

WORLD TRADE  
ORGANIZATION

G/SG/N/1/THA/1

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Committee on Safeguards

NOTIFICATIONS OF LAWS, REGULATIONS AND  
ADMINISTRATIVE PROCEDURES RELATING  
TO SAFEGUARD MEASURES

THAILAND

The following communication, dated 14 March 1995, has been received from the Permanent Mission of Thailand.

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With reference to Article 12.6 of the Agreement on Safeguards and in accordance with the relevant decision of the Committee on Safeguards as contained in the document G/SG/N/1/Suppl.1, I wish to submit to the Committee on Safeguards the attached notification of the relevant legislation which could apply to safeguard measures covered by the Agreement.

(Unofficial)

THE EXPORT AND IMPORT ACT

B.E. 2522 (1979)

BHUMIBOL ADULYADEJ, REX.

Given this 30th day of April, B.E. 2522 (1979)

Being the 34th year of the present reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to revise the law on the control of export and import of certain kinds of goods,

Be it, therefore, enacted by H.M. the King, by and with the advice and consent of the National Legislative Assembly in the capacity of the Parliament as follows:

**Section 1** This Act shall be called the "Export and Import Act B.E. 2522 (1979)"

**Section 2** This Act shall come into force on and from the day following the date of its publication in the Government Gazette.

**Section 3** The following shall be repealed:

- (1) The Act Controlling Export and Import of Certain Kinds of Goods B.E. 2482 (1939);
- (2) The Act Controlling Export and Import of certain Kinds of Goods (No. 2) B.E. 2487 (1944);
- (3) The Act Controlling Export and Import of Certain Kinds of Goods (No. 3) B.E. 2490 (1947)

All other laws, rules and regulations, insofar as they relate to the part already provided in this Act or are contrary to or inconsistent with this Act, shall be superseded by this Act.

**Section 4** In this Act:

"Export" means to carry or send goods out of the Kingdom.

"Import" means to carry or bring goods into the Kingdom.

"Competent Officers" means the civil servants appointed by the Minister to implement this Act.

"Minister" means the Minister having charge and control of the execution of this Act.

**Section 5** In cases where it is necessary or proper for the sake of economic stability, public interests, public health, national security, peace and order or good morals of the people, or for any other interests of the State, the Minister of Commerce with the approval of the Council of Ministers, shall have the power to publish notifications in the Government Gazette on any of the following matters:

- (1) Prescribing any goods as goods banned from exportation or importation;
- (2) Prescribing any goods as goods requiring export or import permit.
- (3) Prescribing the category, kind, quality, standard, quantity, volume, size, weight, price, trade name, brand, trade mark and origin for the goods exported or imported, as well as prescribing the countries to or from which such goods are sent;
- (4) Prescribing the categories and kinds of goods subject to special fee upon export or import;
- (5) Prescribing any goods exported or imported as goods which must be accompanied by certificate of origin, goods quality certificate; or any other certificates in conformity with the agreements or international trade practice;
- (6) Prescribing any other measures for the benefit of systemizing exportation or importation under this Act.

The provisions in paragraph one shall apply *mutatis mutandis* to an amendment or revocation of a notification under this Section.

**Section 6** The Minister of Commerce shall have the power to, with the approval of the Council of Ministers, fix, revise or cancel rates of special fees for export or import.

The special fee may be fixed in term of money or other properties.

The procedures of collection and the mode of payment of the special fee shall be as prescribed by the Minister of Commerce.

**Section 7** When any goods have been prescribed in a notification as goods requiring export or import permit as stated in Section 5 (2) no person shall export or import it unless with a permit from the Minister of Commerce or from the person authorized by him.

The application for and the granting of a permit shall be in accordance with the principles, procedures and methods prescribed in Ministerial Regulations.

**Section 8** There shall be a board called the "Foreign Trade Board" abbreviated as the "FTB", consisting of the Permanent Secretary to the Ministry of State for Commerce as Chairman, and the Director-General of the Internal Trade Department, the Director-General of the Commercial Relations Department, the Director-General of the Customs Department, the Director-General of the Economic Department, the Director-General of the Agricultural Technical Department, the Director-General of the Board of Investment, the Secretary-General of the Foods and Drugs Administration, and the Governor of the Bank of Thailand as members.

The Director-General of the Foreign Trade Department shall be a member and the secretary of the Board, and the FTB may appoint any other person as assistant secretary.

The Foreign Trade Department shall be the authority for the functioning of the FTB.

**Section 9** The FTB shall have the following powers and duties:

- (1) To lay down regulations or rules relating to the business administration of the FTB, with the approval of the Minister of Commerce;

(2) To study, analyse and make research concerning international trade, including to propose programmes, plans or measures concerning the remedying of the international trade situation to the Minister;

(3) To give advice or counsel to the Minister for the carrying out of this Act.

**Section 10** At a meeting of the FTB, a number of members of not less than one half of the total number of members is needed to form a quorum.

If the Chairman is not present at a meeting or is not able to discharge his duties, the members attending the meeting shall elect one among themselves as the Chairman of that meeting.

**Section 11** A Decision of the meeting shall be by a majority of votes.

Each member shall have one vote. In case of a tie, the Chairman of the meeting shall be entitled to another vote as the casting vote.

**Section 12** The FTB is authorized to appoint a sub-committee to carry out any specific affair or to consider any matters within the jurisdiction of the Board.

**Sections 10 and 11** shall apply to the meetings of the sub-committee *mutatis mutandis*.

**Section 13** There shall be established a fund in the Ministry of Commerce as a circulating capital for financing the promotion of international trade, called International Trade Promotion Fund, consisting of the money and other properties as follows:

(1) Special fees under Section 6;

(2) Money and other properties received from the Government or from other sources within or without the country, or international organizations or other persons;

(3) Interests of the fund;

The money and properties stated in paragraph one shall be sent into the fund without having to be remitted as the revenue of the land.

The principles and procedures, the management of the fund, and the allocation of the money of the fund shall be in accordance with the regulations established by the Minister of Commerce with the approval of the Council of Ministers.

**Section 14** The Minister of Commerce shall have the power to make profits of the fund money by depositing it in a savings account or a fixed deposit account with a bank which is a state enterprise or by purchasing government securities.

**Section 15** The Minister of Finance shall have the power to publish in the Government Gazette a notification designating any port or place in the kingdom as a place through which export or import must be made under this Act.

**Section 16** The provisions of the law on customs and the powers of the customs officers under the law governing such, in the part relating to the inspection of the goods and the prevention of smuggling, search, seizure and confiscation, or the arrest of offender, false declaration, and the prosecution shall apply to the exportation and importation under this Act.

**Section 17** For the purpose of carrying out this Act, the competent officers shall have the following powers and duties:

- (1) to enter the place of business, the place of manufacture, or the place of storing goods or the carrier of an operator of export or import business, or of any person, during sunrise and sunset or during office hours of such place in order to search the goods or carry out inspection when there is a reason to suspect that an offence under this Act has been committed;
- (2) to ask for documents or relevant evidences from the operator of export or import business, or from the persons concerned;
- (3) to seize or attach documents or things in connection with the commission of an offence, for the benefits of prosecution, when there is a reason to suspect that an offence under this Act has been committed;
- (4) to order any persons to come to give statements or to furnish accounts, documents, or other evidences if there is a reason to believe that the said statements, books of accounts, documents or evidences would be beneficial to the detection of the commission of offence under this Act.

When the competent officers are performing duties, the persons concerned shall afford convenience to them reasonably.

**Section 18** In performing their duties under this Act, the competent officers shall show their identification cards to the persons concerned.

The identification card of the competent officers shall be in the form prescribed in Ministerial Regulations.

**Section 19** In case any person wishes the competent officers to perform duties under this Act on an official holiday or outside office hours or outside their office, whether during or outside office hours, he shall pay compensation to them according to the rates prescribed in Ministerial Regulations, and shall pay the cost of travelling to them in the amount equal to that considered necessary and actually incurred.

**Section 20** Any person exporting or importing goods prohibited under Section 5 (1) or violating Section 7, paragraph one, shall be punished with imprisonment for a term not exceeding ten years or a fine five times of the goods exported or imported, or both imprisonment and fine, and the goods, including the things used for packing and any carrier used in loading the goods as well as the carrier used for hauling the carrier loading such goods, shall be confiscated.

In cases where an offender is arrested, the Court shall, upon request of the Public Prosecutor, order payment of reward to the person leading to the arrest of the offender at 30 per cent, and reward to the arrestor at 25 per cent of the net proceeds from the sale of the things confiscated on order of the Court or in case the articles in question has not been confiscated or the articles in question could not be sold, from the fine paid to the Court.

In cases where there is no person leading to the arrest, a reward shall be paid to the arrestor 30 per cent of the net proceeds from the sale of the articles in question confiscated or in case the articles in question has not been confiscated or the articles in question could not be sold, from the fine paid to the Court.

In case of there being several persons leading to the arrest or there being several arrestors, payment of reward shall be made to them equally.

In case the articles in question have been captured but the offender could not be found, the Director-General of the Foreign Trade Department, with the approval of the Minister of Commerce, has the power to order payment of rewards from the net proceeds from the sale of the articles in question which is the revenue of the land, at not exceeding the rates fixed in this Section.

**Section 21** Any person exporting or importing goods without paying a special fee under Section 6 or acting in any way so as to pay a less special fee than he is subject to pay, shall be punished with imprisonment for a term not exceeding one year or a fine not exceeding B 20,000, or both imprisonment and fine.

**Section 22** Any person violating or failing to comply with the notifications issued under Section 5(3) or (6) shall be punished with imprisonment for a term not exceeding one year, or a fine not exceeding B 20,000, or both imprisonment and fine.

**Section 23** Any person impeding or failing to afford convenience to the competent officers who are performing duties as stated in Section 17 or violating or failing to comply with the order of the competent officers given under Section 17, shall be punished with imprisonment for a term not exceeding six months or a fine not exceeding B 10,000, or both imprisonment and fine.

**Section 24** All Royal Decrees, Ministerial Regulation Notifications and Regulations issued by virtue of the law on the control of exportation and importation of certain kinds of goods which have been enforced prior to the date this Act comes into force, shall continue to be effective insofar as they are not contrary to or inconsistent with this Act, until the Ministerial Regulations, Notifications or Regulations issued under this Act will have been enforced.

**Section 25** The Minister of Commerce and the Minister of Finance shall have charge and control of the execution of the Act, and shall have the powers to appoint competent officers, issue Ministerial Regulations prescribing fees not exceeding the rates annexed hereto, prescribing other affairs and issue Notifications for the purpose of carrying out this Act.

Such Ministerial Regulations and Notifications shall become effective upon publication in the Government Gazette.

Countersignature:

S. HOTRAKITYA

Deputy Prime Minister

Reference Government Gazette, Volume 96, Special Issue, part 74, of 9 May (1979).