

**Notification of the National Broadcasting and Telecommunications Commission
on License Fees for Operating Radio or Television Broadcasting Business
B.E. 2555 (2012)**

Pursuant to the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) and the Broadcasting Business Act B.E. 2551 (2008), the operators who carry on the radio and television broadcasting business shall be liable for payments for license fees in accordance with rates, criteria and methods as prescribed by the National Broadcasting and Telecommunications Commission. In order to ensure that the payments for such license fees are made in an orderly manner;

By virtue of Section 27 (4) (6) (9) (24), Section 37 and Section 42 of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) being an Act which contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which Section 29, in conjunction with Section 35, Section 36, Section 41, Section 43, Section 45, Section 46, Section 47, Section 61 and Section 64 of the Constitution of the Kingdom of Thailand so permit by virtue of law, and Section 19 and Section 26 of the Broadcasting Business Act, B.E. 2551 (2008) being an Act which contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which Section 29 in conjunction with Section 32, Section 33, Section 35, Section 36, Section 41, Section 43, Section 45, Section 46 and Section 47 of the Constitution of the Kingdom of Thailand so permit by virtue of law, the National Broadcasting and Telecommunications Commission hereby prescribes structures, rates, conditions, criteria and methods of payments for the license fees in order to operate radio and television broadcasting business as follows:

Clause 1 This Notification shall be called “Notification of the National Broadcasting and Telecommunications Commission on License Fees for Operating Radio or Television Broadcasting Business B.E. 2555 (2012).”

Clause 2 This Notification shall come into force as from the day following the date of its publication in the Government Gazette.

Clause 3 Any notifications, regulations, rules and any other ordinances having been prescribed in, or contrary or contradictory to this Notification shall be superseded by this Notification.

Clause 4 In this Notification:

“License” means a license to operate radio or television broadcasting business;

Unofficial Translation

“Licensee” means radio or television broadcasting business licensee under the law on broadcasting business;

“Commission” means the Broadcasting Commission;

“Office” means the Office of the National Broadcasting and Telecommunications Commission;

“Revenue” means income before expenses received from the provision of service of the licensee, subscription fees, advertisements either directly or indirectly, or any other income that is related to the services provided by the licensee.

Clause 5 License fees under this Notification shall consist of:

5.1 Application processing fees are the fees that the applicants have to pay to the Office according to the rates prescribed in Annex of this Notification when submitting the license application. It is in no case refundable;

5.2 Annual license fees are license fees paid annually according to the rates prescribed in Annex of this Notification which in total shall not exceed two percent of revenue. These are:

5.2.1 Annual license fees for use of frequencies

5.2.2 Annual license fees for business undertakings

Clause 6 The licensee shall have the duty to pay annual license fees as specified in Clause 5.2 in accordance with the following criteria and methods:

6.1 Payment for annual license fees shall be made on a yearly basis which is calculated from revenues incurred from the undertakings of the licensee during an accounting period.

6.2 Licensee shall pay for the annual license fee within one hundred and fifty days as from the date the accounting period has ended, and submit the following documents for consideration:

6.2.1 Licensee who is a juristic person must submit annual financial statement certified by a certified public accountant, and disclose income from the provision of licensed services in Notes to Financial Statement.

In the case where the licensee is an audited body under the organic law on state audit, the afore-mentioned duty must be undertaken within fifteen days as from the date the Office of the Auditor General of Thailand has certified the financial statement.

In the case where the licensee is unable to submit the annual financial statement certified by certified public accountant within such prescribed time, the licensee may submit trial balance instead. When the certified public accountant has

Unofficial Translation

certified the annual financial statement, the licensee shall submit it within fifteen days after having been certified by the certified public accountant.

6.2.2 A non-juristic person licensee must submit evidence of revenue from business undertakings certified by the licensee.

6.3 In the case that any licensee fails to pay the annual license fees to the Office by due date or fails to pay in full amount, that licensee is liable to pay such annual fees plus an additional penalty fee which is equivalent to two percent per month of the outstanding amount, fraction of a month is counted as one month from the day following date due for the annual license fee payment until payment is made in full.

6.4 In the case where a licensee's undertaking has been terminated or the license has been revoked during the year, the licensee is liable for payment for annual license fee up to the date the undertaking is terminated or the license is revoked. Such payment must be made within thirty days as from the date of termination of the undertaking or the revocation of the license.

6.5 The Office shall have the duty to examine revenues derived from business undertakings on which the licensees had based their annual fees calculation within ninety days as from the date the Office has received a financial statement. If any licensee is found to have paid lower or over than the amount due, the Office shall notify the licensee, in writing, to pay or to reimburse the outstanding or overpayment amount as the case may be. The licensee must pay the outstanding amount within thirty days from the date of receiving the notice. If the licensee fails to make payment within such prescribed time, the licensee is liable to pay an additional fee which is equivalent to two percent per month of the outstanding amount, fraction of a month is counted as one month. For the purpose of examining whether the annual license fee payment is exactly and fully made, the Office may permit the licensee to submit other documentary evidence or information necessary for its consideration within a specified time.

6.6 In the case where the licensee fails to pay his annual license fee or outstanding amount by due date as notified in writing by the Office, the Commission may consider prescribing penalty provisions under the broadcasting business law.

6.7 Payment for annual license fees or other fees under this Notification shall be made either in cash or by bank cheque payable to the Office or other payment methods as determined by the Commission.

Clause 7 The Commission may grant a deduction on or an exemption of the license fees for the licensees provided that they demonstrate to the Commission that their radio or television broadcasting business contains news or informative programs benefitting the public in a proportion as prescribed by the Commission.

The criteria and procedures in accordance with paragraph one shall be prescribed in notification by the Commission.

Unofficial Translation

Clause 8 The Commission may review the structures, rates, and methods of payments for license fees as appropriate.

Clause 9 Structures, rates, conditions, methods of payments or criteria relating to any other types of license fees not having been prescribed in this Notification shall be subjected to further notification of the Commission.

Announced on the 31th day of October B.E. 2555 (2012)

Colonel Natee Sukonrat

Chairman of the Broadcasting Commission

For Chairman of the National Broadcasting and Telecommunications Commission

Annex

**License Fee for Radio and Television Broadcasting Business Operation
under the Notification of the National Broadcasting and Telecommunications Commission
on License Fees for Operating Radio or Television Broadcasting Business
B.E. 2555 (2012)**

Table 1 Application processing fees

Types of License	Fees (Baht)
1. Radio or television broadcasting service provider that does not own the network	5,000
2. Radio or television broadcasting service provider that owns the network but does not use radio frequency	
2.1 Local level	5,000
2.2 Regional level	50,000
2.3 National level	250,000
3. Radio or television broadcasting service provider that owns the network and uses radio frequency	
3.1 Local level	10,000
3.2 Regional level	100,000
3.3 National level	500,000
4. Radio or television broadcasting network provider	
4.1 Local level	10,000
4.2 Regional level	100,000
4.3 National level	500,000
5. Radio or television broadcasting facility provider	
5.1 Local level	5,000
5.2 Regional level	50,000
5.3 National level	250,000
6. Community service provider	2,000

Unofficial Translation

Table 2 Annual license fee rates

Revenues	Fee rates
0-5 million baht	1.5%
More than 5 million baht	2.0%

This English Translation is prepared with the sole purpose of facilitating the comprehension of foreign participants in the broadcasting rules and regulations and shall not in any event be construed or interpreted as having effect in substitution for or supplementary to the Thai version thereof.

Please note that the translation has not been subjected to an official review by the Office of the National Broadcasting and Telecommunications Commission (The Office of NBTC). The Office of the NBTC, accordingly, cannot undertake any responsibility for its accuracy, nor be held liable for any loss or damages arising out of or in connection with its use.