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GAIN Report

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Thai FDA Inspections at the Port of Entry

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Sanitary/Phytosanitary/Food Safety

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Report Highlights:

TH9125: The Thai Food and Drug Administration has notified WTO (G/SPS/N/THA/179) of its change in the Ministerial Regulation to require licensed food importers to have their products available for inspection at the port of entry. Presently importers are only required to notify Customs officials of incoming food shipments. The regulation requires importers to notify both Customs and FDA officials.

Thai FDA Inspections at the Port of Entry

On August 20, the Thai Food and Drug Administration notified WTO (G/SPS/N/THA/179) on its change in the Ministerial Regulation to have the importers with approved license of importation of food for sale in Thailand to have their products for inspection at the port of entry. The regulation will require importers by law to have their products inspected by the Thai Food and Drug Administration officials at the port of entry. The ministerial regulation will not affect the U.S. food import process to Thailand as this practice of food import inspection has been established for many years. However, in term of legal action, the Thai FDA required the change in ministerial regulation to strictly enforce the law to keep unsafe foods from entering the country. Below is the proposed draft ministerial regulation No. 13:

(Draft)
Ministerial Regulation
No. 13 B.E. 2552 (2009)
Issued pursuant to the Food Act B.E. 2522 (1979)

By the virtue of provisions of Section 5 and Section 15 of the Food Act B.E. 2522 (1979), In which contain provisions in relation to the restriction of Rights and Liberties of the Persons, in respect of which Section 29 and in conjunction with Section 35, Section 39, Section 48, and Section 50 of the Constitution of the Kingdom of Thailand so permit by virtue of provisions of law; the Minister of Public Health hereby issues the Ministerial Regulation as follows:

Cancel the announcement of Clause 4 of the Ministerial Regulation No. 2 B.E. 2522 (1979) issued pursuant to the Food Act B.E. 2522 (1979) and replaced as follows:

“Clause 4 Importers with approved license of importation of food for sale shall apply their products for inspection at the port of entry according to the principles prescribed by the Food and Drug Administration and conform to the following requirements:

- (1) The food storage areas shall be kept clean with appropriate illumination and adequate ventilation inside of the holding premises, as necessary.
- (2) The facilities for preserving individual kind of food shall be equipped as needed and adequately corresponded to the quantity of food.
- (3) Different kinds of food shall be stored separately.

This regulation shall come into force as from the day following date of its publication in the Government Gazette.

Appendix

(Unofficial)

Ministerial Regulation
No. 2 B.E. 2522 (1979)
Issued pursuant to the Food Act B.E 2522 (1979)

By the virtue of Section 5, Section 15, Section 18, Section 21 and Section 22 of the Food Act B.E. 2522 (1979), the Minister of Public Health hereby issues a Ministerial Regulation as follows :

Clause 1 Those who intend to apply for a license of importation of food to sell, an Application Form of Orr 6 attached with the regulation shall be submitted together with documents specified in Form Orr. 1.

Clause 2 The Applicants, according to clause 1, shall attach two copies of the following documents to apply for the license:

- (1) List of equipment used for keeping or preserving of food quality as necessary (if applicable).
- (2) Map of locations of import premises, holding premises and neighboring constructions.
- (3) Layout of inside holding premises which having ratio corresponded to their dimensions and indicates the following items.

- (a) Neighboring area of holding premises
- (b) Separation of spaces of the holding premises, ventilation including installation of equipments use for keeping or preserving of food quality as necessary.

Clause 3 Form Orr. 7 is used as Importation of food for sell License as attached with the regulation.

Clause 4 Importation of food for sell Licensees shall implement the following provisions:

- (1) Shall keep areas of production clean, provide adequate light and ventilation inside of the holding premises, as necessary.
- (2) Shall have adequate equipments used for holding and preserving each kind of food in workable condition corresponded to the quantity of food.
- (3) Shall keep each kind of food in an isolated area.

Clause 5 Any licensee who desires to renew its license, submit Orr8 Application Form as attached with the regulation and accompanied with documents indicated in Form Orr. 8.

Issuance of Renewal of Importation of food for sell, Licensors may either indicate in the renewal list of the former license or may issue a new license which is the same type of the former one.

Clause 6 Any licensee who desires to substitute its license, submit Orr. 9 Application Form as attached with the regulation and accompanied with documents indicated in Form Orr. 9.

Issuance of a license substitute, licensors issue the license as the same form of the former one, but the wording of "Substitute" shall be indicated on the front page.

Clause 7 Any licensee who desires to move its food importation sites or holding sites, submit Orr 10 Application Form as attached with the regulation and accompanied with documents indicated

in Orr 10 Form.

Permission to move food importation or holding sites, the licensors indicate the permission on the production license or its substitute.

When applying for permission of transferring of food importation or holding sites, clause 2 is enforced mutatis mutandis.

Clause 8 Submission of the Application according to the regulation can be done at Division of Food Control, Food and Drugs Administration Ministry of Public Health, for other provinces beside Bangkok Metropolitan, can submit at Provincial Public Health offices in that province.

Given on date 17th November B.E 2522 (1979)

Boonsom Martin

Minister of Ministry of Public Health

(96 Ror.Jor. setion 193 (Special issue) Dated 22nd November B.E. 2522(1979))