Unofficial Translation*

AGRICULTURAL COMMODITY STANDARDS ACT
B.E. 2551 (2008)**

BHUMIBOL ADULYADEJ, REX.
Given on the 13th Day of February B.E. 2551;
Being the 63th Year of the Present Reign.

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

Whereas it is expedient to have a law on agricultural commodity standards;

This Act contains certain provisions in relation to the restriction of rights and liberties of a person, in respect of which section 29 in conjunction with section 33, section 41 and section 43 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

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

Section 1. This Act is called the "Agricultural Commodity Standards Act, B.E. 2551 (2008)".

Section 2[1] **.** This Act shall come into force after the expiration of one hundred and eighty days from the date of its publication in the Government Gazette.

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* Translated by Ms. Vipatboon Klaosoontorn, and reviewed by Mr. Boonma Tejavanija under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Tentative Version – subject to final authorisation by the Office of the Council of State.

** Amended up to the Agricultural Commodity Standards Act (No. 2), B.E. 2556 (2013).

[1] Government Gazette No. 125/Part 37 *a*/Page 1/22 February B.E. 2551 (2008).

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Section 3. In this Act:

"Standard" means a mandatory standard or a voluntary standard, as the case may be;

"Agricultural Commodity" means a produce or a product derived from farming, fishery, livestock or forestry and the by-products of such produce or product;

"Mandatory Standard" means a standard prescribed by the Ministerial Regulations with which an agricultural commodity shall comply;

"Voluntary Standard" means a standard prescribed by the Notification to promote an agricultural commodity to achieve the standard;

"Conformity Assessment Service Provider" means a person who has a licence to inspect and certify the standards under this Act and shall include a government agency which has powers and duties to inspect and certify the standards under the law;

"Producer" means:

(1) any person who carries out farming, fishery, livestock or forestry for commercial purpose;

(2) any operator in agricultural commodity transportation, agricultural commodity warehouse, fish pier, cold storage, slaughterhouse or any other subsequent business relating to agricultural commodities as prescribed by the Committee;

(3) any person who engages in the packaging, processing or otherwise handling of agricultural commodities;

"Company"[2] (repealed);

"Committee" means the Agricultural Commodity Standards Committee;

"Bureau" means the National Bureau of Agricultural Commodity and Food Standards;

"Director" "[3] (repealed);

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[2] Section 3 the definition of "Company" was repealed by the Agricultural Commodity Standards Act (No. 2), B.E. 2556 (2013).

[3] Section 3 the definition of "Director" was repealed by the Agricultural Commodity Standards Act (No. 2), B.E. 2556 (2013).

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"Secretary-General"[4] means the Secretary-General of the National Bureau of Agricultural Commodity and Food Standards;

"Competent Official" means a person appointed by the Minister to perform under this Act;

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

Section 4. This Act shall not apply to:

(1) a government agency which has powers and duties to inspect and certify the standards under the law;

(2) standards of commodities, products or other things as specifically provided for by other laws.

Section 5. The Minister of Agriculture and Cooperatives shall have charge and control of the execution of this Act and shall have the power to appoint competent officials, issue Ministerial Regulations prescribing official fees not exceeding the rates in the annex to this Act, exempt the fees, prescribe other acts 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.

CHAPTER I
THE AGRICULTURAL COMMODITY STANDARDS COMMITTEE

Section 6. There shall be a committee called "the Agricultural Commodity Standards Committee", which is composed of the Minister of Agriculture and Cooperatives

[4] Section 3 the definition of "Secretary-General" was added by the Agricultural Commodity Standards Act (No. 2), B.E. 2556 (2013).

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or the Deputy Minister of Agriculture and Cooperatives entrusted by the Minister of Agriculture and Cooperatives as the Chairperson, the Permanent Secretary of the Ministry of Agriculture and Cooperatives as the Vice-Chairperson, the Director-General of the Rice Department, the Director-General of the Department of Fisheries, the Director-General of the Department of Livestock Development, the Director-General of the Department for Development of Thai Traditional and Alternative Medicine, the Director-General of the Department of Agriculture, the Director-General of the Customs Department, the Director-General of the Department of Agricultural Extension, the Director-General of the Department of Sericulture, the Secretary-General of the Office of Consumer Protection Board, the Secretary-General of the Food and Drug Administration, the Secretary-General of the Office of Agricultural Economics, a representative of the Ministry of Natural Resources and Environment, a representative of the Ministry of Commerce, a representative of the Ministry of Industry, the President of the National Farmers Council or a representative, the President of the Thai Chamber of Commerce or a representative, the President of the Federation of Thai Industries or a representative, and not more than three qualified persons appointed by the Minister as members, and the Secretary-General as a member and the Secretary.[5]

The Secretary-General shall appoint no more than two government officials of the Bureau to act as the Assistant Secretary.

The qualified members shall be experts in the fields of science, agricultural science, economics or law.

[The term "Secretary-General" was amended by section 5 of the Agricultural Commodity Standards Act (No. 2), B.E. 2556 (2013).]

Section 7. The Committee shall have the following powers and duties:

(1) to determine policies, plans and measures concerning the promotion and the implementation of the standards for agricultural commodities;

[5] Section 6 paragraph one was amended by the Agricultural Commodity Standards Act (No. 2), B.E. 2556 (2013).

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(2) to provide recommendations to the Minister concerning the determination, amendment and revocation of the standards under this Act;

(3) to provide recommendations to the Minister concerning the issuance of Ministerial Regulations and Notifications under this Act;

(4) to determine rules and procedures regarding public hearings under section 18;

(5) to consider appeals against the orders of the Bureau under section 57;

(6) to issue Notifications and any others order for the execution of this Act;

(7) to consider academic information on science or technology or any other information regarding standards;

(8) to perform any other acts prescribed in this Act or other laws to be the powers and duties of the Committee.

Section 8. A qualified member shall have the qualifications and shall not be under any of the prohibitions as follows:

(1) being a Thai national;

(2) being not less than thirty five years of age;

(3) not being bankrupt;

(4) not being incompetent or quasi-incompetent;

(5) never having been sentenced to imprisonment by a final judgment unless for an offence of negligence or for a petty offence;

(6) not being a person holding a political position, an executive, an advisor or an official of a political party.

Section 9. A qualified member shall hold office for a term of three years.

Not less than sixty days prior to the expiration of the term, there shall be an appointment of a new qualified member to replace the vacating member upon the expiration of the term.

A qualified member who vacates office may be re-appointed for no more than two consecutive terms.

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Where there is an appointment of a qualified member while the qualified members already appointed are still in office, be it an appointment of an additional member or a replacement of a vacating member, the appointee shall be in office for the remaining term of office of the qualified members already appointed.

Section 10. Apart from vacating office on the expiration of the term, a qualified member vacates office upon:

(1) death;

(2) resignation;

(3) dismissal by the Cabinet due to disgraceful behaviour, negligence or dishonesty in the performance of duty or incapability;

(4) being disqualified or being under any of the prohibitions under section 8.

Where a qualified member vacates office before the expiration of the term and there is no appointment of a replacement, the remaining qualified members shall continue to perform their duties.

Section 11. Where a qualified member vacates office upon the expiration of the term but a new qualified member has not been appointed, the vacating qualified member shall continue to perform his or her duties until a new qualified member is appointed.

Section 12. At a meeting of the Committee, the presence of not less than one-half of the total number of the members is required to constitute a quorum.

At a meeting of the Committee, the Chairperson shall preside over the meeting. Where the Chairperson is not present at the meeting or is unable to perform the duties, the Vice-Chairperson shall preside over the meeting.

Where the Chairperson and the Vice-Chairperson are not present at the meeting or are unable to perform the duties, the members present shall elect one among themselves to preside over the meeting.

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A decision of the meeting shall be made by a majority of votes. Each member shall have one vote. In case of a tied vote, the presiding chairperson shall have an additional casting vote.

Section 13. The Committee may appoint sub-committees to consider or perform any matters as entrusted by the Committee.

Section 12 shall apply *mutatis mutandis* to meetings of the sub-committees.

Section 14. The Bureau shall act as the Secretariat of the Committee and shall be in charge of administrative and meeting procedural work, research and study and other matters relating to the work of the Committee, the Technical Committee, and the sub-committees.

CHAPTER II
DETERMINATION OF STANDARDS

Section 15. Where the Committee finds it expedient to determine a standard for any agricultural commodity, the Committee shall appoint a Technical Committee to prepare a draft standard for such agricultural commodity and submit it to the Committee for consideration.

When the Technical Committee submits a draft standard for the agricultural commodity under paragraph one to the Committee for consideration, if the Committee agrees to the details of the draft standard for such agricultural commodity and sees that the draft standard should be determined as a mandatory or voluntary standard according to the recommendation of the Technical Committee, the Committee shall submit it to the Minister for consideration and issuance of the Ministerial Regulations determining the standard for such agricultural commodity as a mandatory standard or the Notification determining the standard for such agricultural commodity as a voluntary standard, as the case may be.

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The Ministerial Regulations issued under paragraph two may stipulate that an agricultural commodity shall comply with the mandatory standard in whole or in part.

Section 16. In determining a mandatory or voluntary standard for an agricultural commodity, any one or more of the following matters shall be stipulated:

(1) method, process or managerial procedure for production or characteristics of the agricultural commodity concerning quality and chemical, biological, physical safety, or sanitary and phytosanitary safety or other related characteristics;

(2) package, packaging, marking or labeling;

(3) inspection, assessment, test, experiment, analysis or research with regard to (1) or (2);

(4) other prescriptions relating to the agricultural commodity as notified by the Minister in the Government Gazette.

Section 17. There shall be one or more Technical Committees appointed by the Committee under section 15, as appropriate. Each Technical Committee is composed of not more than fifteen members.

The Technical Committee shall have the duty to prepare draft standards for agricultural commodities or to give recommendations to the Committee on the amendment or revocation of agricultural commodity standards, as well as to perform other technical tasks regarding the standards as entrusted by the Committee.

The Technical Committee shall have knowledge and expertise in the standards of the kinds or groups of agricultural commodities for which they are appointed.[6]

The qualifications and prohibitions, the term of office and the vacation of office as well as the meetings and other operations of the Technical Committee shall be prescribed by the Committee in the Notification.

[6] Section 17 paragraph three was amended by the Agricultural Commodity Standards Act (No. 2), B.E. 2556 (2013).

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Section 18. Prior to the issuance of the Ministerial Regulations determining a mandatory standard, the Bureau shall organise a public hearing of the representatives of the interest groups or the relevant beneficiaries in accordance with the rules and procedures prescribed by the Committee.

After the organisation of the public hearing under paragraph one, the Bureau shall submit the result thereof to the Committee for consideration and recommendation to the Minister in order to issue the Ministerial Regulations.

The Ministerial Regulations under paragraph two shall state an effective date no less than ninety days from the date of the publication in the Government Gazette.

Section 19. In case of urgent necessity for the public welfare, national security or economic interest, the Committee may propose to the Minister to issue the Ministerial Regulations specifying which agricultural commodity shall be subject to a mandatory standard without having to comply with section 18.

CHAPTER III
PRODUCERS, EXPORTERS OR IMPORTERS OF AGRICULTURAL COMMODITIES UNDER MANDATORY STANDARDS

Section 20. Where there is a Ministerial Regulation determining a mandatory standard for any agricultural commodity, no one shall be a producer, exporter or importer of such agricultural commodity unless he or she obtains a licence from the Bureau to be a producer, exporter or importer, as the case may be, of such agricultural commodity.

The application for and the issuance of a licence shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

The Ministerial Regulations under paragraph two may stipulate that certain size or characteristic of a producer's business shall be exempted from the licence requirement under paragraph one.

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Section 21. A producer, exporter or importer applying for a licence shall have qualifications and shall not be under any of the prohibitions as follows:

(1) being not less than twenty years of age;

(2) not being bankrupt;

(3) not being incompetent or quasi-incompetent;

(4) not being a person whose licence is being suspended;

(5) being a person whose licence has never been revoked, or otherwise it shall not be less than two years.

Where the applicant is a juristic person, the representative, managing director or any other person acting on behalf of such juristic person shall have qualifications and shall not be under any of the prohibitions under paragraph one and shall have never been the representative, managing director or any other person acting on behalf of a juristic person whose licence is revoked under (5).

Section 22. A licence shall apply only to the producer, exporter or importer named therein and shall be valid for three years from the date of its issuance.

The application for and the grant of renewal of the licence shall be in accordance with the rules, procedures and conditions prescribed by the Committee in the Notification.

Section 23. A licensed producer, exporter or importer shall display the licence at an open and conspicuous space in the business premises of the producer, exporter or importer named in the licence.

Section 24. Where a licence is lost or materially damaged, the producer, exporter or importer, as the case may be, shall apply for a replacement licence from the Bureau within thirty days from the date of acknowledgement of such loss or damage.

The application for and the issuance of a replacement licence shall be in accordance with the rules, procedures and conditions prescribed by the Committee in the Notification.

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Section 25. A relocation of the business premises of the producer, exporter or importer named in the licence shall be permitted by the Bureau.

The application for and the permission shall be in accordance with the rules, procedures and conditions prescribed by the Committee in the Notification.

Section 26. A licensed producer, exporter or importer intending to close down his or her business shall notify the Bureau in writing not less than sixty days before closing down the business. After the close-down, the licence shall be returned to the Bureau within thirty days from the date of the close-down.

CHAPTER IV
INSPECTION AND CERTIFICATION OF STANDARDS

Section 27. Where there is a Ministerial Regulation determining a mandatory standard for any agricultural commodity, the producer, exporter or importer, as the case may be, of such agricultural commodity shall apply for an inspection and obtain a certificate as per the mandatory standard from the conformity assessment service provider.

The inspection and certification and the fees therefor under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulations.

Section 28. The conformity assessment service provider shall report the inspection result in writing to the applicant. Where the inspected agricultural commodity complies with the mandatory standard, the conformity assessment service provider shall issue a certificate for such agricultural commodity in accordance with the rules, procedures and conditions prescribed by the Committee in the Notification.

Section 29. The Minister, with the recommendation of the Committee, may announce that the importation of an agricultural commodity from a foreign country which

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has a standard equivalent to the mandatory standard shall not require a certificate under section 27 if it appears that such agricultural commodity is inspected and certified by that country which has an agreement or international cooperation on mutual recognition of standard inspection and certification.

The presentation of evidence of inspection and certification and the display of the certification mark on the imported agricultural commodity under paragraph one shall be in accordance with the rules, procedures and conditions prescribed by the Committee in the Notification.

Section 30. Where an agricultural commodity is imported from a country having a standard different from the mandatory standard, if the importer so wishes, he or she may apply for a standard inspection and certification as per the mandatory standard from a conformity assessment service provider of a foreign country which has an agreement or international cooperation on mutual recognition of standard inspection and certification, provided that the conformity assessment service provider of such foreign country is approved by the Bureau in accordance with the rules, procedures and conditions prescribed by the Committee.

Section 31. Where there is a Notification determining a voluntary standard for any agricultural commodity, the producer, exporter or importer, as the case may be, of such agricultural commodity may apply for an inspection and certification as per the voluntary standard from the conformity assessment service provider.

The inspection and certification and the fees therefor under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulations.

Section 29 and section 30 shall apply *mutatis mutandis* to the importation of an agricultural commodity as per the voluntary standard.

Section 32. Where an inspected and certified agricultural commodity is found by the competent official that it does not comply with the standard, the Bureau shall

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have the power to order the producer, exporter or importer, as the case may be, to rectify or improve such agricultural commodity so as to comply with the standard within a time period prescribed by the Bureau. If the rectification or improvement cannot be done or if the delay may be harmful to the public sanitation, plants or animals, the Bureau shall have the power to order destruction or recall of such agricultural commodity within the time period prescribed by the Bureau. The producer, exporter or importer, as the case may be, shall be responsible for such destruction and recall.

The order to rectify, improve, destroy or recall the agricultural commodity under paragraph one shall be in accordance with the rules, procedures and conditions prescribed by the Committee in the Notification.

CHAPTER V
CONFORMITY ASSESSMENT SERVICE

Section 33. No one shall be a conformity assessment service provider unless he or she obtains a licence to inspect and certify the standards from the Bureau.

The application for and the issuance of a licence shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulations.

Section 34.[7] The applicant for a licence shall have the qualifications and shall not be under any of the prohibitions as follows:

(1) being a juristic person having the objective of carrying out a business regarding inspection and certification of standards for agricultural commodities;

(2) having a laboratory or being able to use another person's laboratory and the laboratory shall have the capacity and specifications as prescribed by the Committee in the

[7] Section 34 was amended by the Agricultural Commodity Standards Act (No. 2), B.E. 2556 (2013).

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Notification, except where it is not necessary to have or use a laboratory for the standard inspection;

(3) not being a person whose licence is being suspended;

(4) being a person whose licence has never been revoked, or otherwise it shall not be less than two years;

(5) other qualifications or prohibitions as prescribed by the Committee in the Notification.

The representative of a juristic person or any other person acting on behalf of such juristic person applying for a licence shall have never been the representative or any other person acting on behalf of a juristic person whose licence is revoked under (4).

Section 35. A licence shall apply only to the conformity assessment service provider named therein and shall be valid for three years from the date of its issuance.

The application for and the grant of renewal of the licence shall be in accordance with the rules, procedures and conditions prescribed by the Committee in the Notification.

Section 36. A conformity assessment service provider shall display the licence at an open and conspicuous space in the business premises of the conformity assessment service provider named in the licence.

Section 37. Where a licence is lost or materially damaged, the conformity assessment service provider shall apply for a replacement licence from the Bureau within thirty days from the date of acknowledgement of such loss or damage.

The application for and the issuance of a replacement licence shall be in accordance with the rules, procedures and conditions prescribed by the Committee in the Notification.

Section 38. A relocation of the business premises of the conformity assessment service provider named in the licence shall be permitted by the Bureau.

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The application for and the permission shall be in accordance with the rules, procedures and conditions prescribed by the Committee in the Notification.

Section 39. A licensed conformity assessment service provider intending to close down his or her business shall notify the Bureau in writing not less than sixty days before closing down the business. After the close-down, the licence shall be returned to the Bureau within thirty days from the date of the close-down.

Section 40. A conformity assessment service provider shall:

(1) not disclose any fact obtained or known from carrying out a standard inspection in a manner which may cause damage to the business of the applicant for the standard inspection and certification unless such disclosure is done under duty or law or for the purpose of case investigation or trial;

(2) not have a conflict of interest with the applicant for a standard inspection;

(3) immediately notify the applicant for standard inspection and certification to rectify any flaw or error found in the results thereof;

(4) notify the Bureau within three days from the date the flaw or error is found in the results of the standard inspection and certification under (3).

CHAPTER VI
CONTROL

Section 41. The conformity assessment service provider shall submit a report of the standard inspection and certification to the Bureau every three months in accordance with the rules, procedures and conditions prescribed by the Bureau in the Notification.

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Section 42. The conformity assessment service provider shall keep the results of the standard inspection and certification and relevant documents for a period of three year for the competent official to inspect.

The results of the standard inspection and certification and relevant documents under paragraph one may be kept in an electronic form in accordance with the rules prescribed in the law on electronic transactions.

Section 43. In performing the duties, the competent official shall have the following powers:

(1) to enter the business premises or laboratory of the conformity assessment service provider or the business premises, agricultural commodity storage or vehicle of the producer, exporter or importer of the agricultural commodity between sunrise and sunset or during the office hours in order to inspect the conformity with this Act or the Ministerial Regulations or the Notifications issued under this Act;

(2) to enter the business premises or laboratory of the conformity assessment service provider at any time when there is a reasonable ground to suspect that there is a violation or non-compliance with this Act or the Ministerial Regulations or the Notifications issued under this Act, in order to inspect the operation as well as the equipment and accessories or documents concerning the standard inspection;

(3) to enter the business premises, agricultural commodity storage or vehicle of the producer, exporter, importer, distributor or possessor for sale of the certified agricultural commodity at any time when there is a reasonable ground to suspect that there is a violation or non-compliance with this Act or the Ministerial Regulations or the Notifications issued under this Act, in order to inspect whether or not the agricultural commodity complies with the standards or it is consistent with the reports of the results of the standard inspection or the certificate or to inspect documents concerning the standard inspection;

(4) to sample agricultural commodities from the conformity assessment service provider or to order the producer, exporter or importer to submit samples of certified agricultural commodities in a reasonable quantity for inspection;

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(5) to order the conformity assessment service provider, producer, exporter, importer or any person concerned to give an explanation, statement or relevant evidence or information or rectify the flaws or errors found in the inspection;

(6) to seize or attach agricultural commodities, documents, materials, equipment or accessories relating to the commission of an offence, or when there is a reasonable ground to suspect that an offence under this Act is committed, or something using a standard certification mark reasonably believed to be false or using deficient or erroneous results of standard inspection and certification under section 40(3) or using those not in compliance with the standard under (4).

In performing the duty under (1), the competent official shall not act in a manner considered to be a search under the Criminal Procedure Code. In a case under (2) or (3), if the act is conducted in a manner considered to be a search under the Criminal Procedure Code, there shall be a search warrant except where there is a reasonable ground to believe that if there is a delay in obtaining a search warrant, such documents or evidence may be removed, hidden, destroyed or modified, the search, seizure or attachment of documents or evidence related to the commission of the offence shall be conducted without a search warrant in accordance with the search provisions under the Criminal Procedure Code. But the search shall not start at night time unless it is the office hours of the premises.

Section 44. With regard to the agricultural commodity seized or attached by the competent official under section 43(6), the Committee shall have the following powers:

(1) where the producer, exporter or importer has not been granted a voluntary standard certificate but has used or displayed the voluntary standard certification mark in violation of section 56, the Committee may order him or her to rectify or improve the agricultural commodity to comply with the voluntary standard or to destroy the voluntary standard certification mark or remove it from the agricultural commodity. If the voluntary standard certification mark cannot be destroyed or removed, the Committee may order a destruction of such agricultural commodity;

(2) where the producer, exporter or importer has not been granted a mandatory standard certificate for the agricultural commodity determined by the Ministerial

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Regulations, the Committee may order a destruction of such agricultural commodity, or where the agricultural commodity has been imported, the Committee may order a return of such agricultural commodity or order a suspension so that the producer, exporter or importer, as the case may be, may apply for a mandatory standard certificate.

The producer, exporter or importer, as the case may be, shall be responsible for the expenses incurred in relation to the rectification, improvement, destruction, return or suspension of the agricultural commodity to obtain a mandatory standard certificate, or the destruction or removal of the voluntary standard certification mark from the agricultural commodity.

Section 45. As for all things seized or attached by the competent official under section 43(6), if the owner or the possessor is not found within ninety days from the date of the seizure or attachment, or the public prosecutor issues a final non-prosecution order, or the Court does not order them confiscated and the owner or the possessor does not ask for the return thereof within ninety days from the date the final non-prosecution order or judgment is known or the date of receipt of a notification that no court case is filed, as the case may be, the agricultural commodity or the things seized or attached shall vest in the State and the Bureau, with the approval of the Committee, shall have the power to manage them as seen appropriate.

Where the agricultural commodity or things seized or attached are perishable or the storage of which may pose a risk of damage or incur more expenses than their value, the Bureau may arrange a public auction before the case becomes final or before they vest in the State. The net proceeds of the auction of such agricultural commodity or things after deduction of all expenses and encumbrance charges shall be held in lieu of the agricultural commodity or things.

Section 46. A competent official shall have an official identification card in the form prescribed by the Minister in the Notification.

In performing the duties, the competent official shall present the official identification card to any person concerned.

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Section 47. In performing the duties of the competent official under section 43, any person concerned shall provide reasonable facilities.

Section 48. In performing the duties under this Act, the Committee members, the Technical Committee members, the sub-committee members and the competent officials shall be the competent officers under the Penal Code.

Section 49. Where the results of the inspection under section 43(1) (2) (3) or (4) appear to the competent official that any agricultural commodity under a mandatory standard is unsafe or may be harmful to the public sanitation, plants or animals, the Bureau, with the approval of the Committee, shall have the power:

(1) to notify the public of the inspection results in newspapers or by any other means prescribed by the Committee stating the following information:

(a) where the producer, exporter or importer of the agricultural commodity can be clearly identified, the name of the producer, exporter or importer as well as the type and characteristic of the agricultural commodity or its packaging shall be mentioned, and if the agricultural commodity or its packaging has a trade name or a serial number of the production, exportation or importation, such information shall be stated, as the case may be;

(b) where the producer, exporter or importer of the agricultural commodity cannot be clearly identified but there is a distributor or a possessor for distribution of the agricultural commodity, the name of the distributor or the possessor for distribution of the agricultural commodity and the premises for distribution or having in possession for distribution as well as the type and characteristic of the agricultural commodity or its packaging shall be stated;

(2) to recall the agricultural commodity or to order the producer, exporter or importer of such agricultural commodity to store it within the time period prescribed by the Bureau, and the Bureau shall have the power to destroy such agricultural commodity or to

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carry out any other act in accordance with the rules, and procedures prescribed by the Committee in the Notification.

The producer, exporter, importer, distributor or possessor for distribution of the agricultural commodity, as the case may be, shall bear the expenses of the notification, recall, destruction or execution of the act under paragraph one.

Section 50. Where the licensed producer, exporter or importer or conformity assessment service provider violates or fails to comply with this Act or the Ministerial Regulations or Notifications issued under this Act, the Bureau shall have the power to suspend the licence for a period not exceeding three months each time.

The suspended licensee under paragraph one shall not operate the business under the licence during the suspension period.

Section 51. The Bureau shall have the power to revoke a licence when it appears that:

(1) the licensed producer, exporter or importer does not have the qualifications or is under any of the prohibitions under section 21 or the conformity assessment service provider does not have the qualifications or is under any of the prohibitions under section 34;

(2) the licensed producer, exporter, importer or conformity assessment service provider whose licence was suspended, again commits an offence within five years;

(3) the licensed producer, exporter, importer or conformity assessment service provider commits any offence under this Act causing severe damage to the economy or the public interest;

(4) the licensed producer, exporter or importer commits any offence under section 60, section 67, section 68, section 69, section 71 paragraph one, section 72 paragraph one, section 73, section 74 or section 75, or the conformity assessment service provider commits any offence under section 64, section 70, section 71 paragraph two, section 72 paragraph two or section 74.

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The revoked licensee under paragraph one may not apply for a new licence within two years from the date of receipt of the revocation order.

Section 52. The suspension order under section 50 and the revocation order under section 51 shall be in accordance with the rules, procedures and conditions prescribed by the Committee in the Notification.

Section 53. The Bureau shall publish a name list of the producer, exporter, importer or conformity assessment service provider whose licence is suspended or revoked under section 50 or section 51 to inform the consumers or the public for the purpose of the consumer or public protection in accordance with the rules, procedures and conditions prescribed by the Committee in the Notification.

CHAPTER VII
STANDARD CERTIFICATION MARKS

Section 54. The standard certification marks for displaying on agricultural commodities comprise two types as follows:

(1) a mandatory standard certification mark for displaying on an agricultural commodity certified in accordance with the mandatory standard;

(2) a voluntary standard certification mark for displaying on an agricultural commodity certified in accordance with the voluntary standard.

The characteristics, usage and display of the marks shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulations.

Section 55. The producer, exporter or importer of the agricultural commodity under the mandatory standard shall display the standard certification mark under section 54(1) before taking such agricultural commodity out of the production premises or receiving them from

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the custom official. In the latter case, the Minister may allow the certification mark to be displayed later in accordance with the prescribed conditions.

Section 56. No one shall use the standard certification marks under section 54 unless he or she is a producer, exporter or importer who has a licence under the mandatory standard or the voluntary standard, as the case may be.

CHAPTER VIII
APPEALS

Section 57. The producer, exporter, importer, licensee or conformity assessment service provider shall be entitled to appeal the orders of the Bureau issued under this Act to the Committee.

The appeal under paragraph one shall be done in writing and submitted to the Bureau within thirty days from the date of receipt of the order.

The Bureau shall submit the appeal to the Committee within seven days from the date of receipt.

The Committee shall decide the appeal within sixty days from the date of receipt of the appeal from the Bureau. The decision of the Committee shall be final.

The appeal under paragraph one shall not be a reason for a stay of execution of the order of the Bureau unless a stay is already ordered by the Committee.

CHAPTER IX
PENALTIES

Section 58. Any producer, exporter or importer violating section 20 paragraph one or section 50 paragraph two shall be liable to a fine not exceeding three hundred thousand baht.

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Section 59. Any licensed producer, exporter or importer failing to comply with section 23, section 24 paragraph one, section 25 paragraph one, section 26 or section 55 shall be liable to a fine not exceeding one hundred thousand baht.

Section 60. Any producer, exporter or importer failing to comply with section 27 paragraph one shall be liable to a fine not exceeding five hundred thousand baht.

Section 61. Any producer, exporter or importer failing to comply with the order of the Bureau within the prescribed period under section 32 shall be liable to a fine not exceeding one hundred thousand baht and to an additional daily fine not exceeding ten thousand baht throughout the non-compliance period.

Section 62. Any person violating section 33 paragraph one shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding three hundred thousand baht, or both.

Section 63. Any conformity assessment service provider failing to comply with section 36, section 37 paragraph one, section 38 paragraph one, section 39 or section 41 shall be liable to a fine not exceeding one hundred thousand baht.

Section 64. Any conformity assessment service provider violating or failing to comply with section 40 or section 50 paragraph two shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding three hundred thousand baht, or both.

Section 65. Any conformity assessment service provider failing to comply with section 42 shall be liable to a fine not exceeding three hundred thousand baht.

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Section 66. Any person failing to comply with the order of the competent official issued under 43(5) or failing to provide facilities to the competent official under section 47 shall be liable to a fine of not exceeding ten thousand baht.

Section 67. Any producer, exporter or importer failing to recall the agricultural commodity under the order of the competent official under section 49(2) shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding three hundred thousand baht, or both.

Section 68. Any person imitating a standard certification mark for displaying on an agricultural commodity under section 54 so as to mislead others into believing that it is such mark shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding three hundred thousand baht, or both.

Section 69. Any person violating section 56 shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding three hundred thousand baht, or both.

Section 70. Any conformity assessment service provider making false results of the standard inspection and certification or concealing the facts which should have been revealed in a manner that is likely to cause damage to others shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding three hundred thousand baht, or both.

Section 71. Any person giving, offering or agreeing to give money or property or any other benefit to a conformity assessment service provider so as to unlawfully issue results of the standard inspection and certification shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding five hundred thousand baht, or both.

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Any person demanding, accepting or agreeing to accept money or property or any other benefit for himself or herself or for others in order to carry out the act under paragraph one shall be liable to the penalty imposed under paragraph one.

Section 72. Any person making a false standard certificate or a false report of a standard inspection in whole or in part, adding, mutilating or altering any statement by any means in such certificate or report in order to mislead others into believing that it is a genuine certificate or report shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding three hundred thousand baht, or both.

If the offender under paragraph one is a conformity assessment service provider, such offender shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding five hundred thousand baht, or both.

Section 73. Any producer, exporter, importer, distributor or possessor for distribution of an agricultural commodity using a standard certificate or a report of a standard inspection knowing that it is false shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding three hundred thousand baht, or both.

Section 74. Any person removing, damaging, destroying or rendering to no avail of a seal or mark stamped or signed on any article by the competent official in the execution of his duties in order to use it as evidence of seizure, attachment or keeping of such article shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding two hundred thousand baht, or both.

Section 75. Any person advertising, distributing or having in possession for distribution of an agricultural commodity prescribed in the Ministerial Regulations to comply with the mandatory standard or to display a standard certification mark knowing or having a reason to know that such agricultural commodity is not inspected nor certified shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding three hundred thousand baht, or both.

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Section 76. Where a juristic person is an offender under this Act, the representative, managing director and any other person acting on behalf of the juristic person shall be deemed an offender and shall be liable to the same penalty as imposed on such juristic person unless they can prove that they are not involved in the commission of the offence by such juristic person.

Section 77. All offences under this Act punishable with only a fine may be settled by way of payment by the offence settlement committee appointed by the Minister.

The offence settlement committee appointed by the Minister under paragraph one shall be composed of three persons, one each from a civil servant of the Ministry of Agriculture and Cooperatives, a public prosecutor and an investigator under the Criminal Procedure Code.

Upon payment by the offender of the settled amount of the fine within the time specified, the case shall be deemed settled under the Criminal Procedure Code.

TRANSITIONAL PROVISIONS

Section 78. All agricultural commodity standards published by the National Committee on Agricultural Commodity and Food Standards in the Government Gazette prior to the effective date of this Act shall be deemed the voluntary standard under this Act.

Section 79. Any person holding a certificate of conformity assessment service provider issued by the National Committee on Agricultural Commodity and Food Standards prior to the effective date of this Act shall notify the Bureau in writing within sixty days from the effective date of this Act so as to obtain a new certificate by the Bureau. After the notification, such person shall be deemed the conformity assessment service provider under this Act until the Bureau refuses to grant the certificate or until the certificate expires. In this regard, the provisions concerning the conformity assessment service provider and the

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control of the conformity assessment service provider as well as the relevant punishment provisions under this Act shall apply to such person.

Section 80. Any person authorized to use the Bureau's certification mark registered under the trademark law for an agricultural commodity before the effective date of this Act, shall continue such use and the certification mark shall be deemed a voluntary standard certification mark under this Act. In this regard, the provisions concerning the standard certification mark as well as the relevant punishment provisions under this Act shall apply to such person.

Countersigned by:
General Surayud Chulanont
Prime Minister

Office of the Council of State

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Official Fees

1. Licence under section 20	per issue	10,000 baht
2. Licence under section 33	per issue	50,000 baht
3. Replacement licence under section 20	per issue	5,000 baht
4. Replacement licence under section 33	per issue	10,000 baht
5. Renewal of a licence under section 20 or section 33		Half of the fee for the licence each time.

The official fees prescribed in the Ministerial Regulations may vary according to the size or characteristics of the business or the branches of the standard inspection and certification.

Office of the Council of State

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