

NOTIFICATIONS OF LAWS, REGULATIONS AND
ADMINISTRATIVE PROCEDURES RELATING
TO SAFEGUARD MEASURES

THAILAND

Revision

The following communication, dated 9 October 1995, has been received from the Permanent Mission of Thailand.

I have the honour to refer to Article 12.6 of the Agreement on Safeguards and the relevant decision of the Committee on Safeguards appertaining thereto concerning the notification of the Members' laws, regulations, and administrative procedures relating to safeguard measures to the Committee, and to our notification dated 14 March 1995 notifying to the Committee that the Export and Import Act B.E. 2522 (1979) is the relevant Thai legislation which could be applicable to safeguards measures covered by the Agreement and the Committee has already circulated this legislation to the Members in document G/SG/N/1/THA/1 dated 27 March 1995.

In this connection, upon instructions of my authorities, I would like to inform the Committee that the Export and Import Act B.E. 2522 (1979) is not a safeguard law in the sense of the Agreement on Safeguards. The said Act is the law of general application which empowers the Minister of Commerce, upon approval of the Council of Ministers, to impose restrictions or prohibitions on the importation or exportation of certain goods from coming in or going out of Thailand for the sake of economic stability, public interests, public health, national security, peace and order or good morals of the people, or for any other interests of the country.

The primary purpose of the Export and Import Act B.E. 2522 (1979) is to enable the executive authorities to protect Thailand's national security and interests and to fulfil Thailand's rights and obligations derived from international agreements, including the rights and obligations of Thailand in accordance with Articles XX and XXI of the General Agreement of Tariffs and Trade 1994 (1947).

The Export and Import Act B.E. 2522 (1979) has never been invoked and applied to any goods for safeguard reasons.

In addition, Thailand is now in the process of considering how to fulfil the country's rights and obligations derived from the Agreement on Safeguards, the fulfilment of which may come in the form of a safeguard law, or more detailed regulations on this matter issued under the authority of the Export and Import Act B.E. 2522 (1979), or any other forms as appropriate.

In the meantime while Thailand as yet has no safeguard law or a more detailed regulation on this matter, the Members can be assured that in the case where Thailand needs to apply safeguard measures, it shall act in conformity with the General Agreement on Tariffs and Trade 1994 and the Agreement on Safeguards.

As and when Thailand has such a safeguard law or more detailed regulations on this matter, it will notify it to the Members in accordance with Article 12.6 of the Agreement.

In the absence of such a safeguard law or more detailed regulations on this matter, however, I would like to make a correction to our earlier notification and to request that the said notification be withdrawn, the Export and Import Act B.E. 2522 (1979) be deleted from the reviewing agenda, and the explanation contained in this note be circulated to the Members for their correct understanding.

Lastly, I would like to apologise for the misunderstanding and inconvenience our earlier notification has caused the Committee and the Members.