

FERTILIZER ACT B.E. 2518
AMENDED BY
FERTILIZER ACT (NO. 2) B.E. 2550

FERTILIZER ACT B.E. 2518
AMENDED BY
FERTILIZER ACT (NO. 2) B.E. 2550

.....

HIS MAJESTY KING BHUMIBHOL ADULYADEJ, REX.

Given on the 4th of January B.E. 2518:

Being the 30th year of the Present Reign:

His Majesty King Bhumibhol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to enact the law on fertilizer;

Be it, therefore, enacted by His Majesty the King by and with the advice and consent of the National Legislative Assembly acting as the Parliament, as follows:

Section 1 This Act shall be called the “Fertilizer Act (No. 2) B.E. 2550”

Section 2 This Act shall entry into force as from the day following the date of its publication in the Government Gazette.

Provisions of Section 3 shall be repealed by Section 3 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 3 In this Act:

“Fertilizer” means organic materials, synthetic organic materials, inorganic or microorganism no matter of its being natural formation or processing for uses as plant nutrients by any means of production methods or causing any chemical, physical or biological changes in soil conditions to have value in plant growth.

“Chemical fertilizer” means a fertilizer derived from inorganic or synthetic organic materials including single fertilizer, mixed fertilizer, compound fertilizer and organic chemical fertilizer, but excluding the following:

- (1) Lime, marl, plaster, gypsum, dolomite or other materials exempted by rules promulgated by the Minister and published in the Government Gazette;
- (2) Inorganic or organic materials of theirs natural formation or derived for use in industrial purposes or other business operations promulgated

by the Minister and published in the Government Gazette.

“Biological fertilizer” means a fertilizer derived from living microorganism enabling to form plant nutrients or to provide essential nutrients for plant growth and offering for soil enrichment to produce any biological, physical, chemical and biochemical changes in the soil and this definition shall also cover microorganism in concentrated form or it is called the effective microorganism.

“Organic fertilizer” means a fertilizer derived from organic materials subject to the completion cycle of biological degradation processes under conditions and physical manipulations of moistening, chopping, fermenting, grinding, sieving, extracting or other methods but not a chemical fertilizer or biological fertilizer.

“Organic chemical fertilizer” means a fertilizer containing certain guaranteed quantity of nutrients and consisting of quantity of organic materials promulgated by the Minister and published in the Government Gazette.

“Single fertilizer” means a chemical fertilizer containing only one primary plant nutrient in expression as Nitrogen fertilizer, Phosphate fertilizer or Potash fertilizer.

“Mixed fertilizer” means a chemical fertilizer containing any combination or mixture of various kinds or types of chemical fertilizers formulated and claimed to have its plant nutrients composition as required.

“Compound fertilizer” means a chemical fertilizer derived from chemical processes and contained at least two recognized primary nutrients.

“Element” means any nutrient containing in the fertilizer and enabling to be plant food.

“Primary element” means a nutrient referred to as nitrogen, phosphorus or potassium.

“Secondary element” means a nutrient referred to as magnesium, calcium or sulfur.

“Trace element” means a nutrient referred to as iron, manganese, copper, zinc, boron, molybdenum, chlorine or other nutrients promulgated by the Minister and published in the Government Gazette.

“Guaranteed quantity of nutrient” means a minimum quantity assurance of primary nutrient to be guaranteed on the label of the manufactured or imported chemical fertilizer by the manufacturer or importer of such chemical fertilizer, wherever the case may be, by showing the percentage of net weight of the chemical fertilizer.

“Type of microorganism” means a group or species of microorganism indicated by its scientific name.

“Effective microorganism” means a high concentration of cells count per unit of biological microorganism cultured by the scientific methods.

“Carrier” means materials used in blending with the effective microorganism in the manufacturing processes of biological fertilizer.

“Guaranteed quantity of microorganism” means a minimum quantity assurance of total cells count or total spores count or other per unit count stipulated by the Minister and published in the Government Gazette to be guaranteed of the number of living microorganism contained in the biological fertilizer or the effective microorganism being produced or imported by the manufacturer or importer, wherever the case may be.

“Pathogenic microorganism” means any harmful microorganism to human, animal and plant health, without prejudice to this definition, any microorganism that causes devastating to other beneficial microorganism is also included.

“Guaranteed quantity of organic material” means a minimum quantity assurance of organic material to be guaranteed on the label of the manufactured or imported organic fertilizer by the manufacturer or importer of such organic fertilizer, wherever the case may be, by showing the percentage of net weight of the organic fertilizer.

“Poisonous substance” means a chemical or other substance that may be harmful to human, animal, plant, microorganism, environment or other properties.

“Standards chemical fertilizer” means chemical fertilizers promulgated by the Minister on the determination of formulation and minimum or maximum quantity of nutrients or toxic substances and other necessary characteristics of each of the said chemical fertilizer.

“Deteriorated chemical fertilizer” means an expired chemical fertilizer or a chemical fertilizer caused by any factors in deteriorating its quality by the reduction of element or the condition changed.

“Label” means the display of picture, graphic matter, printed or written statement upon the immediate container or package of fertilizer.

“Exhibited document” means any added paper or other objects to be represented by picture, graphic matter, brand or any written statement regarding to the meaning of fertilizer that are inserted or attached or parts of the container or package of fertilizer and also included the fertilizer application manual.

“Manufacture” means to make, culture, mix, alter, modify, change container or package or pack in portions of such fertilizer.

“Sell” means to offer for sale, distribute, offer for free, barter, exchange of ownership or transfer of custody to other person for the purpose of trade and also including the meaning of to have in possession of fertilizer for individual sales.

“Import” means to bring or order into the Kingdom.

“Export” means to send or undertake to send out of the Kingdom.

“Transit” means to bring into or send through the Kingdom by having the loading of goods or the changing of vehicles activity.

“Official” means a person appointed by the Minister to execute of this Act.

“Director-General” means the Director-General of the Department of Agriculture.

“Minister” means the Minister assigned to have responsibility to take charge of the execution of this Act.

Provisions of Section 4 shall be repealed by Section 3 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 4 This Act shall be administered by the Minister of Agriculture and Cooperatives who has the powers and duties to appoint officials, to issue Ministerial Order on the determination on fees not exceeding the rates annexed to this Act, to determine fee exemption, to provide list of other business operations and issue notifications for rules enforcement.

Such Ministerial Order and Notification shall be effective upon their publications in the Government Gazette.

Provisions of Section 5 paragraph 1 shall be repealed by Section 4 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 5 There shall be a committee called the “Fertilizer Committee” consisting of the Permanent Secretary of the Ministry of Agriculture and Cooperatives as the chairman, a representative from the Ministry of Commerce, a representative from the Land Development Department, two representatives from the Department of Agriculture, a representative from the Department of Science Service, a representative from the Department of Agricultural Extension, a representative from the Thai Industrial Standards Institute, a representative from the Office of Agricultural Economics and no more than ten experts, of which four of them shall be representatives from farm sectors, two shall be representatives from the fertilizer production and trade associations and four shall be the experts from the areas of environment, law and fertilizer sectors appointed by the Minister as committee member and a representative from the Department of Agriculture as a member and the secretary.

The Department of Agriculture shall have the duties and responsibilities in conducting tasks according to the Fertilizer Committee recommendations and resolutions.

Section 6 The member experts shall serve a term of their office for a period of two years but subject to reappointed.

Provisions of Section 7 paragraph 2 shall be repealed by Section 5 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 7 Apart from the vacancy upon an expiry of the term of office referred to in Section 6, the member experts may be released from the office by

the following causes:

- (1) death;
- (2) resignation;
- (3) being incompetent or quasi-incompetent person;
- (4) being punished for a imprisonment term by the final court judgment, in exception with the punishment of recklessness or petty offense.

In case where the member experts are released from the office prior to their term of office or in case where the Minister appoints additional member experts for filling the vacancy during the remaining term of office, the persons so appointed shall serve their term of office for the remaining period of their predecessors.

Section 8 The meeting of the Fertilizer Committee must compose of not less than half of the total number of members to form a quorum. If the chairman or his or her designated person is absent, the members who are present shall select one of the members to chair the meeting.

Decision of the meeting shall be made by majority of votes. Each member shall have one vote. In case of an equality of votes, the chairman of the meeting shall have an additional casting vote as the decisive vote.

Section 9 The Fertilizer Committee shall have the powers and duties to appoint one or more Sub-committees to perform any tasks assigned by the Fertilizer Committee and the provisions referred to in Section 8 shall apply *mutatis mutandis*.

Provisions of Section 10 shall be repealed by Section 6 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 10 The Fertilizer Committee shall have the powers and duties to provide recommendations or opinions to the Minister or the Director-General, wherever the case may be, on the following matters:

- (1) permission for manufacturing of fertilizer for trade, fertilizer for sale, importation of fertilizer, exportation of fertilizer, transit of fertilizer, fertilizer registration and revocation of the registered fertilizer as well as suspension or revocation of license;
- (2) determination on the criteria, procedures and conditions in relation to the manufacturing of fertilizer for trade, fertilizer for sale, importation of fertilizer, exportation of fertilizer, transit of fertilizer,

the sampling of fertilizer for examination and testing, the examination or the analytical methods of fertilizer, the inspections of the place of manufacturing of fertilizer, place of fertilizer for sale, place for importation of fertilizer, place for exportation of fertilizer, storage place of fertilizer and the determination of laboratory for fertilizer testing;

- (3) issuance of Notifications in accordance with the provisions referred to in Section 33/2 or Section 34 and determination on the criteria, procedures and conditions in accordance with the provisions referred to in Section 38;
- (4) performing other implementing acts as stipulated by law;
- (5) performing other matters as assigned by the Minister.

Section 11 In performing the duty in accordance with this Act, the Fertilizer Committee shall have the powers and duties to issue order in writing to summon any person for testimony or request a submission of any related documents or materials for its consideration.

Provisions of Chapter 2 shall be repealed by Section 7 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Chapter 2

Application for and Issuance of License Concerning Fertilizer

.....

Provisions of Section 12 shall be repealed by Section 7 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 12 No person shall be allowed to manufacture fertilizer for trade, sell, import, export or transit of the following fertilizers, in exception with the permission from the official:

- (1) chemical fertilizer;
- (2) biological fertilizer, in exception with biological fertilizer promulgated by the Minister in accordance with the provisions referred to in Section 34(7);
- (3) organic fertilizer, in exception with organic fertilizer promulgated by the Minister in accordance with the provisions referred to in Section 34(7).

The application for permission, permission and issuance of license referred to in paragraph 1 shall be in accordance with the criteria, procedures and conditions stipulated by the Director-General with the approval of the Fertilizer Committee.

Section 13 The Minister with the recommendations of the Fertilizer Committee shall have the power to exempt a license for manufacturing fertilizer for trade referred to in Section 12 to the mining operator in accordance with the Mineral Act on mineral processing for chemical fertilizer as published in the Government Gazette.

The exception cause for any person referred to in paragraph 1 who wishes to manufacture of such chemical fertilizer shall file an application for permission from the Director-General and must comply with the criteria, procedures and conditions stipulated by the Director-General with the approval of the Fertilizer Committee.

In case where the person who possesses the permission referred to in paragraph 2 does not comply with the said criteria, procedures and conditions, the Director-General shall have the power to revoke such permission.

Provisions of Section 14 shall be repealed by Section 8 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 14 The provisions referred to in Section 12 and Section 35 shall not apply to the following matters:

- (1) importation or exportation of fertilizer for the purposes of study, experiment or research;
- (2) manufacturing, importation or exportation of fertilizer as sample for the purpose of fertilizer registration or placing the transaction order for buying and selling;
- (3) each importation or exportation of each type of fertilizer in a quantity not exceeding fifty kilograms or fifty liters.

The exception cause for the person referred to in paragraph 1 must comply with the criteria, procedures and conditions stipulated by the Director-General with the approval of the Fertilizer Committee.

Provisions of Section 15 paragraph 1 shall be repealed by Section 9 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 15 The official shall issue license for manufacturing fertilizer for trade, sale, importation or exportation to the applicant with the following criteria and conditions:

- (1) being the owner of the business;
- (2) having place of residence or office in Thailand;
- (3) having place of manufacturing fertilizer for trade, place for sale of fertilizer, place for importation of fertilizer, place for exportation of fertilizer or place of storage;
- (4) no use of similar or duplicated commercial name of business previously been given to other licensee, or no use of commercial name of business from the license being suspended or revoked less than one year.

In case where the corporate is the applicant for the permit, the corporate must have the qualifications referred to item (1), (2), (3) and (4) and must have a person in charge of the business referred to item (2).

Provisions of Section 16 shall be repealed by Section 10 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 16 Types of licenses shall be as follows:

- (1) the license for manufacturing chemical fertilizer for trade;
- (2) the license for manufacturing biological fertilizer for trade;
- (3) the license for manufacturing organic fertilizer for trade;
- (4) the license for sale of fertilizer;
- (5) the license for importation of fertilizer;
- (6) the license for exportation of fertilizer;
- (7) the license for transit of fertilizer.

Providing credit to a licensee, the licensee referred to in item (1), (2) or (3) shall hold the right as the licensee referred to in item (4) for the fertilizer so manufactured and the licensee referred to in item (5) shall hold the right as the licensee referred to in item (4) for the fertilizer so imported, wherever the case may be.

Section 17 The license referred to in Section 16 shall also safeguard the employees or agent of the licensee.

Given fair treatment to the licensee, any act performed by an employee or agent for the safeguard referred to in paragraph 1 shall also be regarded as the act of the licensee, unless the licensee can prove that such act is far beyond his or her acknowledgement and control.

Provisions of Section 18 paragraph 1 shall be repealed by Section 11 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 18 Licenses in accordance with the provisions referred to in Section 16 shall be valid for the following periods:

- (1) the license for manufacturing chemical fertilizer for trade, the license for manufacturing biological fertilizer for trade, the license for manufacturing organic fertilizer for trade shall be valid for a period of five years from the date of issuance of such license;
- (2) the license for sale of fertilizer shall be valid for a period of one year from the date of issuance of such license;
- (3) the license for importation of fertilizer shall be valid for a period stipulated in the license but not exceeding one year from the date of issuance of such license;
- (4) the license for exportation of fertilizer shall be valid for a period stipulated in the license but not exceeding one year from the date of issuance of such license;
- (5) the license for transit of fertilizer shall be valid for a period stipulated in the license but not exceeding six months from the date of issuance of such license;

In case where the licensee who wishes to renew his or her license must, prior to its expiration, file an application for the renewal of license. Upon its application has been filed, the licensee shall continue his or her business so long as the official shall issue a disapproved order to such application for renewal of license.

The application for and permission of renewal of license shall be in accordance with the criteria, procedures and conditions stipulated by the Director-General.

Section 19 In case where the official does not issue a license or grant a renewal of license, the applicant of a license or the applicant of a renewal of

license shall have the right to put forward a petition to the Minister within thirty days from the date of receipt of letter from the official notifying the disapproval order on the issuance of license or renewal of license.

The decision ruled by the Minister shall be final.

In case where the official disapproves the renewal of license prior to pending the decision from the Minister referred to in paragraph 2, the Minister shall have the power, at the request of the appellant, to allow temporary operation of the business.

Provisions of Chapter 3 shall be repealed by Section 12 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Chapter 3 **Duty of a Licensee** **Concerning Fertilizer**

.....

Provisions of Section 20 shall be repealed by Section 12 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 20 No licensee shall be allowed to operate the following matters:

- (1) manufacture or sell fertilizer outside the place stipulated in the license, in exception with direct wholesale delivery to other licensee who has the license for sale of fertilizer;
- (2) manufacture or import fertilizer which is irrelevant to the details stated in the certificate of registration.

Provisions of Section 21 shall be repealed by Section 12 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 21 The licensee for manufacturing chemical fertilizer for trade shall abide by the rules as follows:

- (1) provide a signboard in a conspicuous place that can be easily seen outside the building showing that it is a place for manufacturing of chemical fertilizer for trade, the shape and size of the signboard and caption displayed on the signboard shall be stipulated by the Director-General;

- (2) display the certificate of chemical fertilizer registration in a conspicuous place that can be easily seen in the office as specified in the certificate;
- (3) provide an analysis for every manufactured chemical fertilizer prior to move out of the place of manufacturing of fertilizer by recording the details of each of analytical result as evidence and keeping the record for a period of not less than ten years;
- (4) provide label in Thai attached to the container or package of the manufactured chemical fertilizer and the licensee of manufacturing chemical fertilizer for trade shall assure the truthfulness of the statement on the label with the following contents:
 - a. trade name and the wording chemical fertilizer, standards chemical fertilizer or organic chemical fertilizer, wherever the case may be;
 - b. trademark or any mark displaying on the container or package of chemical fertilizer;
 - c. guaranteed quantity of element;
 - d. net weight or size of chemical fertilizer package in metric measurement system;
 - e. name of manufacturer and location of the office and place of manufacturing chemical fertilizer for trade;
 - f. chemical name and quantity of poisonous substance contained in the chemical fertilizer;
 - g. other statements stipulated by the Minister to be shown on the label.
- (5) provide exhibited document in accordance with the registered chemical fertilizer and abiding to the criteria, procedures and conditions stipulated by the Director-General;
- (6) provide explanation note, usage, and warning including method of storage accompanying the exhibited document for chemical fertilizer in case where the chemical fertilizer contained with poisonous substance;
- (7) other matters that shall be promulgated by the Minister and published in the Government Gazette.

The provisions referred to in item (4) and (5) shall not apply to licensee of manufacturing chemical fertilizer for trade who sells his or her manufactured chemical fertilizer in bulk, without packaging, to other licensee of manufacturing chemical fertilizer for trade.

Provisions of Section 21/1 shall be added by Section 13 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 21/1 The licensee for manufacturing biological fertilizer for trade shall abide by the rules as follows:

- (1) provide a signboard in a conspicuous place that can be easily seen outside the building showing that it is a place for manufacturing of biological fertilizer for trade, the shape and size of the signboard and caption displayed on the signboard shall be stipulated by the Director-General;
- (2) display the certificate of biological fertilizer registration in a conspicuous place that can be easily seen in the office as specified in the certificate;
- (3) provide the quality control for every manufactured biological fertilizer prior to move out of the place of manufacturing of fertilizer by recording the details result of each microorganism testing as evidence and keeping the record for a period of not less than ten years;
- (4) provide label in Thai attached to the container or package of the manufactured biological fertilizer and the licensee of manufacturing biological fertilizer for trade shall assure the truthfulness of the statement on the label with the following contents:
 - a. trademark or any mark displaying on the container or package
 - b. of biological fertilizer;
guaranteed quantity of microorganism;
 - c. method of storage;
 - d. net weight or size of biological fertilizer package in metric
 - e. measurement system;
 - f. filler of biological fertilizer;
 - g. name of manufacturer and location of the office and place of manufacturing biological fertilizer for trade;
 - h. date of manufacturing and date of expiration;
 - i. other statements stipulated by the Minister to be shown on the label.
- (5) provide exhibited document in accordance with the registered biological fertilizer and abiding to the criteria, procedures and conditions stipulated by the Director-General;
- (6) provide explanation note, usage, and warning including method of storage accompanying the exhibited document for biological fertilizer in case where the biological fertilizer contained with poisonous substance;

- (7) other matters that shall be promulgated by the Minister and published in the Government Gazette.

The provisions referred to in item (4) and (5) shall not apply to licensee of manufacturing biological fertilizer for trade who sells his or her manufactured biological fertilizer in bulk, without packaging, to other licensee of manufacturing biological fertilizer for trade.

Provisions of Section 21/2 shall be added by Section 13 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 21/2 The licensee for manufacturing organic fertilizer for trade shall abide by the rules as follows:

- (1) provide a signboard in a conspicuous place that can be easily seen outside the building showing that it is a place for manufacturing of organic fertilizer for trade, the shape and size of the signboard and caption displayed on the signboard shall be stipulated by the Director-General;
- (2) display the certificate of organic fertilizer registration in a conspicuous place that can be easily seen in the office as specified in the certificate;
- (3) provide an analysis for every manufactured organic fertilizer prior to move out of the place of manufacturing of fertilizer by recording the details of each of analytical result as evidence and keeping the record for a period of not less than ten years;
- (4) provide label in Thai attached to the container or package of the manufactured organic fertilizer and the licensee of manufacturing organic fertilizer for trade shall assure the truthfulness of the statement on the label with the following contents:
 - a. trade name and the wording organic fertilizer;
 - b. trademark or any mark displaying on the container or package of organic fertilizer;
 - c. guaranteed quantity of organic material;
 - d. net weight or size of organic fertilizer package in metric measurement system;
 - e. name of manufacturer and location of the office and place of manufacturing organic fertilizer for trade;
 - f. date of manufacturing and date of expiration;
 - g. other statements stipulated by the Minister to be shown on the label.

- (5) provide exhibited document in accordance with the registered organic fertilizer and abiding to the criteria, procedures and conditions stipulated by the Director-General;
- (6) provide explanation note, usage, and warning including method of storage accompanying the exhibited document for organic fertilizer in case where the organic fertilizer contained with poisonous substance;
- (7) other matters that shall be promulgated by the Minister and published in the Government Gazette.

The provisions referred to in item (4) and (5) shall not apply to licensee of manufacturing organic fertilizer for trade who sells his or her manufactured organic fertilizer in bulk, without packaging, to other licensee of manufacturing organic fertilizer for trade.

Provisions of Section 22 shall be repealed by Section 14 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 22 The licensee for sale of fertilizer shall abide by the rules as follows:

- (1) provide a signboard in a conspicuous place that can be easily seen outside the building or the office showing that it is a place for sale of fertilizer, the shape and size of the signboard and caption displayed on the signboard shall be stipulated by the Director-General;
- (2) provide segregation between fertilizer and consumable goods;
- (3) take care of label attached to the container or package of fertilizer and the exhibited document in a complete and distinct conditions referred to the provisions in Section 21(4), (5) and (6) and Section 21/1(4), (5) and (6), Section 21/2(4), (5) and (6) or Section 23(5) and (6), wherever the case may be;
- (4) in case where the seller measures out the chemical fertilizer into smaller packages for retail sale, the sellers must also specify the guaranteed quantity of element to such small portions in corresponding with the original package of chemical fertilizer;
- (5) keep container or package of fertilizer in good order, if any damage is found to the container or package of fertilizer, the seller shall change the container or package of fertilizer but the statement on the label must be the same as the original damaged package;
- (6) other matters that shall be promulgated by the Minister and published in the Government Gazette.

Provisions of Section 23 shall be repealed by Section 14 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 23 The licensee for importation of fertilizer shall abide as follows:

- (1) declare each type of fertilizer imported to the official for every importation in accordance with the criteria, procedures and conditions stipulated by the Director-General;
- (2) provide a signboard in a conspicuous place that can be easily seen outside the building or the office showing that it is a place for importation of fertilizer, the shape and size of the signboard and caption displayed on the signboard shall be stipulated by the Director-General;
- (3) display the certificate of fertilizer registration in a conspicuous place that can be easily seen in the office as specified in the certificate;
- (4) provide the certificate from the fertilizer manufacturer on details of the analytical result for every importation of fertilizer;
- (5) provide label in Thai attached to the container or package of the fertilizer in accordance with the provisions referred to in Section 21(4), Section 21/1(4) or Section 21/2(4), wherever the case may be;
- (6) provide the exhibited document for fertilizer in accordance with the registered fertilizer and abiding to the criteria, procedures and conditions stipulated by the Director-General;
- (7) other matters promulgated by the Minister and published in the Government Gazette.

The provisions referred to in item (5) and (6) shall not apply to the importer who does not have packing activity.

Provisions of Section 23/1 shall be added by Section 15 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 23/1 The licensee for exportation of fertilizer shall abide by the rules as follows:

- (1) declare each type of fertilizer to the official for every exportation of fertilizer;
- (2) provide label as stipulated by the Director-General;

- (3) other matters that shall be promulgated by the Minister and published in the Government Gazette.

Section 24 In case where the license is lost or damaged in the essential part of the license, the licensee shall inform the official and file an application for a substitute license within fifteen days from the date of acknowledgement of such loss or damage.

The application for a substitute license and the issuance of a substitute license shall be in accordance with the criteria, procedures and conditions stipulated by the Director-General.

Provisions of Section 25 shall be repealed by Section 16 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 25 The licensee must display the substitute license in a conspicuous space that can be easily seen at the place of manufacturing fertilizer for trade, the place for sale of fertilizer, the place for importation of fertilizer or the place for exportation of fertilizer, wherever the case may be.

Provisions of Section 26 shall be repealed by Section 16 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 26 The licensee who wishes to relocate the place of manufacturing fertilizer for trade, the place for sale of fertilizer, the place for importation of fertilizer, the place for exportation of fertilizer or the place of fertilizer storage, wherever the case may be, must inform such moving place of business to the official in writing within fifteen days from the date of moving place of business.

Section 27 Any licensee who wishes to wind up his or her business permitted in accordance with this Act shall inform the close-down of business to the official in writing within fifteen days from the date of the windup of business and the license shall be terminated from the date of the reported closed-down of business.

Provisions of Section 28 shall be repealed by Section 17 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 28 The licensee who has informed the close-down of business, must sell all of his or her remaining fertilizer within a time limit of sixty days from the date of the close-down of business, in exception with the extension

period allowed by the official of the said time limit.

Upon the expiration period referred to in paragraph 1, if it appears that the licensee who has informed the close-down of business is still not able to sell all of his or her remaining fertilizer, the official shall bring the remaining fertilizer to the public auction or sell by any methods as deemed appropriate by the Director-General. The net proceeds, after its incurred expenses deduction, shall be returned to the owner of fertilizer or the juristic person of that business.

Section 29 In case where the licensee is deceased, and there shall be any person who is qualified for a transfer of right as the recipient of such deceased licensee in accordance with the provisions of this Act. The recipient shall express his or her desire to the official within thirty day from the date of such deceased licensee for further operation of the business from the deceased licensee. Such person shall continue his or her business until the date of expiration of license, in such case, that person shall be the new licensee in accordance with this Act from the date of the deceased licensee.

Provisions of Chapter 4 shall be repealed by Section 18 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Chapter 4 **Control of Fertilizer**

.....

Provisions of Section 30 shall be repealed by Section 18 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 30 No person shall be allowed to manufacture, sell or import fertilizer for the following categorized of fertilizers:

- (1) fake fertilizer;
- (2) non-conforming standard of chemical fertilizer;
- (3) deteriorated chemical fertilizer, in exception with the case referred to in Section 31;
- (4) either biological fertilizer or organic fertilizer that fails to meet the minimum requirements referred to as non-conforming requirement;
- (5) requiring registered fertilizer but not so registered;
- (6) revocation of fertilizer registration by the Minister;

- (7) fertilizer containing poisonous substance exceeding the maximum limits promulgated by the Minister.

Provisions of Section 31 shall be repealed by Section 18 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 31 Any licensee who has in possession of deteriorated chemical fertilizer must notify the official, and in case where the licensee who wishes to sell such deteriorated chemical fertilizer must apply for permission to the official and comply with the criteria, procedures and conditions stipulated by the Director-General.

Provisions of Section 32(5) shall be repealed by Section 19 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 32 The chemical fertilizer or substance characterized as the following shall be considered as fake chemical fertilizer:

- (1) chemical fertilizer or substance which is wholly or partly imitated so as to mislead or be mistaken by the user as genuine chemical fertilizer;
- (2) chemical fertilizer displayed by name of other type of chemical fertilizer which is untruthful statement;
- (3) chemical fertilizer displaying false statement of the name or trademark of the manufacturer of chemical fertilizer for trade or the location of place of manufacturing chemical fertilizer for trade;
- (4) chemical fertilizer displaying as standards chemical fertilizer or registered chemical fertilizer whereas it is false statement;
- (5) manufactured chemical fertilizer with any guaranteed quantity of element less than 10% of the registered chemical fertilizer or as specified on the label.

Provisions of Section 32/1 shall be added by Section 20 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 32/1 The biological fertilizer characterized as the following shall be considered as fake biological fertilizer:

- (1) biological fertilizer displaying false statement of the name or trademark of the manufacturer of biological fertilizer for trade or the location of place of manufacturing biological fertilizer for trade;
- (2) biological fertilizer displaying as registered biological fertilizer whereas it is false statement;

- (3) manufactured biological fertilizer with type of microorganism differed from the registered biological fertilizer or as specified on the label.

Provisions of Section 32/2 shall be added by Section 20 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 32/2 The organic fertilizer characterized as the following shall be considered as fake organic fertilizer:

- (1) material or substance which is wholly or partly imitated so as to mislead or be mistaken by the user as genuine organic fertilizer;
- (2) organic fertilizer displayed by name of other type of organic fertilizer which is untruthful statement;
- (3) organic fertilizer displaying false statement of the name or trademark of the manufacturer of organic fertilizer for trade or the location of place of manufacturing organic fertilizer for trade;
- (4) organic fertilizer displaying as registered organic fertilizer whereas it is false statement;
- (5) manufactured organic fertilizer with any guaranteed quantity of nutrient less than 10% of the registered organic fertilizer or as specified on the label.

Provisions of Section 33 shall be repealed by Section 21 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 33 The chemical fertilizer characterized as the following shall be considered as non-conforming standard of chemical fertilizer:

- (1) manufactured chemical fertilizer with any guaranteed quantity of element less than that of registered chemical fertilizer or required as standards chemical fertilizer but not up to such extent referred to in Section 32(5) as fake chemical fertilizer;
- (2) manufactured chemical fertilizer with the purity or other importance features in term of quality differed from that of registered chemical fertilizer or the standards chemical fertilizer;
- (3) organic chemical fertilizer with quantity of organic material less than that of registered organic chemical fertilizer or as specified on the label.

Provisions of Section 33/1 shall be added by Section 22 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 33/1 The biological fertilizer characterized as the following shall be considered as non-conforming requirement of biological fertilizer:

- (1) manufactured biological fertilizer with quantity of any type of microorganism below its requirement than that of registered biological fertilizer or as specified on the label;
- (2) expired biological fertilizer.

Provisions of Section 33/2 shall be added by Section 22 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 33/2 For the interests of quality control on organic fertilizer, the Director-General by the approval of the Fertilizer Committee shall have the power to determine the criteria in relation with the quantity of organic matter, the ratio of carbon to nitrogen or other essential characteristics of each type of organic fertilizer and promulgate the notification in the Government Gazette.

The organic fertilizer characterized as the following shall be considered as non-conforming requirement of organic fertilizer:

- (1) organic fertilizer which is not in compliance with the criteria stipulated by the Director-General referred to in paragraph 1;
- (2) manufactured organic fertilizer with guaranteed quantity of organic matter less than that of registered organic fertilizer or as specified on the label but not up to the extent as fake organic fertilizer referred to in Section 32/2(5).

Provisions of Chapter 5 shall be repealed by Section 23 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Chapter 5

Notification, Registration and Advertisement Concerning Fertilizer

.....

Provisions of Section 34 shall be repealed by Section 23 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 34 The Minister with the recommendations of the Fertilizer Committee shall have the powers and duties to promulgate in the Government Gazette as follows:

- (1) for the standards chemical fertilizer, the Minister shall determine,

alter or cancel the formulation, minimum or maximum guaranteed quantity of element or poisonous substance allowable in chemical fertilizer and other necessary characteristics of each of the standards chemical fertilizer, such abovementioned determination shall be effective after thirty days from the date of its notification in the Government Gazette;

- (2) materials used as container or package of fertilizer, including the methods of sealing or stitching of such container or package;
- (3) determination on net weight or size of package for container or package of fertilizer for trade;
- (4) determination on methods of analysis and their deviations for the analysis of sample of fertilizer;
- (5) determination on the exemption from registration of fertilizer in compliance with the criteria, procedures and conditions stipulated by the Director-General with the approval of the Fertilizer Committee;
- (6) determination on maximum limits of poisonous substance allowable in the fertilizer, in exception with the standards chemical fertilizer;
- (7) determination on the exemption of permit of biological fertilizer or organic fertilizer for trade and sale in compliance with the criteria, procedures and conditions stipulated by the Director-General with the approval of the Fertilizer Committee;
- (8) ban on the exportation of any fertilizer, in case where it is necessary to control and remedy in the events of fertilizer shortage.

Provisions of Section 35 shall be repealed by Section 23 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 35 Any licensee of manufacturing fertilizer for trade or licensee for importation of fertilizer who wishes to manufacture or import of any type of fertilizer, in exception with the standards chemical fertilizer or types of fertilizers stipulated in accordance with the provisions referred to in Section 34(5) must, first of all, apply for the registration of such fertilizer with the official and upon receipt of a certificate of registration, that licensee shall be able to manufacture or import of such fertilizer.

Provisions of Section 36 shall be repealed by Section 23 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 36 The applicant of chemical fertilizer registration referred to in Section 35 must submit sample of the chemical fertilizer for registration and

provide the following details:

- (1) name of chemical fertilizer;
- (2) substance used as ingredients of chemical fertilizer;
- (3) guaranteed quantity of element;
- (4) declare kinds and quantity of secondary elements or trace element contained in the chemical fertilizer, if any;
- (5) net weight or size of packaging and container or package;
- (6) name of manufacturer and location of manufacturing of chemical fertilizer;
- (7) method of chemical fertilizer analysis;
- (8) method of manufacturing chemical fertilizer, in brief;
- (9) label;
- (10) exhibited document for chemical fertilizer;
- (11) report of the analytical result of chemical fertilizer by public laboratory or other chemical fertilizer testing laboratory stipulated by the Director-General with the approval of the Fertilizer Committee;
- (12) details of the characteristics and property claims.

Provisions of Section 36/1 shall be added by Section 24 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 36/1 The applicant of biological fertilizer registration referred to in Section 35 must submit sample of the biological fertilizer for registration and provide the following details:

- (1) type or kind of biological fertilizer;
- (2) carrier of biological fertilizer;
- (3) type of microorganism and guaranteed quantity of microorganism;
- (4) net weight or size of packaging and container or package;
- (5) name of manufacturer and location of manufacturing of biological fertilizer;
- (6) method of analysis;
- (7) method of manufacturing biological fertilizer, in brief;
- (8) label;
- (9) exhibited document for biological fertilizer;
- (10) report of the analytical result of biological fertilizer by public laboratory or other fertilizer testing laboratory stipulated by the Director-General with the approval from the Fertilizer Committee;
- (11) details of the characteristics and property claims.

Provisions of Section 36/2 shall be added by Section 24 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 36/2 The applicant of organic fertilizer registration referred to in Section 35 must submit sample of the organic fertilizer for registration and provide the following details:

- (1) type or kind of organic fertilizer;
- (2) materials used as main components of the organic fertilizer;
- (3) guaranteed quantity of organic material;
- (4) net weight or size of packaging and container or package;
- (5) name of manufacturer and location of manufacturing of organic fertilizer;
- (6) analytical method of organic fertilizer;
- (7) method of manufacturing organic fertilizer, in brief;
- (8) label;
- (9) exhibited document for organic fertilizer;
- (10) report of the analytical result of organic fertilizer by public laboratory or other fertilizer testing laboratory stipulated by the Director-General with the approval from the Fertilizer Committee;
- (11) details of the characteristics and property claims.

Provisions of Section 37 shall be repealed by Section 25 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 37 The correction of particulars of registered fertilizer shall be made upon receipt of permission from the official.

Provisions of Section 38 shall be repealed by Section 25 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 38 The application for registration, the issuance of certificate of registration, the application for correction of particulars of fertilizer registration or the correction of particulars of registered fertilizer shall be in accordance with the criteria, procedures and conditions stipulated by the Director-General with the approval of the Fertilizer Committee.

Provisions of Section 38/1 shall be added by Section 26 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 38/1 The expenses of fertilizer analysis shall be paid in accordance with the rates, procedures and conditions stipulated by the Director-General.

Provisions of Section 39 paragraph 1 shall be repealed by Section 27 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 39 No official shall accept the fertilizer registration for the following cases raised by the Fertilizer Committee:

- (1) the details of the application for fertilizer registration are not in compliance with the criteria, procedures and conditions stipulated by the Director-General referred to in Section 36, Section 36/1, or Section 36/2, wherever the case may be or the application for the correction of particulars of fertilizer registration is not in compliance with the criteria, procedures and conditions stipulated by the Director-General referred to in Section 38;
- (2) being fake fertilizer;
- (3) being fertilizer containing poisonous substance, or excretion of toxin by microorganism or pathogenic microorganism exceeding the maximum limits promulgated by the Minister;
- (4) being used of boastful or impolite name for the fertilizer or may give false account of the truth;
- (5) being unreliable claims of efficacy as registered fertilizer;
- (6) being revoked fertilizer from registration by the Minister, in excepting with the period of revocation exceeding not less than three years from the date of revocation;

The official order on registration disapproval shall be considered as final.

Provisions of Section 40 shall be repealed by Section 28 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 40 The certification of fertilizer registration shall be valid for a period of five years from the date of its issuance and can be renewed every five years.

In case where the licensee of fertilizer registration wishes to renew his or her certificate of fertilizer registration, he or she must file an application for renewal of certificate prior to its expiration. Upon such application, the applicant may continue his or her business until the official orders a disapproved renewal of such registration.

The application for renewal of certificate of fertilizer registration and the permission of renewal of certificate shall be in accordance with the criteria, procedures and conditions stipulated by the Director-General.

Provisions of Section 41 shall be repealed by Section 29 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 41 The fertilizer so registered, afterwards, may be detected faults to be unsafe to the users, to be fake fertilizer, to be not complied with the chemical fertilizer standards, to be not complied with the biological fertilizer requirements, or to be not complied with the organic fertilizer requirements, the Minister by the recommendations of the Fertilizer Committee shall have the power to revoke such certificate of fertilizer registration. The order of revocation shall be in writing to such licensee of fertilizer registration and published in the Government Gazette. The licensee whose certificate of fertilizer registration has been revoked shall return such certificate to the official within fifteen days from the date of revocation.

The order of the Minister shall be considered as final.

Provisions of Section 42 shall be repealed by Section 30 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 42 In case where the certificate of fertilizer registration is lost or damaged in the essential part, the licensee shall notify the official and file an application for a substitute of certification of fertilizer registration within fifteen days from the date of such acknowledgement of loss or damage to the certificate.

The application for a substitute of certificate of fertilizer registration and the issuance of such substitute certificate shall be in accordance with the criteria, procedures and conditions stipulated by the Director-General.

Provisions of Section 43 shall be repealed by Section 30 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 43 The person who advertises fertilizer for sale must abide by the rules as follows:

- (1) not giving false statement on claims of fertilizer or advertising an exaggerated efficacy of fertilizer;

- (2) not causing the user to believe that there is any substance containing as nutrient in the fertilizer or as a component of the fertilizer, in fact there is no such substance or component existed in the fertilizer or if it does but not enough explanation for clear understanding;
- (3) not being guaranteed or appraised the efficacy claims of fertilizer by other person.

Provisions of Section 44 shall be repealed by Section 30 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 44 In carrying out the duty in accordance with this Act, the official shall have the authority to act as follows:

- (1) enter a place of manufacturing fertilizer for trade, place for sale of fertilizer, place for importation of fertilizer, place for exportation of fertilizer or place of fertilizer storage during sunrise and sunset or during the business hour of that place for the purpose of control and inspection referred to this Act;
- (2) search and inspect any location or vehicle during sunrise and sunset or during official hour, in case where there is a reasonable ground to suspect that a violation has been committed in accordance with this Act and such action shall include the confiscation of fertilizer, container or package, equipment, appliance or related documents from such offense;
- (3) take reasonable quantity of fertilizer or suspected substances as samples for the purpose of testing or analysis in accordance with the criteria, procedures and conditions stipulated by the Director-General with the approval of the Fertilizer Committee.

In carrying out the official duty referred to in paragraph 1, the licensee and his or her representative shall provide a reasonable cooperation or facilitation to the official.

Section 45 In carrying out the official duty in accordance with this Act, the official must show his or her identification card at the request of the person involving of such violation.

The identification card of the official shall be the form determined by the Minister.

Provisions of Section 46 shall be repealed by Section 31 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 46 The fertilizer in question including container or package, equipment, appliance and documents held or confiscated in accordance with the provisions referred to in Section 44 shall be in the possession of the Department of Agriculture for further appropriate actions, in cases where there is no claim from the owner or holder, or the case is withdrawn by the public prosecutor, or the case of final judgment of the court not to confiscate those articles and the owner or holder does not claim within ninety days from the date of confiscation or hold, or the date of public prosecutor withdrawal, or the date of the final judgment of the court not to confiscate the articles, wherever the case may be.

In case where the confiscated or held articles are perishable, or if their delays may cause a risk of damage or their expenses of storage may exceed the market value of such fertilizer, the official by the permission of the Director-General, within the allotted time limit, shall place the fertilizer in question into public auction market including container or package, equipment, appliance or documents. The net proceeds shall be held by the Department of Agriculture instead.

Section 47 In carrying out the official duty in accordance with this Act, the official shall be the official referred to the provisions of the Criminal Code.

Provisions of Section 48 shall be repealed by Section 32 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 48 In case where the licensee does not comply with the provisions of this Act concerning label, container or package of fertilizer or other matters, the official shall issue a warning letter for corrective actions within a timeframe specified in the warning letter. Upon the expiration period, if the licensee still does not in compliance with the issues raised in the warning letter, the official shall take action against such infringement committed by the licensee.

Chapter 7

Suspension and Revocation of License

.....

Section 49 When it appears to the official that any licensee does not abide with this Act or not comply with the notifications issued in accordance with this Act, the official shall have the authority to suspend the license for a period of not exceeding one hundred and twenty days for each suspension or in case where there is a filing suit against the licensee in the court of justice in accordance with this Act, the official may order the suspension of license until the final judgment of the court.

The permit holder whose license has been suspended must stop operation of business in accordance with such license, and during the suspension period of such license, the permit holder shall not be allowed to apply for any licenses of this Act.

Section 50 When it appears to the Director-General that any licensee does not abide with the provisions referred to in Section 48 or commits several offenses in accordance with this Act or just once but a serious offense, the Director-General shall have the power to revoke such license.

The permit holder whose license has been revoked must stop operation of business in accordance with such license, and the permit holder shall not be allowed to apply for any licenses of this Act until the penalty period of two years has been passed since the date of such revocation. The issuance of any license shall be under the discretion of the official.

Provisions of Section 51 shall be repealed by Section 33 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 51 The order of suspension and revocation of license shall be notified in writing to the licensee.

Section 52 The official has the authority to withdraw suspension order before its time limit on the satisfactory action corrected by the licensee in compliance with this Act or the notifications promulgated in accordance with this Act.

Section 53 The permit holder whose license has been suspended or revoked has the right to petition in writing to the Minister within thirty days from the date of receipt of such order. The Minister shall have the power to cancel the petition or amend the order of the official in favor of the appellant.

The decision ruled by the Minister is considered to be final.

The petition referred to in paragraph 1 shall not be asked for leniency to the order of suspension or revocation of a license

Provisions of Section 54 shall be repealed by Section 34 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Section 54 The permit holder whose license has been revoked must sell all his or her remaining of fertilizer within sixty days from the date of receipt revocation order or the date of receipt decision of the Minister, in exception with the granting of grace period extended by the official.

Upon the expiration period referred to in paragraph 1, if it appears that the licensee can not sell all his or her remaining fertilizer, the official shall place the leftover fertilizer into a public auction or sell by any means as deemed appropriate by the Director-General. The net proceeds, after its incurred expenses deduction, shall be returned to the owner or juristic person who has right to receive such proceeds.

Provisions of Section 55 of Chapter 8 on the organic fertilizer shall be repealed by Section 35 of the Amended Fertilizer Act (No. 2) B.E.2550.

Provisions of Section 56 to Section 72 of Chapter 9 on penalties shall be repealed by Section 36 of the Amended Fertilizer Act (No. 2) B.E.2550 and the following provisions shall be implemented.

Chapter 9

Penalties

.....

Section 56 Any person who does not comply with the order of the Fertilizer Committee referred to in Section 11, and obstructs or does not provide facilitation to the official who conducts his or her duty in accordance with the provisions referred to in Section 44 shall be punished with a term of imprisonment not exceeding six months and a fine not exceeding twenty thousand Baht.

Section 57 Any person who violates the provisions referred to in Section 12 paragraph 1 shall be punished with a term of imprisonment not exceeding five years, or a fine not exceeding two hundred thousand Baht or both.

Section 58 Any person who violates or does not comply with the criteria, procedures and conditions stipulated referred to in Section 14, or Section 34(5) or (7) shall be subject to a fine not exceeding fifty thousand Baht.

Section 59 Any person who violates or does not comply with the provisions referred to in Section 20(1), Section 26, or Section 27, or does not comply with the warning letter given by the official referred to in Section 48 shall be punished with a fine between four thousand and twenty thousand Baht.

Section 60 Any licensee who manufactures or imports chemical fertilizer by violating the provisions referred to in Section 20(2) or does not comply with the provisions referred to in Section 21 shall be punished with a term of imprisonment not exceeding two years, or a fine between eight thousand and forty thousand Baht or both.

Any licensee who holds a license for sale of chemical fertilizer, importation of chemical fertilizer or exportation of chemical fertilizer and does not comply with the provisions referred to in Section 22, Section 23, or Section 23/1 shall be punished with a term of imprisonment not exceeding two years, or a fine between four thousand and twenty thousand Baht or both.

Section 61 Any licensee who does not comply with the provisions referred to in Section 21/1 shall be punished with a term of imprisonment not exceeding one year, or a fine between four thousand and twenty thousand Baht or both.

Any licensee who does not comply with the provisions referred to in Section 21/2 shall be subject to a half term of penalty referred to in paragraph 1.

Section 62 Any person who does not comply with the provisions referred to in Section 24 paragraph 1, Section 25 or Section 42 paragraph 1 shall be subject to a fine not exceeding four thousand Baht.

Section 63 Any person who manufactures chemical fertilizer for trade by violating the provisions referred to in Section 30(1) shall be punished with a term of imprisonment between five and fifteen years and a fine between two hundred thousand and two million Baht

If such person referred to in paragraph 1 performing his or her operation without awareness of being a fake chemical fertilizer shall be punished with a fine between one hundred and fifty thousand and one million and five hundred thousand Baht.

Section 64 Any person who sells or imports chemical fertilizer by violating the provisions referred to in Section 30(1) shall be punished with a term of imprisonment between three and ten years and a fine between one hundred and twenty thousand and four hundred thousand Baht.

If such person referred to in paragraph 1 performing his or her operation without awareness of being a fake chemical fertilizer shall be subject to a fine between eight thousand and eighty thousand Baht.

Section 65 Any person who manufactures for trade, sells or imports of biological fertilizer by violating the provisions referred to in Section 30(1), (5), (6) or (7) without awareness of being a fake biological fertilizer, the biological fertilizer required registration but not so registered, the biological fertilizer revoked by the order of the Minister or the biological fertilizer contained poisonous substance exceeding the maximum limits as promulgated by the Minister shall be subject to a half term of penalty in accordance with the provisions referred to in Section 63 paragraph 2, Section 64 paragraph 2, Section 66 paragraph 2, Section 67 paragraph 2, Section 71 paragraph 2 or Section 72 paragraph 2, wherever the case may be.

Any person who manufactures for trade, sells or imports of organic fertilizer by violating the provisions referred to in Section 30(1), (5), (6) or (7) without awareness of being a fake organic fertilizer, the organic fertilizer required registration but not so registered, the organic fertilizer revoked by the order of the Minister or the organic fertilizer contained toxic substance exceeding the maximum limits as promulgated by the Minister shall be subject to a one-fourth term of penalty in accordance with the provisions referred to in Section 63 paragraph 2, Section 64 paragraph 2, Section 66 paragraph 2, Section 67 paragraph 2, Section 71 paragraph 2 or Section 72 paragraph 2, wherever the case may be.

Section 66 Any person who manufactures chemical fertilizer for trade by violating the provisions referred to in Section 30(2), (6) or (7) shall be punished with a term of imprisonment between two and five years and a fine between eighty thousand and two hundred thousand Baht.

If such person referred to in paragraph 1 performing his or her operation without awareness of being a non-conforming to the chemical fertilizer standards, the chemical fertilizer revoked by the order of the Minister or the chemical fertilizer contained toxic substance exceeding the maximum limits promulgated by the Minister shall be subject to a fine between sixty thousand and one hundred and fifty thousand Baht.

Section 67 Any person who sells or imports chemical fertilizer by violating the provisions referred to in Section 30(2), (6) or (7) shall be punished with a term of imprisonment between six months and three years and a fine between forty thousand and two hundred thousand Baht.

If such person referred to in paragraph 1 performing his or her operation without awareness of being a non-conforming to the chemical fertilizer standards, the chemical fertilizer revoked by the order of the Minister or the chemical fertilizer contained toxic substance exceeding the maximum limits promulgated by the Minister shall be subject to a fine between four thousand and forty thousand Baht.

Section 68 Any person who sells or imports chemical fertilizer by violating the provisions referred to in Section 30(3) or does not comply with the criteria, procedures and conditions stipulated by the Director-General referred to in Section 31 shall be punished with a term of imprisonment between six months and two years, or a fine between twenty thousand and eighty thousand Baht or both.

Section 69 Any person who manufactures biological fertilizer for trade by violating the provisions referred to in Section 30(4) shall be punished with a term of imprisonment between one and two years and six months and a fine between forty thousand and one hundred thousand Baht.

If the cause of infringement referred to in paragraph 1 is organic fertilizer, such offender shall be subject to a half term penalty referred to in paragraph 1.

If such offender referred to in paragraph 1 performing his or her operation without awareness of being a non-conforming to the requirement of such biological fertilizer shall be subject to a fine between thirty thousand and seventy five thousand Baht.

If such offender referred to in paragraph 2 performing his or her operation without awareness of being a non-conforming to the requirement of organic fertilizer shall be subject to a half term penalty referred to in paragraph 3.

Section 70 Any person who sells or imports biological fertilizer by violating the provisions referred to in Section 30(4) shall be punished with a term of imprisonment between three months and one year and six months and a fine between twenty thousand and one hundred thousand Baht.

If the cause of infringement referred to in paragraph 1 is organic fertilizer, such offender shall be subject to a half term penalty referred to in paragraph 1.

If the offender referred to in paragraph 1 performing his or her operation without awareness of being a non-conforming to the requirement of biological fertilizer shall be subject to a fine between two thousand and one hundred thousand Baht.

If the offender referred to in paragraph 2 performing his or her operation without awareness of being a non-conforming to the requirement of organic fertilizer shall be subject to a half term penalty referred to in paragraph 3.

Section 71 Any person who manufactures for trade or imports of chemical fertilizer by violating the provisions referred to in Section 30(5) shall be punished with a term of imprisonment between one and five years and a fine between forty thousand and two hundred thousand Baht.

If such offender referred to in paragraph 1 performing his or her operation without awareness of being a chemical fertilizer required registration but not so registered shall be subject to a fine between thirty thousand and one hundred and fifty thousand Baht.

Section 72 Any person who sells chemical fertilizer by violating the provisions referred to in Section 30(5) shall be punished with a term of imprisonment between six months and three years and a fine between twenty thousand and one hundred and twenty thousand Baht.

If such offender referred to in paragraph 1 performing his or her operation without awareness of being a chemical fertilizer required registration but not so registered shall be subject to a fine between four thousand and forty thousand Baht.

Provisions of Section 72/1 to Section 72/7 shall be added by the Amended Fertilizer Act (No. 2) B.E.2550 as follows.

Section 72/1 Any person who advertises fertilizer by violating the provisions referred to in Section 43 shall be punished with a term of imprisonment not exceeding six months, or a fine not exceeding forty thousand or both.

Section 72/2 Any licensee who is still operation of manufacturing, sale or importation of fertilizer after the expiration date of such license and does not apply for the renewal of license shall be assessed a penalty of not exceeding four hundred Baht each day since its expiration date.

Section 72/3 All the causes of guilt committed for non compliance with the provisions referred to in Section 22, Section 23 or Section 23/1, if such offender referred to as a licensee of biological fertilizer shall be subject to a half term of penalty referred to in Section 60 paragraph 2.

In case where the offender referred to in paragraph 1 is the licensee of organic fertilizer shall be subject to a one-fourth term of penalty in accordance with the provisions referred to in Section 60 paragraph 2.

Section 72/4 All the causes of guilt committed from violations in accordance with the provisions referred to in Section 20(2), or Section 30(1), (5),(6) or (7), in case where the cause of infringement referred to as biological fertilizer, the offender shall be subject to a half term of penalty referred to in Section 60, Section 63 paragraph 1, Section 64 paragraph 1, Section 66 paragraph 1, Section 67 paragraph 1, Section 71 paragraph 1 or Section 72 paragraph 1, wherever the case may be.

In case where the cause of infringement referred to as organic fertilizer, the offender shall be subject to a one-fourth term of penalty referred to in Section 60, Section 63 paragraph 1, Section 64 paragraph 1, Section 66 paragraph 1, Section 67 paragraph 1, Section 71 paragraph 1 or Section 72 paragraph 1, wherever the case may be.

Section 72/5 In case where the offender committed a crime referred to as the corporate, in exception with the provisions referred to in Section 72/2, the manager of the board, managing director, legal representative or the person in charge of that corporate must be punished according to the law for such infringement, except the person shall prove of innocence from such corporate wrongdoing.

Section 72/6 When the court brings in the verdict of guilty on any offender owing to the infringement committed in accordance with the provisions referred to in Section 63, Section 64, Section 65, Section 66, Section 67, Section 68, Section 69, Section 70, Section 71, Section 72, Section 72/1 or Section 72/4, the court shall order the confiscation of fertilizer, container or package of fertilizer, equipment and appliance for fertilizer manufacturing or documents from such case submitted to the Department of Agriculture in order to destroy or deal with any other actions as deemed appropriate.

Section 72/7 All the causes of guilt committed from infringement in accordance with this Act only the case of imposition on fine, the Director-General or his or her designated official has the authority to impose a fine to the offender and after the alleged offender has paid the adjust punishment, the case shall be considered closed in accordance with the Criminal Procedure Code.

Provisions of Section 37 to Section 42 shall be added by the Amended Fertilizer Act (No. 2) B.E.2550 as follows.

Section 37 Repeal the rates of fees annexed to the Fertilizer Act B.E. 2518 and replace by the revision of rates of fees annexed herewith to this Act.

Section 38 The Fertilizer Committee in accordance with the Fertilizer Act B.E. 2518 serving their term of office during the enforcement of this Act shall continue to perform their function until the next appointment of the Fertilizer Committee but not later than one hundred and eighty days from the date of enforcement of this Act.

Section 39 All licenses and certificates of chemical fertilizer registration issued in accordance with the Fertilizer Act B.E. 2518 prior to the date of entering into force of this Act shall remain valid until their expiration period.

In case where the holder of such license or certificate referred to in paragraph 1 wishes to continue the business, the holder shall file an application for license or certificate of fertilizer registration prior to its expiration date of the original license or certificate until either the receipt of new license or certificate or the receipt of disapproval order of license or certificate of registration.

Section 40 The manufacturer for trade, seller, importer or exporter of biological fertilizer or organic fertilizer during the enforcement of this Act shall file an application for a license in accordance with the provision referred

to in Section 12 and in the case as the manufacturer or importer of biological fertilizer or organic fertilizer shall file an application for fertilizer registration in accordance with the provisions referred to in Section 38 within one hundred and eighty days from the date of entering into force of this Act. Upon filing the application, such person shall continue the business as the permit holder until the receipt of disapproval of license or certificate of registration.

In case where the manufacturer or importer referred to in paragraph 1 who wishes to wind up his or her business of the permitted license or has filed an application for biological fertilizer or organic fertilizer registration in accordance with this Act but the official denies such registration. Either case, such person shall sell all his or her remaining of biological fertilizer or organic fertilizer within sixty days from the date of the windup a business or the date of receipt a disapproval of registration, wherever the case may be, in exception with the extension period allowed by the official of the said time limit.

In case where the manufacturer or importer referred to in paragraph 1 who can not sell all his or her remaining of biological fertilizer or organic fertilizer within the time limit referred to in paragraph 2, the official shall place all the leftover biological fertilizer or organic fertilizer into a public auction or any other methods as deemed appropriate by the Director-General. The proceeds after its expenses deduction shall return to the owner or the juristic person of that business who has right to receive such proceeds.

Section 41 All Ministerial Orders or Notifications issued in accordance with the Fertilizer Act B.E. 2518 shall remain in effect insofar as they do not conflict or contradict with the provisions of this Act until there shall be the Ministerial Order or Notification issued for enforcement in accordance with this Act.

Section 42 The Minister of Agriculture and Cooperatives shall be in charge of the execution of this Act.

Countersigned by

.....

Prime Minister

Rates of Fees

(1)	License for manufacturing chemical fertilizer for trade, each	10,000
(2)	License for manufacturing biological fertilizer for trade, each	5,000
(3)	License for manufacturing organic fertilizer for trade, each	2,500
(4)	License for sale of fertilizer, each	500
(5)	License for importation of fertilizer, each	5,000
(6)	License for exportation of fertilizer, each	1,000
(7)	License for transit of fertilizer, each	500
(8)	Substitute of a license, each	100
(9)	Certificate of chemical fertilizer registration, each	10,000
(10)	Certificate of biological fertilizer registration, each	5,000
(11)	Certification of organic fertilizer registration, each	2,500
(12)	Substitute of a certificate, each	100
(13)	The renewal of a license shall be the same fee as each of such license	
(14)	The renewal of a certificate shall be the same fee as each of such certificate of registration	
(15)	The correction of particulars of the registered fertilizer, each	300

- UNOFFICIAL TRANSLATION
- In case of any difference in the meaning between the Thai text and English translation, the Thai text shall be applied.