

# AGRICULTURAL STANDARDS ACT (the 3<sup>rd</sup> Edition)

B.E. 2561 (2018)

(UNOFFICIAL TRANSLATION)

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua;

Given on the 25th Day of December B.E. 2561;

Being the 3th Year of the Present Reign.

By the Royal Command of His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua, it is hereby proclaimed that:

Whereas it is expedient to amend the law on agricultural standards;

Whereas it is aware that this Act contains certain provisions in relation to the restriction of rights and liberties of persons in respect of which Section 26, in conjunction with Section 40 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

Whereas reason and necessity for limiting the rights and liberties of person under this Act for efficient supervision of agricultural commodity standards and consistency with international standards which benefit the development of agricultural commodity and national economy. The enactment of this Act is consistent with the conditions provided in Section 26 of the Constitution of the Kingdom of Thailand.

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

**Section 1.** This Act shall be called the “Agricultural Standards Act, B.E. 2561 (2018)”.

**Section 2.** This Act shall come into force after ninety days from the date of publication in the Royal Gazette.

**Section 3.** This Act shall abolish contents in the paragraph three of Section 15 under the Agricultural Standards Act B.E. 2551 (2008) and shall be replaced by following contents:

“The Ministerial Regulation issued under paragraph two may be stipulated that any agricultural commodity or characteristics of agricultural commodity of the exporter or importer, or certain size or characteristic of the producer’s business shall comply with mandatory standards in whole or in part.”

**Section 4.** This Act shall abolish contents in the paragraph one of Section 20 under the Agricultural Standards Act B.E. 2551 (2008) and shall be replaced by following contents:

“Section 20 In case where there is the Ministerial Regulation on the determination of mandatory standards for any agricultural commodity, no person shall be a producer, exporter or importer of such agricultural commodity, unless he is licensed by the Bureau or other government agencies assigned by the Bureau to be the producer, exporter or importer for such agricultural commodity wherever the case may be.”

**Section 5.** This Act shall abolish contents in the paragraph one of Section 24 under the Agricultural Standards Act B.E. 2551 (2008) and shall be replaced by following contents:

“Section 24 In the case where the license is lost or substantially damaged, the producer, exporter or importer, wherever the case may be, shall apply for a substitute license to the Bureau or other government agencies assigned by the Bureau within thirty days as from the date of acknowledgement thereof.”

**Section 6.** This Act shall abolish contents in the paragraph one of Section 25 under the Agricultural Standards Act B.E. 2551 (2008) and shall be replaced by following contents:

“Section 25. Prior to the relocation of business premises, the producer, exporter or importer as specified in the license shall be permitted by the Bureau or other government agencies assigned by the Bureau.”

**Section 7.** This Act shall abolish contents in Section 26 under the Agricultural Standards Act B.E. 2551 (2008) and shall be replaced by following contents:

“Section 26 The licensee whoever to be the producer, exporter or importer intending to wind up his business shall notify the Bureau or other government agencies assigned by the Bureau in writing prior to the close-down not less than sixty days, and the license shall be returned to the Bureau or other government agencies assigned by the Bureau within thirty days as from the date of such close-down.”

**Section 8.** This Act shall add the following contents as Section 26/1 of Chapter III Producers, Exporters or Importers of Agricultural Commodity according to Mandatory Standards under the Agricultural Standards Act B.E. 2551 (2008):

“Section 26/1 The assignment of the Bureau to other government agencies having authorities according to Section 20 paragraph one, Section 24 paragraph one, Section 25 paragraph one and Section 26 shall be in accordance with the rules, procedures and conditions as prescribed by the Notification of the Committee.”

**Section 9.** This Act shall abolish contents in Section 27 under the Agricultural Standards Act B.E. 2551 (2008) and shall be replaced by following contents:

“Section 27 In case where the Ministerial Regulation on the determination of mandatory standards for any agricultural commodity is in place, a producer, exporter, or importer of such agricultural commodity, wherever the case may be, shall apply for inspection, and the certificate shall be granted by the conformity assessment service provider.

The application for inspection and certification, and the inspection and certification under paragraph one shall be in accordance with the rules, procedures and conditions as prescribed by the Ministerial Regulation.

The service charges of inspection and certification under paragraph one shall be in accordance with the rules, procedures and conditions as prescribed by the Notification of the Ministry of Agriculture and Cooperatives.

In the case where the Ministerial Regulation stipulating certain size or characteristic of the producer’s business receiving exemption from the license is issued under Section 20 paragraph three, such producer shall also be exempted from applying for Mandatory Standard inspection and certificate granted by the conformity assessment service provider.”

**Section 10.** This Act shall abolish contents in Section 29, Section 30 and Section 31 under the Agricultural Standards Act B.E. 2551 (2008) and shall be replaced by following contents:

“Section 29 The Minister with the recommendations of the Committee may notify that the importation of agricultural commodity from foreign country having standards equivalent to the mandatory standards shall not be required the certificate under Section 27, if there is the evidence that such agricultural commodity is inspected and certified by the country having agreement or international cooperation on mutual recognition of standard inspection and certification.

In case of urgent matter for the benefit of the country's economy, the Minister with the approval of the Committee may issue the Notification exempting the importation of agricultural commodity from foreign country under paragraph one without agreement or international cooperation on mutual recognition of standard inspection and certification. Nevertheless, the imported agricultural commodity shall have been received standard inspection and certification from such country.

When the Notification under paragraph two has been issued, the Ministry of Agriculture and Cooperatives shall report to the Cabinet for acknowledgment.

The provision of evidences regarding standard inspection and certification, and the display of standard certification mark upon the imported agricultural commodity under paragraph one and two shall be in accordance with the rules, procedures and conditions as prescribed by the Notification of the Committee.”

“Section 30 In case where the agricultural commodity is imported from the country having standard different from mandatory standards, an importer may apply for standard inspection and certification in accordance with the mandatory standards from the conformity assessment service provider of the foreign country having an agreement or international cooperation on mutual recognition of standard inspection and certification. Nevertheless, the conformity assessment service provider of that country shall be approved by the Bureau.

In case of urgent matter for the benefit of the country's economy, the Bureau with the approval of the Committee may take consideration for approval of the conformity assessment service provider of the foreign country without agreement or international cooperation on mutual recognition of standard inspection and certification.

The approval of the conformity assessment service provider of the foreign country under paragraph one and two shall be in accordance with the rules, procedures and conditions as prescribed by the Notification of the Committee.”

“Section 31 In the case where the Notification on the determination of voluntary standard for any agricultural commodity is issued, a producer, exporter or importer, wherever the case may be, may apply for standard inspection and certificate from the conformity assessment service provider.

The application for inspection and certification, and the inspection and certification under paragraph one shall be in accordance with the rules, procedures and conditions as prescribed by the Ministerial Regulation.

The service charges of inspection and certification under paragraph one shall be in accordance with the rules, procedures and conditions as prescribed by the Notification of the Ministry of Agriculture and Cooperatives.

The provisions of Section 29 and Section 30 shall be applied mutatis mutandis to the importation of agricultural commodity under the voluntary standards.”

**Section 11.** This Act shall abolish contents in Section 54 under the Agricultural Standards Act B.E. 2551 (2008) and shall be replaced by following contents:

“Section 54 Standard certification marks for agricultural commodity under this Act are as follows:

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

(2) a voluntary standard certification mark for agricultural commodity certified in accordance with the voluntary standards.”

**Section 12.** This Act shall abolish contents in Section 68 under the Agricultural Standards Act B.E. 2551 (2008) and shall be replaced by following contents:

“Section 68. Any person who imitates standard certification marks under Section 54 so as to mislead 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 13.** All Ministerial Regulations and Notifications issued under Section 20, Section 27, Section 29, Section 30, Section 31 and Section 54 of the Agricultural Standards Act B.E. 2551 (2008) which are effective prior to the effective date of this Act still shall be continually effective only contents not against or contradict this Act and for not exceeding two years from the effective date of this Act.

**Section 14.** All licenses issued under Section 20 of the Agricultural Standards Act B.E.2551 (2008) which are effective prior to the effective date of this Act still shall be continually effective until such licenses are expired or repealed.

**Section 15.** The approval provided by the Bureau under Section 30 of the Agricultural Standards Act B.E. 2551 (2008) which is effective prior to the effective date of this Act shall be deemed provided under the Agricultural Standards Act B.E. 2551 (2008) amended by this Act.

**Section 16.** All applications which are submitted prior to the effective date of this Act and still in the process of consideration shall be deemed as the applications submitted under the Agricultural Standards Act B.E. 2551 (2008) amended by this Act and shall continually be in consideration under the Agricultural Standards Act B.E. 2551 (2008) amended by this Act.

**Section 17.** Minister of Agriculture and Cooperatives shall act for in compliance with this Act.

**Remark:** Rationale for the promulgation of this Act is that: It is deemed necessary to amend the Provisions regarding stipulating in whole or in part of agricultural commodity enabling in compliance with Mandatory Standards; issuing licenses of producer, exporter or importer; prescribing service charges of standard inspection and certification; exempting inspection and certification of Mandatory Standards; allowing importation of agricultural commodity from foreign country having standards equivalent to or different from Mandatory standards without agreement or international cooperation on mutual recognition of standard inspection and certification in case of urgent matter for the benefit of the country's economy; stipulating standard certification marks; and relevant Penalties for convenient and rapid operation, and consistency with international standards and current situation leading to greater benefit of national economy and public facilitation. Thus, it is deemed necessary to promulgate this Act.