

(Translation)

Unofficial Translation*

THE ANIMAL FEED QUALITY CONTROL ACT
B.E.2558

BHUMIBOL ADULYADEJ, REX.
Given on the 3rd Day of March B.E. 2558;
Being the 70th Year of the Present Reign

His Majesty King Bhumibol Adulyadej has the Royal Proclamation to announce that:

Whereas it is expedient to revise the law governing the animal feed quality control

Therefore, His Majesty the King Bhumibol Adulyadej has graciously been pleased to enact this Act, with the advice and consent of the National Legislative Assembly, as follows:

Section 1 This Act shall be called the “Animal Feed Quality Control Act B.E. 2558”.

Section 2¹ This Act shall come into force as from the date following the date of its publication in the Government Gazette.

Section 3 The following Acts shall be repealed:

- (1) The Animal Feed Quality Control Act B.E.2525;
- (2) The Animal Feed Quality Control Act (No.2) B.E.2542;

Section 4 In this Act:

“Animal Feed” means:

- (1) Materials intended for use of animal feeding by means of eating, drinking, licking or taking into animal body by any method; or
- (2) Materials intended for use with or as mixture in the production of animal feed;

“Specifically Controlled Animal Feed” means the animal feed that has economic and social impacts or may be harmful to animals or affect meat consumers as a whole; whereas, the production or import of such animal feed for sale shall be registered, thus, as prescribed and announced by the Minister, with the advice of the Animal Feed Quality Control Committee;

“Produce” means manufacture, mix, transform, flavor, convert or repack;

¹ The Government Gazette, Volume 132 Section 15A, Page 1 dated 5th March 2015

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“Produce” means distribute, dispose of, give out, exchange, thus, for commercial purposes, including availability for sale;

“Import” means bring or order into the Kingdom;

“Export” means take or send out of the Kingdom;

“Packaging” means any materials particularly used for packing or wrapping of animal feed;

“Label” shall include pictures, imprints or any statements displayed on animal feed packaging;

“Licensee” means a person to whom a license is granted under this Act; in case of a juristic person licensee, it shall include a person appointed by the juristic person to operate the business;

“Licensor” means the Director-General or a person designated by the Director-General;

“Committee” means the Animal Feed Quality Control Committee;

“Competent Official” means a person appointed by the Minister for the execution of this Act;

“Director-General” means the Director-General of the Department of Livestock Development;

“Minister” means the Minister taking charge under this Act;

Section 5 The Minister of Agriculture and Cooperatives shall take charge under this Act; and shall have powers to appoint the Competent Official and to issue Ministerial Regulations, to fix rates of fees not exceeding the rates annexed hereto, to grant fee exemption and to prescribe other affairs and to issue announcements for the execution of this Act.

Upon their publication in the Government Gazette, such Ministerial Regulations and announcements shall come into force.

Section 6 For the purpose of animal feed quality control, the Minister shall, with the advice of the Committee, have powers to issue announcements on the following matters:

(1) Names, categories, types, characteristics, quality or standards of the specifically controlled animal feed, as well as the criteria, methods and conditions of the production for sale, import for sale, or the sale of such specifically controlled animal feed;

(2) Names, categories, types, characteristics, quality or standards of non-specifically controlled animal feed under (1), as well as the criteria, methods and conditions of the production for sale, import for sale, or the sale of such animal feed;

(3) Names, categories, types or characteristics of animal feed which is prohibited to produce, import or sell; provided that conditions of the prohibition thereof may also be prescribed;

(4) Names, categories, types, characteristics or properties of materials which are prohibited for use in the mixing of animal feed;

(5) Quality or standard of tools or equipment for the production of animal feed for sale, any prohibited packaging of materials and any use of packaging of animal feed for sale, as well as storage of such animal feed;

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(6) Any place in the Kingdom of Thailand may be used as a checkpoint of imported or exported animal feed;

(7) Qualifications, criteria and methods of recruitment of specialized directors under Section 9;

Section 7 Producers for sale, importers for sale, or sellers of animal feed under Section 6(2) shall comply with the criteria, methods and conditions of production for sale, import for sale, or sale of such animal feed.

Section 8 Producers of animal feed for sale shall use tools or equipment for the production of animal feed with the quality and standard and storage of animal feed in accordance with the provisions as prescribed and announced by the Minister under Section 6(5).

Sellers shall provide the storage of animal feed in accordance with the provisions as prescribed and announced by the Minister under Section 6(5).

CHAPTER 1 ANIMAL FEED QUALITY CONTROL COMMITTEE

Section 9 A committee, called the “Animal Feed Quality Control Committee”, shall be established consisting of the Permanent Secretary for Agriculture and Cooperatives as Chairman, Director-General of the Department of Livestock Development as Vice Chairman, the Director-General of the Department of Internal Trade, the Director-General of the Department of Fisheries, the Director-General of the Department of Agriculture, the Director-General of the Customs Department, the Secretary-General of the Consumer Protection Board, the Secretary-General of the Food and Drug Administration and the Secretary-General of the National Bureau of Agriculture Commodity and Food Standards as *ex officio* directors, and five eminent persons as appointed by the Minister (consisting of one representative of cooperatives, two representatives of farmer groups according to the laws and two representatives of business operators in the animal feed industrial sector) as directors.

The Director of Bureau of Livestock Standards and Certification shall act as Director and Secretary.

Section 10 Specialized directors shall have a term in office of two years each.

In the event that a specialized director has vacated the office before the term in office expires, the Minister may appoint a replacement specialized director who shall be in office for the remaining term of the vacating director.

When the term in office under Paragraph 1 expires, in case, a new specialized director has not yet been appointed, the vacating director may remain in office until a newly appointed director shall assume the office.

The specialized director who has vacated the office at the end of the term in office may be reappointed but he or she may not assume the office for exceeding two consecutive terms.

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Section 11 In addition to vacating the office at the end of the term, a specialized director must vacate the office upon:

- (1) Death;
- (2) Resignation;
- (3) Removal by the Minister due to indiscretion, infamous conduct or defective competency;
- (4) Being a bankrupt;
- (5) Being an incompetent or quasi-incompetent person;
- (6) Having been sentenced by a final judgment to imprisonment, except for an offence committed out of carelessness or for a petty offence;

Section 12 The Committee shall have powers and duties to give advice or opinions to the Minister or to the Director-General, as the case may be, on the following matters:

- (1) Issuing of announcements under Section 6;
- (2) Adjudication of appeals under Section 26, Section 40 and Section 50;
- (3) Suspension of licenses under Section 46 or revocation of licenses under Section 48;
- (4) Animal feed quality control as designated by the Minister or as requested by the Director-General;

Section 13 A meeting of the Committee shall be attended by at least one half of the total number of directors to constitute a quorum.

In a meeting of the Committee, in case, the Chairman is absent or unable to perform duties, the Vice Chairman shall act as the Chairman of the Meeting; in case, the Chairman and the Vice Chairman are absent or unable to perform duties, the Meeting shall select one of the directors to act as the Chairman of the Meeting.

Decisions of the Meeting shall be made by majority votes. One director shall have one vote. In case of a tie, the Chairman of the Meeting shall have a second and casting vote.

Section 14 The Committee may appoint a subcommittee for consideration or execution of the matters as designated by the Committee.

Provisions in Section 13 shall, *mutatis mutandis*, apply to the subcommittee's meetings.

CHAPTER 2

APPLICATION FOR AND ISSUING OF A LICENSE

Section 15 Any person who wishes to produce or import the specifically controlled animal feed under Section 6(1) for sale shall file an application for a license; and upon receiving a license issued by the licensor, such person shall be entitled to produce or import such specifically controlled animal feed for sale.

The application for and issuing of a license under Paragraph 1 shall be in accordance with the criteria, methods and conditions prescribed in the Ministerial Regulations.

The licensee under Paragraph 1 shall comply with the criteria, methods and conditions of the production or import of the specifically controlled animal feed for sale as prescribed and announced by the Minister under Section 6(1).

Section 16 Any person who has produced or imported the specifically controlled animal feed for sale as prescribed in the announcement under Section 6(1) prior to the date when such announcement comes into force and wishes to continue the operation thereof shall file an application for a license within thirty days as from the date when such announcement comes into force; and after having submitted an application thereof within the prescribed period of time, the applicant may continue the operation until an order of refuse shall be given; provided that, a person who has already been granted a license to produce or import the specifically controlled animal feed for sale needs not resubmit an application for such license.

Section 17 Any person who wishes to sell the specifically controlled animal feed under Section 6(1) shall file an application for a license; and upon receiving a license issued by the licensor, such person shall be entitled to sell such specifically controlled animal feed.

The application for and issuing of a license under Paragraph 1 shall be in accordance with the criteria, methods and conditions prescribed in the Ministerial Regulations.

The licensee under Paragraph 1 shall comply with the criteria, methods and conditions of the sale of the specifically controlled animal feed for sale as prescribed and announced by the Minister under Section 6(1).

Section 18 Any person who has sold the specifically controlled animal feed as prescribed in the announcement under Section 6(1) prior to the date when such announcement comes into force and wishes to continue the operation thereof shall file an application for a license within thirty days as from the date when such announcement comes into force; and after having submitted an application thereof within the prescribed period of time, the applicant may continue the operation until an order of refuse shall be given; provided that, a person who has already been granted a license to sell the specifically controlled animal feed needs not resubmit an application for such license.

Section 19 Upon receiving an application under Section 15, Section 16, Section 17 or Section 18, the Licensor shall inspect, consider and issue a license or shall issue a written order of refusal, together with a reason thereof, to the applicant within forty-five days as from the date of receiving such application with correct and complete details thereof.

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In case of necessity where the Licensor may not issue a license or may not issue an order of refusal within the prescribed period of time under Paragraph 1, an extension of time may be granted for not exceeding a period of thirty days each but such extension of time may be granted for not more than two occasions; and a written notice of extension of time and necessity thereof shall be given to the applicant before the expiry of such period of time under Paragraph 1 or the end of such extended period, as the case may be.

Section 20 The Licensor shall issue a license for production, import or sale of the specifically controlled animal feed when it appears that:

- (1) The applicant for a license is a business owner wishing to apply for a license;
- (2) The applicant for a license is at least completely twenty years of age;
- (3) The applicant for a license resides in Thailand;
- (4) The applicant for a license is not a bankrupt;
- (5) The applicant for a license has never been sentenced by a final judgment or a lawful order of imprisonment for an offence provided by the law to consider an act in bad faith as an element of a crime or under this Act, except that the applicant for a license has passed over the punishment for not less than two years before the date of application for a license;
- (6) The applicant for a license is neither a person of unsound mind nor an incompetent person nor a quasi-incompetent person;
- (7) The applicant for a license has a place of production, import, sale or storage of the specifically controlled animal feed and equipment used in the production, sale or storage of the specifically controlled animal feed, and equipment for control or maintaining of the quality of the specifically controlled animal feed with the characteristics and quantity as prescribed in the Ministerial Regulations;

In case, the applicant for a license is a juristic person, the manager or representative of such juristic person who has operated the business shall have the qualifications under (2) and (3) and shall not have any prohibited characteristics under (4)(5) or (6).

Section 21 The provisions under Section 15, Section 16, Section 17 and Section 18 shall not apply to:

- (1) Ministries, ministerial bureaus, departments or state enterprises engaged in the production, import or sale of the specifically controlled animal feed for use by the authority;
- (2) The production for sale, import for sale, or sale of the specifically controlled animal feed as academic samples, or for registration or for consideration in issuing purchase orders;
- (3) Cooperatives or farmer groups according to the law who have produced the specifically controlled animal feed for sale and for animal husbandry of their members or of farmers in the same groups;

Those who have been granted an exemption under Paragraph 1 shall notify the same to the Licensor and shall comply with the criteria, methods and conditions as prescribed and announced by the Minister.

Section 22 Licenses are categorized, as follows:

- (1) License for production of the specifically controlled animal feed;

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- (2) License for import of the specifically controlled animal feed;
- (3) License for sale of the specifically controlled animal feed;

The licensees under (1) shall also be licensees under (3) for the specifically controlled animal feed that they have produced; and the licensees under (2) shall also be licensees under (3) for the specifically controlled animal feed that they have imported.

Section 23 Licenses granted under Section 22 shall cover employees or representatives of the licensees.

Any act committed by an employee or representative of the licensee covered by the license under Paragraph 1, shall be considered as an act committed by the licensee, unless the licensee is able to prove that such act has been committed beyond its knowledge or control.

Section 24 Licenses granted under Section 22 shall be valid for periods of time, as follows:

- (1) License for production of the specifically controlled animal feed shall be valid for three years as from the date of issuing thereof;
- (2) License for import of the specifically controlled animal feed shall be valid for one year as from the date of issuing thereof;
- (3) License for sale of the specifically controlled animal feed shall be valid until the last date of the calendar year of issuing thereof;

Section 25 Any licensee who wishes to renew a license shall file an application before the expiry date of the license and shall, upon having filed an application for renewal of the license, continue its business operation until the Licensor shall issue an order of refusal to renew such license; provided that the approval or disapproval for renewal of a license shall be made within thirty days as from the date of receiving an application with correct and complete details thereof.

An application for license renewal and approval of license renewal shall be in accordance with the criteria, methods and conditions as prescribed in the Ministerial Regulations.

The licensee whose license has already expired for not exceeding thirty days shall file an application for license renewal and for indulgence and shall clarify the reason for its failure to file an application for license renewal within the time limit; however, such request for indulgence shall not be cited as an excuse for release from offences under Section 77 or Section 78, as the case may be.

When a period of thirty days as from the expiry date of the license has been elapsed, an application for license renewal may not be submitted.

Section 26 In the event that the Licensor refuses to grant or to renew a license, an applicant for a license or for license renewal shall be entitled to appeal, in writing, to the Minister within thirty days as from the date of receiving a written notice for refusal of license issuance or renewal.

The Minister's decision shall be final.

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In the event that the Licensor refuses to renew the license before the Minister shall make a decision on the appeal under Paragraph 2, the Minister shall have power to permit the business operation for the time being upon request by the appellant.

CHAPTER 3 DUTIES OF THE LICENSEE

Section 27 Licensees for production of the specifically controlled animal feed shall comply with the followings:

- (1) Provide signage in a conspicuous place, easily visible from outside the building, to indicate a place of production or storage of the specifically controlled animal feed. The characteristics, sizes and statements displayed on the signage shall be in accordance with the criteria, methods and conditions as prescribed and announced by the Minister;
- (2) Provide separate storage of the specifically controlled animal feed from any item which may impair the quality of the specifically controlled animal feed;
- (3) Provide analysis of the specifically controlled animal feed which is produced by the Licensee before taking it out of the place of production, with evidence of detailed analysis which must be kept for inspection for not less than three years;
- (4) Provide labels for the specifically controlled animal feed. Labels and statements thereon shall be displayed in accordance with the criteria, methods and conditions as prescribed and announced by the Minister;

Section 28 For the purpose of export, producers shall produce the specifically controlled animal feed for export with the quality, standards, labels or other details as prescribed by the buyer; however, producers shall comply with the criteria, methods and conditions as prescribed and announced by the Minister.

No person shall be allowed to sell the specifically controlled animal feed under Paragraph 1 in the Kingdom of Thailand.

Section 29 Licensees for import of the specifically controlled animal feed shall comply with the followings:

- (1) Provide signage in a conspicuous place, easily visible from outside the building, to indicate a place of import or storage of the specifically controlled animal feed. The characteristics, sizes and statements displayed on the signage shall be in accordance with the criteria, methods and conditions as prescribed and announced by the Minister;
- (2) Provide separate storage of the specifically controlled animal feed from any item which may impair the quality of the specifically controlled animal feed;
- (3) Produce certificates issued by producers of animal feed, with detailed analysis of the specifically controlled animal feed at each time of import;
- (4) Produce certificates issued by state agencies of the producing countries or other organizations accredited by state agencies of the producing countries; provided that such certificates shall be in accordance with the criteria, methods and conditions as prescribed and announced by the Minister;

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(5) Provide labels for the specifically controlled animal feed. Labels and statements thereon shall be displayed in accordance with the criteria, methods and conditions as prescribed and announced by the Minister;

Section 30 Upon announcement of checkpoints under Section 6(6), importers or exporters of animal feed shall produce animal feed imported or exported by themselves, as the case may be, to the Competent Official for inspection at animal feed checkpoints.

The inspection of the Competent Official shall be in accordance with the criteria, methods and conditions as prescribed and announced by the Minister.

Section 31 Licensees for sale of the specifically controlled animal feed shall comply with the followings:

(1) Provide signage in a conspicuous place, easily visible from outside the building, to indicate a place of sale or storage of the specifically controlled animal feed. The characteristics, sizes and statements displayed on the signage shall be in accordance with the criteria, methods and conditions as prescribed and announced by the Minister;

(2) Provide separate storage of the specifically controlled animal feed from any item which may impair the quality of the specifically controlled animal feed;

(3) Maintain labels on packaging of the specifically controlled animal feed as prescribed in Section 27(4) or Section 29(5), as the case may be, in complete and clearly visible condition;

(4) Maintain the packaging of the specifically controlled animal feed in good condition; in case, the packaging of the specifically controlled animal feed is damaged, it is prohibited to sell such specifically controlled animal feed packed therein;

Section 32 In the event that a license is lost, materially damaged or broken, the Licensee shall submit an application for a replacement license within fifteen days as from the date when the Licensee has become aware of such loss or damage thereof.

An application for a replacement license under Paragraph 1 shall be in accordance with the criteria, methods and conditions as prescribed in the Ministerial Regulations.

Section 33 The Licensee shall display a license or a replacement license in a conspicuous and easily visible place at the place of production, import or sale of the specifically controlled animal feed, as the case may be.

Section 34 A licensee who wishes to relocate the place of production, import or sale of the specifically controlled animal feed, as the case may be, shall notify the relocation of such place, in writing, to the Competent Official, in advance for not less than fifteen days.

The criteria, methods and conditions relating to the application for and issuing of a license under Section 15 and Section 17 shall, mutatis mutandis, apply to the relocation of the place of production, import, sale or storage of the specifically controlled animal feed under Paragraph 1.

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CHAPTER 4

REGISTRATION OF THE SPECIFICALLY CONTROLLED ANIMAL FEED

Section 35 A licensee under Section 15 who wishes to produce or import any specifically controlled animal feed shall bring such specifically controlled animal feed for registration with the Competent Official; and when having received a certificate of registration of such specifically controlled animal feed, the licensee shall be able to produce or import such specifically controlled animal feed.

An application for and issuing of a certificate of registration of the specifically controlled animal feed shall be in accordance with the criteria, methods and conditions as prescribed and announced by the Minister.

Statements contained in Paragraph 1 and Paragraph 2 shall not apply to licensees who have produced the specifically controlled animal feed for husbandry of their own animals, thus, in compliance with the criteria, methods and conditions as prescribed and announced by the Minister.

Section 36 Upon issuance of announcements under Section 6(1), licensees under Section 16 who have produced or imported any specifically controlled animal feed prior to the effective dates of such announcements, shall bring such specifically controlled animal feed to be registered to the Competent Official within sixty days as from the effective dates of such announcements or as from the date of receiving licenses under Section 16, as the case may be; and shall be able to continue the production or import of such specifically controlled animal feed until the Licensor shall notify its refusal of issuance of certificates of specifically controlled animal feed registration.

Section 37 Licensees for production or import of the specifically controlled animal feed shall produce or import the specifically controlled animal feed in accordance with the registration thereof.

Section 38 Particulars in certificates of specifically controlled animal feed registration may be amended after receiving permission from the Competent Official.

An application for amendment of particulars and permission for amendment of particulars in certificates of specifically controlled animal feed registration shall be in accordance with the criteria, methods and conditions as prescribed and announced by the Minister.

Section 39 Certificates of specifically controlled animal feed registration shall be valid perpetually unless they have been cancelled or revoked.

Section 40 Regarding the specifically controlled animal feed which have already been registered, in case, it appears afterwards that changes under Section 6(1) have been announced or there is no production or import thereof for exceeding two years, or in case, such specifically controlled animal feed may be hazardous to animals, the Director-General shall be empowered to amend, cancel or revoke certificates of specifically controlled animal feed registration, which shall be published in the Government Gazette.

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Licensees whose certificates of specifically controlled animal feed registration have been cancelled or revoked due to no production or import thereof for exceeding two years or potential hazard thereof to animals, shall be entitled to appeal such order, in writing, to the Minister within fifteen days as from the date of receiving the notification of such order.

The Minister's decision shall be final.

An appeal thereof under Paragraph 2 shall not postpone the legal execution of such order of cancellation or revocation of the specifically controlled animal feed registration.

The amendment of particulars in such certificates of registration under Paragraph 1 shall be exempted from the payment of fees.

Section 41 In the event that certificates of specifically controlled animal feed registration are lost, destroyed or materially damaged, licensees shall submit an application for receiving a replacement thereof within fifteen days as from the date of becoming aware of such loss or damage.

The application for and issuing of a replacement of certificates of specifically controlled animal feed registration under Paragraph 1 shall be in accordance with the criteria, methods and conditions prescribed in the Ministerial Regulations.

CHAPTER 5 DISSOLUTION AND TRANSFER OF BUSINESS

Section 42 A licensee who wishes to dissolve the business licensed under this Act shall notify the business dissolution, in writing, to the Licensor; and shall return the license and certificate of specifically controlled animal feed registration; and it shall be regarded that such license and certificate of specifically controlled animal feed registration have expired as from the date of notification of such business dissolution.

The notification of business dissolution under Paragraph 1 shall be specified with the remaining quantity of the specifically controlled animal feed and storage place of such specifically controlled animal feed, thus, in accordance with the criteria, methods and conditions as prescribed and announced by the Minister.

Section 43 In case, any licensee has failed to apply for license renewal; or in case, the Licensor has refused to renew the license, such licensee shall notify the remaining quantity of the specifically controlled animal feed and storage place of such specifically controlled animal feed to the Licensor within thirty days as from the expiry date of such license or as from the date when the Licensor has refused to renew the license.

The notification thereof under Paragraph 1 shall be in accordance with the criteria, methods and conditions as prescribed and announced by the Minister.

Section 44 In case, any licensee has notified its business dissolution and has failed to apply for license renewal; or in case, the Licensor has refused to renew the license, as the case may be, such licensee shall sell the remaining quantity of its specifically controlled animal feed to other

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licensees or to persons whom the Licensor may deem fit, within ninety days as from the date of notification of business dissolution, as from the expiry date of license or as from the date when the Licensor has refused to renew the license; provided that the Licensor may extend such period of time as it may think fit but not exceeding ninety days.

When the time limit under Paragraph 1 has been elapsed; and there is the remaining quantity of the specifically controlled animal feed that sellers shall be licensed, then, licensees shall be prohibited to sell such specifically controlled animal feed and shall dispose of such specifically controlled animal feed within thirty days as from the date when such time limit under Paragraph 1 has been elapsed; and the licensees shall notify the same to the Licensor; provided that the disposal thereof shall be in accordance with the Regulations prescribed by the Director-General, with the approval of the Committee.

The notification thereof under Paragraph 2 shall be in accordance with the criteria, methods and conditions as prescribed and announced by the Minister.

Section 45 Within ninety days as from the date of death of the licensee, the successor or the person consented by the successor shall express his or her intention of continuous business operation to the Licensor; and when having received the permission, the person who has expressed his or her intention thereof may continue the business operation until the expiry date of the license; and it shall be regarded that the person who has expressed his or her intention thereof is the licensee under this Act as from the date of death of the licensee.

The expression of such intention shall be in accordance with the criteria, methods and conditions as prescribed and announced by the Minister.

Statements contained in Section 44 Paragraph 2 and Paragraph 3 shall, *mutatis mutandis*, apply to the event that the successor of the occupant of such specifically controlled animal feed has failed to express his or her intention to apply for business operation under Paragraph 1.

CHAPTER 6

SUSPENSION AND REVOCATION OF THE LICENSE

Section 46 When it appears that any licensee under Section 15 or Section 17 fails to comply with this Act or the Ministerial Regulations or announcements issued in accordance with this Act, the Licensor, with the approval of the Committee, shall be empowered to suspend the use of the License for not exceeding one hundred and twenty days at each time; however, in the event that a legal action is entered against the licensee to the Court that the licensee has committed an offence under this Act, the Licensor may suspend the use of the license until the Court's decision shall be final.

The licensee whose license has been suspended shall cease the business operation under such license; and during the period of suspension of the license, the licensee shall not be entitled to apply for any license under this Act.

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Section 47 The Licensor shall be empowered to cancel the license suspension order sooner when it appears that the licensee whose license has been suspended has duly complied with this Act or the Ministerial Regulations or announcements issued in accordance with this Act.

Section 48 When it appears that any licensee has committed an offence under Section 56(1) or has breached the license suspension order, the Licensor, with the approval of the Committee, shall be empowered to revoke the license.

The person whose license has been revoked shall not be entitled to apply for any license under this Act until a period of two years as from the date of the license revocation order has been elapsed.

Section 49 The license suspension order or the license revocation order shall be made, in writing, and notified to the licensor for acknowledgment; in case, the licensee is not found or refusing to accept such order, such order shall be posted in a conspicuous place and easily visible place at the location specified in the license; and it shall be regarded that the licensee has received the notification of such order as from the date of posting thereof.

Section 50 The licensee whose license has been suspended or revoked shall be entitled to appeal, in writing, to the Minister within thirty days as from the date of receiving the notification of such order.

The Minister's decision shall be final.

An appeal thereof under Paragraph 1 shall not postpone the legal execution as per the license suspension order or the license revocation order unless otherwise ordered by the Minister.

Section 51 The person whose license has been revoked shall sell the remaining quantity of its specifically controlled animal feed which is not the animal feed prohibited for sale under Section 56, to other licensees or to persons whom the Licensor may deem fit, within ninety days as from the date of receiving the notification of the license revocation order or as from the date of receiving the notification of the Minister's decision; provided that the Licensor may extend such period of time as it may think fit but not exceeding ninety days.

Statements contained in Section 44 Paragraph 2 and Paragraph 3 shall, *mutatis mutandis*, apply to the event that the person whose license has been revoked is unable to comply with Paragraph 1.

CHAPTER 7 CERTIFICATES

Section 52 For the best practice of animal feed production management, the animal feed producer may request the Licensor to issue a certificate of animal feed quality assurance system or any other certificates relating to animal feed; whereas, the applicant for such certificate shall pay the application fees.

The determination of names, categories or types of certificates of animal feed quality assurance system or any other certificates relating to animal feed, as well as the application for

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certificates and issuing of certificate under Paragraph 1 shall be in accordance with the criteria, methods and conditions as prescribed and announced by the Minister.

Section 53 Certificates under Section 52 shall be valid within the periods of time, as follows:

- (1) Certificates of animal feed quality assurance system shall be valid for three years as from the date of issuing thereof;
- (2) Any certificates relating to animal feed other than those mentioned in (1) shall only be valid on a case-by-case basis;

Section 54 The Licensor shall be empowered to revoke certificates under Section 52 when it appears that the person who has received such certificates has failed to comply with the criteria, methods and conditions as prescribed and announced by the Minister under Section 52 Paragraph 2.

Section 55 The licensee shall apply for renewal of certificates before the expiry date of such certificates; and when the application for renewal of certificates has been submitted, the original certificates shall still be valid until the Licensor shall issue its order to refuse such application for renewal of certificates. The approval or refusal of renewal of certificates shall be given completely within thirty days as from the date of receiving the application thereof, consisting of correct and complete details thereof.

The application for and approval of certificate renewal shall be in accordance with the criteria, methods and conditions as prescribed and announced by the Minister.

CHAPTER 8 ANIMAL FEED QUALITY CONTROL

Section 56 No person shall be allowed to produce, import or sell animal feed, as follows:

- (1) Adulterated animal feed;
- (2) Deteriorated animal feed;
- (3) Animal feed that has failed to meet the required standards;
- (4) Animal feed that must be registered but unregistered;
- (5) Animal feed of which registration has been revoked by the Director-General;
- (6) Animal feed that has been prescribed and announced by the Minister under Section 6(3);

Section 57 Adulterated animal feed shall include:

- (1) Animal feed under Section 6(1) of which ingredients are materials other than those registered, except for materials naturally available as prescribed and announced by the Minister; or
- (2) Animal feed under Section 6(2) in which other materials are added, substituted or mixed, or of which quantity of nutrients has been reduced;

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Section 58 Deteriorated animal feed includes animal feed under Section 6(1) or (2), with the following characteristics:

- (1) Aged beyond the date indicated on the label;
- (2) Containing any poisonous materials resulting from the transformation of such animal feed which may be hazardous to animals as per the characteristics, types or quantity as prescribed and announced by the Minister;
- (3) Packed in the packages forbidden under Section 6(5);

Section 59 Animal feed that has failed to meet the required standards includes animal feed under Section 6(1) or (2) of which quality or standard is not correctly in accordance with those prescribed and announced by the Minister.

Section 60 Producers, importers or sellers may not refuse their liabilities by claiming that they were not aware that the animal feed under Section 6(1) or (2) was adulterated or deteriorated animal feed, unless it was proved that there were reasonable grounds to believe that such animal feed was not adulterated or deteriorated.

Section 61 For the purpose of animal feed quality control under Section 6(1) or (2) to ensure that it is hygienic and harmless to animals or human consumers of animal products, the Director-General shall be empowered to:

- (1) Issue a written order requiring producers, importers or sellers of animal feed under Section 6(1) or (2) to improve the place of production or storage of animal feed;
- (2) Issue a written order requiring producers, importers or sellers of animal feed to refrain from producing, importing or selling the animal feed under Section 6(1), which has been produced or imported without proper registration; or it appears from a test result that it is the animal feed under Section 6(1) or (2) and unfit for animal feeding;
- (3) Announce the animal feed test results to the general public, in the event that it is the animal feed under Section 56 or the package contains the prohibited materials under Section 6(5);

Such announcement under (3) shall be specified with the following statements:

- (a) In case, a producer or importer of animal feed can be identified, the operator's name, place of operation as well as type and characteristics of the animal feed or package shall be specified; and in case, such animal feed or package has its trade name or production or import lot number, such trade name and production or import lot number shall also be specified, as the case may be;
- (b) In case, a producer or importer of animal feed cannot be identified; but the seller can be identified, the seller's name and place of sale as well as type and characteristics of such animal feed or package shall be specified;

CHAPTER 9

ANIMAL FEED ADVERTISING

Section 62 Animal feed advertising shall not:

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(1) Indicate benefit, quality, quantity, standard, ingredient or origin of animal feed that is false or exaggerated;

(2) Display any statements that may cause any material misunderstanding relating to the animal feed;

The animal feed advertising shall be in accordance with the criteria, methods and conditions as prescribed in the Ministerial Regulations.

Section 63 Any person, who is in doubt about possible violation or non-compliance of his or her animal feed advertising under this Act, may request the Licensor to consider and give its opinions on such matter prior to conducting the advertising. In such case, the Licensor shall give its opinions and shall notify the same to the requesting operator within thirty days as from the date when the Licensor has received such request; however, in case, the Licensor fails to do so within such prescribed period of time, it shall be regarded that the Licensor has given its approval.

The Licensor's consideration under Paragraph 1 shall be in accordance with the criteria, methods and conditions as prescribed in the Ministerial Regulations.

Regarding the giving of opinions of the Licensor under Paragraph 1, in case, there are changes of the matter of facts, it shall not curtail the power of the Licensor to reconsider the matter and to make decisions otherwise when there is a reasonable cause thereof.

Any action which has been taken in accordance with the Licensor's opinions given under Paragraph 1 shall not be regarded as a criminal offence.

Section 64 For the benefit of animal husbandry farmers, the Director-General shall be empowered to issue a written order on the following matters:

(1) To instruct producers, importers, sellers or advertisers to revise or cancel any animal feed advertising which is regarded as advertising in violation of Section 62;

(2) To advertise for correction of any potential misunderstanding among animal husbandry farmers resulting from the advertising already conducted;

(3) To instruct producers, importers, sellers or advertisers to cancel the production, import, sale or advertising of the specifically controlled animal feed that the Committee deems lacking of the quality or properties as advertised;

CHAPTER 10 COMPETENT OFFICIAL

Section 65 For the execution of this Act, the Competent Official shall have powers, as follows:

(1) To enter places of production, import, sale or storage of animal feed during their operating hours; to enter places of animal husbandry between sunrise and sunset; or to enter a vehicle transporting animal feed, in case, there is a reasonable cause to suspect that there is a commission of offence under this Act;

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(2) To examine animal feed, packages, documents or any items relating thereto as well as the animal feed production or storage methods;

(3) To take samples of any animal feed or suspicious materials of potential animal feed in an adequate quantity to conduct a test, examination or analysis;

(4) To search, seize or attach animal feed, packages, documents or any items relating thereto, thus, in accordance with the Regulations prescribed by the Director-General;

(5) To issue a letter demanding any person to make a statement or to submit necessary documents and evidences for consideration by the Competent Official or the Committee;

Regarding the performance of duties under Paragraph 1, licensees, animal husbandry farmers and the related parties shall facilitate the Competent Official as may be reasonable.

Section 66 Regarding the performance of duties under Section 65, the Competent Official shall produce an identity card to the licensee or the related parties.

The identity card under Paragraph 1 shall be in accordance with the format prescribed and announced by the Minister.

Section 67 For the execution of this Act, the Competent Official shall be the government official under the Criminal Code.

Section 68 The ownership of items seized or attached under Section 65(5) shall be vested in the Department of Livestock Development when it appears that:

(1) No person has identified himself or herself as the owner or occupant of such seized or attached items within ninety days as from the date of seizure or attachment thereof;

(2) In the event that no legal action has been entered; and neither the owner nor occupant of such items has claimed back such items within ninety days as from the date of receiving the notification of order of no entry of legal actions; or

(3) In the event that a legal action has been entered; and the public prosecutor has issued an absolute order of non-prosecution; or the Court has not adjudged to confiscate such items; and the owner or the occupant of such items has not requested to claim back such items within ninety days as from the date of receiving the notification of such absolute order of non-prosecution or as from the date when the Court has issued the final judgment, as the case may be;

Section 69 In case, the items seized or attached under Section 65(5) are perishable or the prescribed service life thereof is about to expire; or in case, such items are kept, it may be risky to cause damage or to incur greater storage expenses than the actual value of such items, the Competent Official, with the approval of the Director-General, shall manage to sell such items by auction before the case shall become final, or before the ownership of such items shall be vested in the Department of Livestock Development; and after the deduction of all expenses and charges, the net balance of money shall be retained in lieu of such items and shall be deposited with the state-owned bank.

Section 70 When it appears to the Competent Official that any producer, importer or seller of animal feed has violated or failed to comply with this Act, the Competent Official shall be

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empowered to order such person to cease the act of violation or to correct or improve or to act properly. For this purpose, in case, there is a reasonable cause, the Competent Official shall order such person to re-export such animal feed to the producer or supplier of such animal feed or for other purposes as may be suitable, thus, in compliance with the criteria, methods and conditions as prescribed by the Director-General.

When there are circumstances under Paragraph 1, in case, it appears that such producer, importer or seller of animal feed is unable to act correctly due to his or her incompetency or any other causes, the Competent Official shall be empowered to order such person to hand over such animal feed to the Competent Official at a prescribed place for reasonable disposal or handling thereof.

In the event that such animal feed can be sold, the Competent Official shall conduct the sale by auction thereof or shall sell such animal feed to state agencies within ninety days as from the date of taking the hand-over thereof; and the money obtained from the sale thereof, after deduction of storage expenses, distribution and the related charges, shall be retained and refunded to the owner; however, in case, such period of ninety days has been elapsed and such animal feed cannot be sold; and the Competent Official considers that such continuous extension of time may be hazardous or may create undue burdens, then, the Competent Official shall be empowered to order the disposal or handling thereof, as may be reasonable.

In the event that such animal feed shall be disposed of or handled as may be reasonable, in case, any expense is incurred, the owner of such animal feed shall be obliged to pay or indemnify such amount of money to the authorities.

CHAPTER 11 PENALTIES

Section 71 Any person who has produced, imported or sold animal feed or mixed any prohibited materials in animal feed in violation of the announcements under Section 6(3) or (4) shall be imprisoned for not exceeding three years or shall be fined for not exceeding sixty thousand Baht, or both.

Section 72 Any person who has produced, imported or sold animal feed under Section 6(2) in breach of the provisions contained in Section 7 shall be imprisoned for not exceeding six months or shall be fined for not exceeding ten thousand Baht, or both.

Section 73 Any person who has produced animal feed for sale, or any person who has sold animal feed in breach of the provisions contained in Section 8 shall be imprisoned for not exceeding one year or shall be fined for not exceeding twenty thousand Baht, or both.

Section 74 Any person who has produced or imported the specifically controlled animal feed in breach of the provisions contained in Section 15 Paragraph 1 shall be imprisoned for not exceeding three years or shall be fined for not exceeding sixty thousand Baht, or both.

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Any person who has produced or imported the specifically controlled animal feed in breach of the provisions contained in Section 15 Paragraph 3 shall be imprisoned for not exceeding one year or shall be fined for not exceeding twenty thousand Baht, or both.

Section 75 Any person who has sold the specifically controlled animal feed in breach of the provisions contained in Section 17 Paragraph 1 or Paragraph 3 shall be imprisoned for not exceeding six months or shall be fined for not exceeding ten thousand Baht, or both.

Section 76 Any person who has been exempted under Section 21(2) or (3) but failed to comply with the criteria, methods and conditions as prescribed and announced by the Minister under Section 21 Paragraph 2 shall be imprisoned for not exceeding six months or shall be fined for not exceeding ten thousand Baht, or both.

Section 77 Any licensee who has produced or imported the specifically controlled animal feed after the expiry of the license and in breach of the provisions contained in Section 25 Paragraph 1 shall be fined for not exceeding one thousand Baht per day as from the date following the expiry date of the license until the date of submission of an application for license renewal, thus, not exceeding thirty days as from the expiry date of the license.

Section 78 Any licensee who has sold the specifically controlled animal feed after the expiry of the license and in breach of the provisions contained in Section 25 Paragraph 1 shall be fined for not exceeding two hundred Baht per day as from the date following the expiry date of the license until the date of submission of an application for license renewal, thus, not exceeding thirty days as from the expiry date of the license.

Section 79 Any licensee who has failed to comply with the provisions contained in Section 27, Section 29 or Section 31 shall be fined for not exceeding ten thousand Baht.

Section 80 Any person who has produced the specifically controlled animal feed for export but failed to comply with the provisions contained in Section 28 Paragraph 1 shall be imprisoned for not exceeding six months or shall be fined for not exceeding ten thousand Baht, or both.

Any person who has breached the provisions contained in Section 28 Paragraph 2 shall be imprisoned for not exceeding one year or shall be fined for not exceeding twenty thousand Baht, or both.

Section 81 Any person who has imported or exported animal feed but failed to comply with the provisions contained in Section 30 Paragraph 1 shall be imprisoned for not exceeding one year or shall be fined for not exceeding twenty thousand Baht, or both.

Section 82 Any licensee who has failed to comply with the provisions contained in Section 32 Paragraph 1, Section 33, Section 34 Paragraph 1, Section 41 Paragraph 1, Section 42 or Section 43 shall be fined for not exceeding two thousand Baht.

Section 83 Any person who has produced or imported for sale of the animal feed under Section 6(1) in violation of the provisions contained in Section 37 or Section 56(3) shall be

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imprisoned for not exceeding one year or shall be fined for not exceeding twenty thousand Baht, or both.

Any person who has sold the animal feed under Paragraph 1 in violation of the provisions contained in Section 56(3) shall be imprisoned for not exceeding six months or shall be fined for not exceeding ten thousand Baht, or both.

Section 84 Any licensee who has violated or failed to comply with the provisions contained in Section 44 Paragraph 2 shall be imprisoned for not exceeding one year or shall be fined for not exceeding twenty thousand Baht, or both.

Section 85 Any licensee whose license has been suspended but failed to cease its business operation in violation of the provisions contained in Section 46 Paragraph 2 shall be imprisoned for not exceeding one year or shall be fined for not exceeding twenty thousand Baht, or both.

Section 86 Any person who has produced or imported for sale of the adulterated animal feed under Section 57(1) or animal feed that must be registered but unregistered in violation of the provisions contained in Section 56(1) or (4), as the case may be, shall be imprisoned from one year to five years or shall be fined from twenty thousand Baht to one hundred thousand Baht, or both.

Any person who has sold the animal feed under Paragraph 1 above in violation of the provisions contained in Section 56(1) or (4), as the case may be, shall be imprisoned from six months to three years or shall be fined from ten thousand Baht to sixty thousand Baht, or both.

Section 87 Any person who has produced or imported for sale of the adulterated animal feed under Section 57(2), in violation of the provisions contained in Section 56(1), shall be imprisoned from six months to three years or shall be fined from ten thousand Baht to sixty thousand Baht, or both.

Any person who has sold the animal feed under Paragraph 1 above in violation of the provisions contained in Section 56(1), shall be imprisoned for not exceeding two years or shall be fined for not exceeding forty thousand Baht, or both.

Section 88 Any person who has produced or imported for sale of the deteriorated animal feed under Section 6(1), in violation of the provisions contained in Section 56(2), shall be imprisoned from six months to three years or shall be fined from ten thousand Baht to sixty thousand Baht, or both.

Any person who has sold the animal feed under Paragraph 1 above in violation of the provisions contained in Section 56(2), shall be imprisoned for not exceeding one year or shall be fined for not exceeding twenty thousand Baht, or both.

Section 89 Any person who has produced or imported for sale of the deteriorated animal feed under Section 6(2), in violation of the provisions contained in Section 56(2), shall be imprisoned for not exceeding two years or shall be fined for not exceeding forty thousand Baht, or both.

Any person who has sold the animal feed under Paragraph 1 above in violation of the provisions contained in Section 56(2), shall be imprisoned for not exceeding six months or shall be fined for not exceeding ten thousand Baht, or both.

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Section 90 Any person who has produced or imported for sale of the animal feed that has failed to meet the required standards under Section 6(2), in violation of the provisions contained in Section 56(2), shall be imprisoned for not exceeding six months or shall be fined for not exceeding ten thousand Baht, or both.

Any person who has sold the animal feed under Paragraph 1 above in violation of the provisions contained in Section 56(3), shall be imprisoned for not exceeding three months or shall be fined for not exceeding five thousand Baht, or both.

Section 91 Any person who has produced or imported for sale of the animal feed of which registration has been revoked by the Director-General or other animal feed that has been prescribed and announced by the Minister under Section 6(3), in violation of the provisions contained in Section 56(5) or (6), as the case may be, shall be imprisoned from six months to three years or shall be fined from ten thousand Baht to sixty thousand Baht, or both.

Section 92 Any person who has produced, imported or sold the animal feed in violation of or failing to comply with orders of the Director-General under Section 61(1), shall be imprisoned for not exceeding six months or shall be fined for not exceeding ten thousand Baht, or both.

Section 93 Any person who has produced, imported or sold the animal feed in violation of or failing to comply with orders of the Director-General under Section 61(2), shall be imprisoned for not exceeding one year or shall be fined for not exceeding twenty thousand Baht, or both.

Section 94 Any person who has advertised the animal feed in violation of or failing to comply with the provisions contained in Section 62, shall be imprisoned for not exceeding six months or shall be fined for not exceeding ten thousand Baht, or both.

Section 95 Any person who has produced, imported, sold or advertised the animal feed in violation of or failing to comply with orders of the Director-General under Section 64, shall be imprisoned for not exceeding one year or shall be fined for not exceeding twenty thousand Baht, or both.

Section 96 Any licensee, animal husbandry farmer or the related party who has failed to facilitate the Competent Official acting in compliance with Section 65, shall be imprisoned for not exceeding six months or shall be fined for not exceeding ten thousand Baht, or both.

Section 97 Any person who has produced, imported or sold the animal feed in violation of orders of the Competent Official under Section 70 Paragraph 1 or Paragraph 2, as the case may be, shall be imprisoned for not exceeding six months or shall be fined for not exceeding ten thousand Baht, or both.

Section 98 In the event that a wrongdoer who shall be punished under this Act is a juristic person; and in case, any wrongdoing of such juristic person is resulted from the command or action of any person or from any failure to command or to take any obligatory action by the Managing Director, Manager or any person who shall be responsible for operations of such juristic person, such person shall be punished as per the provisions prescribed for such offence.

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Section 99 For offences under this Act punishable only with fines, or offences punishable with fines or imprisonment for not exceeding one year, the Director-General or his or her designated person shall be empowered to impose fines as per the Regulations prescribed and announced by the Director-General.

When the alleged offender has already paid fines as per the imposed amount within fifteen days as from the date of imposition thereof, it shall be regarded as settlement of the offence as per the provisions of the Criminal Procedure Code.

TRANSITORY PROVISIONS

Section 100 Any person who has assumed the office of a specialized director in the Animal Feed Quality Control Committee under the Animal Feed Quality Control Act B.E.2525 prior to the date when this Act has come into force, shall still assume the office of a specialized director in the Animal Feed Quality Control Committee under this Act until the specialized director under this Act shall be appointed, thus, for not exceeding one hundred and eighty days as from the date when this Act has come into force.

Section 101 Licenses for production, import or sale of animal feed issued in accordance with the Animal Feed Quality Control Act B.E.2525 prior to the date when this Act has come into force, shall still be valid until the expiry thereof or until the Licensor shall issue its order to suspend or to revoke the licenses.

Section 102 Certificates of animal feed registration issued in accordance with the Animal Feed Quality Control Act B.E.2525 prior to the date when this Act has come into force, shall still be used in lieu of certificates of the specifically controlled animal feed registration as long as they are not contrary to or inconsistent with the provisions of this Act.

Section 103 All applications for licenses and applications for registration which have been submitted under the Animal Feed Quality Control Act B.E.2525 and having still been considered shall, *mutatis mutandis*, be regarded as applications for licenses and applications for registration under this Act; provided that it shall be handled in accordance with the criteria, methods and conditions provided in the Ministerial Regulations issued in accordance with this Act.

Section 104 All Ministerial Regulations or announcements issued in accordance with the Animal Feed Quality Control Act B.E.2525 which has been enforced prior to the date when this Act shall come into force, shall still be enforced as long as they are not contrary to or inconsistent with the provisions of this Act until the Ministerial Regulations or announcements under this Act shall come into force.

Such Ministerial Regulations or announcements under Paragraph 1 above shall be completely issued within two years as from the date when this Act shall come into force. In case, it is unable to do so, the Minister shall report the reason of such failure thereof to the Cabinet for acknowledgment.

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Counter-Signature:
General Prayut Chan-O-Cha
Prime Minister

Office of Justice Affairs

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RATES OF FEES

- (1) Licenses for production of the specifically controlled animal feed; or certificates of animal feed quality assurance system:
 - (a) Production efficiency of machine:
Not exceeding 10 tons per hour: 20,000 Baht per license or certificate;
 - (b) Production efficiency of machine:
For those exceeding 10 tons per hour, additionally calculated from (a): 10,000 Baht per ton (fractions of a ton shall be calculated as 1 ton).
- (2) Any other certificates relating to animal feed:
For export of animal feed out of the Kingdom of Thailand: 2,000 Baht per certificate;
- (3) License for import of the specifically controlled animal feed: 50,000 Baht per license
- (4) License for sale of the specifically controlled animal feed:
 - (a) Wholesale and retailing: 2,000 Baht per license;
 - (b) Retailing: 1,000 Baht per license;
- (5) Certificate of the specifically controlled animal feed registration: 10,000 Baht per license
- (6) Request for amendment of the particulars in the certificate of the specifically controlled animal feed registration:
 - (a) Sections relating to animal feed formula: 10,000 Baht per request;
 - (b) Other sections: 1,000 Baht per request;
- (7) Replacement license or replacement certificate of the specifically controlled animal feed registration: 500 Baht per copy
- (8) License renewal fees shall be equal to the fees for each license;

Note:- Reason for promulgation of this Act: Since the Animal Feed Quality Control Act B.E.2525 has been enforced for a long time; and some provisions contained therein are improper to the current situations with technological and knowledge development relating to the animal feed and animal husbandry industry, which resulted in change and expansion of commerce and industry relating to animal feed; therefore, for the purposes of animal feed quality control and protection of consumer safety, it is deemed expedient to revise the law governing the animal feed quality control and to particularly add some provisions relating to the issuing of certificates of animal feed quality assurance system and other certificates relating to animal feed, dissolution and transfer of business, including revision of the application for and issuing of license, registration and advertising of animal feed, penalties and rates of fees more appropriately; therefore, it is necessary to enact this Act.

Prepared by: Preeyanuch
10th March 2015

Checked by: Kritsadayuth
10th March 2015

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