

Ministerial Regulation
Liquor Importation Permission
B.E. 2560 (2017)
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By virtue of the provision of Section 5 paragraph one and Section 154 paragraph two of the Excise Act, B.E. 2560 (2017), the Minister of Finance issued this Ministerial Regulation, as follows:

Clause 1 This Ministerial Regulation shall come into force as from September 16, B.E. 2560 (2017).

Clause 2 Liquor Importation License is divided into 5 categories, as follows:

(1) Liquor Importation License type one is Liquor Importation License for sale which is not the sale in the bonded warehouse in the category of duty-free shop under the law on customs;

(2) Liquor Importation License type two is Liquor Importation License for sale in the bonded warehouse in the category of duty-free shop under the law on customs;

(3) Liquor Importation License type three is Liquor Importation License for samples or non-commercial purposes by maintaining in the bonded warehouse under the law on customs;

(4) Liquor Importation License type four is Liquor Importation License for use as raw materials in liquor production;

(5) Liquor Importation License type five is Liquor Importation License in the cases other than (1) through (4).

Clause 3 Any person intends to apply for the Liquor Importation License shall be qualified, as follows:

(1) Liquor Importation License type one: the Licensee shall be the holder of the liquor selling license type one and shall be the sole agent selling liquors so imported;

(2) Liquor Importation License type two: the Licensee shall be the holder of the liquor selling license type two and shall be permitted to establish the bonded warehouse in the category of duty-free shop under the law on customs;

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(3) Liquor Importation License type three: the Licensee shall be permitted to establish the bonded warehouse in the category of duty-free shop under the law on customs;

(4) Liquor Importation License type four: the Licensee shall be permit to produce liquors;

(5) Liquor Importation License type five: the Licensee shall be a juristic person established under Thai law or the natural person completing 20 years of age.

Clause 4 Any person intends to import liquors into the Kingdom shall file an application with the Director General in accordance with the form as specified by the Director General together with documents or evidences at the Area Excise Office or the Branch Area Excise Office of the locality situated by the Customs Office or Customs House for liquors importation.

For the benefit of the application and granting of permission of the Liquor Importation License, the Director General may issue the rules or notifications as guidelines for controlling the application and granting the License.

Clause 5 In the case where the person desiring to apply for the Liquor Importation License type one, prior to applying for the license under Clause 4 shall do as follows:

(1) File an application for using liquor label to be imported with the Director General in pursuance of the form as notified and stipulated by the Director General together with samples of label, evidences of the sole distributor of the liquor imported as issued by the liquor producers in foreign countries or those having the right to the trade mark, and the evidences as stated in the application mentioned above in line with the criteria, as follows:

(a) Liquor label shall have contents and characteristics as notified and designated by the Director General;

(b) Evidences of the sole distributor of the liquor imported. In the case of filing an application for importing wine and sparkling wine made from the grapes, the application shall be filed upon elapsing 180 days as from the date on which this Ministerial Regulation comes into force;

(c) In the event that the applicant has ever been permitted to use the liquor label to be imported under the Liquor Act, continue to use the liquor label without refiling any application to use the liquor label.

(2) Submit samples of liquors to be imported to the Director General for quality examination and analysis prior to file an application for permission or submit the certificate of result of liquor samples analysis to examine whether they are qualified in accordance with the industrial product standards, provided that the certificate shall be issued by the agencies as set out by the Director General to be the liquor quality examination and analysis agencies or the agencies of foreign governments or the agencies as acknowledged by foreign governments to have the duty to control the liquor production of the liquor producers in foreign countries.

(3) Upon complying with (1) and (2) and the Director General approves using liquor label, the applicant shall continue to file an application for the Liquor Importation License type one.

Clause 6 When the excise officer has already received the application for the license, the details in the application shall be examined whether the documents and evidences are correct and complete.

In the case where the excise officer has examined and is of opinion that the details in the application, documents, or evidences are incorrect or incomplete, the excise officer shall, in writing, notify the applicant thereof to amend the application and submit the correct and complete documents or evidences within the period of time as set forth by the excise officer.

In the event that the applicant fails to amend the application or fails to deliver the correct and complete documents or evidences within the period of time under paragraph two, the applicant shall be deemed to waive and desert the applicant and the excise officer shall, in writing, notify the applicant therefor.

In the case where the excise officer has examined and is of opinion that the details in the application, documents and evidences are correct and complete, the excise officer shall propose to the Director General for consideration of granting the Liquor Importation License.

Clause 7 In the event that the Director General issues an order granting the Liquor Importation License, the excise officer shall notify the applicant pursuant to the methods as prescribed by the Director General, that the Liquor Importation License shall be received within a period of thirty days as from the date of receipt of notification. If not, the applicant shall be deemed to waive the right to obtain the Liquor Importation License.

In the case where the Director General issues an order not to grant the Liquor Importation License, the excise officer shall, in writing, notify the applicant of such order, by indicating reasons for non-permission, including notifying the applicant of the right to appeal, lodging an appeal, and the period of time for appeal.

Clause 8 The Liquor Importation License shall be in accordance with the form as notified and defined by the Director General by having the requirements at least, as follows:

(1) The Licensee shall import the liquors passing through the Customs House as prescribed by the Director General;

(2) The Licensee shall post label at the liquor package as permitted by the Director General prior to liquor importation unless the alcohol degree of the liquor as indicated at the label posted at liquor package may be different from that indicated in the Liquor Importation License or may not be identical to the liquor label as permitted by the Director General with difference not exceeding 1 degree, provided that the Licensee has the duty to correctly and completely pay the excise tax;

(3) The Licensee shall submit samples of liquors in the appropriate quantity without charge to The Excise Department when the Director General orders the Licensee to submit the samples of liquors for examination and analysis;

(4) The Licensee shall collect the liquors so imported at the same time back if it is found that the liquors so imported are not in line with the notification prescribed by the Director General;

(5) The Licensee shall have imported the liquors within a period of six months as from the date of issuance of License which shall be used for single importation. If not, the permission shall be deemed to have terminated.

Clause 9 Any person acquires the Liquor Importation License for exportation, if, after that, desires to import such liquors for other purposes shall file an application for License with the Director General as stipulated herein.

Clause 10 In the event that the Director General is of opinion to notify the holder of the Liquor Importation License type two of clearly presenting or posting any mark on the liquor package so as to clarify that the liquors can be sold in the duty-free shop.

Clause 11 If the holder of the Liquor Importation License type one intends to export the liquors so permitted, such person shall file an application for License with the Director General as stipulated herein.

Upon having already exported the liquors, the Licensee shall, in writing, notify the Director General thereof together with the documents and evidences that the liquors have already been exported within a period of thirty days as from the date on which the liquors have already been exported.

Clause 12 The Liquor Importation Licensee shall control and supervise the employees or any person of the Licensee as responsible for taking any action according to the License to conform to the law on excise and the conditions as stipulated in the License, inclusive of the requirements as to the customs affair concerned.

Clause 13 The application for the Liquor Importation License as filed on the day following the date on which this Ministerial Regulation comes into force and is in consideration process shall be regarded as the application hereunder and this Ministerial Regulation shall apply to the Liquor Importation Permission in pursuance of the application.

In the event that the application filed under paragraph one or the documents or evidences filed together with the application are different from those set forth herein, the Director General shall order the applicant to amend the application or submit additional documents or evidences pursuant hereto.

Given on the 12nd September B.E. 2560 (2017).

Aphisak Tantiworawong

Minister of Finance

Remark:- Reason to issue this Ministerial Regulation is due to section 154 paragraph two of the Excise Act B.E. 2560 (2017) which prescribes that the application and granting of Liquor Importation License shall be in accordance with the rules, procedures and conditions prescribed by the Ministerial Regulation. It is therefore necessary to issue this Ministerial Regulation.