

(Royal Emblem)

Export and Import of Goods Act (No. 2)

B.E. 2558 (2015)

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BHUMIBOL ADULYADEJ, REX.

Given on the 10<sup>th</sup> Day of September B.E. 2558 (2015);

Being the 70<sup>th</sup> Year of the Present Reign.

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

Whereas, it is deemed appropriate to amend the law on export and import of goods;

His Majesty the King graciously enacts this Act, by and with the recommendation and the approval of the National Legislative Assembly, as follows:

Section 1 This Act shall be called the “Export and Import of Goods Act (No. 2) B.E. 2558 (2015).”

Section 2 This Act shall come into force upon a lapse of ninety days from the date of its publication in the Government Gazette.

Section 3 The definition of “bring in transit” shall be inserted between the definitions of “import” and “competent official” in Section 4 of the Export and Import of Goods Act, B.E. 2522 (1979).

“bring in transit” means bringing or sending goods passing through the Kingdom with the starting and ending points of the transport outside the Kingdom, whether with or without storage, transshipment or addition or change of container in the Kingdom for the purpose of such transport, provided that such goods must not be utilized in the Kingdom.”

Section 4 The following provisions shall be added as Section 5/1 of the Export and Import of Goods Act, B.E. 2522 (1979):

“Section 5/1 In the case where it is necessary or appropriate, the Minister of Commerce, with and by the approval of the Council of Ministers, shall have the power to issue a notification in the Government Gazette specifying any goods brought in transit to be subject to one of the measures under Section 5, taking into account compliance with the international commitments to which Thailand is bound, including facilitations to the transport of goods.”

Section 5 The following provisions shall be added as Section 7/1 of the Export and Import of Goods Act, B.E. 2522 (1979):

“Section 7/1 After the notification specifying any goods which requires a license to bring in transit pursuant to Section 5/1 has been issued, no one shall bring such goods in transit, except with a license from the Minister of Commerce or any person authorized by the Minister of Commerce.

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

Section 6 The provisions of Section 15 and Section 16 of the Export and Import of Goods Act, B.E. 2522 (1979) shall be repealed and replaced by the following:

“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, imported or brought in transit under this Act.

Section 16 The customs law and the powers of the customs officials thereunder specifically concerning examination of goods and prevention of smuggling, search, seizure and forfeiture, or arrest of offenders, false declarations and legal proceedings shall also apply to export, import and bringing in transit under this Act.”

Section 7 The provisions of (1) and (2) of Section 17 of the Export and Import of Goods Act, B.E. 2522 (1979) shall be repealed and replaced by the following:

“(1) To enter any office, place of production or warehouse or any vehicle belonging to the exporter, importer or person bringing in transit 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 offense under this Act has been committed;

(2) to request relevant documents or evidence from an exporter, importer or person bringing in transit or from any person concerned therewith;”

Section 8 The following provisions shall be added as Section 20/1 of the Export and Import of Goods Act, B.E. 2522 (1979):

“Section 20/1 Whoever brings in transit goods specified to be prohibited from being brought in transit pursuant to Section 5/1 or violates paragraph one of Section 7/1 shall be liable to imprisonment for a term not exceeding five years or a fine equivalent to two and a half times the value of such goods brought in transit, or 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 this regard, the provisions of paragraph two, paragraph three, paragraph four and paragraph five of Section 20 shall apply *mutatis mutandis*.”

Whoever violates or fails to comply with the notifications issued under Section 5/1, other than that prescribed in paragraph one, shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding ten thousand Baht, or both.”

Section 9 The following provisions shall be added as Section 22/1 of the Export and Import of Goods Act, B.E. 2522 (1979):

“Section 22/1 Whoever brings in transit goods in violation of or by failure to comply with the notifications issued under Section 15 shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding ten thousand Baht, or both.”

Section 10 The following provisions shall be added as Section 23/1 of the Export and Import of Goods Act, B.E. 2522 (1979):

“Section 23/1 The Director-General of the Customs Department or the Case Settlement Committee under the customs law shall have the power to settle the cases in respect of all offenses under this Act. In this regard, the provisions regarding case settlement under the customs law shall apply to the case settlement under this Act *mutatis mutandis*.”

Section 11 The provisions of (2) and (3) of the surcharge rate attached to the Export and Import of Goods Act, B.E. 2522 (1979) shall be repealed and replaced by the following:

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| “(2) License to import, export, bring in transit | Baht 50 per copy    |
| (3) Certificate of origin                        |                     |
| Certificate of quality or other certificates     |                     |
| under Section 5 (5) and Section 5/1              | Baht 100 per copy.” |

Section 12 All notifications issued under the Export and Import of Goods Act, B.E. 2522 (1979) which are in force on the day preceding the date this Act comes into force shall

continue to be in force insofar as they are not contrary to or inconsistent with this Act until they are replaced by notifications issued under the Export and Import of Goods Act, B.E. 2522 (1979), as amended by this Act.

Section 13 The Minister of Commerce and the Minister of Finance shall have charge and control of the execution of this Act.

Countersigned by:

General Prayut Chan-o-cha

Prime Minister

Remark:- The reason for the promulgation of this Act is that whereas, at present, the transit of goods through the Kingdom and the transshipment in the Kingdom for further shipments to other countries are increasing continuously, it is appropriate to determine measures regulating goods brought in transit to be more stringent in order to prevent goods being brought in transit as a means of smuggling for export or import of goods and to enhance the mechanisms regulating goods brought in transit so as to protect the national interests. Hence, it is necessary to enact this Act.

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