

PANORAMIC

TRADE & CUSTOMS

Thailand



LEXOLOGY

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LEGAL FRAMEWORK

Domestic legislation

What is the main domestic legislation as regards trade remedies?

Trade remedies in Thailand are regulated by the Anti-dumping and Countervailing Act, B.E. 2542 (1999), as amended by the Anti-dumping and Countervailing Act (No.2) B.E. 2562 (2019) (AD/CVD Act) and the Safeguard Measures on Increased Imports Act, B.E. 2550 (2007) (SG Act).

The AD/CVD Act is the primary legislation governing anti-dumping (AD) and countervailing duty (CVD) investigations. The SG Act applies to safeguard investigations. Both of these main laws are supplemented by ministerial regulations and notifications issued by the Ministry of Commerce, the Committee for Anti-dumping and Countervailing (AD/CVD Committee), the Safeguard Committee (SG Committee), and the Department of Foreign Trade (DFT).

The domestic legislation as regards trade remedies is listed on the [DFT website](#).

Law stated - 11 October 2024

International agreements

In general terms what is your country's attitude to international trade? Has it raised tariffs in the last year?

The orientation of the Thai economy towards international trade is based on the export-led growth model, hence the country's liberal attitude towards free trade, both import and export. In particular, the Thai government's proactive free trade agreement strategy is conceived as a means of ensuring that goods produced in Thailand will have access to markets beyond Thailand's borders, and to establish Thailand as a strategic investment location in the region.

To date, Thailand has concluded 14 bilateral and regional trade agreements with all ASEAN (Association of Southeast Asian Nations) countries, as well as China, India, Japan, South Korea, Australia and New Zealand, among others. In addition, in 2021 Thailand also concluded and ratified the accession to the Regional Comprehensive Economic Partnership Agreement, the world's largest trade agreement, covering a population of 2.2 billion and 30 per cent of the world's gross domestic product.

In addition to the existing trade agreements, Thailand is also negotiating or will begin negotiating new trade agreements with its strategic trade partners, such as the European Union, the European Free Trade Association, Turkey, Pakistan, Canada and the United Arab Emirates.

Thailand has not raised its applied tariffs on imported goods in the past year.

Law stated - 11 October 2024

TRADE DEFENCE INVESTIGATIONS (OUTSIDE THE WTO DISPUTE SETTLEMENT SYSTEM)

Government authorities

Which authority or authorities conduct trade defence investigations and impose trade remedies in your jurisdiction?

The Department of Foreign Trade (DFT), an agency of the Ministry of Commerce, is the authority empowered by the Anti-dumping and Countervailing Act (AD/CVD Act) and the Safeguard Measures on Increased Imports Act (SG Act) to conduct trade remedy investigations under the mandate of the Committee for Anti-dumping and Countervailing (AD/CVD Committee) and the Safeguard Committee (SG Committee), respectively. The Committees are empowered by law to authorise the initiation and termination of trade remedy investigations and impose trade remedy measures on subject imports.

Law stated - 11 October 2024

Complaint filing procedure

What is the procedure for domestic industry to start a trade remedies case in your jurisdiction? Can the regulator start an investigation ex officio?

To initiate a trade remedy case, a written complaint or petition for a trade remedy investigation must be submitted to the DFT for consideration.

The petition for a trade remedies case must contain prima facie evidence demonstrating that all substantive criteria for imposing trade remedy measures have been fulfilled. For example, a petition for an anti-dumping (AD) investigation must contain prima facie evidence that dumping exists (eg, based on sample sales invoices of exporters), material injury has occurred to the domestic industry, and there is a causal link between dumped imports and the injury incurred. Typically, the prima facie standards required by the DFT with respect to trade remedy petitions are high, and it is not unusual for several drafts of a petition to be submitted and revised before the DFT is satisfied with the information and supporting evidence. Notwithstanding the above, based on the Notification of the Ministry of Commerce issued in 2021, a timeline is imposed on the petitioner whereby they must revise any shortcomings as requested by the DFT within four months of the first submission date. Once the petition passes muster at the DFT, it will be submitted to the relevant committee with the DFT's recommendations thereon. The final decision on whether to initiate the investigation lies with the Committees.

Standing requirements must be met by domestic producers in order to represent the domestic industry. For AD and countervailing duty (CVD) investigations, section 33 of the AD/CVD Act imposes a 25 per cent minimum standing requirement for a domestic industry (ie, the petition must be supported by the domestic producers of like product whose collective output is more than half of the total production of the like product produced by the domestic producers expressing either support for or opposition to the petition, provided that the supporters' production must account for not less than one-quarter of the domestic total production of the like product). In addition, once the investigations are initiated, section 24 of the AD/CVD Act requires a domestic industry to have a major proportion of collective output. Under section 24, major proportion means 'more than half of the total domestic production of the like product' (ie, 50 per cent or greater). For safeguards, the SG Act only requires that, to represent a domestic industry, the domestic producer applicants' production output is a major proportion of the total collective output of all domestic producers.

The AD/CVD Committee cannot initiate an original trade remedy investigation ex officio in the absence of a complaint or petition from the DFT or domestic producers who have legal standing. However, the AD/CVD Act authorises the AD/CVD Committee to initiate a subsequent review of the measures ex officio.

Law stated - 11 October 2024

Contesting trade remedies

What is the procedure for foreign exporters to defend a trade remedies case in your jurisdiction?

Upon the initiation of a trade remedy investigation, the notice of initiation will be published in the Royal Gazette. In addition, the notice of initiation will also be published on the DFT's website, and the foreign exporters' questionnaire and a copy of the non-confidential petition will usually accompany the notice of initiation. Known foreign exporters (usually those which have been identified and listed in the complaint) and the embassies of the relevant countries in Thailand will also be notified. In a few cases, the questionnaire will later be sent to the known foreign exporters by registered mail.

In Thai trade remedy practice, interested parties normally have 15 days from the date of investigation initiation to present opinions supporting or objecting to the petition or to provide notice of their intention to give an oral presentation. In both cases, the opinion and the notice must be in writing. It should be noted that once this 15-day statutory deadline lapses, the merits of the petition as such will no longer be scrutinised, although interested parties may still respond to the relevant questionnaires and comment on the injury investigation. The interested parties have 37 days to submit their responses, and if additional time is required, the DFT will normally grant a two-week extension with cause. If additional time is still required upon good cause being shown, the DFT will normally grant a further two-week extension, although the period of an extended deadline to submit the questionnaire response may not exceed 30 days in total. Under Thai law and current DFT practice, an interested party may submit its comment on injury facts and issues at any time during the investigation.

The time limit for completing AD and CVD investigations in Thailand is one year, with a possible extension of up to six months. With regard to safeguard investigations, the SG Act requires these to be completed within 270 days from the date of initiation, with a possible extension of up to 90 days.

Law stated - 11 October 2024

WTO rules

Are the WTO rules on trade remedies applied in national law?

Thailand is a member of the WTO. As Thailand operates under a dualist system of jurisprudence, the WTO laws and rules on trade remedies do not have the direct force of law in Thailand. However, Thailand has enacted key legislation on AD and CVD duties and safeguards that is broadly in line with the WTO discipline on trade remedy investigations.

Notwithstanding the above, where Thai laws are silent or the issues are not specifically addressed under Thai law, the interested parties may bring up the applicability of WTO rules on the issue in question. In the judicial review proceedings with respect to the AD investigation on glass block from Indonesia, the Intellectual Property and International Trade Division of the Thai Supreme Court cited relevant WTO law as the authority. In taking into account the phrase 'upon good cause shown' provided under article 6.5 of the Anti-Dumping Agreement (ADA), even though this phrase did not appear in the AD/CVD Act, the court reasoned that article 6 of the ADA, the AD/CVD Act and the Dispute Settlement Understanding had to be interpreted together in judicial review proceedings conducted by the court.

In the case of safeguard actions, pursuant to section 41 of the SG Act, when the safeguard measures specified by an international agreement that Thailand is a party to differ from those specified in the Act, any implementation in terms of procedures and conditions shall be in accordance with the obligations that Thailand has committed to under each specific agreement.

Historically, the DFT has not classified any countries as non-market economies in its AD and CVD investigations.

Law stated - 11 October 2024

Appeal

What is the appeal procedure for an unfavourable trade remedies decision? Is appeal available for all decisions? How likely is an appeal to succeed?

As a general rule in Thailand, governmental actions are subject to judicial review by the Administrative Court, unless provided otherwise by law. Pursuant to section 61 of the AD/CVD Act, determinations in AD and CVD duties investigations are subject to review by the Thai Central Intellectual Property and International Trade Court (IPIT Court). The interested parties wishing to appeal a final determination made by the AD/CVD Committee may file their appeal to the IPIT Court within 30 days of the date of the final determination. If interested parties are not satisfied with the judgment or order of the IPIT Court, they may appeal to the Court of Appeal for Specialised Cases, and subsequently the Supreme Court of Thailand.

In the case of safeguard actions, since there is no legal provision regarding the appeal process, decisions concerning safeguards (as administrative orders) are subject to judicial review by the Administrative Court of First Instance under the general rules set out in the Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E. 2542 (1999), as amended in 2021. Judicial reviews in safeguard investigations must generally be initiated within 90 days of the date on which the complainant became aware or should have been aware of the alleged illegality in the disputed determination. If interested parties are not satisfied with the judgment or order of the Administrative Court of First Instance, they can appeal to the Supreme Administrative Court of Thailand.

Law stated - 11 October 2024

Review of duties/quotas

How and when can an affected party seek a review of the duty or quota? What is the procedure and time frame for obtaining a refund of overcharged duties? Can interest be claimed?

Pursuant to section 56 of the AD/CVD Act, any interested party, including an affected foreign exporter, may request an interim review of the AD or CVD duties by submitting an interim review application to the DFT after the measures have been imposed for at least one year. An interim petition must contain prima facie evidence demonstrating a change in circumstance of dumping or injury, or both. Once the interim review is initiated, it must be concluded within one year without any extension.

In addition to an interim review investigation, an importer may request a refund of AD duty paid for a specific imported shipment, pursuant to section 59 of the AD/CVD Act. The request must be made within six months of the date of payment of such duty, based on evidence of no dumping margin or that the duty imposed exceeded the dumping margin.

Law stated - 11 October 2024

Compliance strategies

What are the practical strategies for complying with an anti-dumping/countervailing/safeguard duty or quota?

Different trade remedies call for different practical strategies and considerations. For example, a practical strategy for minimising the impact of an AD duty would be to request an interim review based on a change of circumstance in dumping margins, and the interested party could begin the preparation well before the onset of the one-year anniversary. With regard to safeguards, in light of Thailand's propensity to apply a safeguard surcharge, an interested party or subject country should consider requesting quotas on favourable terms prior to the imposition of the safeguard measures.

Law stated - 11 October 2024

CUSTOMS DUTIES

Normal rates and notification requirements

Where are normal customs duty rates for your jurisdiction listed? Is there an exemption for low-value shipments, if so, at what level? Is there a legally binding system of information for applied tariffs or similar in place? Are there prior notification requirements for imports?

The current normal customs duty rates (the bound rates) and the applied tariff rates are listed on the Customs Department website.

For low-value shipments, Thai customs law exempts goods valued under 1,500 baht from import duties. However, as of 5 July 2024, Thailand has revoked the VAT exemption for imported goods under 1,500 baht. As a consequence, such goods remain exempt from import duties but are now subject to VAT.

As for the prior notification requirement, in general, operators are not required to notify the Customs Department prior to importation. However, for some specific products, such as cassava or cassava products, importers may be required to notify the relevant departments, such as the Department of Foreign Trade or the Customs Department, about their importation prior to the importation date.

Law stated - 11 October 2024

Special rates and preferential treatment

Where are special tariff rates, such as under free trade agreements or preferential tariffs, and countries that are given preference listed?

The preferential tariff rates under Thailand's free trade agreements are listed on the [Department of Trade Negotiations \(DTN\) website](#). The list includes preferential tariff rates pursuant to:

- ASEAN Trade in Goods Agreement (ATIGA);
- Thailand-Australia Free Trade Agreement (TAFTA);
- Thailand-New Zealand Closer Economic Partnership (TNZCEP);
- Japan-Thailand Economic Partnership Agreement (JTEPA);
- Thailand-India Free Trade Agreement (TIFTA);
- ASEAN-China Free Trade Agreement (ACFTA);
- ASEAN-Japan Comprehensive Economic Partnership (AJCEP);
- ASEAN-Republic of Korea Free Trade Agreement (AKFTA);
- ASEAN-India Free Trade Agreement (AIFTA);
- ASEAN-Australia-New Zealand Free Trade Area (AANZFTA);
- Agreement on Closer Economic Partnership between the Government of Thailand and the Government of the Republic of Peru (TPCEP);
- ASEAN-Hong Kong, China Free Trade Agreement (AHKFTA);
- Thailand-Chile Free Trade Agreement (TCFTA); and
- Regional Comprehensive Economic Partnership Agreement (RCEP).

Please note that Thailand does not grant generalised system of preferences (GSP) preferential rates.

Law stated - 11 October 2024

Special rates and preferential treatment

How can GSP treatment for a product be obtained or removed?

This question is not applicable as Thailand, as a developing country, does not grant GSP preferential rates.

Special rates and preferential treatment

Is there a duty suspension regime in place? How can duty suspension be obtained?

The Customs Department permits duty suspensions as follows:

1. Exemption: full or partial exemption of duty for certain types of goods included in Part 4 of the Customs Tariff Decree B.E. 2530, such as goods for temporary display at exhibitions that are re-exported within six months of the importation date, samples of goods with no commercial value, military hardware, etc.
2. Duty drawback: the Customs Department will refund import duty paid or return guarantees placed on imports for goods that were imported and have undergone production, mixing, assembling or packing and are then re-exported to a foreign destination or for use on board a ship or aircraft that will leave Thailand within one year of the date of importation.
3. Duty refund for re-export: In cases where imported goods have been imported into Thailand but are then re-exported in the same form as originally imported without further processing within one year of the importation date, importers may request a duty refund. Such goods must not have been used domestically prior to re-export.
4. Bonded warehouse: goods that are stored, exhibited, produced, mixed, assembled or packaged in a bonded warehouse are suspended from payment of taxes and duties until they are taken for domestic consumption. If the imported goods are released from the bonded warehouse for the purpose of exportation, the goods are exempt from payment of import and export taxes and duties.
5. Free zone: imports of specific goods or machinery into a customs or Industrial Estate Authority of Thailand (I-EA-T) free zone for industrial or commercial purposes or any other activities that are considered to benefit the Thai economy are exempt from import duties. Goods released from the free zone for exportation are also exempt from export duties.
6. Board of Investment (BOI): tax and duty privileges are granted to companies eligible for investment promotions and privileges under the Board of Investment Act B.E. 2520 (1977), as amended in 2017, whereby they are exempt from or enjoy reduced import duty rates on machinery or materials imported for use in the promoted business in the BOI project.

To obtain these duty suspensions, importers and exporters may be required to obtain approval or specific licences from the Customs Department, Board of Directors of the Industrial Estate Authority of Thailand, or the BOI (in the case of (5) and (6) above) prior to or after import or export of goods.

Special rates and preferential treatment

Has your country applied tariffs for 'national security' reasons?

No. Thailand does not impose tariffs for national security reasons.

Law stated - 11 October 2024

Challenge

Where can customs decisions be challenged in your jurisdiction? What are the procedures?

A party may challenge a decision of a customs official by appealing to the Appeal Committee or the competent court, depending on the nature of the customs decisions, as follows:

Customs duty assessment orders

Under the Customs Act B.E. 2560 (2017), importers and exporters are entitled to appeal an assessment of customs officials, such as duty determinations or tariff classification rulings, to the Appeal Committee within 30 days of receiving the notice of assessment. Once an assessment decision is made by the Appeal Committee, the importers or exporters are entitled to appeal the decision of the Appeal Committee by filing a case with the Central Tax Court within 30 days of receiving the appellate decision, except when the Appeal Committee has dismissed the appeal because the appellant has withdrawn their appeal.

Other customs orders

Orders issued by customs officials unrelated to duty assessments, such as orders involving the seizure or detention of property, are considered general administrative orders. The appeal procedures for such orders fall under the Administrative Procedure Act, B.E. 2539 (1996).

Under the Administrative Procedure Act, individuals adversely affected by administrative orders have the right to appeal to the officials who issued such orders within 15 days of receiving the notification of such orders. Upon receipt of the appeal, the officials must review the administrative order within 30 days. If the official disagrees with the appeal, they are required to forward their opinion to the authorised person within the same 30-day period. The authorised person must then complete their review and make a final determination on the appeal within 30 days of receiving the report.

Appellants dissatisfied with the decision may seek judicial review by filing a complaint with the Administrative Court of First Instance within 90 days of the date the appellant became aware or should have become aware of such decision. If the appellant is not satisfied with the judgment or order of the Administrative Court of First Instance, they can appeal to the Supreme Administrative Court of Thailand.

Law stated - 11 October 2024

TRADE BARRIERS

Government authorities

What government office handles complaints from domestic exporters against foreign trade barriers at the WTO or under other agreements?

The Department of Foreign Trade (DFT) is the central government office for the administration of complaints from domestic exporters regarding foreign trade barriers. Specific bureaus under the DFT are responsible for complaints based on the type of trade barriers that fall under their authority, namely:

- tariff barriers: Bureau of Merchandise Trade Administration; and
- non-tariff barriers:
 - quantitative measures (ie, quota): Bureau of Merchandise Trade Administration; and
 - qualitative measures (ie, technical barriers to trade (TBT), sanitary and phytosanitary (SPS), environmental and labour measures): Bureau of Trade Measures and Bureau of National Imports-Exports and Product Standards.

Government offices other than the DFT administer specific types of qualitative non-tariff measures:

- TBT for industrial products (except food and agricultural products): Thai Industrial Standards Institute under the Ministry of Industry;
- SPS for food and agricultural products: National Bureau of Agricultural Commodity and Food Standards under the Ministry of Agriculture and Cooperatives;
- environmental measures (ie, eco-labelling, conservation of natural resources): Ministry of Natural Resources and Environment; and
- labour measures (ie, non-discrimination of employment and occupation, imported goods must not be manufactured by child workers or prisoners): Ministry of Labour.

However, if an interested party is uncertain as to which specific government office handles its complaint, it can file a complaint directly with the DFT, which will then forward the complaint to the responsible government office.

Law stated - 11 October 2024

Complaint filing procedure

What is the procedure for filing a complaint against a foreign trade barrier?

There is no formal procedure for filing a complaint against a foreign trade barrier, specifically non-tariff barriers. As a matter of practice, the domestic exporters may file a formal complaint letter with the Director General of the DFT, or the Director General of other government offices (if the domestic exporters can identify the specific government office overseeing the related products or issues). The receiving government office will then evaluate the complainant's request and proceed with appropriate measures to defend the complainant's interests, including consultation between the Thai and foreign authorities or escalation of the issues to negotiations round under the WTO, or both.

Law stated - 11 October 2024

Grounds for investigation

What will the authority consider when deciding whether to begin an investigation?

The Thai authority will consider the merits of the reported trade barrier that breaches any concession or Thailand's interests under the WTO or other relevant agreements.

Law stated - 11 October 2024

Measures against foreign trade barriers

What measures outside the WTO may the authority unilaterally take against a foreign trade barrier? Are any such measures currently in force?

As a member state, Thailand is obligated to follow all rules and regulations of the WTO. In other words, the Thai authority does not take measures outside the WTO regulations when taking measures against a foreign trade barrier.

Law stated - 11 October 2024

Private-sector support

What support does the government expect from the private sector to bring a WTO case?

Generally, the government will allocate a budget to cover all expenses in WTO case proceedings. Financial support from the private sector is therefore not expected, although the private sector may voluntarily support the government if it wishes to do so. Apart from financial support, the government may request the private sector to provide other support as needed, depending on the nature of the issue.

Law stated - 11 October 2024

Notable non-tariff barriers

What notable trade barriers other than retaliatory measures does your country impose on imports?

The DFT has imposed both automatic and non-automatic import licensing requirements on various products, including:

- 16 kinds of drugs, chemical and pharmaceutical;
- clenbuterol compounds and salts;
- albuterol or salbutamol;
- fish meal with a protein content of less than 60 per cent;

- coins of size and weight similar to the official coins;
- plastic waste and scrap;
- used diesel engines of 331-1,100 CC;
- antiques;
- marble and building stone;
- used rubber tyres for buses or trucks;
- volatile alkyl nitrite substances;
- intaglio printing machinery; and
- feed wheat.

In addition, there are also import restraints on import administration, such as certification or registration requirements. The imported products subject to these types of measures include:

- logs, wood and all wooden products;
- ceramic food containers and metal-coated food containers;
- fuel oil;
- cassava and cassava products;
- fresh oranges;
- shallots;
- swine offal;
- gas water warmers and water heaters; and
- salt.

Moreover, Thailand also imposes SPS measures on imports of foods, plants and meat, among others. For example, meat imports are subject to inspection and require specific permits from the Department of Livestock Development, as well as a health certificate issued from the country of origin. Aside from the above, specific products may also be subject to additional licensing or certification requirements imposed by other competent authorities in Thailand.

Law stated - 11 October 2024

EXPORT CONTROLS

General controls

What general controls are imposed on exports?

Pursuant to the main governing legislation, the Thai Export and Import Act B.E. 2522 (1979) as amended in 2015, Thailand can impose the following export controls: absolute prohibitions, restrictions requiring written permission to export from the competent authorities, standard requirements, special duty, or documentation requirements (ie, certificate of origin, goods quality certificate). Export controls may also include quotas and

export licence requirements under the Standards of Exporting Goods Act B.E. 2503 (1960) or under other laws.

Law stated - 11 October 2024

Government authorities

Which authorities handle the controls?

The Ministry of Commerce is the main authority responsible for imposing export controls and issuing mandates requiring export licences under the Export and Import Act. Specific products may also be subject to export controls as mandated by specific authorities under other laws.

The Thai Customs Department is the authority responsible for intercepting the exportation of restricted goods and ensuring compliance with all laws and regulations.

Law stated - 11 October 2024

Special controls

Are separate controls imposed on specific products? Is a licence required to export such products? Give details.

The following products are subject to special export control:

Dual-use items

Goods that have a civilian function, but can also be used for military applications contributing to the proliferation of weapons of mass destruction are subject to export control pursuant to the Trade Controls of Weapons of Mass Destruction Act B.E. 2562 (2019) and the related Notifications of the Ministry of Commerce. In this regard, the Director General of the Department of Foreign Trade (DFT) is authorised to conduct a risk assessment investigation on activities related to dual-use items (DUIs). If the Director General finds that such activities pose a risk of contributing to the proliferation of weapons of mass destruction, the DFT can impose 'catch-all' measures by suspending all activities related to such DUIs, including a prohibition on export, re-export, transshipment, transits, and transfer of technology and software.

Military equipment

Pursuant to the Act Controlling Exportation of Arms, Ammunition and Strategic Materials B.E. 2495 (1952), and the Royal Decree Controlling Export of Arms, Ammunitions and Strategic Materials B.E. 2535 (1992), as amended in 2009, military equipment is regarded as export-controlled or prohibited goods, and may only be exported upon receiving approval from the Ministry of Defence. In addition, certain licences are also required for the export of military equipment pursuant to the specific requirements under the following regulations: the Firearms, Ammunition, Explosive, Fireworks, and Imitation Firearms Act B.E. 2490 (1947), the Atomic Energy for Peace Act B.E. 2504 (1961), the Emergency Decree to Control Border

Trade B.E. 2527 (1984), and the Armaments Control Act B.E. 2530 (1987) as amended in 2019. Thailand, as a member state of the United Nations, also commits to the relevant commitments of that organisation, as well as particular treaties on weapons control and disarmament.

Radio communications equipment

The export of radio communications equipment, such as transmitters, receivers and transceivers, is regulated by the Radio Communications Act B.E. 2498 (1955), as amended in 1992. In particular, an export licence is required prior to export. However, the Minister of Transport and Communications and the National Broadcasting and Telecommunications Commission are authorised to grant licence exemptions for specific equipment.

Plants and plant varieties

Pursuant to the Plant Quarantine Act B.E. 2507 (1964), as amended in 2008, controlled plants, as prescribed by the Ministry of Agriculture and Cooperatives, are not permitted to be exported without being accompanied by a phytosanitary certificate and a licence from the Department of Agriculture. In addition, certain plant varieties, seeds and reserved and conserved plants are also prohibited from being exported unless permission is granted by the Minister of Agriculture and Cooperatives under the Plants Varieties Act B.E. 2518 (1975), as amended in 2007. In addition to these prescribed plant varieties, the Minister of Agriculture and Cooperatives may also issue notifications restricting the export of new plant varieties for the purpose of preventing diseases, promoting health, maintaining public welfare, and preserving and conserving the environment and biological diversity.

Hazardous substances

The Hazardous Substance Act B.E. 2535 (1992), as amended in 2019, stipulates that an export licence is required for most hazardous substances including explosives, flammables, oxidising agents and peroxide, toxic substances, diseases-causing substances, radioactive and mutation-causing substances, corrosive and irritating substances, and other substances that may harm people, animals, plants, property or the environment. These substances are classified into groups depending on the need for control. Under this Act, exporters are required to comply with the notifications as issued by all relevant government entities involved in the control of hazardous substances.

Medical instruments

Under the Medical Instrument Act B.E. 2551 (2008), as amended in 2019, a licence is required for the exportation of medical instruments, which must comply with the prescribed standards. In addition to the export licence, an exporter is also required to obtain a licence to manufacture each medical instrument intended for export.

Wild animals

Under the Wild Animal Reservation and Protection Act B.E. 2562 (2019), and in accordance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora,

the exportation of wild animals, carcasses of wild animals or products thereof, reserved wild animals and protected wild animals is prohibited unless permission is granted by the Department of National Wild Animal and Plant Stock.

Pathogens and animal toxins

Pursuant to the Pathogens and Animal Toxins Act B.E. 2558 (2015), pathogens and animal toxins are prohibited from export unless a licence is granted from the Department of Medical Sciences, Ministry of Public Health in compliance with the applicable ministerial regulations.

Liquefied petroleum gas

Under the Fuel Trade Act, B.E. 2543 (2000) and the Notification of the Department of Energy Business regarding the Determination of Conditions Governing the Exportation of Liquefied Petroleum Gas, B.E. 2551 (2008), the exportation of liquefied petroleum gas to foreign countries requires a valid oil trader licence and an export certificate issued by the Director General of the Department of Energy Business. Furthermore, exporters must present their export certificates to customs officials each time such products are taken out of the country.

Law stated - 11 October 2024

Supply chain security

Has your jurisdiction implemented the WCO's SAFE Framework of Standards? Does it have an AEO programme or similar?

The Thai Customs Department issued a letter of intent to implement the World Customs Organization's SAFE Framework of Standards in Thailand on 9 May 2006. By 2011, the authorised economic operator (AEO) programme was fully established. Currently, the government body that is responsible for the AEO programme is the AEO Standard Division under the Customs Standard Procedures and Valuation Bureau.

Law stated - 11 October 2024

Applicable countries

Where is information on countries subject to export controls listed?

Thailand has not published a list of countries subject to export controls. However, relevant domestic authorities handling export controls may issue administrative regulations restricting or prohibiting the export of certain products to specific countries. General information regarding restrictions and prohibitions is available on the [DFT website](#).

Law stated - 11 October 2024

Named persons and institutions

Does your jurisdiction have a scheme restricting or banning exports to named persons and institutions abroad? Give details.

Apart from the general sanctions scheme, Thailand does not have a specific scheme for restricting or banning exports to named persons and institutions abroad.

Law stated - 11 October 2024

Penalties

What are the possible penalties for violation of export controls?

Under the Export and Import Act, penalties for violation of the general export controls include a term of imprisonment or a fine, or both. In the case of prohibited goods, the goods, including containers and vehicles used in the transport thereof, will also be confiscated. Additionally, for specific export controls, penalties vary based on the nature of the violation and the specific regulations governing particular exports.

Law stated - 11 October 2024

FINANCIAL AND OTHER SANCTIONS AND TRADE EMBARGOES

Government authorities

What government offices impose sanctions and embargoes?

Pursuant to the United Nations Security Council (UNSC) Resolutions, the Thai cabinet imposes trade sanctions by passing cabinet resolutions. Consequently, all government offices must comply with the cabinet's decisions, and trade sanctions will be issued in the form of notifications from the Ministry of Commerce on prohibition or restriction on the export or import of goods.

Law stated - 11 October 2024

Applicable countries

What countries are currently the subject of sanctions or embargoes by your country?

The following countries and organisations are currently subject to Thailand's trade embargoes:

- the Republic of Sudan – as per UNSC Resolution 1556 (2004);
- the State of Libya – as per UNSC Resolution 2174 (2014);
- the Islamic Republic of Iran – as per UNSC Resolution 2231 (2015);
- the Republic of Yemen – as per UNSC Resolution 2216 (2015);
- the Central African Republic – as per UNSC Resolution 2399 (2018);
- the Democratic People's Republic of Korea (arms embargo) – as per UNSC Resolutions 2397 (2017);

- the Republic of South Sudan – as per UNSC Resolution 2428 (2018);
- the Federal Republic of Somalia – as per UNSC Resolution 2444 (2018);
- the Democratic Republic of the Congo – as per UNSC Resolution 2424 (2018); and
- The Republic of Haiti – as per UNSC Resolution 2653 (2022).

The following associations are also subject to Thailand's trade embargoes:

- the Islamic State of Iraq and the Levant and Al-Qaida group – as per UN Resolution 2199 (2015); and
- the Taliban – as per UNSC Resolution 2255 (2015).

The list of sanctions and embargoes imposed by Thailand is posted on the [DFT website](#).

Law stated - 11 October 2024

Specific individuals and companies

Are individuals or specific companies subject to financial sanctions?

Individuals or specific companies can be subject to financial sanctions under Thai law. Pursuant to the Counter-Terrorism and Proliferation of Weapon of Mass Destruction Financing Act B.E. 2559 (2016), the Anti-money Laundering Office is authorised to impose financial sanctions against individuals or companies that are identified by the UNSC as being involved in terrorism. Thai law also authorises the Anti-Money Laundering Office to adopt its own list of individuals or entities that it suspects are involved in terrorism, upon designation by the competent court, and to impose financial sanctions (eg, freezing of assets) against such individuals or entities.

The list of individuals and specific companies subject to financial sanctions by Thailand is provided on the [Anti-money Laundering Office website](#).

Law stated - 11 October 2024

OTHER RELEVANT ISSUES

Other trade remedies and controls

Describe any trade remedy measures, import or export controls not covered above that are particular to your jurisdiction.

The legislation governing anti-circumvention (AC) investigations was introduced in 2019 to counteract specific trade practices aimed at circumventing anti-dumping (AD) and countervailing duty (CVD) duties. In particular, the following specific forms of trade practices fall within the scope of Thai AC laws and are subject to AC investigations:

- slight modification;
- transshipment;
- channelling;
- completion; and

- assembly operations.

If, upon investigation, AC is found to have taken place, the Committee for Anti-dumping and Countervailing could also impose duty rates on the products subject to the AC measures at a rate different from those established in the original AD measures for that alleged exporter. However, such rates cannot exceed the highest rate for such exporting country (usually the 'all others' rates) in the original AD measures. The Thai AC measures can only be applied to specific exporters that are found to have engaged in circumventing activities, rather than on a country-wide basis as used in AD or CVD investigations.

Law stated - 11 October 2024

UPDATE AND TRENDS

Recent developments

Are there any emerging trends or hot topics in trade and customs law and policy in your jurisdiction? What effects are Brexit, the withdrawal of the US from TPP and TTIP, RCEP and negotiations of FTAs (such as the EU–Japan Free Trade Agreement, the Pacific-Alliance, etc) expected to have on your jurisdiction?

First anti-circumvention measures imposed by Thailand

In 2024, Thailand experienced significant development in trade remedies with the imposition of its first anti-circumvention (AC) measures following the introduction of Thai AC legislation in 2019. On 1 August 2024, Thailand applied its first AC measures on hot-rolled steel originating from China. It was found that 17 Chinese producers engaged in circumvention when slightly modifying hot-rolled coils by adding certain alloys to circumvent the anti-dumping (AD) measures. Consequently, the Committee for Anti-Dumping and Countervailing extended the original AD duties and imposed a 30.91 per cent duty on the cost, insurance and freight price of alloy-added hot-rolled steel from these producers, which is the highest rate under the original AD measures.

This marked a pivotal precedent and is expected to pave the way for future AC actions in Thailand. Given this development, new AC actions, particularly in industries vulnerable to circumvention, such as steel and metal products, are anticipated in the coming years.

Scrutinising the issuance of non-preferential certificates of origin

Southeast Asia, including Thailand, has become a strategic location for Chinese manufacturers to establish production facilities. This is due to the current geopolitical situation, especially trade measures imposed by the United States and the European Union on Chinese goods and their resulting trade wars. This shift has attracted increased attention from the United States and European Union towards closer inspection of products claiming to be of Thai origin, and therefore, in certain situations, manufacturers need to seek local legal advice to determine whether their products fall under applicable trade barrier measures.

To reinforce the credibility of certificates of origin issued by Thailand and curb circumvention through their use, the Department of Foreign Trade has implemented a new ministerial notification specifically targeting the issuance of non-preferential certificates of origin (C/O). This applies to 48 precautionary products, including steel, metal and tyres, exported to the United States and European Union. The issuance of C/Os for these products is now subject to rigorous verification of component costs to ensure such products originate in Thailand under the relevant rules of origin. These 48 precautionary products are all listed in the relevant [ministerial regulation](#).

Thailand's intention to join BRICS

On 11 June 2024, Thailand formally declared its intention to join BRICS, an informal group of states comprised of emerging economies. Such countries include Brazil, Russia, India, China and South Africa, among others. BRICS aims to promote cooperation in the economic, political and cultural spheres. Considering BRICS members represent 37 per cent of the global population and 28.4 per cent of global GDP, this move aligns with the Thai government's strategy to enhance its role in the global economy and strengthen its economic position through increased trade and investment opportunities.

Law stated - 11 October 2024