

Tentative Translation

**INDUSTRIAL PRODUCT STANDARDS ACT (NO. 6),  
B.E. 2548 (2005)**

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**BHUMIBHOL ADULYADEJ, REX.**

Given on the 31<sup>st</sup> Day of January, B.E. 2548.

Being the 60<sup>th</sup> Year of the Present Reign.

King Bhumibhol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to amend the law on industrial product standards.

This Act contains certain provisions relating to the restriction of rights and liberties of persons, in respect of which section 29, in conjunction with section 35, section 48, and section 50 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 Assembly, as follows:

**Section 1.** This Act is called the “Industrial Product Standards Act, (No. 6) B.E. 2548”.

**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 provisions shall be added as (2/1) of section 4 of the Industrial Product Standards Act, B.E. 2511:

“(2/1) to enter into agreements with the Government agencies of the foreign countries relating to the certification of inspection or the industrial product standards under section 20 quarter.”

**Section 4.** The provisions of section 5 and section 6 of the Industrial Product Standards Act, B.E. 2511 as amended by the Industrial Product Standards Act (No. 4), B.E. 2531 shall be repealed and replaced by the following provisions:

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\* Published in the Government Gazette, Vol. 122, Part 13 a, dated 4<sup>th</sup> February, B.E. 2548 (2005)

**Section 5.** The Minister, with the approval of the Council, has the power to publish in the Government Gazette designating Government agencies, Government organizations, State enterprises, Government organs, or other agencies, either within or outside the country, to be inspectors of the manufacture of industrial products or inspectors for the inspection of industrial products for further submission to the Council whether or not they conform with the standards.

**Section 6.** The Minister has the power to publish in the Government Gazette determining the rates of expenses for the inspection of the manufacture of industrial products or for the inspection of industrial products or materials under section 16, section 20, section 20 bis, section 21, section 21 bis and section 44 (1) only in respect of the industrial products using the standard marks under section 16 or receiving licences or being permitted under section 20, section 20 bis, section 21, or section 21 bis, as the case may be.

The expenses for the inspection of the manufacture of industrial products or for the inspection of the industrial products or materials under paragraph one shall be collected from the applicant for a licence, the licensee, the person who obtains a permit, the manufacturer, the importer, the seller, or the person having the products for sale, as the case may be.”

**Section 5.** The provisions of section 18 and section 19 of the Industrial Product Standards Act, B.E. 2511 shall be repealed and replaced by the following provisions:

**Section 18.** Before the issuance of a Royal Decree under section 17, the Institute shall provide a hearing of opinions of the representatives of the interested groups or concerned parties, in accordance with the rules and procedures prescribed by the Council.

**Section 19.** Upon rendering the hearing under section 18, the Institute shall proceed to take the result of the hearing into consideration for issuing a Royal Decree under section 17.”

**Section 6.** The provisions of section 20 bis of the Industrial Product Standards Act, B.E. 2511 as amended by the Industrial Product Standards Act (No. 3), B.E. 2522 shall be repealed and replaced by the following provisions:

**Section 20 bis.** In the case where there is necessity to manufacture for use in the Kingdom for a temporary period industrial products different from the determined standard, the Minister may, from time to time, permit the licensee under section 20 to manufacture the industrial products which are required by the Royal Decree to conform with the standard in conformity with a foreign or international standard which may be lower or higher than the standard under this Act.

The foreign or industrial standard under paragraph one must have been approved by the Council and the manufacturing of such industrial products shall be in accordance with the rules and conditions prescribed by the Council.”

**Section 7.** The following provisions shall be added as section 20 ter, section 20 quarter and section 20 qinque of the Industrial Product Standards Act, B.E. 2511:

“**Section 20 ter.** In the case where there is necessity to manufacture for the export benefit industrial products different from the determined standard, the manufacturer of the industrial products which are required by the Royal Decree to conform with the standard shall inform the Institute before manufacturing such industrial products and shall comply with the rules and procedures prescribed by the Council.

Upon being informed under paragraph one, the Institute shall issue a receipt as evidence of information on the date thereof. And the informant may begin the manufacture of the industrial products as from thereon.

**Section 20 quarter.** In the case where there is a regulation of a foreign country, an international agreement, or an agreement between an exporter and an importer prescribing that the industrial products shall not be imported unless they comply with the standard or regulation of the foreign country or the international standard or regulation, the Institute may, subject to the rules and procedures prescribed by the Council, enter into an agreement with an agency of a foreign country in relation to the certification of inspection or the certification of the industrial products, regardless of the fact the industrial products are required by the Royal Decree to conform with the standard or not, and that the agency of the foreign country is a Government agency or a private agency.

**Section 20 qinque.** In respect of the inspection or certification relating to the standards under this Act, the Council may announce the acceptance of the standards or the inspection or certification determined or carried out by other agencies or may entrust other agencies to carry out the inspection or certification or any act relating to the inspection or certification, notwithstanding that such agencies are located within or outside the country or are Government agencies or private agencies. The announcement shall be published in the Government Gazette specifying the related standards, the list of names of the agencies which carry out the inspection or certification, the types of the industrial products, the laboratories, and the scope of inspection or certification.

**Section 8.** The following provisions shall be added as section 21 ter of the Industrial Product Standards Act, B.E. 2511:

“**Section 21 ter.** In granting the permission under section 20 bis, or section 21 bis, the Minister may entrust the Secretary-General of the Industrial Products Standards Institute to act on his behalf.”

**Section 9.** The following provisions shall be added as paragraph four of section 33 of the Industrial Product Standards Act, B.E. 2511 as amended by the Industrial Product Standards Act (No. 3), B.E. 2522:

“In case of informing for manufacture of industrial products different from the standard determined under section 20 ter, the informant shall display the mark or statement that the industrial products are industrial products for export as determined by the Council before taking the industrial products out of the premises where they are manufactured

**Section 10.** The following provisions shall be added as section 36/1 of the Industrial Product Standards Act, B.E. 2511:

“**Section 36/1.** No person shall advertise, sell, or have for sale any industrial product knowing that it is manufactured for export in accordance with section 20 ter unless in selling for export.

**Section 11.** The following provisions shall be added as section 39 ter of the Industrial Product Standards Act, B.E. 2511:

“**Section 39 ter.** The Secretary-General of the Institute has the power to revoke the receipt of information under section 20 ter when it is found that the informant has not exported the industrial products manufactured for any reason whatsoever, or has already exported but they were sent back afterwards, or the informant has not complied with section 33 paragraph four or the rules or conditions prescribed by the Council under section 20 ter.”

**Section 12.** The provisions of section 41 of the Industrial Product Standards Act, B.E. 2511 as amended by the Industrial Product Standards Act (No. 3), B.E. 2522 shall be repealed and replaced by the following provisions:

“**Section 41.** When the order under section 37, section 39, section 39 bis, or section 39 ter has been issued, the Institute shall notify in writing the relevant person of the suspension, revocation, or cancellation. In the case where the relevant person is not found, a notice shall be posted on the establishment stipulated in the licence, permit, or receipt of information, as the case may be, and such person shall be deemed to have knowledge of the order from the date thereof.”

**Section 13.** The provisions of (3) of section 44 of the Industrial Product Standards Act, B.E. 2511 as amended by the Industrial Product Standards Act (No. 4), B.E. 2531 shall be repealed and replaced by the following provisions:

“(3) to seize or attach industrial products in the case where there is a reasonable ground to believe that:

(a) they do not conform with section 16, section 20, section 20 bis, section 20 ter, section 21, section 21 bis, section 29, or section 33 paragraph one or paragraph two;

(b) they do not conform with the rules and conditions prescribed by the Council under section 20 bis paragraph two, section 20 ter paragraph one, or section 21 bis paragraph two;

(c) they are industrial products on which the standard marks is used or displayed in violation of section 31, section 32, section 35; or

(d) they are industrial products for export which the receipt of information has been revoked under section 39 ter.”

**Section 14.** The following provisions shall be added as (2/1) of section 46 of the Industrial Product Standards Act, B.E. 2511 as amended by the Industrial Product Standards Act (No. 4), B.E. 2531:

“(2/1) in case of the industrial products for export which the receipt of information has been revoked under section 39 ter, the Council may order that the industrial products be destroyed.”

**Section 15.** The provisions of section 48 and section 48 bis of the Industrial Product Standards Act, B.E. 2511 as amended by the Industrial Product Standards Act (No. 4), B.E. 2531 shall be repealed and replaced by the following provisions:

“**Section 48.** Any person who fails to comply with section 20 or section 21 shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding one million Baht or to both.

**Section 48 bis.** Any person who manufactures or imports the industrial products under section 20 bis paragraph one, section 20 ter paragraph one, or section 21 bis paragraph one without permission or fails to inform the Institute, or violates or fails to comply with the rules or conditions prescribed by the Council under section 20 bis paragraph two, section 20 ter paragraph one, or section 21 bis paragraph two, as the case may be, or fails to comply with section 33 paragraph two or paragraph four shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding one million Baht or to both.”

**Section 16.** The following provisions shall be added as section 48 ter of the Industrial Product Standards Act, B.E. 2511:

“**Section 48 ter.** Any person who makes a report or any part of the report, adds, cuts, reduces or modifies whatsoever any statement in the report on inspection of the manufacture or of the industrial products which is false in order to mislead any person that the manufacture or the industrial products be in conformity with the standard shall be liable to imprisonment for a term of six months to two years or to a fine from two hundred thousand Baht to two million Baht.

**Section 17.** The provisions of section 50 and section 51 of the Industrial Product Standards Act, B.E. 2511 as amended by the Industrial Product Standards Act (No. 4), B.E. 2531 shall be repealed and replaced by the following provisions:

“**Section 50.** Any licensee who fails to comply with section 24, section 25, section 28, section 33 paragraph one, or section 34 shall be liable to a fine from thirty thousand to three hundred thousand Baht.

**Section 51.** Any licensee who fails to comply with section 29 shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding one million Baht or to both.”

**Section 18.** The provisions of section 52 of the Industrial Product Standards Act, B.E. 2511 shall be repealed and replaced by the following provisions:

“**Section 52.** Any person who violates section 31 or section 32 shall be liable to imprisonment for a term not exceeding three months or to a fine from one hundred thousand to one million Baht or to both.”

**Section 19.** Section 53 of the Industrial Product Standards Act, B.E. 2511 shall be repealed.

**Section 20.** The provisions of section 54 of the Industrial Product Standards Act, B.E. 2511 as amended by the Industrial Product Standards Act (No. 4), B.E. 2531 shall be repealed and replaced by the following provisions:

“**Section 54.** Any licensee who violates section 35 shall be liable to:

(1) in the case of a licensee under section 16, imprisonment for a term not exceeding three months or to a fine from one hundred thousand to one million Baht or to both.

(2) in the case of a licensee under section 20 or section 21, imprisonment for a term not exceeding two years or to a fine not exceeding one million Baht or to both.

**Section 21.** The provisions of section 55 of the Industrial Product Standards Act, B.E. 2511 shall be repealed and replaced by the following provisions:

“**Section 55.** Any person who violates section 36 or section 36/1 shall be liable to imprisonment for a term not exceeding one month or to a fine from five thousand to fifty thousand Baht or to both.”

**Section 22.** The provisions of section 57 ter of the Industrial Product Standards Act, B.E. 2511 as amended by the Industrial Product Standards Act (No. 4), B.E. 2531 shall be repealed and replaced by the following provisions:

“**Section 57 ter.** The Secretary-General of the Industrial Product Standards Institute or the competent official entrusted by him shall have the power to settle all the offences which are liable to a fine only or those liable to a fine or to imprisonment for a term not exceeding one month.

When the offender has paid the fine so fixed, the case shall be deemed to have been settled under the Criminal Procedure Code.”

**Section 23.** The rates of fees attached to the Industrial Product Standards Act, B.E. 2511 shall be repealed and replaced by the rates of fees attached to this Act.

**Section 24.** All the Notifications issued under section 5 or section 6 of the Industrial Product Standards Act, B.E. 2511 which are in force on the date this Act comes into force shall remain in force in so far as they are not contrary to or inconsistent with the provisions of this Act until the Notifications issued under the Industrial Product Standards Act, B.E. 2511 as amended by this Act on that matter have been issued.

**Section 25.** The Minister of Industry shall have charge and control of the execution of this Act.

Countersigned by  
Pol. Lt. Col Thaksin Shinawatra  
Prime Minister