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Report Highlights:

This report is an overview and update of Thailand's import regulations and standards for food and agricultural imports. For more information on Thailand's certification requirements, see the FAIRS Export Certificate Report for Thailand.

DISCLAIMER

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Bangkok, Thailand for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY THE BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

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Executive Summary

The Food Act of 1979 and subsequent laws stipulated by the Ministry of Public Health (MOPH) govern Thailand's food industry. The Ministry of Public Health's Food and Drug Administration (TFDA) regulates imports of processed foods. In general, the TFDA requires food importers to have a general import license, standard labeling, and Good Manufacturing Practice compliance certification of food manufacturers. The TFDA requires a special processed product registration for only a limited number of "specifically-controlled" food products. The Ministry of Agriculture and Cooperatives (MOAC) monitors the import of unprocessed food products including meat, fruits, and vegetables. MOPH requires importers to obtain an import permit in advance. There is frequently a requirement for a supporting phytosanitary or sanitary certificate.

Agricultural trade between the United States and Thailand is significant. Thailand was the 24th top market for U.S. agricultural exports in 2023, with $1.33 billion in U.S. agricultural exports to Thailand. Still, growth in U.S. agricultural exports to Thailand has been hampered by high import tariffs and other non-tariff trade barriers. Duties on imported U.S. consumer-ready food products range between 30 and 60 percent.

The TFDA's Ministerial Notification No. 445 Re: Nutrition Labeling B.E. 2566 (2023) and Guideline Daily Amount Labeling per Ministerial Notification No. 446 B.E. 2567 (2024) will come into force on July 2, 2024. The TFDA also published the Ministerial Notification No. 447 Re: Health Claims made on Food Labeling B.E. 2566 (2023) which will be effective on July 2, 2024.

Section I. Food Laws

The Food Act B.E. 2522 (1979) established the laws and regulations governing the Thai food industry. The Food Act authorizes the Ministry of Public Health's Food and Drug Administration (TFDA) to implement and administer the Food Act. All establishments producing food for sale or importing food for sale must be licensed by the Food Division of the TFDA. The application and granting of licenses must be in accordance with the principles, procedures, or conditions prescribed in Ministerial regulations, which the TFDA's Food Division periodically elaborates and modifies.

1.1 Food Act of B.E. 2522 (1979)

The Food Act of B.E. 2522 (1979) remains in effect. The Act defines the term "food" as edible items and those that sustain life including:

(A) Substances that can be eaten, drunk, dissolved in the mouth or induced into the body by mouth, no matter in what form, but not including medicine, psychotropic and narcotic substances.
(B) Substances intended for use or to be used as ingredients in the production of food including food additives, coloring, and flavoring materials.

The Food Act classifies food into four categories:

1. **Specifically-controlled foods**: Under this category, product registration is required. Legal provisions are established regarding standard quality, specifications, packaging, and labeling requirements, as well as other aspects of good manufacturing practices.

2. **Standardized foods**: Foods produced under this category must adhere to quality standards as defined in the regulations. This category was created to standardize the production of locally produced food from small-scale or household industries to provide consumers with the ability to differentiate such products by qualitative attributes and to encourage food producers to produce food hygienically.

3. **Foods required to bear standardized labels**: This category is less restrictive than the first two categories, as foods under this category pose a lower risk to consumers' health and do not have to follow specific quality standards for manufacturing. However, products must bear standardized labels that provide consumer information.

4. **General foods**: Consists of raw, cooked, preserved, non-preserved, processed, or non-processed foods that are not listed in the above categories. Although registrations are not required, general food products are controlled and monitored based on hygiene, safety, labeling, and advertisements.

1.2 Prohibited Food and Substances

1. Substances prohibited in food
    - Calcium iodate or potassium iodate except to be used to adjust the nutrition that relates to iodine deficiency as approved by the TFDA
    - Nitrofurazone
    - Formaldehyde, formaldehyde solution and paraformaldehyde
    - Methyl alcohol or methanol except for use as processing aids for export purpose

2. Foods prohibited to be manufactured, imported, or sold[1]
    - Brominated vegetable oil
    - Salicylic acid
    - Boric acid
    - Borax
    - Potassium chlorate
    - Coumarin, or 1,2-benzopyrone, or 5,6-benzo-alpha-pyrone, or cis-o-coumaric acid anhydride, or o-hydroxycinnamic acid, lactone
    - Dihydrocoumarin, or benzodihydropyrone, or 3,4-dihydrocoumarin, or hydrocoumarin
    - Diethylene glycol, or dihydroxydiethyl ether, or diglycol, or 2,2'-oxybis-ethanol, or 2,2'-oxydiethanol
    - Dulcin or 4-ethoxyphenylurea or para-phenetolcarbamide
    - AF-2 or 2-(2-furyl)-3-(5-nitro-2-furyl) acrylamide or furylfuramide
    - Potassium bromate
    - Formaldehyde, formaldehyde solution and paraformaldehyde
    - Melamine and its analogues, specifically cyanuric acid
    - Genetically modified foods containing Cry9C DNA Sequence and foods containing such genetically modified ingredients
    - Ready-to-eat gelatin and jelly, containing glucomannan or konjac flour packed in small containers with a diameter or diagonal width no larger than 4.5 cm
    - All kinds of puffer fish and foods containing puffer fish meat as an ingredient
    - Food containing objects other than food packed inside food packages, except for the purposes of food quality or standard preservation such as desiccator, oxygen absorber, etc., and in separate packages, seasonings, or consuming accessories (such as plastic spoons, chopsticks, measuring spoons, etc.)
        - Objects other than food may be packed with food packages, but only if they do not pose a risk to humans or mislead consumers that those objects can be eaten.
    - Partially hydrogenated oils and foods containing partially hydrogenated oils
    - Stevia with the scientific name *Stevia rebaudiana bertoni*, excluding production, import or sale of:

[1] Ministerial Notification No. 391 B.E. 2561 (2018), Ministerial Notification No.345 B.E. 2555 (2012), Ministerial Notification No.263 B.E.2545 (2002), Ministerial Notification No.264 B.E. 2545 (2002), Ministerial Notification No.310 B.E. 2551 (2008), Ministerial Notification No.388 B.E. 2561 (2018), Ministerial Notification No.390 B.E. 2561 (2018), Ministerial Notification No.431 B.E. 2565 (2022)

- Stevia leaves under Ministerial Notification No. 280 Re: herbal tea
- Steviol glycosides under Ministerial Notification Re: Food Additive
- Stevia leaves or products from stevia used for production, import or sales of steviol glycosides
- Stevia or products from stevia produced for export

- 80 additional items under Ministerial Notification No.424 B.E. 2564 (2022) Re: Prohibited Food items for Production, Importation and Sales except item 52. Krathom with the scientific name *Mitragyna speciosa* (Korth.) Havil as revoked by Ministerial Notification No. 430 B.E. 2564 (2022)
- Genetically Modified Foods (GMFs) excluding:
  - 51 GMO events (29 corn events, 15 soybean events, and 7 microorganisms) in the Positive List in Schedule 1 of GM events that have already passed a safety assessment
  - 49 GMO events (42 corn events and 7 soybean events) in the Temporary Approval List in Schedule 6 during five-year grace period from December 4, 2022, under MOPH Notification No. 431 Re: Genetically Modified Foods (GMFs), B.E 2565 (2022)
- Any GMFs containing all GM materials (i.e., plant, animal, and microorganisms) used as food ingredients, food additives, and food products for human consumptions that have not passed a food safety assessment before importation and commercialization.

3. Food prohibited to be imported or sold:

- Foods with expiration dates or suitable periods of consumption that have lapsed as stated on the label.
- The following foods have a more severe penalty for being imported or sold expired due to the potential higher risk they pose to consumers:
  - Infant food and formula for infants and children.
  - Supplementary food for infants and children
  - Modified food for infants and modified milk of follow-up formula for infants and children
  - Cultured milk
  - Cow's milk that has been pasteurized, for example, pasteurized fresh milk, recombined pasteurized milk, flavored pasteurized milk, pasteurized milk products, etc.
  - Food with special objectives (e.g., food intended for pregnant women, weight control, and the elderly)

1.3 Regulatory Procedures

While some of the following information does not specifically apply to U.S. exporters, the following will be applied to importers of U.S. products. The principles of regulatory procedures for food involve the following aspects.

1.3.1 Pre-Marketing Control

TFDA's Food Division is responsible for enforcing regulations governing food and issuing the following licenses and certificates:

(A) The Subcommittee on Food Standards and Local Manufacturing Requirements establishes the minimum standards and practices for food manufacturing.
(B) Food Manufacturing Licenses
(C) Food Import Licenses
(D) Food Product Registration
(E) Food labeling: Imported foods are required to display labels according to the specific requisites of each category (see Section 2 for more details)
(F) Nutrition labeling: Some products must have a nutrition label (see section 2.4.1 for more details).
(G) Good Manufacturing Practices (GMP): Thailand requires domestic manufacturers and foreign suppliers of all four categories of food to comply with the GMP standard.

The TFDA published Ministerial Notification No.420 B.E. 2563 (2020) Re: Food Production Processes, Processing Equipment/Utensils and Storage Practices on February 9, 2021. Previously unregistered food manufacturers and importers had to comply with the new rules by April 11, 2021, while existing manufacturers and importers had to comply by October 7, 2021, to allow for a transitional period for implementation. Importers of all food products must present an equivalent certificate of GMP for factories or plants that manufacture those products in line with the Thai GMP Law. The acceptable GMP can be any of the following: a) GMP by Thai Law; b) GMP by Codex; c) HACCP; d) ISO 22000; and e) other practices and standards equivalent to (a)-(d). Some fresh producers are required to comply with separate regulation as prescribed in Ministerial Notification No. 386 B.E. 2560 (2017) Re: Prescription of production process, equipment and utensil for production and storage of some fresh fruits or vegetables and labeling, see more details on section 7.9 Specific Import Control on Fruits and Vegetables.

TFDA officials recognize that all U.S. food manufacturers are subject to 21 CFR part 110 and 117 that require them to meet primary and specific GMP requirements that are equivalent to the Thai GMP Law MOPH Notification No.420 B.E. 2563 (2021). The TFDA will accept any statement/certificate (including HACCP certificate) issued by a U.S. federal or state government agency. The statement should state that "the food product(s) is(are) manufactured by U.S. processing plant(s), which is(are) subject to 21CFR part 110 or 117." In 2010, the TFDA accepted the FSIS Form 9060-5 Meat and Poultry Export Certificate of Wholesomeness as a GMP certificate equivalent, but it must include the following statement, "Products were manufactured in accordance with the Food Safety and Inspection Service (FSIS) Hazard Analysis Critical Point (HACCP) regulatory requirement."

The TFDA published MOPH Notification No.420 that repealed several older GMP notifications (i.e., 193, 220, 239, 298, 342, and 349) to avoid redundant standards of auditing measurements and harmonize requirements. The MOPH Notification No. 420 divides the standards of auditing measurements into a general category (i.e., primary requirement) and specific category for three product categories. The different requirements are below:

a) Primary Requirement (Annex Part I): This requirement applies to all production processes. The objective is to reduce primary contamination, prevent cross contamination, and eliminate physical, chemical, and biological hazards.

b) Specific Requirement (Annex Part II): This measure applies to the products listed below and both local and foreign food manufacturers must comply with the specific requirements. The objective is to prescribe the direction of production process and identify crucial control points to achieve utmost food safety.

- Drinking water, natural mineral water, and edible ice treated by a filtration process.
- Ready-to-be consumed milk products in liquid form that are pasteurized (e.g., cow's milk, flavored cow's milk, and cow's milk products including products made from milk of other animal species that are pasteurized and frozen post-pasteurized products).[2] The process of freezing cases after pasteurization is included in the regulation since freezing is only the last method of storage of the product before distribution. Pasteurized sour drinking milk is excluded from Ministerial Notification No.420 as it is considered low-risk due to an acidity-alkali value of no more than 4.6, which can inhibit the growth of pathogenic microorganisms.
- Low acid and acidified foods in hermetically sealed containers (e.g., foods that are thermally processed to eradicate or inhibit growth of microorganisms pre or post packaging and other foods with a finished equilibrium pH of greater than 4.6 and water activity of greater than 0.85) are treated with the stated-above thermal processing and packed in hermetically sealed rigid or flexible containers made of metal or other materials.

The regulation also adds that the thermal processing of at least pasteurization must be used to inhibit the germination of spores of *Clostridium botulinum* (e.g., controlled pH or water activity of foods). The purpose is to ensure that the level of pathogens under such controlled condition is safe for consumption.

1.3.2 Post-marketing Control

A. Compliance Monitoring: The TFDA's Inspection Division inspects food factories and premises regularly together with taking samples of food for laboratory testing to ensure the food is wholesome and complies with the national food standards. The TFDA also gives technical guidance on the appropriate food production, delivery, handling, and storage during the monitoring process. If violations occur, the TFDA will issue product recalls and possibly prosecute the violator.

B. Food Surveillance: The TFDA is the main agency that conducts food surveillance to ensure the safety and quality of food items distributed in the marketplace. TFDA's inspectors take samples of food in markets from time to time and whenever problems are identified. The Food Analysis Division of the Department of Medical Science will test the samples for toxins, pesticide residues, heavy metals, nutritional values, and standard conformity. The TFDA will issue warnings and legal actions (e.g., seizures and product recalls) depending on the degree of the violation.

[2] The regulation retains GMP requirements as stipulated in repealed Ministerial Notification No. 298 B.E. 2549 (2006) Re: Production processes, production equipment and storage of ready to be consumed milk products in liquid form that has passed through pasteurization heat treatment and includes specifically requirement on the reception of raw milk, pasteurized process control, and re-contamination prevention.

1.3.3 Advertisement

Any form of food advertisement through a public media is subject to approval from the TFDA. False or misleading advertising on quality or benefit claims is prohibited. The TFDA's Advertisement Control and Public Relations Division is responsible for the approval of statements and visual images used in food advertising.

Section II. Labeling Requirements

2.1 Standard Labeling

Thai law requires imported food products and domestic food products to display labels. For imported foods, a Thai label must be applied prior to import and affixed to every single item of the food product prior to marketing. Label in the sticker format is allowed. The TFDA will seize products that fail to apply a label before import. The TFDA only requires pre-approved labels for specifically-controlled foods. For other foods, food manufacturers or food importers are responsible for preparing a product label that complies with the Ministerial Notification No. 367 B.E. 2557 Re: Food Labeling of Prepackaged Food; Ministerial Notification No. 383 B.E. 2560 (2017), Re: The Labeling of Pre-packaged Foods (No.2); and Ministerial Notification No. 401 B.E. 2562 (2019) Re: The Labeling of Pre-packaged Foods (No. 3). Complete details of all three notifications are available at Ministerial Notification No. 367 and revised Notification No. 383 and 401 Re: Labeling of Prepackaged Foods.

2.1.1 Labeling of Modified Milk for Infants

The TFDA requires producers and importers of modified milk and modified milk of uniform formula for infant and children to display the following statements on the label to promote the importance of breastmilk and the benefits received from drinking breastmilk for both infants and small children:

- The best food for infants is breastmilk owing to its full nutritional content.
- Modified milk for infants should be recommended by a physician, nurse, or nutritionist.
- Incorrect preparation or mixture will be hazardous for infants.

2.1.2 Labeling of Cow's Milk

Importers must follow new labeling requirements stated under the MOPH Notification No. 350 Re: Cow's Milk that govern the display and declaration statements of certain types of cow's milk on food labels. However, for other general labeling requirements, the importer can refer to the MOPH Notification regarding the labeling of pre-packaged foods at the following link: Ministerial Notification No. 367 and revised Notification No. 383 and 401 Re: Labeling of Prepackaged Foods.

2.1.3 The Use of the Term "Premium" on Food Labels

The TFDA restricted the use of the term "Premium" as stipulated under Ministerial Notification No. 433 Re: Displaying the Term "Premium" on Food Labels (in Thai only). Manufacturers or importers that want to use the word "Premium" must provide evidence of the product's premium characteristics from government agencies or international agencies to the TFDA to ensure that there are no false and deceptive claims as stipulated in Ministerial Notification No.367 Re: Labeling of Prepackaged Food B.E. 2557 (2014) Clause 10 (1). Labels in any language, text, picture, pictorial, invented design, mark, brand or trademark, registered trademark shall not make any false or deceptive claims that misleads the food's important characteristics.

2.2 Nutrition Labeling

The regulations on nutrition labeling are based on Ministerial Notification No. 445 B.E. 2567 (2024) (in Thai only) that will be effective on July 2, 2024. Foods with nutrition labels that complied with the existing regulation of Ministerial Notification No. 182 of B.E. 2541 (1998) or received the approval of food serial number from the TFDA before July 2, 2024, shall be allowed to follow the existing law, for a period not to exceed 3 years after July 2, 2024. However, the mandatory nutrition labeling in Thai language - with other optional foreign languages - will take effect on July 2, 2024, for the following prescribed foods receiving an approved food serial number after such date:

- Foods making a specific nutritional claim.
- Food making a health claim.
- Foods that make use of nutritional values in sales promotions.
- Other foods that the TFDA specifies.

Exemptions of these nutrition labeling regulations (as defined in Ministerial Notification No. 445) are infant foods, supplementary foods for infants and children, and other types of food for which labeling requirements have been otherwise regulated; food not directly sold to consumers, non-domestically produced or imported food and food packed in small containers that will be repacked and sold in a larger container. Nutrition labeling must be in Thai; a foreign language is optional. The standard U.S. nutrition fact panel is not acceptable due to differences between Thailand and the United States in nutrition fact declaration, Recommended Daily Intakes, Daily Intake Reference Value, and serving per container.

Nutrition labeling shall adhere to the following conditions detailed in Ministerial Notification No.445 B.E.2567 (2024) (in Thai only):

- Annex 1: Format requirements for nutrition facts label

- Annex 2: Daily Intake Reference Value for 14 categorized groups of food
  i. Dairy products and substitutes
  ii. Beverages
  iii. Snack foods
  iv. Desserts

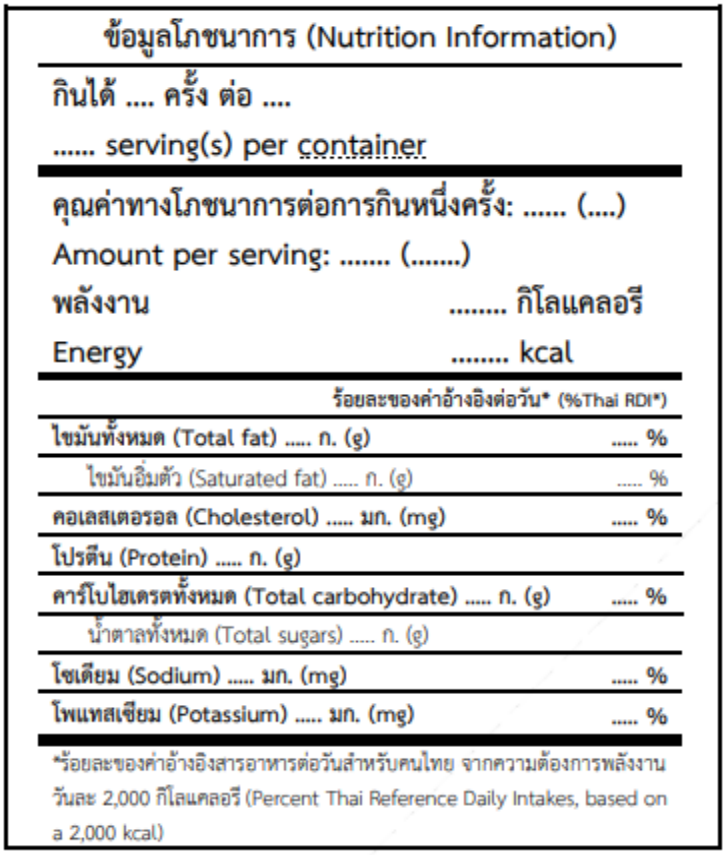
v. Semi-processed food products and ready-to-cook food products
vi. Baked, steamed and fried products
vii. Cereals, legumes, seeds, and products
viii. Ready-to-eat food products
ix. Meat, fish, others aquatic animals, eggs, and products
x. Vegetables
xi. Fruits
xii. Sauces, condiments, spreads, and other products
xiii. Fats, oils, and products
xiv. Miscellaneous

Reference: Food Consumption Data of Thailand by the National Bureau of Agricultural Commodity and Food Standards and U.S. daily value of nutrients

- Annex 3: Thai Reference Daily Intakes (Thai RDIs) applies to the population of 3 years of age and up (current regulation: 6 years of age and up) and does not include infants and toddlers below age 3, pregnant women, medical patients, or other consumers with different nutritional demands from the normal population. Daily Intake Reference Values (DIRVs) refer to the healthy population between the ages of 19 to 50 years based on a 2,000 Kcal diet.

  Reference: Scientific database of FAO, WHO/CAC and recognized authoritative scientific bodies (RASBs); European Food Safety Authority (EFSA), U.S. and Canadian Institutes of Medicine (IOM), National Health and Medical Research Council, New Zealand Ministry of Health, National Institute of Health and Nutrition, Japan, Nordic Council of Ministers, and International Zinc Nutrition Consultative Group including Thai RDIs by Heath Department, MOPH.

- Annex 4: Measures on how to make nutrition claims, nutrient content claims and nutrient comparative claims.



ข้อมูลโภชนาการ (Nutrition Information)

กินได้ .... ครั้ง ต่อ ....

..... serving(s) per container

คุณค่าทางโภชนาการต่อการกินหนึ่งครั้ง: ..... (....)

Amount per serving: ..... (.....)

พลังงาน	..... กิโลแคลอรี
Energy	..... kcal
	ร้อยละของค่าอ้างอิงต่อวัน* (%Thai RDI*)
ไขมันทั้งหมด (Total fat) ..... ก. (g)	..... %
ไขมันอิ่มตัว (Saturated fat) ..... ก. (g)	..... %
คอเลสเตอรอล (Cholesterol) ..... มก. (mg)	..... %
โปรตีน (Protein) ..... ก. (g)	
คาร์โบไฮเดรตทั้งหมด (Total carbohydrate) ..... ก. (g)	..... %
น้ำตาลทั้งหมด (Total sugars) ..... ก. (g)	
โซเดียม (Sodium) ..... มก. (mg)	..... %
โพแทสเซียม (Potassium) ..... มก. (mg)	..... %

*ร้อยละของค่าอ้างอิงสารอาหารต่อวันสำหรับคนไทย จากความต้องการพลังงานวันละ 2,000 กิโลแคลอรี (Percent Thai Reference Daily Intakes, based on a 2,000 kcal)

Note: Ministerial Notification No. 445/ Annex 1

Details on amount per serving can be omitted where the reference of the statement “amount per 100 g” or “amount per 100 ml” is displayed instead of the statement “amount per serving.”

The TFDA requires the following 13 groups of processed food products to bear both nutrition labeling and Guideline Daily Amounts (GDAs) labeling. In addition, products in group 1 to 3 are required to display information that states “Should take less and exercise for a better health.”

1. Snacks
2. Chocolate and chocolate flavored like products
3. Bakery products
4. Semi-processed foods
5. Chilled and frozen read-to eat meals
6. Beverages
7. Ready-to-drink tea in liquid and dry form
8. Ready-to-drink coffee in liquid and dry form
9. Flavored milk
10. Fermented milk
11. Other milk products
12. Soybean beverages
13. Ready-to eat ice cream

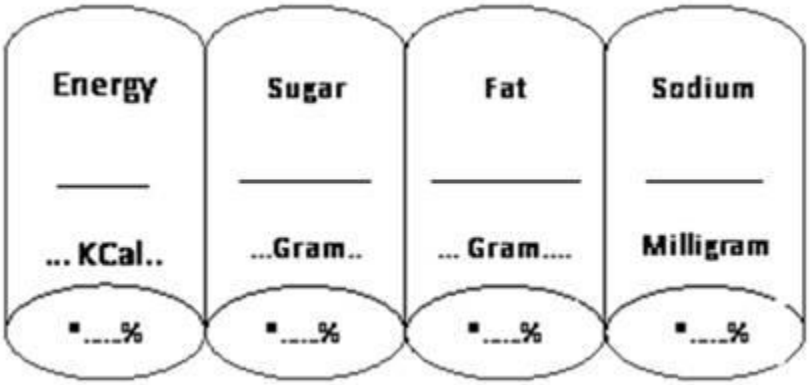
The GDAs labeling details still follow the Ministerial Notification No. 394 effective April 22, 2019. Due to the newly published nutrition labeling per Ministerial Notification No. 445 B.E. 2567 (2024),

the TFDA published the second revision of GDAs labeling per Ministerial Notification No. 446 B.E. 2567 (2024) to amend the required details of nutrition labeling accordingly.

2.2.1 Guideline Daily Amounts (GDA) Labeling

The GDA label must include the nutritional value of the product and the recommended daily consumption regarding energy, sugar, fat, and sodium. The format of the label is:

Nutritional value per……
Consumption should be split into ……times.



*Percentage of maximum consumption volume allowed per day

More details on the GDA labeling format and requirements are available in the Ministerial Notification No.394 Re: Food products required to bear nutrition labeling and guideline daily amounts, GDA labeling .

2.3 Thai Recommended Daily Intake

The Thai Recommended Daily Intake (Thai RDIs) is used as a reference guide for nutrition intake per day for Thais and as median values for nutrition labeling. Thai RDIs apply to the healthy population of 3 years of age and up and does not include infants and toddlers of age below 3 years, pregnant women, patients, or other consumers with different nutrition demands from the normal population. The information also can be used to develop recipes or as standard for policy formulation e.g., food fortification.

The TFDA developed the Thai RDIs that follow Codex's Nutrient Reference Values for Daily Intake Reference Values (DIRVs) referenced to the healthy population aged 19 to 50 years based on 2,000 Kcal diet including other sources, namely the Scientific database of FAO, WHO/CAC and recognized authoritative Scientific Bodies (RASBs); European Food Safety Authority (EFSA), U.S. and Canadian Institutes of Medicine (IOM), National Health and Medical Research Council, New Zealand Ministry of Health, National Institute of Health and Nutrition, Japan, Nordic Council of Ministers, and International Zinc Nutrition Consultative Group.

Table 2.1: Thai Recommended Daily Intake

Nutrient	Thai RDIs	Unit
Total Fat	65	Gram
Saturated Fat	20	Gram
Cholesterol	300	Milligram
Protein	50	Gram
Total Carbohydrate	300	Gram
Dietary Fiber	25	Gram
Vitamin A	800	Microgram RE (IU)
Thiamin	15	Milligram
Riboflavin	9	Milligram
Niacin	60	Milligram NE
Vitamin B6	1.3	Milligram
Folate	400	Microgram DFE
Biotin	30	Microgram
Pantothenic Acid/ Pantothenate	5	Milligram
Vitamin B1/Thiamin	1.2	Milligram
Vitamin B2/Riboflavin	1.2	Milligram
Vitamin B12	2.4	Microgram
Vitamin C	100	Milligram
Vitamin D	15	Microgram (IU)
Vitamin E	9	Milligram Alpha TE (IU)
Vitamin K	60	Microgram
Niacin	15	Milligram NE
Calcium	1,000	Milligram
Phosphorus	700	Milligram
Iron	22	Milligram
Iodine	150	Microgram
Magnesium	310	Milligram
Zinc	11	Milligram
Copper	900	Milligram
Potassium	3,500	Milligram
Sodium	2,000	Milligram
Manganese	3	Milligram
Selenium	60	Microgram
Molybdenum	45	Microgram
Chromium	35	Microgram
Chloride	2,300	Milligram

Notes:
1. * RDIs for total fat, saturated fat, protein, and total carbohydrate are 30, 10, 10 and 60 respectively of the total daily calories (2,000 kilocalories).
2. Sugar intake should not be more than 10% of the total daily calories.

2.4 Claims

2.4.1 Nutritional Claims

A nutritional claim means any presentation that states, suggests, or implies that a food has particular nutritional properties including, but not limited, to the caloric value, the content of protein, fat and carbohydrates, as well as the content of vitamins and minerals. Nutritional claims constitute nutrient content claims, comparative claims, and nutrient function claims.

The TFDA generally uses Codex and U.S. FDA standards as guidelines to develop their own nutritional claims guidelines, as such the descriptors used in nutrient content claims (e.g., low in cholesterol) and comparative claims (e.g., less, reduced) generally have similar definitions to those used in the United States for food labeling. However, there may be some differences in the use of certain terms such as “good source” or “rich in” as the threshold values for nutrients might be greater than what is used in the United States to be able to make such claims and differences may also exist in serving sizes and recommended daily intakes. The TFDA’s Food Division can provide additional information on nutritional claims.

Nutrient content claims are nutrition claims that describe the level of nutrients contained in a food. Examples are “source of calcium, high in fiber, and low in fat.” A food that is by its nature low in or free of the nutrient that is the subject of the claim shall not include the term “low” or “free” in the name of the food. Instead, a claim statement may be made in a general form that refers to all foods of that type (e.g., vegetable oils are cholesterol-free foods). However, foods that have been specially processed, altered, formulated, or reformulated so as to lower the amount of nutrient in the food or remove the nutrient from the food may bear such a claim.

Comparative claims are claims that compare the nutrient levels and/or energy value of two or more foods. Examples are “less than, fewer, more than, reduced, and lite/light.” Comparative claims can be made if the foods being compared or “reference foods” are different versions of the same food or similar foods that are representative of the same type available in the market. TFDA will require the identity of the reference food and a statement of the amount difference in the nutrient content or energy value expressed as a percentage or fraction, higher or lower than that of the food being compared. TFDA will also require the nutrient content per serving and full details of the comparison.

Comparative claims are not allowed in the case where reference foods already contain “low” or “very low” levels of nutrient content or energy values according to the established conditions defined in Annex 4 of Ministerial Notification No. 445 (B.E. 2567) Re: Nutrition Labeling (available in Thai only).

2.4.2 Health Claims

The Ministerial Notification No. 447 Re: Health Claims made on Food Labeling B.E. 2566 (2023) in effect from July 2, 2024, explains the concept and conditions of displaying a message, picture, logo, trademark or any information regarding food or ingredients that directly and indirectly affect human health. A health claim means any presentation that states, suggests, or implies that a food or nutrient in the food has anything to do with a disease or a health condition. There are 3 types of claims prescribed in Annex 1, 2 and 3 of this regulation:

1) Nutrient function claims - claims relating to the function of a nutrient in the body
2) Other functional claims
3) Reduction of disease risk claims

The TFDA approves nutrient function claims as long as the following conditions are met:

- Only those essential nutrients listed in the Thai RDIs shall be the subject of a nutrient function claim.
- The food for which the claim is made shall be a significant source of the nutrient in the diet for serving per container and serving size or 100 gram or 100 ml in case of non-specified serving size.
- The claim must be made with reference to the nutrient not particular to the food product.
- The claim must be based on reliable scientific evidence.
- The claim must not imply or include any statement to the effect that the nutrient would provide a cure or treatment for or protection from disease.

2.5 Genetically Modified Organisms Labeling

The Ministerial Notification No. 432 Notification on Labeling for Food Derived from GM Organisms (GM plants, GM animals, and GMMs) superseded Notification No. 251 on December 4, 2022. GMO labeling is required for packaged food products containing any GM ingredients over five percent of total weight with detectable recombinant DNA or protein resulting from biotechnology. However, packaged food products that contain GM plants and animal food ingredients that contain less than five percent of GM products must also be labeled according to this notification. Single GM ingredient products must have “from GM organisms” after the food product's name. Food products that contain multiple GM ingredients must have “from GM organisms” after any ingredients derived from GM plants, animals, or microorganisms. The text must be bold and in a color that contrasts with the background and has a size that is proportional to the label space. The TFDA made adding the GE symbol of a black triangle with “GMO” text in the middle on yellow background voluntary. According to the TFDA’s website, if an importer cannot provide the specification of the raw materials in the product, then the Thai FDA requires packaged food products with detectable GMOs and recombinant protein at the level of detection of 0.1 percent to be labeled if the product’s ingredients consists of GMOs over five percent of total weight even if it is unintentional. Food manufacturers may continue using the previous label of “GMFs” under

Notification No. 251 for two years from December 4, 2022, the enactment date of Notification No. 432.
The Thai government has banned the commercial planting of transgenic crops but does allow imports of transgenic soybeans and corn for a wide range of domestic uses in both the feed milling and food processing industries. On May 11, 2003, the MOPH implemented the labeling law for food containing Genetically Modified Organisms (GMO) materials/products through Ministerial Notification No.251, B.E. 2545 (2002) Re: Labelling of Food Obtained Through Certain Techniques of Genetic Modification /Genetic Engineering based on the 5 percent tolerance level.

The products covered are:

- Soybeans
- Cooked soybeans
- Roasted soybeans
- Bottled or canned soybeans or soybeans contained in retort pouch
- Natto (fermented soybeans)
- Miso
- Tofu or Tofu fried in oil
- Frozen tofu, soybean gluten from tofu or its products
- Soybean milk
- Soybean flour
- Food containing product(s) from (1) to (10) as main ingredient
- Food containing soybean protein as main ingredient
- Food containing green soybeans as main ingredient
- Food containing soybean sproust as main ingredient
- Corn
- Popcorn
- Frozen or chilled corn
- Bottled or canned corn or corn contained in retort pouch
- Corn flour or corn starch
- Snack deriving from corn as main ingredient
- Food containing product(s) from (15) to (20) as main ingredient
- Food containing corn grits as main ingredient

GMO labeling is required for any processed product containing recombinant DNA or protein resulting from gene technology over 5 percent of each top three main ingredients by weight and each ingredient that constitutes over 5 percent of the total product weight.

Product labeling by the producer/importer is mandatory; products that do not adhere to the regulation may be confiscated and the producer/importer will be subject to the applicable penalties if found at fault. More details about GMO labeling procedures are provided in the Manual for Labeling Procedures for GMO Products according to the Ministerial Notification No. 251, B.E. 2545 (2002).

2.6 Irradiated Food Imports to Thailand

Irradiated food manufacturers and importers must ensure that irradiated food manufactured or sold in Thailand must be labeled in accordance with the requirements prescribed in the Ministerial Notification No. 325 Re: Irradiated Food B.E. 2553 (2010). The regulation requires the labeling of irradiated food to display the symbol of food irradiation and the word "irradiated" adjacent to the name of food or any irradiated food ingredient under the ingredient list. In addition, importers of irradiated foods must provide a certificate of the establishment for irradiation processing as prescribed in the Ministerial Notification or the equivalent form from the government authorities or other accepted documents by the government of the country of origin.

2.7 Iodized Salt Labeling

The TFDA requires edible salts (including table salt and salt used as food ingredients) to be iodized in order to reduce the iodine deficiency in children and pregnant women in Thailand. For table salt, iodine must not be less than 30 mg/kg of edible salt and the wording "Iodized Edible Salt" has to be displayed adjacent to the name of the food product. For any product containing salt as an ingredient, the wording of "Iodized Edible Salt" is also required under the ingredient list. The TFDA also requires the following information "For people who need to limit iodine consumption" on products that that contain non-iodized salt.

2.8 Food Additive Labeling

The TFDA amended its regulation on food additives on December 4, 2015, under the Ministerial Notification No.372 B.E. 2558 Re: Food Additive (No.3). The following is a summary of the amended regulation.

The labeling of food additives must have text in the Thai language; foreign language text may accompany the Thai language text. The label must contain the following clear and readable details:

(1) Name of food with wording of "Food Additive" or "Functional Class."
(2) Food serial number.
(3) Name and address of manufacturer, packer, importer, or head office as below:
    (3.1) For food additives produced domestically, either name and address of manufacturers or packer; or name and address of the head office of manufacturer or packer shall be displayed with the below required text:
        (3.1.1) "Manufacturer" or "Manufactured By" for manufacturer;
        (3.1.2) "Packer" or "Packed by" for packer; and
        (3.1.3) "Head Office" for manufacturer or packer that decides to display the name and address of its head office.
    (3.2) For imported food additives, it is required that the name and address of the importer be displayed with "Importer" or Imported By" and the country of manufacture.
(4) The manufacturing lot identification or other text whereby traceability can be made.
(5) The net content of food additives in the metric system:
    (5.1) Food additives in solid form declared by net weight.

(5.2) Food additives in liquid or semi-solid form may be declared either by net weight or net volume.
(5.3) Food additives in tablet or capsule may be declared by showing the net weight and number of tablets or capsules.
(5.4) Food additives other than (5.1) – (5.3) declared by net weight.

(6) The month and year of manufacture or the month and year of expiration shall appear with the following words "manufactured on (specify month and year)," or "expired on (specify month and year)," or other texts, which have the same meaning. For food additives with shelf-life less than 18 months, expiry date shall be declared by displaying text of "expired on (specify month and year)" or other text that provides the same meaning such as "use by (specify month and year)."

(7) Foods shall declare ingredients that are food additives and other ingredients that are not food additives in the following order:
(7.1) Ingredients that are food additives, the name and percentage of food additives shall be declared in descending order and the name of the food additives shall be specified according to the latest version of Codex General Standard for Food Additives or the Notification of the Ministry of Public Health; Re: Food Additives; and shall be displayed with the International Numbering System (INS) for Food Additives, as the case maybe.
(7.2) For ingredients other than food additives, the names of such ingredients shall be declared in a descending order based on volume. In the case where flavoring substances are mixed with other ingredients the following texts may be declared: "Natural flavor," "Natural imitation flavor," or "Synthetic flavor," as the case may be, to replace the name of such flavoring substances; and, if other ingredients contain spices or herbs, the text of the "spices" or "herbs" may be declared, as the case may be, to replace the name of such spices or herbs but this does not apply to flavor modifiers.

(8) Instruction for use that are easy to understand and apply shall be given and at least cover the following:
(8.1) Purpose of use;
(8.2) Food category; and
(8.3) Amount of food additive used in food.

(9) Instructions for storage.

(10) Limitations for use and any warning statements or cautions (if any).

The text under (1), (5), and (6) must be in a prominent position. In the case of (6) when it is displayed on the bottom of a container, clear information is required indicating the month and year of manufacture or the month and year of expiration.

The labeling of a food additives that are not sold directly to consumers, vendors for cooking and sale, food additive distributors, or packers for repack and sale can be displayed in Thai or English. The information under clause 10(1), (2), (3), (4), (5), and (6) as prescribed in the Ministerial Notification No.372 B.E. 2558 Re: Food Additive (No.3) are required together with "Only used as raw material for food processing;" or other information that carries the same meaning; or a display of the quantity of food additives by percentage. However, prominent, and readable information in

Thai relating to (1)-(10) listed above shall be provided to food manufacturers in the manual or sales documents.

The following two cases may not require a declaration of the percentage of food additives as prescribed in clause 10 (7.1) of Ministerial Notification No.372 B.E. 2558 Re: Food Additive (No.3) on the label, manual, or sales documents for combined food additives that consist of more than one food additive that is not sold directly to consumers, vendors for cooking and sale, food additive distributors, or packers for repack and sale:

(1) The manufacture or import of the food additives are for use in their own food product (or the same trademark of such a manufacture or import); or
(2) The manufacture or imports of the food additives are for sale to a food manufacturer with an agreement to provide the information regarding the percentage of the food additives as per clause 10 (7.1).

2.9 Novel Food Labeling

The TFDA requires novel food[3] labeling to comply with Ministerial Notification No.367 B.E. 2557 (2014) Re: Labeling of Prepackaged Food. Additionally, there is a specific requirement according to Ministerial Notification No. 376 B.E. 2559 (2016) Re: Novel Food for displaying text "Manufacture" and "Expire" or "Consume before" followed by the day, month, and year. Novel food labeling must also display the following information:

(1) active ingredients (if any); and
(2) instruction or condition of use (e.g., permitted maximum usage, etc.).

The TFDA categorizes plant-based meat as novel food under Ministerial Notification No.376

2.10 Alcoholic Beverages Labeling

Labeling requirements for alcoholic beverages are stipulated in Ministerial Notification No. 315 of B.E. 2552 (2009) and Notification of the Alcohol Beverage Control Committee Re: Criteria, Procedures, and Conditions for Labels of Alcoholic Beverages B.E. 2558 (2015). Labels for alcoholic beverages must display the type and brand of beverage, importer/distributor name and address, net content, percentage of alcohol content. There must also be the following warning statements printed in Thai: prohibition to sell to individual younger than 20 years of age, alcoholic beverages will lessen ability in driving, and individual younger than 20 years of age should not consume.

[3] Novel food is defined as (1) any substance used as food or food ingredients that has been significantly used for human consumption less than fifteen years based on scientific or reliable evidence or; (2) any substance used as food or food ingredients to which has been applied a production process not currently used, where that process gives rise to significant changes in the composition or structure of such food which affect their nutritional value, metabolism or level of undesirable substances or; (3) any food product contains either (1) or (2) as an ingredient. For more information, see Section 7.10

The Alcohol Consumption Control Act was published in the Royal Gazette on February 13, 2008. The Act is intended to curb alcohol consumption through several measures including a health warning label, restrictions on the selling places of alcohol beverages, limits on the selling times and days, limits on the sales of alcoholic beverages to persons under 20 years old, prohibitions on the sales via vending machines, prohibitions on price discounts and some types of sales promotions, prohibitions on direct advertisement that encourages increased consumption. Additional details on this Act are available in TH8030 re: Alcohol Consumption Control Bill Takes Effect 2008.

Thailand published an amendment to the Alcoholic Beverage Control Act (ABC Act) on September 8, 2020, to ban the online sale of alcoholic beverages, with an effective date 90 days after the published date. Online alcoholic beverage sales have increased in the past few years due to the popularity of e-commerce and, more recently, during to the COVID-19 pandemic. The increase in online sales of alcoholic beverages made it difficult to enforce all aspects of the ABC Act, which includes limits on the date, time, and venue of alcoholic beverage sales and limits on who can purchase alcoholic beverages. The new ban on online alcohol sales is seen as a solution to block all the supposed loopholes of the ABC Act (see GAIN report TH2020-0136 Re: Thailand Bans Online Sale of Alcoholic Beverages).

2.11 Coffee Drinks Labeling

Labeling requirements for coffee drinks are stipulated in Ministerial Notification No. 276 of B.E. 2540 (1997).

2.12 Tea Drinks

Labeling requirements for tea drinks are stipulated in Ministerial Notification No. 277 of B.E. 2540 (1997).

2.13 Tea Infusion

Labeling requirement for tea infusion is stipulated in Ministerial Notification No. 426 B.E. 2522 (2021).

Section III. Packaging and Container Regulations

The TFDA requires food containers made from ceramic or enameled metal to comply with Ministerial Notification No.92, B.E. 2528 (1985) and the newly published Ministerial Notification No. 435, B.E. 2565 (2022), which came into force on June 18, 2022. Ministerial Notification No. 435 prescribes qualities or standards specifically for plastic containers. Ministerial Notification No. 435 supersedes Ministerial Notification No. 295, B.E. 2548 (2005).

Containers that are made from ceramic or enameled metal must conform to the following standards:

- be clean;

- not emit any heavy metal or other substances to contaminate food up to the volume that may be harmful to health;
- free of germ contamination; and
- emit no food contaminating color.

Containers made from ceramic or enameled metal must meet lead and cadmium standards as described in Schedule 2 of the Ministerial Notification No. 92 (B.E. 2528) Re: Prescription of Quality or Standard for Food Containers, Use of Food Containers, and Prohibition of Use of Things as Food Containers.

Containers that are made of virgin plastic and recycled plastic must conform with Ministerial Notification No. 435 (B.E. 2565). Ministerial Notification No. 435 prescribes the quality or standard for food containers made of plastic with the following definitions:

- “Containers" means an object used to contain food whether by putting or wrapping, or any other means, including a lid or a stopper.
- "Plastic containers" means containers made of virgin plastic that have not yet been used, including recycled plastic.
- “Containers made of recycled plastic” means containers made of recycled plastic including containers made of recycled plastic that have a re-adaptation process as follows:
    - Primary recycling: pre-consumed scrap means processing of plastic parts or scrap in the factory, which is left over from the production process. Food Containers recirculated by plastic parts or plastic chips as mentioned must never been touched food before.
    - Secondary recycling: physical reprocessing: mechanical recycling refers to the processing of food-packed plastic containers by physical including mechanical methods such as plastic grinding, cleanse and may use chemicals to improve quality and then melt into plastic pellets to be used as containers by which the process must not alter the basis of polymer.
    - Tertiary recycling: chemical reprocessing means processing of food-packed plastic containers back to the form of base material by chemical process.

Plastic Containers include:

- Containers made of a single layer of plastic;
- Containers made of multi-layered plastics compressed or spliced together (plastic multi-layers);
- Containers made of various materials, multi-layered compressed or spliced together, with plastic layers in multi-material multi-layers;
- Containers made of other materials and coated with plastic (coating), or
- Containers with plastic as part of food contact; or
- Containers made up of composite materials containing plastic.

Plastic containers must be of the following qualities or standards and comply with Schedule 1 of the Notification:

- Clean.

- No microorganisms that cause disease.
- No harmful substances dispersed in volume impacting health, except for substances by type and quantity specified in the qualities or standards requirements as stipulated in Schedule 1 of the Notification.
- Once used as food packaging, the substance must not be migrated into the food until the appearance of the food or the food composition changes to be unacceptable or causes a deterioration of the sensory characteristics.
- Colored container, the color must be a quality color with food contact grade and must not be contaminated with food.
- In case of print or text on the container. The ink must be firmly attached or not peeled off and come out to the food.

Plastic containers made of secondary recycled plastic must comply with following qualities or standards:

- Containers made of recycled plastics of which raw materials are polyethylene terephthalate (PET) with food contact grade.
- Containers made of recycled plastic resins that have been processed with effective contaminants eradication, the safety assessment report from authorized safety assessment agencies as stipulated by the TFDA must be submitted or made of recycled plastic resins in accordance with Thai industrial standard. Both domestically produced food using containers made from newly used plastics imported from abroad or imported food that use containers from recycled plastics must pass an in-country safety assessment or submit documents, evidence, or safety assessments reports from the authorized agency in the country of origin or from a country with a reliable safety assessment system.

Plastic containers made of primary or tertiary recycled plastics are not required to have a safety assessment report. Plastic containers that are not listed in Schedule 1 of the Notification must submit documents, evidence, or a safety assessment report from authorized safety assessment units as stipulated by the TFDA. Additionally, such plastic containers must comply with the aforementioned qualities or standards. Required documentation are listed in Article (7) of the Notification. Plastic containers containing milk or dairy products must be made by plastic type of polyethylene, ethylene 1-alkyne, copolymerize resin, polypropylene, polystyrene or polyethylene terephthalate. The definition of dairy products includes sour milk, modified milk for babies, flavored milk and cream but does not include such milk and dairy products that are powdered or dry.

The following plastic containers are prohibited to be used as food containers:

- Containers made of plastics that have been used to contain or encapsulate fertilizers, poisonous object or harmful to health.
- Containers made of plastics that are used to contain other items that are not food or having any images, artificial marks, or statements that cause misunderstandings in the substance of food contained in such container.

Containers made of virgin plastic that have not been used prior to this regulation including containers made of qualities or standards according to Schedule 2 of this Notification are permissible for being used further up to three years from the date this Notification is in force.

More details are also available in Thai at http://www.ratchakitcha.soc.go.th/DATA/PDF/2565/E/139/T_0011.PDF.
Ministerial Notification No. 310, B.E. 2551 (2008) lists additional measures prohibiting objects other than food to be packed into food packaging. The major revision of this notification is as follows:

- Objects other than food shall not be packed inside food packages, except for the purposes of food quality or standard preservation (e.g., desiccators and oxygen absorber in separate packages); seasonings or consuming accessories (e.g., plastic spoons, chopsticks, and measuring spoons).
- Objects other than food may be packed with the food packages but only if they do not pose a risk to humans or mislead consumers that those objects can be eaten.

Section IV. Food Additives Regulations

Food additives are substances that are normally not used as food or essential ingredients of food, whether or not such substances have food value, but that are added for the benefits of production technology, packing, storage, or improve the quality, standards, or the nature of food. They also include substances mixed with food for the purposes stated earlier.

Food additives are specified as specifically-controlled food of which the quality or standards are defined. Use of food additives must follow set objectives for the specified kinds of food and maximum permissible quantity. Food additive functional classes categorized according to CODEX are listed below:

- Acid
- Acidity regulator
- Anticaking agent
- Antifoaming agent
- Antioxidant
- Bulking agent
- Color
- Color retention agent
- Emulsifier
- Emulsifying salt
- Firming agent
- Flavor enhancer
- Flour treatment agent
- Foaming agent
- Gelling agent
- Glazing agent
- Humectant
- Preservative
- Propellant
- Raising agent
- Stabilizer
- Sweetener
- Thickener

The maximum use levels of food additives listed in Annexes I and II of the Ministerial Notification No. 418 B.E. 2563 (2020) was repealed and replaced by Annexes I and II of the Ministerial Notification No. 444 B.E. 2566 (2023). If a food additive had been approved and followed the

previous provision prior to November 15th, 2023, then the manufacturers or importers of the food products containing those previously approved food additives have two years from the effective date of the new notification to comply with the new provisions.

Food additives that are not listed in Annex I of the Notification No. 444 B.E. 2566 (2023) must be submitted to TFDA for approval. Per, Ministerial Notification No. 381 B.E. 2559 (2016), Re: Food Additives (No.4), importers can submit a petition to TFDA with the following supporting documentation:

(1) Food additives qualities or standards shall comply with Codex Advisory Specification for the Identity and Purity of Food Additives or the Announcement of the TFDA.
(2) Result of dietary exposure assessment according to the principle approved by the Food Committee.
(3) Reliable technical information or research publication to support justification for use and technological need for the use of additives in foods.
(4) The most current laws and regulations of two or more following countries having reliable risk assessment system, namely European Union, Australia and New Zealand, United States of America, and Japan, which permit the use of food additives in foods.

When two or more food additives classified in the same functional class, where the maximum level (ML) has been individually set, are combined the sum of the quantities obtained by dividing the amount of each food additive used by the maximum permitted level for that food additive must not exceed one (1). The below table illustrates an example where both benzoate (ML of 1,000 ppm) and sorbate (ML of 500 ppm) may be used together as preservatives in candied fruit while meeting the ML requirements.

Table 4.1: Food Additives Combined Use Calculation

	Benzoate	Benzoate Proportion	Sorbate	Sorbate Proportion	Proportion of Preservative Used in Food
Formula 1	1,000 ppm	1	0 ppm	0	1
Formula 2	750 ppm	0.75	125 ppm	0.25	1
Formula 3	500 ppm	0.50	250 ppm	0.50	1
Formula 4	250 ppm	0.25	375 ppm	0.75	1
Formula 5	0 ppm	0	500 ppm	1	1

NOTE: Details regarding the combination of two or more food additives classified in the same functional class with no additional conditions are available in the Annex II of the Ministerial Notification No. 444 B.E. 2566 (2023).

Section V. Pesticides and Other Contaminants

The TFDA enforces regulations governing food containing pesticide residues and contaminants. The TFDA establishes regulations and sets maximum residue limits (MRLs) based on the MRL standards established by the National Bureau of Agricultural Commodity & Food Standards (NBACFS). In addition, the Department of Agriculture (DOA) in the Ministry of Agriculture and Cooperatives (MOAC) controls the use of agricultural chemicals.

5.1 Food Containing Pesticide Residues

The tolerance levels for residues allowed in foodstuffs are defined as Extraneous Residue Limits (ERL) and MRLs. However, a zero-tolerance level is set for toxic substances in agriculture that are officially prohibited under the relevant MOAC Notification, except for those substances with established ERL.

Detailed information on food containing pesticide residues is available mainly in Ministerial Notification No. 387 B.E. 2560 (2017)[4] and Ministerial Notification No. 414 B.E. 2560 and MRLs in Ministerial Notification No. 419 B.E. 2562 (2020). The objective of these notifications is to protect consumer health by imposing the MRLs of agricultural chemicals in "foods" as defined in Food Act B.E. 2522 including to plants being used for food under Thai Agricultural Standard TAS 9045-2016 Re: Classification of Agricultural Commodities: Crops (in Thai only).

Details of this notification and the following annexes are enclosed in the Ministerial Notification No. 387 B.E. 2560 (2017) Re: Pesticide Residues in Food.

Annex 1: List of Hazardous Substances Type 4

Annex 2: Maximum Residue Limit (MRL)

Annex 3: Default Limit for Plants

Annex 4: Extraneous Maximum Residue Limit (EMRL)

How to read and understand the MRL deferral path.

Step 1: Is the chemical substance listed in Annex 1?

In case the chemical substance is listed in Annex 1, that means it is categorized as Type 4 hazardous substance. By the definition of the Notification of the Ministry of Industry under the Hazardous Substance Act B.E. 2535 (1992) and Hazardous Substance Act, B.E. 2551 (2008), Type 4 hazardous substance is not allowed to be produced, imported, exported or possessed.

The MRLs for all type 4 hazardous substances is zero.

[4] Under the Hazardous Substance Act B.E. 2535 (1992) and Hazardous Substance Act, B.E. 2551 (2008), Type 4 hazardous substances are prohibited for production, import, export, and possession and listed in the Annex 1 of the Ministry of Public Health Notification No. 387 B.E. 2560 (2017) Re: Pesticide Residues in Food.

Step 2: Is the combination of chemical substance/ plant commodity (both main group and sub-group per TAS 9045-2559) listed in Annex 4: EMRL? What is the imposed MRL?

If yes, the detected chemical residue limit must not exceed MRL as prescribed in Annex 4 of this notification.

If no, that means the MRL of such chemical substance/ plant commodity is zero.

Step 3: Is the combination of chemical substance/ food or plant commodity listed in Annex 2? What is the imposed MRL?

If yes, the detected chemical residue limit must not exceed MRL as prescribed in Annex 2 of this Notification.

If not, follow MRL listed in the Codex database for such a combination of chemical substance/food or plant commodity.

Remark:

In case of non-listed MRL for the combination of such chemical substance/food in both Annex 2 and Codex database, the detected residue limit shall not exceed the default limit of 0.01 mg/kg.

Step 4: Is there specified chemical substance for any plant commodity listed in Annex 3?

If yes, follow the prescribed default limit per specified chemical substance.

If no, the detected residue limit shall not exceed the default limit of 0.01 mg/kg.

The database of Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme is available at http://www.fao.org/fao-who-codexalimentarius/codex-texts/dbs/pestres/pesticides/en/

Example:

1) MRL for Paraquat (unit: mg/kg)			
Commodities	**Residue Definition**	**Thai FDA Annex 2 mg/kg**	**Codex mg/kg**
Soya bean	paraquat cation	0.1	---
2) MRL for Chlorpyrifos (unit: mg/kg)			
Commodities	**Residue Definition**	**Thai FDA mg/kg**	**Codex mg/kg**
Potato	chlorpyrifos (fat soluble)	---	2

Example 1: Combination of paraquat and soybean: MRL is prescribed in the Annex 2, therefore MRL for soybean is limited at 0.1 mg/kg by TFDA Notification.

Example 2: As there is no imposed MRL for combination of chlorpyrifos and potato listed in the Annex 2, the Codex standard is used as the next referenced limit for compliance. In a result, chlorpyrifos used in potato is limited at 2 mg/kg by Codex due to absence of imposed MRL.

3) MRL for Fenpropathrin (unit: mg/kg)				
Commodities	**Residue Definition**	**Thai FDA Annex 2 mg/kg**	**Codex mg/kg**	**Thai FDA Annex 3 (Default Limit) mg/kg**
Grape	fenpropathrin (fat soluble)	---	----	0.05

Example 3: As there is no imposed MRL of fenpropathrin and grape listed under Annex 2 or Codex standard, the fenpropathrin's default limit of 0.05 mg/kg prescribed in Annex 3 shall be followed.

TFDA regularly inspects imports for the agricultural chemical residue levels. Additionally, TFDA implements stringent measures on pesticide residues monitoring on fresh produce at the port of entry. The issued guidelines to test imported fresh produce for pesticide residues can be found in "Thailand Issues Its Revised Pesticide Residue MonitoringProcedures on Fresh Produce"

Ban of Paraquat, Chlorpyrifos and TFDA's adoption of LOD

On November 27, 2019, the National Hazardous Substance Committee (NHSC) 1) classified Glyphosate as a Category 3 risk-status (allowable but subject to permission) and made it subject to restricted measures according to the NHSC resolution on May 23, 2018; 2) classified paraquat and chlorpyrifos as a Category 4 risk-status (ban) with the enforcement starting June 1, 2020; and 3) assigned the DOA under MOAC to develop measures addressing the issues on what substances can be used to replace paraquat and chlorpyrifos and what approaches should be adopted to alleviate the impact of the ban on all stakeholders and public health.

On November 2, 2020, the TFDA published the revised Notification on Food Containing Pesticide Residues in the Royal Gazette to ban paraquat and chlorpyrifos residues in imported food products. The MRLs of paraquat and chlorpyrifos have been zero on all products since June 1, 2021. The notification stated that a Limit of Detection (LOD) will be used to determine the presence of paraquat and chlorpyrifos residues on imported food products (see Table 5.1 for details).

Table 5.1: TFDA's LOD for Imported Food Products

Food Categories	**Chemical Residue Limits (mg/kg)**	
	Paraquat[5]	**Chlorpyrifos[6]**
Grains and Beans	0.02	0.01

[5] Includes paraquat dichloride and paraquat methosulfate.
[6] Includes chlorpyrifos-methyl

Fresh Vegetables and Fruits	0.005	0.005
Meat, Milk, and Eggs	0.005	0.005

More details and requirements are available in the GAIN report TH2020-0151 TFDA Announced Ban of Paraquat and Chlorpyrifos on Imported Food Products.

On August 1, 2020, the TFDA implemented a more stringent pesticide residues monitoring program under Ministerial Notification No. 387, Ministerial Notification No. 419 Re: Pesticide Residues in Foods at the port of entry for some imported produce based on their risk levels. The produce was categorized into three classifications: Very High Risk, High Risk, and Low Risk. The list of pesticides, categorized fruits, and clarification of guidelines are available in the GAIN report Thailand Issues Its Revised Pesticide Residue Monitoring Procedures on Fresh Produce.

5.2 Food Containing Contaminants

Ministerial Notification No. 416 B.E. 2563 (2020) Re: Standards for Contamination in Foods reclassified the list of contaminants and adjusted the maximum level of contamination in food to follow international standards. The maximum level of the detected contaminant that is not listed in Annex I, shall be in accordance with the latest Codex General Standard for contaminants and Toxins in Food and Feed (CODEX STAN193-1995) at http://www.fao.org/fileadmin/user_upload/livestockgov/documents/1_CXS_193e.pdf.

In case the detected contaminant is not listed in Annex 1 or CODEX STAN193-1995, the maximum level shall not exceed as per imposed by FAO/WHO (Codex Alimentarius Commission) in the following link:
http://www.fao.org/fao-who-codexalimentarius/thematic-areas/contaminants/en/#c452833.

The burden of proof lies with the producer or importer to prove that the maximum level of a contaminant is acceptable. The testing method is detailed in Annex II. This notification came into force on September 20, 2020. This notification does not apply to food additives, producer aid, drinking water in sealed container, and mineral water.
The TFDA requires that all food products must be free of the following chemicals and their metabolites as stipulated in the MOPH Notification No. 299 B.E. 2549 (2006) Re: Prescribed Standards for Some Chemical Contaminations in Foods (2nd Edition). A list of chemicals under this regulation includes:

- Chloramphenicol and its salts;
- Nitrofurazone and its salts;
- Nitrofurantoin and its salts;
- Furazolidone and its salts;
- Furaltadone and its salts; and
- Malachite green and its salts.

In addition, all food products must be free of β-Agonist chemical groups and its salts, including substances that are derived from its metabolites as stipulated in the MOPH Notification No. 269 B.E. 2546 (2003) Re: Prescribed Standards for β-Agonist Chemicals Group Contamination in Foods.

An additional list of veterinary drugs covered by the regulation and a set of MRLs by animal species and organ tissue/product are available in Ministerial Notification No. 303 BE. 2550 (2007).

5.3 Food Pathogens Control Measures in Food Products

The MOPH repealed Ministerial Notification No.364 B.E. 2556 (2013) and replaced it with Notification No. 416 Re: Food Standards as Regards Pathogens B.E. 2563 (2020). Importers of 43 types of products listed under this new regulation must present a lab analysis report during the food product registration process to ensure that imported products are pathogen-free or their presence does not exceed maximum specified limits stated in the notification. The methods of analysis for each specific type of pathogen are listed in Appendix 3. The new Ministerial Notification was published in the Royal Gazette on September 2, 2020, and went into effect on January 4, 2021.

Section VI. Other Requirements, Regulations and Registration Measures

Food Importation License: A license is required for importing food for sale in Thailand. TFDA inspectors will visit and examine the suitability of the designated storage facility or warehouse before issuing a license. A licensee may import various kinds of food provided that the TFDA approves the food products. The importer must renew their import license every three years. Importers must obtain a temporary import license for occasional import of food (e.g., for exhibition). The TFDA will only grant an exemption for the import of food samples for laboratory testing and consideration for purchase.

Food Product Registration: Importers of food products deemed to be specifically-controlled food are required to register the products before importation for sale. Applications for product registration are submitted to the Food Division, TFDA via electronic submission. The approximate amount of time required for product registration, starting from submitting the application can be from 5 days to 3 months depending on the food category. However, delays are usually caused by inaccurate or incomplete information, which is usually the basis for failing to register a product.

6.1 Testing Requirements for Alcohol Beverages

The Thai Excise Department (TED) officially approved the use of the APEC Model Wine Export Certificate for U.S. wine exports and the U.S. Alcohol and Tobacco Tax and Trade Bureau's (TTB) Certificate of Sanitation for U.S. beer and distilled spirits exports to Thailand, with specific attestations, on August 13, 2021. U.S. alcoholic beverage exports, accompanied by these certificates issued by TTB, will require no additional testing or certificate of analysis. The import permits obtained from these approved certificates are valid for three years. The exporter must obtain a new export certificate to renew the import permit after three years. The sample of certificates for wine,

beer, and distilled spirits are available at TTB website: https://www.ttb.gov/itd/export-documents-certificates.

For more information on these requirements, please see GAIN report No. TH9080 Re: New Quality Standard for Imported Alcoholic Beverages.

Section VII. Other Specific Standards

7.1 Laboratory Testing

Importers must present a lab analysis report to register specifically-controlled foods with the TFDA to ensure that the products meet standard requirements under product related ministerial notifications, that they are free from microbial organisms and toxic chemical substances that are not safe for consumption, and that they are of good nutritional quality. The TFDA accepts a lab analysis report for required food products issued by a government laboratory from the country of origin, a government laboratory in Thailand, or a private laboratory accredited by the Thai government. The submitted lab analysis report should not be older than one year. The analysis results must comply with the quality or standard and test methods specified in the annex of the TFDA notification. More information regarding the chemical, microbiological, physical and bio-molecular analysis is available in TFDA notification Re: Lab Analysis Method (in Thai only).

7.2 Shelf Life and Packaging

Shelf longevity and packaging are critical issues. Long shipping times and the likelihood that products will pass through multiple marketing channels before reaching consumers should be considered. Due to Thailand's hot and humid climate, moisture resistant outer and inner packaging should be used to preserve product quality.

7.3 Product Samples and Mail Order Shipments

A limited amount of processed or packaged food samples for product registration and consideration for purchase can be brought in without an import license from the TFDA. However, samples of raw, fresh, or frozen foodstuffs (e.g., meat, vegetables, and fruits) may be subject to other regulations established by the relevant authorities. In certain cases, a sanitary or a phytosanitary certificate will be required. Mail order shipments of products for sale are also subject to the same rules and regulations imposed by the TFDA and other relevant authorities as those of regular imports.

7.4 Import Controls under a Tariff Rate Quota (TRQ)

Thailand is permitted to establish TRQs for 23 agricultural products under the World Trade Organization (WTO) Agreement on Agriculture. In administering the TRQs, the Thai Government issues higher-than in-quota commitment amounts and/or lower-than-in-quota commitment when domestic production is not sufficient to cover the demand, especially for export-oriented industries.

In years of sufficient domestic supply or surpluses, the RTG usually limits in-quota imports, both the in-quota amount and the in-quota duties, to the level that is obligated under the WTO Agreement.

Commodities covered under the TRQ system are as follows:

- Milk and cream, and flavored milk
- Skim milk
- Potato
- Onion
- Garlic
- Coconut
- Copra
- Coffee bean
- Tea
- Pepper (piper nigrum L.)
- Corn
- Rice
- Soybeans
- Onion seeds
- Soybean oil
- Palm and palm oil
- Coconut oil
- Sugar
- Instant coffee
- Soybean meal
- Tobacco leaf
- Raw silk
- Dried longan

The Department of Foreign Trade, Ministry of Commerce monitors imports of these products and requires importers to apply for an import permit.

7.5 Specific Import Control on Animals and Animal Products

An import permit for all cooked foods made or derived from animal carcass, including sausage, ham, bacon, smoked meat products, pickled meat products, cured meat products, honey and related products, and salty/processed eggs and egg yolk, is required from September 9, 2018, under the MOAC's notification titled "Determination of Cooked Foods Which Are Processed or Cooked Products and Derived from Animal Carcasses as Defined in Animal Epidemic Act B.E. 2558 (A.D. 2015), B.E. 2561 (A.D. 2018)." Currently, the Department of Livestock Development (DLD) grants import waiver for each processed meat products shipment that were registered with TFDA before September 9, 2018.

An import permit for uncooked meat products (fresh or chilled) is also required. Prior to importation, an application for a permit should be completed and submitted to the Animal Quarantine Station at the port of entry where the products will be shipped, whether by air or by sea. DLD also requires a health certificate issued by the exporting country with a reference number to a DLD import permit for each shipment. Upon entry, the Animal Quarantine Station must inspect the products prior to release by the Thai Customs. However, the DLD may re-inspect imported meat and livestock on a random basis as they enter Thailand. The DLD also collects import permit fees on uncooked red meat, poultry, and meat offal. According to the ministerial rule titled "Determination of Fee Rates and Waiver of Fees According to Animal Epidemic Act B.E. 2559 (A.D. 2016)," effective October 17, 2016, the import permit fees for edible uncooked meat for food or feed production are 7 baht/kilogram (kg) ($230/metric ton), and 3 baht/kg (U.S. $ 98/MT) for imported inedible uncooked meat carcasses.

7.6 Specific Import Control on Beef and Beef Products from BSE-Affected Countries

Thailand banned imports of U.S. uncooked beef products after the detection of bovine spongiform encephalopathy (BSE) in the United States in December 2003. The United States regained market access for U.S. boneless beef in February 2006 and for bone-in beef in April 2017. Other U.S. uncooked beef products including tongue, cheek meat, oxtails, tendons, hanging tenders, inside skirts and outside skirts, derived from cattle of any age slaughtered on or after April 1, 2017, are also eligible for export to Thailand. Thailand currently prohibits imports of U.S. beef offal products.

The following MOAC/DLD import protocol requirements must be met to import eligible U.S. beef and beef products into Thailand:

1) A health certificate in English signed by a full-time authorized FSIS veterinary official stating:
   a. type of cuts and package of the meat/meat products;
   b. number of pieces or package and net weight;
   c. names and addresses and registered number of the approved manufacturer;
   d. names and addresses of the exporter and the consignee;
   e. dates of slaughter, manufacture or packaging and export;
   f. import permit number (Issued by DLD); and
   g. shipment information of condition items 1.1 to 1.6 must be present on the 9060-5 K Series.
2) The United State of America (USA) is free from Rinderpest and Foot and Mouth Disease (FMD) as recognized by the World Organization for Animal Health (OIE) for at least one (1) year prior to export.
3) The animals have received ante-mortem and post-mortem inspections and found to be free from any infectious and contagious diseases.
4) The farm(s) or premises of origin in the United State of America has been free from contagious bovine pleuropneumonia during the past 6 (six) months preceding the slaughter of the animals and until the time of export, or the product or source cattle were legally imported into the United States from a zone free of contagious bovine pleuropneumonia.
5) The United States is a country officially recognized as having a negligible BSE risk status by the OIE.
6) The United States requires the following for imported cattle, consistent with the recommendations of the OIE's Terrestrial Animal Health Code's chapter on BSE:

a. Cattle imported from controlled BSE risk countries, including Canada, are permanently identified.
b. Cattle imported from controlled BSE risk countries, including Canada, are not known to be "exposed" cattle (i.e., those identified as cohorts of a BSE case)
c. Cattle imported from controlled BSE risk countries, including Canada, were born after the date a ban on the feeding of ruminant-origin meat-and-bone meal and greaves to ruminants was effectively enforced in those countries.

7) The beef and beef products were produced at slaughter and processing establishments operating under federal inspection.

8) The beef and beef products contain no preservatives, additives or other substances posing a harmful risk to human health.
9) The beef and beef products have been subjected to a residue and microbiological sampling program in accordance with FSIS regulatory requirements including the FSIS National Residue Program.
10) The beef or beef products were not derived from cattle that were confirmed BSE cases or known suspected cases of BSE.
11) The immediate shipping container used for transporting the product complies with FSIS sanitary requirements at the time of loading in the facility.
12) The product does not contain mechanically separated meat.
13) Failure to follow the import procedures may result in returning the meat/meat products to the country of origin or destroying without compensation.

7.7 Specific Import Control on Pork Meat

The DLD prohibits imports of unprocessed pork from countries that allow ractopamine to be used in animal feed including the United States. U.S. cooked pork products had previously been allowed for import when they were under the sole jurisdiction of TFDA. Since 2018 ("Determination of Cooked Foods Which Are Processed or Cooked Products and Derived from Animal Carcasses as Defined in Animal Epidemic Act B.E. 2558 (A.D. 2015), B.E. 2561 (A.D. 2018)" (as mentioned in Section 7.5)), DLD has jurisdiction over import license issuance and has not issued any licenses for import of U.S. cooked pork products.

7.8 Specific Import Control on Seafood

Imports of seafood, frozen or chilled, are under the supervision of TFDA. Seafood importers must obtain an import permit (normally granted shipment by shipment), together with a permit for distribution.

7.9 Specific Import Control on Fruits and Vegetables

Thailand's Plant Quarantine Act (No. 3) B.E. 2551 came into effect on August 28, 2008. The Act combined previous Ministerial Notifications from 2007 requiring Pest Risk Assessments (PRA) for imported plant materials as well as established broader powers for the Plant Quarantine Committee. The details of the Act can be viewed in GAIN report TH8047 Re: The New Plant Quarantine Act (No. 3) B.E. 2551 (2008).

On September 12, 2008, the Director General of the Department of Agriculture (DOA) officially notified guidelines for the importation of prohibited, restricted and non-prohibited articles (See GAIN report TH8161 Import Guidelines under New Plant Quarantine Act linked in the attachment to the present report).

Table 7.1: Import Requirements under the Plant Quarantine Act

	PRA Approval	Import Permit	PC	Specific Condition
Prohibited Articles:				

• Imported for experiment and research		X	X	Limited point of entry (POE)
• Imported for commercial purpose	X	X	X	No POE limit
• Imported for other purpose	X	X	X	No POE limit
• Transit to 3rd Country	X	X	X	No POE limit
Restricted Articles (import or transit)			X	No POE limit
Non-Prohibited Articles (import or transit)			X	No POE limit

The DOA conducted two audits to evaluate pest management in production areas, export certification process, and post-harvest disinfestation and disinfection treatments for 10 types of fruit in the United States in 2018, as a part of the DOA's required PRA process. In October 2019, the DOA notified the USDA on its completion of the PRA process for 9 types of U.S. fruits to be allowed for entry into Thailand with certain import requirement and conditions. These eligible fruits from certain states in the U.S. include apple (California, Idaho, Oregon, and Washington), table grape (California), pears (California, Idaho, Oregon, and Washington), cherry (California, Idaho, Oregon, and Washington), apricot (California), strawberry (California), nectarine (California), peach (California), plum (California). In June 2020, citrus (Arizona and California) was added to the eligible list of U.S. fruits to be imported into Thailand. The imports of these U.S. fruits are subject to an import permit granted by the DOA and must meet other import requirements. Details of the import requirement and conditions can be found at USDA/APHIS' Phytosanitary Export Database (PExD) System.

According to MOPH Ministerial Notification No. 386 re: Prescription of Production Process, Equipment and Utensil for Production and Storage of Some Fresh Fruits or Vegetables and Labeling, shippers and importers are required to present a notary-certified copy of the production certificate at the time of shipment ensuring that the sorting and packing process of the imported fresh fruits and vegetables are safe for consumption. The notary-certified copy can be kept and presented for the clearance of subsequent shipment until the end of its validity. The approved list of production certificates that are accepted by TFDA are as follows:

(1) USDA Good Agricultural Practices (GAP) and Good Handling Practices Audit;
(2) GLOBALGAP's Integrated Farm Assurance program for Fruits and Vegetables;
(3) Primus GFS Version 2.1-2e or Version 3;
(4) The Safe Quality Food (SQF) Institute's HACCP-Based Supplier Assurance Code for the food industry;
(5) BRC Global Standard for Food Safety;
(6) USDA Harmonized GAP Plus+; and
(7) GLOBAL GAP - Produce Handling Assurance General Regulation version 1.2.

7.9.1 Import Requirements for Seed Potatoes

Importers of seed potatoes must work with the Ministry of Commerce's Department of Foreign Trade (MOC/DFT), MOAC/DOA, and the Ministry of Commerce's Customs Department. DFT administers the tariff-rate-quota system for seed potatoes. The DFT sets the TRQ each year and notifies its allocation of the seed potato import quota to eligible companies and cooperatives. These companies are normally potato chip processors in Thailand, which contract fresh potato production with small farmers in the northern provinces. Eligible importers receive a certain amount of import quota that is subject to an in-quota tariff rate of 27 percent. Otherwise, out-of-quota imports are subject to a 125 percent tariff rate. Once the quota is allocated, importers need to register with DFT, which will provide specific documentation on the import terms. The importer must then present this documentation to Thai Customs for clearance and the application of the corresponding fees. On August 23, 2023, the Ministry of Commerce announced its 2024-2027 plans for administering its quota allocation for seed potatoes and potatoes for processing. Under the plan, the quota for seed potatoes in a given year is unlimited and there is no specific import window period.

Under DOA's current import process, U.S. seed potatoes must abide by the following protocol: 1) be produced in California, Idaho, Oregon, or Washington; 2) importers must apply for a phytosanitary import permit with the DOA prior to import; and 3) shipments of seed potatoes must be accompanied by a phytosanitary certificate that contains the following statement: *"The seed potatoes in this consignment were produced in the United States of America in accordance with the conditions governing entry of seed potatoes to Thailand."*

7.9.2 Import Requirements for Potatoes for Processing

Importers of potatoes for processing must work with DFT, DOA, and the MOC's Customs Department. DFT administers the tariff-rate-quota system for potatoes for processing. Each year, the DFT notifies its allocation of import quota on potato for processing to chip processing companies in Thailand. Eligible companies are allocated import quotas which are subject to an in-quota tariff rate of 27 percent. Otherwise, out-of-quota imports are subject to a 125 percent tariff rate. Like seed potatoes, the importer needs to contact the DFT to register and receive specific documentation regarding the terms of the importation. The importer has to present this documentation to Thai Customs for clearance and pay the corresponding fees. On August 23, 2023, the Ministry of Commerce announced its 2024- 2027 plans for administering quota for potatoes for processing. Under the plan, the quota for potatoes used for processing is limited to no more 75,500 metric tons in 2024, 78,000 metric tons in 2025 and 80,000 metric tons in 2026 with import window limited to July – December each year.

The DOA's current import protocol allows potatoes from all states to enter Thailand except where potato cyst nematode is regulated and/or the soil is contaminated with the nematode. Currently, importers are limited to potato chip processors in Thailand that comply with DOA's guidelines on the safe disposal of soil, culls, and water. The importer must apply for a phytosanitary import permit with the DOA prior to import. The product shipment must be accompanied by a phytosanitary certificate that contains the following statements: *"The potatoes in this consignment were produced in the United States of America in accordance with the*

conditions governing entry of potatoes for processing to Thailand and inspected and found to be free of quarantine pests." And *"The potatoes in this consignment have been washed"* or *"The potatoes in this consignment were treated with a sprout inhibitor."*

7.9.3 Import Requirements for Potatoes for Consumption (Table-Stock Potatoes)

Importers of potatoes for consumption must work with DFT, DOA, TFDA, and MOF/Customs Department. Unlike seed potatoes and potatoes for processing, DFT does not apply a tariff-rate-quota system for table-stock potatoes. As a result, all imports of table-stock potatoes are considered as out-of-quota imports and are subject to a 125 percent tariff rate. To import potatoes, the importer needs to contact the DFT to register and receive documentation specifying the terms of the import. The importer must then present the documents to the Customs Department for clearance and for the application of the corresponding fees.

The DOA allows imports from all U.S. states except production areas where potato cyst nematode is regulated and/or present in the soil. There is no specific requirement that the importer must be a chip processor. As in the previous cases, the importer must apply for a phytosanitary import permit with the DOA prior to an import. The product shipment must be accompanied by a phytosanitary certificate that contains the following statements: *"The potatoes in this consignment were produced in the United States of America in accordance with the conditions governing entry of potatoes for consumption to Thailand and inspected and found to be free of quarantine pests."* and *"The potatoes in this consignment have been washed."*

Table-stock potatoes are considered a food item under the current Food Act of 1979; as such, importers must apply for and receive a food import permit prior to importation from the TFDA. Prior to granting a permit, the TFDA will inspect the importer's storage facilities for compliance. The importer must present the food import permit to TFDA and Customs inspectors at the port. If all is in order, the shipment will be cleared for release. In case a substance is found that is either on the pesticide ban list or above established MRLs, the shipment must be returned or destroyed.

7.10 Novel Food (Plant-based Meat)

The "Novel Food" regulation was adopted by the TFDA and provides detailed rules on the authorization of novel foods, food ingredients and processes under the Ministerial Notification No. 376 B.E. 2559 (2016) Re: Novel Food. Novel food is defined as (1) any substance used as food or food ingredients that has been significantly used for human consumption for less than fifteen years based on scientific or reliable evidence; or (2) any substance used as food or food ingredients that has been applied to a production process not currently used, where that process gives rise to significant changes in the composition or structure of such food that affects its nutritional value, metabolism or level of undesirable substances; or (3) any food product contains either (1) or (2) as an ingredient. The regulation requires any novel food be evaluated via a safety assessment prior to the submission of its label to the TFDA for approval before use. The results of a safety assessment by a risk assessment center recognized by TFDA together with other relevant information described in the regulation have to be submitted to the TFDA. The TFDA also has to approve its quality or standard, specification, and condition of use. The regulation

sets specific labeling requirements on the usage instructions and conditions of use for such types or categories of food and the maximum permitted level of use in order to ensure that the consumer is informed of the intended use of the food that renders a food or food ingredients novel. Food additives and food obtained through certain techniques of genetic modification are not included in this regulation. In addition, the 80 items on the negative list can be found in the Ministerial Notification No.424 Re: Prohibited Food items for production, importation and sales.

Section VIII. Geographical Indicators, Trademarks, Brand Names, and Intellectual Property Rights

Thailand, as a member of the World Trade Organization, generally provides standard intellectual property protection outlined in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs). The Department of Intellectual Property is the agency responsible for registering or granting most intellectual property rights in Thailand.

8.1 Geographical Indicators

Thailand protects geographical indications (GIs) through the Geographical Indications Act. The Act allows rights holders to seek protection, through GI registration at the Department of Intellectual Property, for indications that identify the goods as originating in a region or locality, where a given quality, reputation, or other characteristics of the goods is essentially attributable to the geographic origin. The existence of a similar previously registered trademark does not constitute grounds for refusal of a GI registration.

8.2 Trademark

Thailand trademark law provides protection for trademarks registered in Thailand. The trademark registration is administered on a first to file basis at the Department of Intellectual Property. Thailand is a member of the Madrid Protocol; therefore, trademark applicants may use this international application system to acquire trademark registrations in Thailand. A registrable trademark must be distinctive, not be prohibited by the Trademark Act, and not be identical or similar with another registered trademark. The registered trademark owner enjoys exclusive rights to import, distribute, offer for distribution, or have in possession for distribution the goods bearing the registered trademark. The registered trademark owner also has the right to take legal action against the goods bearing not only an identical mark but also an imitation mark that is confusingly similar to the registered trademark.

Trademarks that are not registered in Thailand receive very limited protection and are difficult to enforce within the Thai system. However, Thailand recognizes the concept of well-known trademark and trademark examiners have a duty to reject the trademark applications that are identical or similar to well-known trademarks and may cause confusion to the public. Moreover, any interested person may file a petition to the Board of Trademark to revoke a trademark that is considered not registrable at the time of registration under the Trademark Act.

8.3 Patent

Thailand's patent system includes three categories of patent registrations: patents for invention, petty patents, and design patents. For patents for invention, to be patentable, the invention must be new, involve an inventive step, and be capable of industrial application. Thailand is a member of the Patent Cooperation Treaty (PCT); therefore, applicants may use the PCT system of international patent application to acquire patents in Thailand. While petty patents do not require an inventive step, petty patents also receive only short-term protection. Petty patents are registered without substantive examination; however, an interested party may request an examination within one year from the publication date. A design may be eligible for a design patent if it is new and industrially applicable. Design patents are granted based on the ornamental aspects or aesthetics of an article, including features that pertain to the shape, configuration, or pattern.

A foreign patent receives no protection under Thailand's Patent Act. However, foreign patent holders in foreign countries may enter into business transactions with parties in Thailand and seek some protection through contractual obligations in the form of a licensing agreement. Note that this protection can be enforced only between contractual parties; it will not create any rights to take action against a third party. Since foreign patents receive no protection under the Thailand's Patent Act, no civil or criminal action can be taken against any third party who produces or sells foreign-patented products in Thailand.

8.4 Copyright

Copyrighted works do not require registrations to be protected in Thailand. However, filing a copyright recordation with the Copyright Office within the Department of Intellectual Property is useful as it can be used as the evidence of copyright ownership if a dispute arises.

8.5 Trade Secret

Trade secrets, such as data, formulas, or other confidential information used in business, may be protected in Thailand if the owner provides appropriate measures to maintain secrecy, according to the Trade Secret Act 2002. No registration is required.

8.6 Plant Variety Protection

Thailand is not a member of the International Convention for the Protection of New Varieties of Plants (UPOV). However, Thailand has the Plant Variety Protection Act of 1999, which is administered by the Plant Variety Protection Office within the MOAC. The Act provides some protection for plant breeder's rights, but it does not comply with the UPOV standards.

The private sector has expressed ongoing concerns about the overall implementation and enforcement of the Act, noting wide availability of pirated counterfeit seeds and other products in Thailand.

Section IX. Import Procedures

Imported goods may not legally enter Thailand until the shipment has arrived at the specified port of entry and delivery of the merchandise has been authorized by the Thai Customs Department. This is normally accomplished by filing the appropriate documents, either by the importer or by a designated agent through the electronic customs system (e-Customs), which is the comprehensive system developed by Thai Customs Department to process all commercial goods imported into Thailand.

Thai customs officials usually work hand in hand with relevant quarantine officials from the TFDA, DLD, DOA, and Fishery Department for product inspections.

The Customs Department does not notify the importer of the arrival of a shipment. Notification is usually made by the carrier of the goods. The importer should make their own arrangements to be sure that they or their agent will be informed immediately of the arrival of shipment so that the documentation for entry can be filed and delays are avoided.

9.1 Custom Duties

To clear goods, the importer has to submit import declaration together with all relevant documents, such as the invoice, packing list, and a copy of the bill of lading. The import permit can be submitted to the e-Customs system, along with an arrival report and information of the carrying vessel. The e-Customs system will check and verify the submission, identifying any discrepancies, and specifying whether the shipment can be released (green line) or inspection is required (red line). Most agricultural and food shipments are considered red line shipments that require supporting documents and are physically examined by customs officials. Import documents, if translated into Thai, will help expedite customs clearance. In cases where imports are subject to a business tax, the importer must also have a business tax registration number.

The importer must pay the applicable tariff duties and business taxes after these documents have been processed and the goods have arrived. Payment of duties and taxes can be made at the Customs Department stationed at the port of entry or via the e-Payment section of the e-Customs system. The documents must be taken to the warehouse and presented to an inspector who will make a report on the entry form. If there is a discrepancy, the goods will be retained until the additional duty or a fine is paid. The Port Authority will then calculate landing and storage charges based upon the size or gross weight of the package. After paying these charges, the importer must submit receipts and the release order or delivery order to obtain a warehouse receipt which will allow the imported goods to be claimed. With proper documents, the entire customs clearance process normally takes 2-3 days. For disputed and/or rejected products, an appeal can be made with the Legal Affairs Bureau, Customs Department.

9.2 Customs Clearance of Prepacked Foodstuffs

Prepackaged foodstuffs will need additional inspection by related authorities before proceeding through the regular customs formalities. In addition to the TFDA, other concerned officers such

as animal quarantine officers, plant quarantine officers, and fisheries department officers are stationed at the port of entry to determine whether certain imported foodstuffs meet the requirements set by their agencies. In such cases, certain certificates (e.g., a health certificate or a phytosanitary certificate) may be required.

9.3 Import Procedures for Product Samples for Trade Shows

Importers can request approval to import food product samples for trade shows with the TFDA so long as the product is not prohibited according to the Food Act. The required documentation that should be translated into Thai includes the invoice, the airway bill or bill of lading (if any), the Certified Document on Exhibition Venue, the Confirmed Participation Document from Exhibitor, the Certified Document from Food Producers Assigned Importer as Representative, and the Health Certificate certified by a government agency or Certificate of Free Sale according to TFDA's procedure. More detailed information is available in Thai at https://logistics.fda.moph.go.th/imported-for-other-purposes/%20food-imported-for-other-purposes.

9.4 Import Procedures for Product Samples Sent by Mail

Postal items sent from aboard to Thailand are subject to selective inspection before further distribution to the consignees. For food items, the package will be inspected by the relevant quarantine officers from the TFDA and DLD stationed at the main post office. Some food products may require an import license or may be prohibited at the discretion of the inspecting officers. The postal items can be exempted from duty or import licenses if the value of the package does not exceed 1,500 baht (approximately $50) or are being sent as trade samples of no commercial value. The customs officers will deliver cleared items to Thailand Post for further distribution to the consignees at the stated address on the postal items. For disputed and/or rejected products, an appeal can be made with Postal Customs Service Division, Customs Department.

Section X. Trade Facilitation

Thai Customs Department allows business operators to file a request for an Advanced Valuation Ruling (AVR) for future imports. Innovative, processed, and new entry agricultural products can use this service to ensure the accurate harmonized code and customs duty are applied. In addition, the AVR can shorten the wait time at the port for inspection by 2 to 3 days. The advance ruling result would be valid for two years from the date of issuance. Shipment brokers, logistics providers, or the importers can submit a request form for AVR. The following documents are required in the AVR application: sales contract, purchase order, invoice, license agreement, and other relevant documentations. The responsible office, Customs Standard Procedure and Valuation Bureau, Thai Customs Department, will provide the result in 30 official days from the request submission date. Each AVR request fee is 2,000 THB (approximately $55).

The AVR request form (in Thai) is available at this link.

New or changing regulations are the most common reasons for delays in shipment clearance in Thailand. However, delays are usually brief once corrections are made to align the shipments with the new or changing regulations.

Table 10.1: Average Fees at Seaports

Item	Fee Charged for Full Container Load	Fee Charged for Less Than Container Load	Remark
Terminal Handling Charge (THC)	$90/20 foot-container $138-140/40 foot-container	$13-15/ Cubic Meter	
Container Freight Station (CFS)	$87 – 96/20 foot-container $160– 260/40 foot-container	$13-15/ Cubic Meter	
Facility (FAC): Forklift, Crane, and equipment.	$23/20 foot-container $38/40 foot-container	$5-8/ Cubic Meter	
Handling Charge (H/L):	–	$10 / Cubic Meter or $50/ shipment	
Delivery Order (D/O)	$40– 50/ BL	$40- 50/set	
Port Congestion Charge (PCS)	$50/20 foot-container $100/40 foot-container	$3/ Cubic Meter	If any charge.
Cleaning Charge	$8-16/20 foot-container $10-25/40 foot-container	–	This average rate charged may vary in case of some specific products, please recheck with shippers for accuracy.

Source: Thai National Shippers' Council

Appendix I: Government Regulatory Agency Contacts

FOOD AND DRUG ADMINISTRATION, MINISTRY OF PUBLIC HEALTH
Food Division
Tivanont Road, Muang
Nonthaburi 11000
Tel: (662) 590-7178
Fax: (662) 591-8460
E-mail: food@fda.moph.go.th

Inspection Division
Tivanont Road, Muang
Nonthaburi 11000
Tel: (662) 590-7323
Fax: (662) 591-8477
E-mail: inspection@fda.moph.go.th

Bangkok Postal FDA Quarantine Division
Chang Wattana Road, Laksi
Bangkok
Tel: (662) 575-1008

DEPARTMENT OF FOREIGN TRADE, MINISTRY OF COMMERCE
Bureau of Trade Measures
Department of Foreign Trade
Sanam Bin Nam-Nonthaburi Road
Nonthaburi 11000
Tel: (662) 547-4737
Fax: (662) 547-4736
E-mail: cdtdft@moc.go.th

Bureau of National Import-Export Product Standards
Department of Foreign Trade
Sanam Bin Nam-Nonthaburi Road
Nonthaburi 11000
Tel: (662) 547-4746
Fax: (662) 547-4816
E-mail: tpdft@moc.go.th

DEPARTMENT OF LIVESTOCK, MINISTRY OF AGRICULTURE AND COOPERATIVES
Animal Quarantine Inspection Services
Department of Livestock Development
Phyathai Road
Bangkok 10400
Tel: (662) 653-4444 Ext. 4110
Fax: (662) 653-4865

E-mail: dcontrol8@dld.go.th

Bangkok Seaport Animal Quarantine Station
Klong Toey Port
Klongtoey
Bangkok 10110
Tel: (662) 249-2112
Fax: (662) 249-4358

Suvarnabhumi Airport Animal Quarantine Station
Samut Prakarn 10540
Tel: (662) 134-0731
Fax: (662) 134-3640

Bangkok Postal Animal Quarantine Division
Chang Wattana Road, Laksi
Bangkok
Tel. (662) 575-1002-3

DEPARTMENT OF FISHERIES, MINISTRY OF AGRICULTURE AND COOPERATIVES
Fisheries Resources Conservation Division
Contact: Chief of Fisheries Administration & Management Section, Department of Fisheries
Kasetsart University, Chatuchak
Bangkok 10900
Tel: (662) 562-0600/15, ext 3509
Fax: (662) 562-0528
E-mail: fishtradeins@dof.thaigov.net

DEPARTMENT OF AGRICULTURE, MINISTRY OF AGRICULTURE AND COOPERATIVES
Plant Quarantine Subdivision
Office of Agricultural Regulation
Department of Agriculture
Chatuchak, Bangkok 10900
Tel: (662) 940-6573, 940-6670 Ext. 102
Fax : (662) 579-4129
E-mail: rakkrai@yahoo.com

Plant Quarantine Station
Suvarnabhumi Airport
Samut Prakarn 10540
Tel: (662) 134-0717

Bangkok Postal Plant Quarantine Division
Chang Wattana Road, Laksi
Bangkok
Tel: (662) 575 1014-5

DEPARTMENT OF INTELLECTUAL PROPERTY, MINISTRY OF COMMERCE
44/100 Nonthaburi 1 Rd.
Bangkrasor, Muang
Nonthaburi 11000
Tel: (662) 547-4685-6
Fax: (662) 547-4681

EXCISE DEPARTMENT, MINISTRY OF FINANCE
Bureau of Tax Administration 1
Excise Department
1488 Nakhon Chaisri Road
Bangkok 10300
Tel/Fax: (662) 243-0525

CUSTOMS DEPARTMENT, MINISTRY OF FINANCE
Import Formalities Division
Customs Department
Klong Toey, Bangkok 10110
Tel: (662) 249-4266, 671-5250
Fax: (662) 249-4297

Legal Affairs Bureau
Customs Department
Klong Toey, Bangkok 10110
Tel: (662) 671-7560, ext. 9310, 9311
Fax: (662) 671-7626

Customs Standard Procedure and Valuation Bureau
Customs Department
Klong Toey, Bangkok 10110
Tel: (662) 667-7000 Ext 6502, 7179, 7187

Postal Customs Service Division
Bangkok Customs Bureau,
Customs Department,
111 Soi Chaeng Watthana 5, Chaeng Watthana Road,
Lak si District, Bangkok 10020
Tel. 0 2575 1002-3, Fax. 0 2575 1011

TFDA Official Lab Analysis Centers

DEPARTMENT OF MEDICAL SCIENCES, MINISTRY OF PUBLIC HEALTH
Food Analysis Division
Department of Medical Sciences
Soi Bumratnaradul Hospital
Muang, Nonthaburi 11000
Tel: (662) 951-0000 Ext. 99967
Fax: (662) 951-1023

National Food Institute, Thailand
2008, Soi Arun Amarin 36
Bangyeekhan, Bangplad, Bangkok 10700
Tel: (662) 422-8688
Fax: (662) 422-8558

National Center for Genetic Engineering and Biotechnology
113 Thailand science Park
Phaholyothin Road, Khlong Nueang,
Klong Luang, Pathum Thani 12120
Tel: (662) 5646700
Fax: (662) 564-6701-5

Thailand Risk Assessment Center
Institute of Nutrition, Mahidol University
25/25, Phuttamonthon 4 Road, Salaya,
Phuttamonthon, Nakhon Pathom, 73170
Tel: (662) 800-2380 ext 119
Fax: (662) 889-3673

Nutrition Association of Thailand
Under the Patronage of Her Royal Highness Princess Maha Chakri Sirindhorn
Center of Nutrition Assessment and Health Claims for Food Products of Thailand
Phayathai Plaza, 128/107, 9th floor
Phayathai, Tungpayathai, Rajthevee
Bangkok 10400
Tel: (6695) 293-1014, (66695) 935-6460

Kasetsart University
Risk Assessment Center for Plastic Food Container
Tel: (065) 395-6282

Attachments: TH8161Guidelines under the Plant Quarantine Act 2008.doc