a committee and secretary.

Clause 13 The selection committee shall have duties and authority as follows:

- (1) To consider and consent drafts of invitation notice, private entity selection document, and joint investment contract before issuing an invitation notice;
- (2) To select a private entity, negotiate, and draft a joint investment contract with a selected private entity;
- (3) To request the Project Owner Agency or private entity to clarify or submit relevant information or documents; and
- (4) To consider any other undertaking related to the project as it deems appropriate.

The Project Owner Agency may hire a Thai and/or a foreign consultant with qualifications as specified by the Office to evaluate private entity proposals and support the operation of the selection committee.

Guidelines and procedures for fraud prevention or moral agreements under the Government Procurement and Supplies Management Act, B.E. 2560 (2017) shall be applied with the operation of the selection committee for projects having characteristics as specified by the Policy Committee. The Policy Committee may specifically prescribe additional conditions of fraud prevention or moral agreements of the project.

Clause 14 The Project Owner Agency shall issue an invitation notice after the Policy Committee has approved the project principle under Clause 8, or the Cabinet has approved the project under Clause 9 as the case may be.

Clause 15 In the case that the Project Owner Agency agrees not to apply the private entity selection procedure by conducting an auction, it shall propose to the Office together with the opinion of the selection committee for presentation to the Policy Committee for consideration and approval along with the presentation of a study and analysis report of the project under Clause 7.

The Office shall announce additional details that the Project Owner Agency must provide with a proposal for selecting the private entity without auction procedure.

Clause 16 When receiving results of private entity selection, negotiation, and a draft of joint investment contract with the selected private entity; the Project Owner Agency shall submit the draft of joint investment contract to the Office of the Attorney General for consideration. The Office of the Attorney General shall inform the result of consideration to the Project Owner Agency within 30 days from the date of receiving the draft of joint investment contract.

Clause 17 When the Project Owner Agency receives the draft of joint investment contract that has been considered by the Office of the Attorney General under Clause 16, the Project Owner Agency shall submit the results of private entity selection, negotiation, and the draft of joint investment contract to the Office to propose to the Policy Committee for consideration within 3 days from the date of receiving the draft of joint investment contract from the Office of the Attorney General.

Clause 18 When the Policy Committee has already approved the results of private entity selection, negotiation, and the draft of joint investment contract; the Project Owner Agency shall sign the joint investment contract with the selected private entity. The State Agency with the authority to perform any relevant actions shall have duties to cooperate and facilitate the Office or the selected private entity in implementing the project under the joint investment contract.

In the case that the Policy Committee disagrees with the results of private entity selection, negotiation, or the draft of joint investment contract; it shall be sent back to the Project Owner Agency for reconsideration together with the selection committee.

The Office shall propose the results of the private entity selection, negotiation, and the draft of joint investment contract to the Policy Committee for consideration within 15 days from the date of receiving such results of private entity selection, negotiation, and the draft of joint investment contract under Clause 17.

Section 3: Supervision and Monitoring

Clause 19 When the joint investment contract has been signed, the Policy Committee shall appoint the supervisory committee which comprises of a representative of the Affiliated Ministry as the Chairman; a representative of the Office, a representative of the Office of the Attorney General, a representative of the counterparty private entity as members; and a representative of the Project Owner Agency as a member and secretary.

Clause 20 The supervisory committee shall have duties and authority as follows:

(1) To monitor and supervise the project to ensure the operation as prescribed in the joint investment contract;

(2) To report implementation result, progression, problems, and solutions of the project as prescribed in the joint investment contract at least once every six months;

(3) To consider and provide solutions to problems that may arise from project implementation to the Project Owner Agency;

(4) To provide suggestions on the amendment of the joint investment contract;

(5) To request the Project Owner Agency or the counterparty private entity to give explanation or submit relevant information or documents.

The Project Owner Agency may hire a Thai and/or a foreign consultant with qualifications as specified by the Office to support the operation of the supervisory committee.

Section 4: Contract Amendment, New Contract Creation, and Contract Termination

Clause 21 In case of joint investment contract amendment, the Project Owner Agency shall propose a reason and necessity, amending issues, impact of joint investment contract amendment, and other details to the supervisory committee for consideration and suggestions. The Project Owner Agency shall submit the draft of joint investment contract to the Office of the Attorney General for consideration, before submitting an amendment proposal of the joint investment contract, suggestions of the supervisory committee, and a draft of amended joint investment contract that has been considered by the Office of the Attorney General to the Office and proposing to the Policy Committee for further approval.

In the case that the amendment of the contract affects the scope of the project as approved by the Cabinet under Clause 9 when the Policy Committee has approved the amendment of joint investment contract under Paragraph One, the Office shall propose to the Cabinet for consideration and approval of such amendment.

Clause 22 Before the joint investment contract expiration for at least 5 years and the Project Owner Agency wishes to implement the project by continuing Public-Private Partnership or Investment by private entities; the Project Owner Agency shall propose the project under Section 1 as if it is a new project.

Clause 23 In case there is a final sentence of the judge that the counterparty private entity involves in project corruption, the Project Owner Agency can terminate the joint investment contract without paying compensation for the damage to such private entity.

Section 5: Private Entity Hearing

Clause 24 When the Policy Committee has determined any project to be implemented under this Notification, the Office shall immediately announce necessary information of the project to the public.

Clause 25 The Project Owner Agency shall arrange for a hearing from the private entity according to the criteria and procedures specified by the Office.

Clause 26 The Project Owner Agency shall prepare a summary report of the results of hearing from the private entity and shall use the results of hearing from the private entity to prepare a project study and analysis report under Clause 4 and Clause 5 and to prepare a draft of invitation notice, a draft of private selection document, and a draft of joint investment contract under Clause 11.

Section 6: Reporting and Disclosing Information

Clause 27 When the joint investment contract has been signed, the Project Owner Agency shall submit a concise summary of the joint investment contract, private selection procedures, and a copy of the joint investment contract to the National Anti-Corruption Commission, the Office of the Auditor General of Thailand, the Affiliated Ministry, and the State Enterprise Policy Office, including the disclosure of essential information of the joint investment contract and procedures of private entity selection in a simplified format to the public within 30 days from the date of signing the joint investment contract.

Clause 28 The Project Owner Agency and the supervisory committee shall jointly prepare a report of the results of project implementation that is not trade secrets of the private entity and disclose to the general public, including submitting copies of reports and relevant documents to the Affiliated Ministry, the Office, and the State Enterprise Policy Committee at least once every six months.

Clause 29 When amending a joint investment contract, the Project Owner Agency shall report the joint investment contract amendment and submit a copy of the amended joint investment contract to the National Anti-Corruption Commission, the Office of the Auditor General of Thailand, the Affiliated Ministry, the Office, and the State Enterprise Policy Office, including the disclosure of essential information of the joint investment contract amendment in a simplified format the general public within 30 days from the date of signing the amended joint investment contract.

Section 7: Miscellaneous

Clause 30 In the case that the Project Owner Agency has not been allocated budget, or have an insufficient budget to hire a consultant under Clause 4, Clause 11, Clause 13 or Clause 20 and there is an urgent need; the Policy Committee shall allocate budget from appropriate sources to support the Project Owner Agency in hiring consultants.

Clause 31 In a meeting of the selection committee and the supervisory committee, there shall be the presence of at least half of the existing members to constitute a quorum.

The committee chairman shall be the chairman of the meeting. In case the Chairman does not attend the meeting or is unable to perform duties, one of the committee members shall be elected to act as the chairman of the meeting.

The resolution of the meeting shall be made by majority votes which one director shall have one vote. In the case of equal voting, the Chairman of the meeting shall have an additional casting vote for a ruling.

The working group, the selection committee, and the supervisory committee under this Notification shall receive remuneration as specified by the Eastern Economic Corridor Executive Board.

Clause 32 The Secretary-General shall have authority to set guidelines and contemplate problems about the operation under this Notification.

Issued on the 8th day of September B.E. 2560 (2017)

General Prayut Chan-o-cha

Prime Minister

Chairman of the Eastern Economic Corridor Policy Committee

Notification of the Eastern Economic Corridor Policy Committee

Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment
by Private Entities (No. 2) B.E. 2561

With reference to the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities dated 8 September 2017, prescribing criteria, methods, conditions and procedures for public-private partnership or investment by private entities in the Eastern Economic Corridor.

Whereas it is expedient to improve the composition of the selection committee, which will enhance the development of the Eastern Economic Corridor, by virtue of the provision of Clause 12/2 of the Order of the Head of the National Council for Peace and Order No. 2/2560 Re: Development of the Eastern Economic Corridor dated 17 January 2017, as amended by the Order of the Head of the National Council for Peace and Order No. 28/2560 Re: Measures for Enhancing the Development Efficiency of the Eastern Economic Corridor dated 26 May 2017, the Eastern Economic Corridor Policy Committee, hereby, issues the Notification as follows:

Clause 1 This Notification shall come into force on the day of its publication in the Government Gazette.

Clause 2 The provision in Clause 12 of the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities, dated 8 September 2017, shall be repealed and the following provision shall be applied instead:

“Clause 12 When the Policy Committee has determined the project that shall be implemented under this Notification, The Policy Committee shall appoint a selection committee comprised of the Head of the Project Owner Agency or the Permanent Secretary of the Affiliated Ministry or the Permanent Secretary of other ministries or the Head of the State Agency that is not the Project Owner Agency as the Chairman; a representative of the Affiliated Ministry, a representative of the Office, and a representative of the Office of the Attorney General as members. In case of the project spending on the government expenditure budget there shall be a representative of the Budget Bureau; or in case of the project spending on loan there shall be a representative of the Public Debt Management Office as members, as the case may be. There shall have one representative of the Project Owner Agency, as a member and secretary. In order that, the Policy Committee may also appoint not more than two qualified members.

In the case that the Policy Committee appoints the Permanent Secretary of other ministries or the head of the State Agency that is not the Project Owner Agency as the Chairman, there shall be a representative of such agency as a member and secretary.”

Issued on the 22nd day of January B.E. 2561 (2018)

General Prayut Chan-o-cha

Prime Minister

Chairman of the Eastern Economic Corridor Policy Committee

Notification of the Eastern Special Policy Committee

Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment
by Private Entities (No. 3) B.E. 2561

With reference to the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities, dated 8 September 2017 and the Notification of the Eastern Economic Corridor Development Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities (No. 2) B.E. 2561 (2018) dated 22 January 2018, prescribing criteria, methods, conditions and procedures for public-private partnership or investment by private entities in the Eastern Economic Corridor.

Whereas it is expedient to improve the duties and authority of the selection committee, which will enhance the efficiency of procedures for Public-Private Partnership or investment by private entities, together with Section 71 of the Eastern Special Development Zone Act B.E. 2561 (2018), prescribes that any act consented or undertaken by the Eastern Economic Corridor Policy Committee under the Order of the Head of the National Council for Peace and Order No. 2/2560 Re: Development of the Eastern Economic Corridor, dated 17 January 2017 and the Order of the Head of the National Council for Peace and Order No. 28/2060 Re: Measures for Enhancing the Development Efficiency of the Eastern Economic Corridor dated 26 May 2017, shall continue to be in full force until the Policy Committee under the Eastern Special Development Zone Act B.E. 2561 (2018) shall resolve to repeal or specify otherwise. By virtue of the provision of Section 12 of the Eastern Special Development Zone Act B.E. 2561 (2018), the Eastern Economic Corridor Policy Committee, hereby, issues the Notification as follows:

Clause 1 This Notification shall come into force from the day of its publication in the Government Gazette.

Clause 2 The following provision shall be added as Clause 13/1 of the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities, dated 8 September 2017.

“Clause 13/1 To select the private entity, the selection committee and the Project Owner Agency shall undertake as follows:

(1) In the case that the two or more state agencies owned by the same foreign government are proposers of the project, each state agency must issue a certificate of independence in management of its agency. In addition, such certificate must be verified by

the embassy or the government organisation of that country, including the certification that the proposal submission of each state agency is not under the domination or control of such foreign government or any other state agencies of such foreign country. In this case, the state agencies that are owned by the same foreign government and have submitted the project proposal shall not be considered to have common interests or stakes.

In the case that there are only two or more state agencies owned by the same foreign government submitting proposals for private entity selection of any project, without any other private entities joining such private entity selection, if the selection committee considers it is beneficial to the country, the selection committee may accept the proposal of that state agency owned by of the same foreign government.

(2) In the case that any project establishes a specific purpose juristic person for undertaking the project after approved joint investment by the Policy Committee, and if it is the case that the selection committee deems there is a need to preserve the interests of the government in addition to collateral contracts issued by a bank; the selection committee may require one or more proposers to issue a letter of guarantee or a warranty for compensation for damages from non-performing of the specific purpose juristic person under the joint investment contract. Every proposer who issues such letter must be jointly liable as a joint debtor, but each proposer shall be liable, not more than the amount of money stated in the letter. The specification of such amounts will take into account the total investment of the project and the proportion of investment in the project of the proposer who issues the letter. The information about investment amount on the signing date of the joint investment contract shall be applicable.”

Issued on the 24th day of May B.E. 2561 (2018)

General Prayut Chan-o-cha

Prime Minister

Chairman of the Eastern Economic Corridor Policy Committee

Notification of the Eastern Economic Corridor Policy Committee

Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment
by Private Entities (No. 4) B.E. 2562

With reference to the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities dated 8 September 2017, the amendment (No. 2) dated 22 January 2018, and the amendment (No. 3) dated 24 May 2018, prescribing criteria, methods, conditions and procedures for public-private partnership or investment by private entities in the Eastern Economic Corridor.

Whereas it is expedient to improve the duties and authority of the selection committee, which will enhance the efficiency of the development of the Eastern Economic Corridor, by virtue of the provisions of Section 11 (6), Section 12, and Section 71 of the Eastern Special Development Zone Act B.E. 2561 (2018); the Eastern Economic Corridor Policy Committee, hereby, issues the Notification as follows:

Clause 1 This notification shall come into force from the day of its publication in the Government Gazette.

Clause 2 The provision in Clause 13/1 (2) of the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities dated 8 September 2017, as amended by the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities (No. 3) dated 24 May 2018, shall be repealed and the following provision shall be applied instead:

“(2) In the case that any project establishes a new specific purpose juristic person for signing as a counterparty private entity in the draft of joint investment contract after approved joint investment by the Policy Committee, and if it is the case that the selection committee deems there is a need to preserve the interests of the government in addition to collateral contracts issued by the bank, the selection committee may require all proposers to issue a letter of guarantee or a warranty for compensation for damages from non-performing of the counterparty private entity under the joint investment contract. In the case that the selection committee requires the proposers to issue such letter, there shall be stated in the letter that if after the Project Owner Agency has enforced collateral contracts issued by the bank but it is still unable to cover all compensations that occurred from each damage, all proposers must be responsible for the occurred damages. The responsibility of each proposer will be calculated from the total amount of damages that occurred each time and the proportion of investment in the project. And in any case, each proposer

shall be liable, not more than the amount of money stated in the letter. The specification of such amounts will take into account the total investment of the project and the proportion of investment in the project of the proposer who issues the letter. When calculating the amount specified in the letter of guarantee or the warranty issued by all proposers, there shall not exceed the total investment amount of the project. The information about investment amount on the signing date of the joint investment contract shall be applicable.”

Issued on the 29th day of May B.E. 2562 (2019)

General Prayut Chan-o-cha

Prime Minister

Chairman of the Eastern Economic Corridor Policy Committee

Notification of the Eastern Economic Corridor Policy Committee

Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment
by Private Entities (No. 5) B.E. 2562

With reference to the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities dated 8 September 2017, the amendment (No. 2) dated 22 January 2018, the amendment (No. 3) dated 24 May 2018, and the amendment (No. 4) dated 29 May 2019, prescribing criteria, methods, conditions and procedures for public-private partnership or investment by private entities in the Eastern Economic Corridor.

Whereas it is expedient to improve the duties and authority of the supervisory committee, which will enhance the efficiency of the development of the Eastern Economic Corridor, by virtue of the provisions of Section 11 (6), Section 12, and Section 71 of the Eastern Special Development Zone Act B.E. 2561 (2018), the Eastern Economic Corridor Policy Committee, hereby, issues the Notification as follows:

Clause 1 This notification shall come into force on the day of its publication in the Government Gazette.

Clause 2 The following provision shall be added as Clause 20 (6). The provision in the last paragraph of Clause 20 of the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities dated 8 September 2017 shall be repealed and the following provision shall be applied instead:

“(6) To undertake any other acts related to the project as it deems appropriate or according to the policy of the Policy Committee.

The Office and/or the Project Owner Agency may hire a Thai and/or a foreign consultant with the qualifications as specified by the Office to support the operation of the supervisory committee.”

Clause 3 The following provision shall be added as Clause 20/1 of the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities, dated 8 September 2017:

“Clause 20/1 When a joint investment contract has been signed, the Policy Committee shall appoint a contract management committee which comprises of:

- (1) A representative of the Office as the Chairman;
- (2) A representative of the Project Owner Agency, a representative of the Affiliated Ministry, a qualified person appointed from those having knowledge or expertise which benefit the operation of the contract management committee, as members; and
- (3) A representative of the Office as a member and secretary.

The contract management committee shall have duties and authority as follows:

- (1) To monitor and supervise the operation of the Project Owner Agency according to the joint investment contract, including formulating a work plan to supervise and examine the Project Owner Agency and the counterparty private entity to perform duties as prescribed in the joint investment contract correctly and completely;
- (2) To support the operation of the supervisory committee and provide suggestions to the supervisory committee as information for consideration to perform duties as specified in Clause 20;
- (3) To report the results of operations, progression, problems, and solutions to problems that occurs or may occur in the joint investment contract, to the supervisory committee and the Office at least once every three months;
- (4) To request the Project Owner Agency or the counterparty private entity to provide an explanation or submit relevant information or documents; and
- (5) To undertake any other acts related to the management of the joint investment contract as it deems appropriate or according to the policy of the Policy Committee, the order of the supervisory committee and the Office.

The Office shall recruit personnel and hire a Thai and/or a foreign consultant with qualifications as specified by the Office to support the operation of the contract management committee and the Project Owner Agency. In monitoring and supervising the operation of the counterparty private entity as specified in the joint investment contract, and in the case that the contract management committee deems it appropriate, the Project Owner Agency may be requested to send personnel to support the operation of the contract management committee.

The Project Owner Agency and the Office shall administer funds for spending on activities of the contract management committee, including recruiting personnel and hiring consultants by discussing with the Budget Bureau

to request for budget allocation and/or negotiate with the counterparty private entity to be jointly liable to the expenses occurring from the operation in an appropriate and fair proportion.

The Office shall have authority to offer opinions or make consideration in case of doubts or problems related to the management of the joint investment contract or the undertaking of the Project Owner Agency under the joint investment contract.”

Issued on the 30th day of June B.E. 2562 (2019)

General Prayut Chan-o-cha

Prime Minister

Chairman of the Eastern Economic Corridor Policy Committee

Notification of the Eastern Economic Corridor Policy Committee

Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment
by Private Entities (No. 6) B.E. 2563

With reference to the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities dated 8 September 2017, the amendment (No. 2) dated 22 January 2018, the amendment (No. 3) dated 24 May 2018, the amendment (No. 4) dated 29 May 2019, and the amendment (No. 5) dated 30 June 2019, prescribing criteria, methods, conditions and procedures for public-private partnership or investment by private entities in the Eastern Economic Corridor.

Whereas it is expedient to improve the composition, duties and authority of the supervisory committee and the contract management committee, which will enhance the efficiency of the development of the Eastern Economic Corridor, by virtue of the provisions of Section 11 (6), Section 12, and Section 71 of the Eastern Special Development Zone Act B.E. 2561 (2018), the Eastern Economic Corridor Policy Committee, hereby, issues the Notification as follows:

Clause 1 This Notification shall come into force on the day of its publication in the Government Gazette.

Clause 2 The provision in Clause 20 (2) of the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities, dated 8 September 2017, shall be repealed and the following provision shall be applied instead:

“(2) To report the results of operations, progress, problems, and solutions in undertaking the project as prescribed in the joint investment contract to the Office at least once every three months.”

Clause 3 The provisions in Clause 20/1 (1) and (2) of the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities dated 8 September 2017, as amended by the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities (No. 5) B.E. 2562 dated 30 June 2019, shall be repealed and the following provision shall be applied instead:

“(1) A person assigned by the Office, as the Chairman;

(2) A representative of the Project Owner Agency, a representative of the Affiliated Ministry, and a qualified person appointed by the Office from those the Office deems to be a person with knowledge or expertise beneficial to the operation of the contract management committee, as members.”

Issued on the 6th day of March B.E. 2563 (2020)

General Prayut Chan-o-cha

Prime Minister

Chairman of the Eastern Economic Corridor Policy Committee

Notification of the Eastern Economic Corridor Policy Committee

Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment
by Private Entities (No. 6) B.E. 2563

With reference to the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities dated 8 September 2017, the amendment (No. 2) dated 22 January 2018, the amendment (No. 3) dated 24 May 2018, the amendment (No. 4) dated 29 May 2019, and the amendment (No. 5) dated 30 June 2019, prescribing criteria, methods, conditions and procedures for public-private partnership or investment by private entities in the Eastern Economic Corridor.

Whereas it is expedient to improve the composition, duties and authority of the supervisory committee and the contract management committee, which will enhance the efficiency of the development of the Eastern Economic Corridor, by virtue of the provisions of Section 11 (6), Section 12, and Section 71 of the Eastern Special Development Zone Act B.E. 2561 (2018), the Eastern Economic Corridor Policy Committee, hereby, issues the Notification as follows:

Clause 1 This Notification shall come into force on the day of its publication in the Government Gazette.

Clause 2 The provision in Clause 20 (2) of the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities, dated 8 September 2017, shall be repealed and the following provision shall be applied instead:

“(2) To report the results of operations, progress, problems, and solutions in undertaking the project as prescribed in the joint investment contract to the Office at least once every three months.”

Clause 3 The provisions in Clause 20/1 (1) and (2) of the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities dated 8 September 2017, as amended by the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities (No. 5) B.E. 2562 dated 30 June 2019, shall be repealed and the following provision shall be applied instead:

“(1) A person assigned by the Office, as the Chairman;

(2) A representative of the Project Owner Agency, a representative of the Affiliated Ministry, and a qualified person appointed by the Office from those the Office deems to be a person with knowledge or expertise beneficial to the operation of the contract management committee, as members.”

Issued on the 6th day of March B.E. 2563 (2020)

General Prayut Chan-o-cha

Prime Minister

Chairman of the Eastern Economic Corridor Policy Committee

Notification of the Eastern Economic Corridor Policy Committee

Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment
by Private Entities (No. 7) B.E. 2563

Whereas it is expedient to improve the composition of the supervisory committee and the contract management committee, which will enhance the efficiency of the development of the Eastern Economic Corridor, by virtue of the provisions of Section 11 (6), Section 12, and Section 71 of the Eastern Special Development Zone Act B.E. 2561 (2018), the Eastern Economic Corridor Policy Committee, hereby, issues the Notification as follows:

Clause 1 This Notification shall come into force on the day of its publication in the Government Gazette.

Clause 2 The provision in Clause 19 of the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities dated 8 September 2017 shall be repealed and the following provision shall be applied instead:

“Clause 19 When the joint investment contract has been signed, the Policy Committee shall appoint a supervisory committee which comprises of a representative of the Affiliated Ministry or a representative of the State Agency assigned by the Policy Committee, as the Chairman; a representative of the Office, a representative of the Office of the Attorney General, and a representative of the counterparty private entity as members; and a representative of the Project Owner Agency as a member and secretary.”

Clause 3 The provision in (2) in Clause 20/1 of the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities dated 8 September 2017, as amended by the Notification of the Eastern Economic Corridor Policy Committee Re: Criteria, Methods, Conditions and Procedures for Public-Private Partnership or Investment by Private Entities (No. 6) B.E. 2563 dated 6 March 2020, shall be repealed and the following provision shall be applied instead:

“(2) A representative of the Project Owner Agency, a representative of the related ministry as specified by the Office, and a qualified person appointed by the Office from those the Office deemed to be a person with knowledge or expertise beneficial to the operation of the contract management committee, as members.”

Issued on the 7th day of August B.E. 2563 (2020)

General Prayut Chan-o-cha

Prime Minister

Chairman of the Eastern Economic Corridor Policy Committee