

AGREEMENT ON IMPORT LICENSING PROCEDURES

Notification under Article 5

THAILAND

The following communication, dated 21 September 2011, is being circulated at the request of the Delegation of Thailand.

Summary of the Changes

In accordance with Section 5 of the Export and Import Act B.E. 2522 (1979) and in conformance with the UN Resolutions, the Ministry of Commerce has published the Ministerial Regulations on 11 April 2011 to terminate the import prohibition of rough diamonds from or originated in Sierra Leone, and to introduce the import prohibition of rough diamonds from or originated in Republic of Cote d'Ivoire.

Consequently the coverage of current import licensing regime would be the following;

(a) List of products

1. Import Licensing

- (1) 16 kinds of drugs, chemical and pharmaceutical products
- (2) Clenbuterol compounds and its salts
- (3) Albuterol or Salbutamol and its salts
- (4) Caffeine and its salts
- (5) Potassium Permanganate
- (6) Fish meal with protein content less than 60 per cent
- (7) Unfinished garments, part or components except collars, cuffs, waist, band pocket and cuffs for trouser
- (8) Worked monument or building stone
- (9) Used motor vehicles
- (10) Used motorcycles
- (11) Used six-wheeled buses having 30 seats or more
- (12) Used diesel engines displacement of 331-1,100 cc.
- (13) Gold
- (14) Coin sized and weighted similar to official coins
- (15) Antique idols and parts thereof and parts of ancient monuments
- (16) Machinery and parts thereof which can be used to violate copyrights of cassette tape, video tape, and compact disc
- (17) Intaglio printing machines and color copier machines

- (18) Waste and scrap of plastics
- (19) Chainsaw and accessories

2. Import under Conditions for Import Administration

- (1) Fuel oil
- (2) Rough diamonds
- (3) Logs, wood and all wooden products
- (4) Yellow fin tuna and its product
- (5) Ceramic food containers and metal-coated food containers

3. Import Certification for Agricultural Products under Tariff Rate Quota (TRQs)

- (1) Milk and cream, not concentrated, nor containing added sugar or other sweetening matter (including flavored milk)
 - (a) Unprocessed milk
 - (b) Ready-to-drink milk
- (2) Milk and cream, concentrated or containing added sugar or other sweetening matter, in powder, granules or other solid form, of a fat content, by weight, not exceeding 1.5 per cent
- (3) Potato, fresh or chilled (seed and others)
- (4) Onion, fresh, chilled, dried, whole, cut, sliced, broken or in powder, but not further prepared, mixed
- (5) Garlic, fresh or chilled, whether or not in powder
- (6) Coconut, fresh or dried whether or not chilled or pilled including desiccated
- (7) Dried longan
- (8) Coffee whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any portion
- (9) Tea, whether or not flavored (green and black tea)
- (10) Pepper, dried, whether or not crushed or ground
- (11) Maize (corn)
- (12) Rice
- (13) Soya beans
- (14) Copra
- (15) Onion seeds
- (16) Soya-bean oil and its fractions, whether or not refined, but not chemically modified
- (17) Palm oil and its fractions, whether or not refined, but not chemically modified/ Palm kernel or babassu oil and fractions thereof
- (18) Coconut oil and its fraction, whether or not refined, but not chemically modified
- (19) Cane or beet sugar and chemically pure sucrose, in solid form
- (20) Instant coffee and other extract, essences and concentrated, of coffee and preparations with a basis of these extracts, essences or concentrated or with a basis of coffee
- (21) Soya bean cake
- (22) Tobacco
- (23) Raw silk

4. Import Prohibition

- (1) Electrical and mechanical operating games including Table for games, Slot Machine, Horse racing game machines or racecourse model or other similar article, Pachinko, Roulette, game machines operated by coins, banknote (paper currency), discs, cards or other similar articles, or other methods that requirement of machines are met, with or without skill of players will win coins, banknote (paper currency), coupons or

- other articles from machine, other than bowling alley equipment, parts or accessories chip, other parts or accessories of game machines
- (2) Goods by deceptive practice
 - (3) Copyrights-infringing cassette tapes, audio, compact disc, video tapes, computer programs and books
 - (4) Household refrigerator, combined refrigerator-freezer utilizing CFC in the production process
 - (5) Used engines, parts and accessories of motorcycles of a cylinder capacity not exceeding 50 cc and wheels with diameters not over 10 inches
 - (6) Retreaded or used pneumatic tyres of rubber and its waste and scrap
 - (7) Logs and sawn wood which are made of teak trees, rubber trees or forbidden trees from the border of Tak and Kanchanaburi provinces
 - (8) All type of arms, military vehicles, hardware and spare parts from or originated in Democratic People's Republic of Korea in conformance with the UN Resolution
 - (9) All type of arms, military vehicles, hardware and spare parts from or originated in Islamic Republic of Iran in conformance with the UN Resolution
 - (10) Rough diamonds from or originated in Republic of Cote d'Ivoire in conformance with the UN Resolution

(b) Contact Point

Bureau of Trade Measures, Department of Foreign Trade, Ministry of Commerce
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(c) Administrative body for submission of application

See above.

(d) Date and name of publication where licensing procedures are published

Export and Import Act B.E. 2522 (1979) and its Ministerial Regulations (as amended)

(e) Indication of whether the licensing procedure is automatic or non-automatic according to definitions contained in Articles 2 and 3

Currently, under the Export and Import Act B.E. 2522 (1979), 3 types of import licensing procedures which are automatic import licensing, non- automatic import licensing and import certification on agricultural products under tariff rate quota (TRQs) are being utilized.

(f) In the case of automatic import licensing procedures, their administrative purpose

The purposes of utilizing automatic import licensing procedures are to:

- Protect public moral, human, animal or plant life or public health
- Protect national treasures of artistic, historic or archaeological value
- Conserve environment and exhaustible natural resources
- Protect intellectual properties

(g) In the case of non-automatic import licensing procedures, indication of the measure being implemented through the licensing procedure

In general, the application will be rejected for failure to meet the criteria under import controlled regulations. However, they will be given the right to appeal to the authorities concerned for reconsideration.

(h) Expected duration of the licensing procedure if this can be estimated with some probability, and if not, reason why this information cannot be provided

Licensing procedure is ongoing. However, the legislation leaves the designation of products to be licensed to administrative discretion under well defined criteria. All import controlled measures must be approved by the Cabinet before imposing the regulations.
