

Notification

Committee Executing the Rice Trading Act, B.E. 2489 (A.D. 1946)

No. 150, B.E. 2560 (A.D. 2017)

Instructing Rice Traders to Apply for Rice Trading Permits, Specification of Conditions in Rice Trading Permits and Revocation of Rice Trading Permits

The Committee Executing the Rice Trading Act, B.E. 2489 (A.D. 1946) previously issued the Notification of the Committee Executing the Rice Trading Act, B.E. 2489 (A.D. 1946), No. 146, B.E. 2558 (A.D. 2015), on Instructing Rice Traders to Apply for Rice Trading Permits, Specification of Conditions in Rice Trading Permits and Revocation of Rice Trading Permits, dated 24 June 2015 and the Notification of the Committee Executing the Rice Trading Act, B.E. 2489 (A.D. 1946), No. 148, B.E. 2558 (A.D. 2015), on Revisions of Instructions for Rice Traders to Apply for Rice Trading Permits, Specification of Conditions in Rice Trading Permits and Revocation of Rice Trading Permits, dated 1 September 2015, in order to instruct rice traders to apply for rice trading permits, specify conditions in rice trading permits and revoke rice trading permits.

It is currently deemed fitting to revise the term of rice trading permits and drafting and submission of rice trading reports in addition to revocation of rice trading permits to increase suitability.

Therefore, by virtue of Section 8 (1), Section 9, Section 12, Section 13 and Section 15 of the Rice Trading Act, B.E. 2489 (A.D. 1946), which was revised by the Rice Trading Act, No. 2, B.E. 2489 (A.D. 1946), the Committee Executing the Rice Trading Act, B.E. 2489 (A.D. 1946), hereby issues the following notification:

1. This notification shall become effective on the date subsequent to its publication in the Royal Thai Government Gazette.

2. The following are hereby repealed:

(1) Notification of the Committee Executing the Rice Trading Act, B.E. 2489 (A.D. 1946), No. 146, B.E. 2558 (A.D. 2015), on Instructing Rice Traders to Apply for Rice Trading Permits, Specification of Conditions in Rice Trading Permits and Revocation of Rice Trading Permits, dated 24 June 2015.

(2) Notification of the Committee Executing the Rice Trading Act, B.E. 2489 (A.D. 1946), No. 148, B.E. 2558 (A.D. 2015), on Revisions of Instructions for Rice Traders to Apply for Rice Trading Permits, Specification of Conditions in Rice Trading Permits and Revocation of Rice Trading Permits, dated 1 September 2015.

Section 1

Rice Trading Permit Application

3. The following entities operating in rice trading as their normal trade are required to apply for rice trading permits and may trade in rice only once a permit is obtained:

(1) International rice export in type of ordinary exporter, boxed or packaged rice exporter, or border exporter

(2) International rice import

(3) Rice milling

(4) Rice broker

(5) Wholesale

(6) Rice trading place

4. In cases where the rice trader already holds a rice trading permit, as of the effective date of this notification, the aforementioned rice trader will be deemed as already holding a rice trading permit pursuant to this notification and will be allowed to continue trading in rice up until the expiration of the aforementioned permit in compliance with the specifications in Clause 18, Clause 20, Clause 21, Clause 22 or Clause 23, as the case may be, including the conditions stipulated in the permit.

5. Rice traders who have previously been revoked of their rice trading permit may apply for a rice trading permit once the period of revocation of the rice trading permit has elapsed.

6. The rice trading permit application form used in Clause 3 must be compliant with the form specified by the Committee and accompanied with the evidence shown in the appendix to this notification.

7. Rice trading permit applications by rice traders who export rice for international sales of the type of ordinary exporter, rice milling or rice trading place that are juristic persons of the types of limited company, public limited company and state enterprise of the company type must be signed by at least one person of Thai nationality with binding signatory authority.

8. Rice trading permit applications can be submitted to competent officers at designated places or by electronic data systems.

In submitting rice permit applications to the competent officers in Paragraph 1, the following government facilities are to be used:

(1) For persons with main offices in Bangkok Metropolis, applications are to be submitted at the Department of Internal Trade, Ministry of Commerce.

(2) For persons with a main office in local areas or other provinces, applications are to be submitted at the office of commerce of the respective province of the locality.

Persons intending to submit rice trading application forms electronically are required to sign a memorandum of understanding with the Department of Internal Trade under the Ministry of Commerce first.

9. Rice traders who are international rice exporters are required to clearly state in rice trading permits whether they are ordinary exporters or boxed or packaged rice exporters with net white rice weight not exceeding twelve kilograms per box or package or border exporters.

Section 2

Issuance of Rice Trading Permits

10. When competent officers receive rice trading permit applications, they are to examine all documentary evidences and state their opinions prior to presenting the applications to an authorized party for consideration of approval.

In cases where documentary evidence is incomplete, the competent officer is to notify the rice trading applicant for revisions and resubmission within seven business days from the date of receipt of the notification. If the rice trading permit applicant does not complete the aforementioned actions within the specified period of time, the aforementioned application is to be discarded.

11. Competent officers authorized to make decisions and approve rice trading permits are to complete deliberations on the date of submission or the next morning at the latest.

The period in Paragraph 1 is to be counted beginning from the receipt of the application and proper submission of all documentary evidences.

In cases where a necessary situation arises preventing the competent officer from issuing rice trading permits within the period set forth in Paragraph 1, an extension can be made for an additional two days. However, a notification of the extension and its necessity must be delivered to the rice trader submitting the application for acknowledgement.

12 Rice trading permits must be made in the form specified by the Committee as appended to this notification. Additionally, competent officers are required to hold copies as evidence.

13. Applications must be submitted in the form specified in the appendix to this notification in order to revise rice trading permits. Such applications must be submitted together with the original permit and evidence of revisions in the rice trading permit.

14. In cases where a rice trading permit becomes damaged, destroyed or lost, an application is to be submitted for a substitute of rice trading permit in the form specified in the appendix to this notification in addition to the original rice trading permit or evidence of reporting to inquiry officers in cases where the permit is missing.

15. In filing the applications in Clauses 13 and 14, applications must be submitted to the competent officers in Clause 8 within 15 days from the date of revision of the rice trading permit or knowledge of damage, destruction or loss of the rice trading permit in the form specified in the appendix to this notification.

The statements in Clause 11 are to apply to considerations of revisions of permits and issuances of substitute of permits *mutatis mutandis*.

16. Rice trading permits shall expire one year from the date of issuance.

Rice trading permit renewal applications must be submitted before the expiration of rice trading permits along with the original rice trading permit and documentary evidences accompanying the application in Clause 6.

17. Persons who cease trade in rice are required to inform the competent officers in Clause 8 within fifteen days from the cessation of trade in rice in the form specified by the Committee as appended to this notification.

Section 3

Specification of Conditions in Rice Trading Permits

18. Rice trading permit recipients for international rice export in type of ordinary exporter are to comply with the conditions specified in their permits as follows:

(1) No less than five hundred metric tons of rice under proprietary rights for companies with registered capital not exceeding twenty million baht and at least one thousand metric tons for companies with registered capital exceeding twenty million baht within a period of fifteen days from the date of issuance of the rice trading permit and for the entire term of the rice trading permit.

(2) Store rice in the rice storage facilities pursuant to submitted evidence.

(3) Report changes, increases and reductions in the number of rice storage facilities in writing to competent officers within fifteen days from the date of change, increase, reduction of the number of rice storage facilities.

(4) Use rice weighing and humidity measurement instruments that are certified by the Department of Internal Trade in compliance with the laws governing measurement units. Do not use or have for use weighing or measurement machines with precision settings that exceed the specified allowance rate and do not take any action to cause certified weighing or measurement instruments to display weights or quantities that deviate from specified precision inspection and allowance scales.

(5) Make purchases and sales in the metric unit of measurements and do not take advantages in purchase-sales, weighing, payments and deductions apart from purchases and sales.

19. The statements in Clause 18 (1), (2) and (3) do not apply to the following:

(1) State enterprises or companies in which government bodies or state enterprises have invested capital

(2) Cooperatives and groups of farmers

(3) Rice traders who are international rice exporters who export rice in boxes or packages with net white rice weight not exceeding twelve kilograms per box or package

(4) International rice traders who are border exporters

20. Rice trading permit recipients of international rice export type who are boxed or packaged rice exporters are required to follow the conditions specified in their permits as follows:

(1) Export for international sale only white rice packaged in boxes or packages with net rice weight not exceeding twelve kilograms per box or package.

(2) Use rice weighing and humidity measurement instruments that are certified by the Department of Internal Trade in compliance with the laws governing measurement units. Do not use or have for use weighing or measurement machines that have precisions that exceed the specified allowance rate and do not take any action to cause certified weighing or measurement instruments to display weights or quantities that deviate from specified precision inspection and allowance scales.

(3) Make purchase and sales in the metric unit of measurements and do not take advantages in purchase-sales, weighing, payments and deductions apart from purchase and sales.

21. Rice trading permit recipients of international rice export type who are border exporters are required to follow the conditions specified in their permits as follows:

(1) Export rice for sale only in countries adjacent to the border province in which the permit holder is located with rice export value not exceeding five million baht per day.

(2) Use rice weighing and humidity measurement instruments that are certified by the Department of Internal Trade in compliance with the laws governing measurement units. Do not use or have for use weighing or measurement machines that have precisions that exceed the specified allowance rate and do not take any action to cause certified weighing or measurement instruments to display weights or quantities that deviate from specified precision inspection and allowance scales.

(3) Make purchase and sales in the metric unit of measurements and do not take advantages in purchase-sales, weighing, payments and deductions apart from purchases and sales.

22. Rice trading permit recipients of the rice broker type are required to follow the conditions specified in their permits without taking advantages in purchase-sales, payments and deductions apart from purchases and sales.

23. Rice trading permit recipients of the rice milling type or the rice trading place type are required to follow the conditions specified in their permits as follows:

(1) Use rice weighing and humidity measurement instruments that are certified by the Department of Internal Trade in compliance with the laws governing measurement units. Do not use or have for use weighing or measurement machines that have precisions that exceed the specified allowance rate and do not take any action to cause certified weighing or measurement instruments to display weights or quantities that deviate from specified precision inspection and allowance scales.

(2) Not take advantage of farmers in purchase-sales, weighing, weight deductions for humidity and contaminants.

(3) Not forge rice.

(4) Strictly follow the policies and government regulations related to the rice trade.

Section 4

Rice Trading Reporting

24. Rice trading permit recipients of the international rice export, international rice import, rice milling, rice broker, wholesale and rice trading place types are exempt from the requirement to create daily rice trading reports, but are required to submit rice trading reports monthly on the seventh day of each subsequent month to competent officers in Clause 8 in the form specified by the Committee in the appendix to this notification.

The reports in Paragraph 1 can be filed by registered mail, fax or electronic data systems. The date when the daily seal was affixed at the origin postal office shall be considered as the filing date. In cases involving filing by fax, the date of receipt of the fax shall be deemed the date of expression of intention to submit a report. As for submission by electronic data systems, the date of entry of electronic data into the data system of the Department of Internal Trade, Ministry of Commerce, is to be the date of expression of intention to report.

Submission of reports by fax in Paragraph 2 shall be deemed complete only once the rice trading permit recipient has already submitted original documents to competent officers.

Rice traders that intend to submit reports by electronic data systems are required to sign a memorandum of understanding with the Department of Internal Trade first.

Section 5

Revocation of Rice Trading Permits

25. In cases where a rice trading permit recipient of the international rice export, rice broker, rice milling or rice trading place type does not comply with or violates any of the conditions in Clause 18, Clause 20, Clause 21, Clause 22 or Clause 23, as the case may be, the Director-General of Department of Trade or provincial governor, who is an authorized competent officer, as the case may be, with the approval of the Committee, for the revocation of rice trading permit as follows:

(1) For first-time breach of conditions, order to revoke the permit shall be issued for no more than six months.

(2) For second-time breach of conditions, order to revoke the permit shall be issued for no more than two years.

26. In considerations involving the revocation of rice trading permits in Clause 25, the Director-General of Department of Internal Trade or provincial governor is required to give opportunities for the rice trading permit recipient and related competent officers to provide explanations and present evidence to accompany their explanations as deemed fitting.

27. Orders to revoke rice trading permits must be made in writing and delivered to rice trading permit recipients by registered mail. Furthermore, the rice trading permit recipients shall be deemed as having received said orders once seven days have passed since the date of delivery.

28. Rice trading permit recipients who receive permit revocation orders in Clause 25 but disagree with the aforementioned order have the right to submit an appeal to the Director-General of Department of Internal Trade or provincial governor, as the case may be, within 30 days from the date of acknowledgement of the aforementioned order.

29. The Director-General of Department of Internal Trade or provincial governor is required to complete deliberations for each appeal within thirty days from the date of receipt.

In cases where the Director-General of Department of Internal Trade or provincial governor disagrees with the appeal either in whole or in part, a report of opinion accompanied by reasoning shall be submitted to the Committee within thirty days from the date of receipt of the appeal.

30. The Committee will complete deliberations for the appeal within a period of thirty days from the date of receipt of the report then submit its decisions in writing to the appellant.

The statements in Clause 27 shall apply to notifications of decisions *mutatis mutandis*.

31. In necessary cases where considerations cannot be completed within the period in Clause 29 or Clause 30, the party authorized to deliberate on the appeal is to issue a notification to the appellant for acknowledgement prior to the conclusion of the aforementioned period. In this regard, an extension is allowed for no more than fifteen days; however, the reasoning and requirements for the time extension must be stated in the decisions.

32. Any action that is completed or subject to ongoing considerations in the Notification of the Committee Executing the Rice Trading Act, B.E. 2489 (A.D. 1946) that is terminated in Clause 2 and exists on the effective date of this notification can be completed under the criteria, conditions and methods prescribed by this notification.

Notified on 9 February 2017

-Signature-

Apiradi Tantraporn
Minister of Commerce
Chairman of Committee Executing the Rice Trading Act,
B.E. 2489 (A.D. 1946)