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## Thailand

### Sanitary/Phytosanitary/Food Safety

### Import Procedures Under the New Plant Quarantine Act

### 2008

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**Report Highlights:**

On June 27, the Thai Department of Agriculture (DOA) conducted a public consultation covering draft procedures and requirements for importing plant products under the new Plant Quarantine Act (No. 3) B.E. 2551. The Act is scheduled to be in place by August 28, 2008. However 19 U.S. products have been granted a waiver to the new requirements pending DOA review of industry PRA's.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
Trade Report  
Bangkok [TH1]  
[TH]

## I. Background

On March 1, Thailand's new Plant Quarantine Act (No. 3) B.E. 2551 was published in the Royal Gazette after being endorsed by the King on February 19. This new act combined previous Ministerial Notifications from 2007 requiring Pest Risk Assessments for imported plant materials as well as established broader powers for the Plant Quarantine Committee. The details of the Act can be seen at [TH8047](#). The Act is scheduled to be in place by August 28, 2008.

The Committee on Plant Quarantine under the Department of Agriculture (DOA) is currently the process of finalizing four draft notifications parallel to the Plant Quarantine Act (No. 3) B.E. 2551. These draft notifications are scheduled to be finalized and implemented by the August 28 deadline. Out of these notifications, the Notification on Principle, Procedure, and Conditions for Importation or Transmission of Prohibited Articles, Restricted Articles, and Non-prohibited Articles has the greatest bearing on trade as it covers all necessary import procedures under the new Act.

Under the mentioned notification, there are three categories of plant articles to be classified, including prohibited articles, restricted articles, and non-prohibited articles, which are subject to different import procedure and requirements.

## II. The Content of Draft Regulation

The following details cover import procedures and requirements for the plant article categories under the Notification on Principle, Procedure, and Conditions for Importation or Transmission of Prohibited Articles, Restricted Articles, and Non-prohibited Articles:

### A. Importation or Transit of Prohibited Articles

A list of prohibited articles are indicated in the earlier Notification of Ministry of Agriculture and Cooperatives entitled "Specification of plant pests and carriers from certain sources as prohibited articles under the Plant Quarantine Act B.E. 2507 (1964) (No 5) B.E. 2550 (2007) and Notification of Ministry of Agriculture and Cooperatives entitled "Specification of plant pests as prohibited articles under the Plant Quarantine Act B.E. 2507 (1964) (No 6) B.E. 2550 (2007) (See [TH7073](#)). Import procedures and conditions for prohibited articles vary according to the purpose of import.

#### *1.1 Imported for Experiment or Research*

An importer must apply for an import permit to the DOA. The DOA also requires that:

- 1) The point of entry for imported article must be a plant quarantine station. The article shipment must also be accompanied by an import permit and phytosanitary certificate or certificate on plant pests or is endorsed by an authorized agency in exporting country. In case of importation of prohibited plants or carriers, the certification must indicate a pest-free status, pest eradication, or percentage of allowable pest level on each of the various types of pest as determined by the Director General (of DOA). In case of importation of

prohibited plant pests, the certification must indicate that the pests are the same types as those indicated in the import permit.

- 2) The container of imported article must be strong and in good condition.
- 3) Package or container of the article must be labeled with a sticker as provided by the Department (DOA) and be addressed to the Director General or Chief of Plant Quarantine Station.
- 4) The article must be imported through the plant quarantine stations determined as a point of entry including; a) Bangkok Seaport Plant Quarantine Station, b) Suvarnabhumi International Airport Plant Quarantine Station, and c) Bangkok Post Office Plant Quarantine Station.

In addition, for prohibited articles imported for research purposes, the importer must report research results to the Director General after the research is complete and destroy the imported article.

Note: Importation of prohibited articles which are genetically modified organism must comply with import procedures and conditions as determined by the Director General.

### *1.2 Imported for Commercial Purpose*

Prohibited articles imported for commercial purposes must be subject to an approved Pest Risk Analysis (PRA) as determined by the Director General. An importer must apply for an import permit prior to importation. The DOA also requires that:

- 1) Any plant quarantine station can be a point of entry for imported article. The article shipment must also be accompanied by an import permit and phytosanitary certificate endorsed by an authorized agency in exporting country. The certification must contain statements that fully meet determined requirements.
- 2) Upon an arrival at a plant quarantine station, the importer or representative must notify the station's official inspector. In case that the article will be transmitted to the third country, the importer must notify an official inspector.
- 3) The notified official inspector will review all documents. If the documents comply with the determined import requirements, the shipment can be released.
- 4) While the plant quarantine officer inspects the imported article, the official has a right to hold or confiscate the shipment at the plant quarantine station facilities or other determined places. If a prohibited pest is found, the officer will order the importer or owner to conduct pest eradication or destroy or transmit article out of the country.

### *1.3 Imported for Other Purposes*

The prohibited article imported for other purposes must be subject to a Pest Risk Analysis (PRA) as determined by the Director General. An importer must apply for an import permit prior to importation. The DOA also requires that any plant quarantine station can be a point of entry for imported article. The article shipment must also be accompanied by an import permit and phytosanitary certificate endorsed by an authorized agency in exporting country.

### *1.4 Transit of Prohibited Articles to the Third Country*

The DOA requires that:

- 1) Transit of prohibited article must be subject to an approved Pest Risk Analysis (PRA) as determined by the Director General.
- 2) Any plant quarantine station can be a point of entry for an imported article. The shipment must also be accompanied by an import permit and phytosanitary certificate or certificate on plant pests or carriers endorsed by an authorized agency in exporting country.

### **B. Importation or Transit of Restricted Articles**

A list of restricted articles are available in the earlier Notification of Ministry of Agriculture and Cooperatives entitled “Specification of plant pests and carriers from certain sources as restricted articles under the Plant Quarantine Act B.E. 2507 (1964) B.E. 2550 (2007). See [TH7073](#). The DOA requires that:

- 1) The point of entry for imported article must be a plant quarantine station. The article shipment must also be accompanied by an import permit and phytosanitary certificate endorsed by an authorized agency in exporting country. The certification must indicate the pest-free status, pest eradication, or percentage of pest level deem to be allowed on each various types of pest as determined by the Director General (of DOA).
- 2) Upon an arrival at a plant quarantine station, the importer or representative must notify the station’s official inspector. In case that the article will be transmitted to the third country, the importer must notify an official inspector.
- 3) The notified official inspector will review all documents. If the documents comply with the determined import requirements, the shipment can be released.
- 4) While the plant quarantine officer inspects an imported article, the official has a right to hold or confiscate the shipment at the plant quarantine station facilities or other determined places. If a prohibited pest is found, the officer will order the importer or owner to conduct pest eradication or destroy or transmit article out of the country.

### **C. Importation or Transit of Non-Prohibited Articles**

The DOA requires that any person importing or transiting non-prohibited article must provide a phytosanitary certificate to a plant quarantine officer upon shipment arrival.

Although the Plant Quarantine Act (No. 3) B.E. 2551 is scheduled to be effective on August 28, 2008, the new import procedures and conditions under the notification will be effective 180 days after being officially published in the Royal Gazette. The table below highlights import requirements after the notification will be in place:

	PRA Approval	Import Permit	PC	Specific condition
Prohibited Articles: <ul style="list-style-type: none"> <li>• imported for experiment and research</li> <li>• imported for commercial</li> <li>• imported for other purpose</li> <li>• transit to the 3<sup>rd</sup> country</li> </ul>		v	v	<ul style="list-style-type: none"> <li>• Limit point of Entry (POC)</li> <li>• No limit POC</li> <li>• No limit POC</li> <li>• No limit POC</li> </ul>
Restricted Articles (import or transit)		v	v	<ul style="list-style-type: none"> <li>• No limit POC</li> </ul>
Non-Prohibited Articles (import or transit)			v	<ul style="list-style-type: none"> <li>• No limit POC</li> </ul>

Note: 1) Based on Section 11 in the new Plant Quarantine Act (No. 3) B.E. 2551, any importer of non-prohibited articles must have a phytosanitary certificate accompany the shipment beginning on August 28, 2008.

2) The content of the official notification may differ slightly from the draft presented in this report since the Committee on Plant Quarantine may consider feedback from a public hearing into its draft notification. In addition, the reader should keep in mind that this report is intended to highlight the content of the new notification, but not provide a full translation of the notification.

### III. Status of Import Requirements for U.S. Products after Implementation

The U.S. Department of Agriculture successfully requested the Thai DOA waive PRA requirement under the “Transitory Provisions” in Notification of Ministry of Agriculture and Cooperatives entitled “Specification of plant pests and carriers from certain sources as prohibited articles under the Plant Quarantine Act B.E. 2507 (1964) (No 5), B.E. 2550 (2007). See [TH7073](#). The DOA has agreed to the waiver request for the following products (articles) from the U.S.; 1) apple, 2) apricot, 3) cherry, 4) currant, 5) fig, 6) grape, 7) nectarine, 8) peach, 9) pear, 10) plum, 11) prune, 12) strawberry, 13) seed potato, 14) table potato, 15) sorghum grain, 16) sorghum seed, 17) sweet pepper, 18) corn seed, and 19) eggplant.

As a result of a PRA waiver, all 19 U.S. products would be subject to previous import requirements. This means that **all import requirements under the Plant Quarantine Act (No. 3) B.E. 2551 and upcoming Notification on Principle, Procedure, and Conditions for Importation or Transmission of Prohibited Articles, Restricted Articles, and Non-prohibited Articles do not affect these 19 U.S. products until the PRAs for these products are completed.**

Under the previous guidelines, seed potato, table potato, and, corn seed, are classified as **restricted articles**, requiring only a phytosanitary certificate for import. Apple, apricot, cherry, currant, fig, grape, nectarine, peach, pear, plum, prune, strawberry, sorghum grain, sorghum seed, sweet pepper, and eggplant are classified as **non-prohibited articles**, neither requiring an import

permit or a phytosanitary certificate for import. All other U.S. products which are not on the waiver list are subject to the Plant Quarantine Act (No. 3) B.E. 2551 and upcoming Notification on Principle, Procedure, and Conditions for Importation or Transmission of Prohibited Articles, Restricted Articles, and Non-prohibited Articles.

End of Report.