



7 June 2019

(19-3939)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| 1. Notifying Member: <u>THAILAND</u> If applicable, name of local government involved (Article 3.2 and 7.2): |
| 2. Agency responsible: Department of Industrial Works (DIW), Ministry of Industry Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Hazardous Substances Management Division, Department of Industrial Works (DIW), Ministry of Industry Tel.: (662) 202 4108 Fax: (662) 202 4015 E-mail: icrsu@diw.mail.go.th Website: http://www.diw.go.th |
| 3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other: |
| 4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Hazardous Substances |
| 5. Title, number of pages and language(s) of the notified document: Hazardous Substances Act (No.4) B.E. 2562 (2019) (16 page(s), in Thai) |
| 6. Description of content: The updating law stipulated major amendments as the following: <ul style="list-style-type: none">• To state the definition for "Transit" of hazardous substances as to reflect the genuine manner of its activity which is clearly separate from the "Import". This aspect facilitates lower burden and speeds up the customs process for hazardous substances entrepreneurs whereby it reduces the bureaucratic steps from the original processing. The new rules have been established for more appropriate regulation, for instance, as the following:<ul style="list-style-type: none">- Requirements for damage insurance.- Identifying the specific customs border for "transit" of hazardous substances.- Upon the completion of all "transit" activities, the respected commodity shall be exported within 5 days from its release by the import customs check point.- The "transit" licensee shall be a legally registered hazardous substances importer-exporter under the Kingdom of Thailand's legislation.- Determining the "transit" license fee. |

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| <ul style="list-style-type: none"> • To impose a waiver for substances that are necessary to be brought back or returned, in order to reduce the excessive duty from repeating the same procedure, provided that the responsible authority provisions and conditions are flowed. • To establish provisions aimed at exemption for unitizations of hazardous substances under the purposes of study, analysis, research and development. This prosperous rule will reduce undue burden and introduce more efficient in practice. • With respect to the regulation of hazardous substances advertisement, the related provision has been stipulated enabling full supervision by its own authority. The section shall comprehensively invalidate the previous implementation under the consumer protection legislation. • To stipulate provisions in accordance to the payment of preliminary damage: it compensates those who have been adversely affected by hazardous substances including the responding agency. In case the commodity has been insured, the compensation shall be paid beforehand without liability approval. • Additional provisions: The responsible agency shall demand the importer or "transit" operator, that violates or does not comply with the law, to urgently deliver of hazardous substances outside the Kingdom of Thailand and once determine that such hazardous substances shall not be destroyed or manipulated in the Kingdom of Thailand, the responsible agency shall collect hazardous substances sample(s) as necessary evidence for the proceedings. |
| <p>7. Objective and rationale, including the nature of urgent problems where applicable: As a result of long placed existing legislation for control hazardous substances, the provisions shall be amended as to keep it updating / modernizing for prevailing emerging issues and enhancing more effective implementation. In the view of providing more feasible, effective and convenient operation for related stakeholders and also introducing advertising supervision control. The provisions promotes more safety and beneficial to human and environment.</p> |
| <p>8. Relevant documents:</p> <ul style="list-style-type: none"> • Hazardous Substances Act (No.4) B.E. 2562 (2019) • Hazardous Substances Act B.E. 2535 (1992) |
| <p>9. Proposed date of adoption: 30 April 2019</p> <p>Proposed date of entry into force: 180 days from publication in the Kingdom of Thailand's Government Gazette (28 October 2019)</p> |
| <p>10. Final date for comments: Not applicable</p> |
| <p>11. Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:</p> <p>WTO/TBT Enquiry Point and Notification Authority Thai Industrial Standards Institute Tel: (66 2) 202 3504, 202 3523 Fax: (66 2) 202 3511, 354 3041 E-mail: thaitbt@tisi.mail.go.th Website: http://www.tisi.go.th</p> <p>https://members.wto.org/crnattachments/2019/TBT/THA/19_3337_00_x.pdf</p> |