

THAILAND

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Translation

EXPORT AND IMPORT OF GOODS ACT, B.E. 2522 (1979)

BHUMIBOL ADULYADEJ, REX.
Given on the 30th Day of April B.E. 2522;
Being the 34th year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that;

Whereas it is expedient to revise the laws on the control of export and import of certain goods;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly acting as the National Assembly as follows:

Section 1. This Act is called th "Export and Import of Goods Act, B.E. 2522".

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

Section 3. The following shall be repealed:

(1) Act on Control of Export and Import of Certain Goods, B.E. 2482 (1939);

(2) Act on Control of Export and Import of Certain Goods, (No. 2), B.E. 2487 (1944);

(3) Act on Control of Export and Import of Certain Goods, (No. 3), B.E. 2490 (1947).

All the laws, rules and regulations in so far as they have been provided herein or are contrary to or inconsistent with the provisions of this Act shall be replaced by this Act.

Section 4. In this Act,

"export" means taking or sending goods out of the Kingdom;

"import" means bringing or sending goods into the Kingdom;

"competent official" means a government official appointed by the Minister for the execution of this Act;

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

Section 5. In the case where it is necessary or appropriate for economic stability, public benefit, public health, national security, public orders or good morals, or other benefits of the State, the Minister of Commerce shall, with the approval of the Council of Ministers, have the power to issue Notifications in the Government Gazette on any of the following matters:

- (1) specifying any goods to be prohibited for export or import;
- (2) specifying any goods which require a licence prior to the export or import;
- (3) specifying the categories, kinds, quality, standards, quantity, volume, size, weight, prices, trade names, sign, trade marks, origin for the goods to be exported or imported as well as the countries to or from which the goods are exported or imported;
- (4) specifying the categories and kinds of goods liable to export or import surcharge;
- (5) specifying the goods to be exported or imported to have a certificate of origin, certificate of quality or other certificates pursuant to international conventions or trade practices;
- (6) specifying other matters for the benefit of laying down regulations on the export and import under this Act.

The provisions of paragraph one shall apply *mutatis mutandis* to any amendment or repeal of the Notifications under this section.

Section 6. The Minister of Commerce shall, with the approval of the Council of Ministers, have the power to prescribe the rates of surcharge including the power to revise, amend or repeal the rates of surcharges for exports or imports.

The surcharges may be prescribed to be payable in cash or other properties.

The collection and procedure for payment of surcharges shall be in accordance with the rules prescribed by the Minister of Commerce.

Section 7. After the notification specifying any goods which requires a licence for the export or import under section 5 (2) has been issued, no one shall export or import such goods unless a licence has been obtained from the Minister of Commerce or person entrusted by the Minister of Commerce.

The application for and the granting of licences shall be in accordance with the rules, procedures and conditions prescribed by the Ministerial Regulation.

Section 8. There shall be a committee called the "Foreign Trade Committee" or "FTC" in brief, consisting of the Permanent Secretary of Commerce as Chairman, Director-General of the Department of Internal Trade, Director-General of the Department of Commercial Relations, Comptroller-General of the Department of Comptroller-General, Director-General of the Customs Department, Director-General of the Department of Business Economics, Director-General of the Department of Agriculture, Director-General of the Department of Industrial Promotion, Secretary-General of the Board of Investment, Secretary-General of the Food and Drug Board and the Governor of the Bank of Thailand as members.

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

The Department of Foreign Trade shall be responsible for the works of FTC.

Section 9. FTC shall have the following powers and duties:

- (1) to lay down rules or regulations on the administration of FTC

subject to an approval of the Minister of Commerce;

(2) to carry out studies, analyses and researches in connection with international trade and to propose projects, plans or measures on the improvement of international trade to the Minister;

(3) to recommend or advise the Minister in the execution of this Act.

Section 10. The Meeting of FTC must be attended by not less than one-half of the total number of members to constitute a quorum.

If the chairman is not present or is unable to carry out his duty, the members present shall elect one among themselves to preside over the meeting.

Section 11. The decision of the meeting shall be by a majority of votes.

In casting votes, each member shall have one vote; if the votes are equal, the person who presides over the meeting shall have an additional vote as the casting vote.

Section 12. FTC has the power to appoint a sub-committee to carry out activities or to consider matters which are within the scope of powers and duties of the Committee.

The provisions of section 10 and section 11 shall apply *mutatis mutandis* to the meeting of the sub-committee.

Section 13. A revolving fund shall be established in the Ministry of Commerce to finance the expenses in connection with the promotion of international trade to be called International Trade Promotion Fund comprising money and other properties as follows:

(1) surcharges under section 6;

(2) money and other properties received from the Government or other domestic or international sources or international organisations or other person;

(3) interest accrued from the Fund.

Money and other properties under paragraph one shall belong to the Fund without having to be remitted to the Treasury as State revenue.

The rules and procedure on the administration and allocation of proceeds of the Fund shall be in accordance with the regulations prescribed by the Minister of Commerce with the approval of the Council of Ministers.

Section 14. The Minister of Commerce shall have the power to deposit the proceeds of the Fund in a saving or fixed account at the bank which is a State enterprise and to receive interest accrued therefrom or purchase government securities.

Section 15. The Minister of Finance shall have the power to publish in the Government Gazette the Notification specifying any port or place within the Kingdom through which goods may be exported or imported under this Act.

Section 16. The customs laws and the powers of the customs officials thereunder specifically concerning examination of goods and prevention of smuggling, search, seizure and forfeiture, arrest of offenders, false declarations and legal proceedings shall also apply to exports and imports under this Act.

Section 17. For the execution of this Act, the competent

officials shall have the following powers and duties:

(1) to enter any office, place of production or warehouse or any vehicle belonging to the exporter or importer or any person during the period between sunrise and sunset or during office hours of such place to search or examine goods if there is a reason to suspect that an offence under this Act has been committed;

(2) to request relevant documents or evidence from an exporter or importer or from any person concerned therewith;

(3) to order the seizure or attachment of documents or things in connection with the commission of an offence for the purpose of instituting legal proceedings if there is a reason to suspect that an offence under this Act has been committed;

(4) to summon any person to give statements or to provide accounts, documents or other evidence if there is a reason to believe that the same may be useful in the discovery of offences committed under this Act.

All persons concerned shall provide appropriate facilities to the competent officials in the performance of their duties.

Section 18. In the performance of their duties under this Act, the competent officials shall produce their identity cards to the persons concerned.

The identity cards of competent officials shall be in such form as prescribed in the Ministerial Regulation.

Section 19. In the case where a person requires a competent official to perform duties under this Act during holidays or outside official working hours or outside his normal place of work whether during or outside working hours, he shall pay the fees to the competent official performing such duty at the rates prescribed in the Ministerial Regulation and pay actual and necessary travelling expenses to the competent official.

Section 20. Whoever exports or imports goods prohibited under section 5 (1) or violates section 7 paragraph one, shall be liable to a term of imprisonment not exceeding ten years or to a fine equivalent to five times the value of exported or imported goods, or to both, and the goods including containers and vehicles used in connection with the transport thereof as well as vehicles used in the haulage thereof shall be confiscated.

In the case where the offender has been apprehended, the Court shall, upon a motion filed by the public prosecutor, pay reward to informers thirty percent and to officers making the apprehension twenty-five per cent of the net proceeds of the sale of goods confiscated by the Court or in the case where there is no exhibits or the exhibits cannot be sold, the reward shall be deducted from the fine paid to the Court.

In the case where there is no informer, a reward of thirty percent of the net proceeds of the sale of goods confiscated by the Court shall be given to the officer making the apprehension or in the case where the exhibits are not confiscated or cannot be sold, the reward shall be deducted from the fine paid to the Court.

In the case where there are several informers or officers making the apprehension, the reward shall be equally shared among them.

In the case where there are exhibits but no offender has been apprehended, the Director-General of the Department of Foreign Trade shall,

with the approval of the Minister of Commerce, have the power to pay the reward which shall not exceed the rate prescribed in this section from the net proceeds of the sale of exhibits which become vested in the State.

Section 21. Whoever exports or imports goods without paying the surcharges under section 6 or doing any thing causing him to pay less than the normal amount of surcharges, shall be liable to a term of imprisonment not exceeding one year or to a fine not exceeding twenty thousand Baht, or to both.

Section 22. Whoever violates or fails to comply with the Notifications issued under section 5 (3), (5) or (6), shall be liable to a term of imprisonment not exceeding one year or to a fine not exceeding twenty thousand Baht, or to both.

Section 23. Whoever obstructs or fails to render facilities to the competent officials performing duties under section 17 or violates or fails to comply with the orders issued by the competent officials under section 17 shall be liable to a term of imprisonment not exceeding six months or to a fine not exceeding ten thousand Baht, or to both.

Section 24. All the Royal Decrees, Ministerial Regulations, Notifications and regulations issued under the law on the control of exports and imports of certain goods, which are in force on the date this Act comes into force shall continue to be in force in so far as they are not contrary to or inconsistent with this Act until they are replaced by the Ministerial Regulations, Notifications or regulations which are issued under this Act.

Section 25. The Minister of Commerce and the Minister of Finance shall have charge and control of the execution of this Act and shall have the power to appoint competent officials, issue Ministerial Regulations specifying fees not exceeding the rates annexed hereto and other matters, and issue Notifications for the execution of this Act.

Such Ministerial Regulations and Notifications shall come into force after their publication in the Government Gazette.

Countersigned by:

S. Hotrakitya

Deputy Prime Minister

Certified correct translation

(Taksapol Chiemwichitra)

Office of the Council of State