

Unofficial Translation

CROSS-BORDER TRANSPORT FACILITATION ACT,
B.E. 2556 (2013)¹

BHUMIBOL ADULYADEJ, REX;

Given on the 20th Day of March B.E. 2556;

Being the 68th Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have the law on facilitation of cross-border transport;

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

Section 1. This Act is called the “Cross-Border Transport Facilitation Act B.E. 2556”.

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

Section 3. In this Act:

“Cross-border transport” means an importation, an exportation, or a transit through the Kingdom, of animals, plants, or any other objects crossing the border subject to customs law; or an inbound or outbound journey of persons, vehicles, vehicle commanders, and vehicle crew members at immigration check-points, border areas, stations, or regions that

¹ Translated by Mr. Watthana Suksiripakonchai under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

² Published in the Government Gazette No. 110, Part 30a, Page 1, 29th March B.E. 2556 (2013).

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are in the border areas between the Kingdom and the foreign state according to immigration law;

“Agreement” means an agreement between the Thai government and a foreign government related to facilitation of cross-border transport facilitation;

“Procedure” means an implementation by an officer in a joint controlled area according to the law on importation, exportation, transit, regulation, control, examination, permission; and authorisation to enter, reside, and depart the Kingdom, of persons, animals, plants, objects as well as vehicles, vehicle commanders, vehicle crew members used to transport these items;

“Joint controlled area” means a joint controlled area in the Kingdom, and a joint controlled area outside the Kingdom;

“Joint controlled area in the Kingdom” means an area in the Kingdom that the Thai government prescribes as the area for jointly implementing procedures by the officers;

“Joint controlled area outside the Kingdom” means an area outside the Kingdom that the government of the contracting state, as per the agreement, prescribes as the area for jointly implementing procedures by the officers;

“Relevant agency” means an agency within the Thai government, which has the authority to implement the procedures in the joint controlled area;

“Officer” means an officer of the Thai government who has the authority and duties to implement the procedures, and an officer of the government of the contracting state as per the agreement who comes to implement the procedures in the joint controlled area;

“Minister” means the Minister administering this Act.

Section 4. For the benefit of the facilitation of cross-border transport under the agreement, the Minister for Transport, with the consent of the Cabinet, has the authority to declare and prescribe an area in customs areas, stations, ports, or any of the areas suitable for implementing the procedures as the joint controlled area in the Kingdom.

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Section 5. The implementation of the procedures by an officer of the Thai government in the joint controlled area outside the Kingdom may be deemed as the implementation of the procedures in the Kingdom.

Section 6. An officer of the government of the contracting state under the agreement may implement the procedure subject to the law of the contracting state in the joint controlled area in the Kingdom whereby the authority to implement the procedures by the officers must be in accordance with the conditions the Thai government has made with the contracting state as per the agreement for the implementation of the procedures in each joint controlled area.

The officer of the government of the contracting state may be exempt from complying with the immigration law to enter into the joint controlled area in the Kingdom in order to implement the procedures under paragraph one; however, this is subject to the criteria, methods, and conditions prescribed by the Minister for Interior.

Section 7. While performing duties in the joint controlled area in the Kingdom, an officer of the government of the contracting state must present an identification card, issued by the government of the contracting state under the agreement, to relevant persons.

Section 8. An officer of the government of the contracting state under the agreement who implements the procedures in the joint controlled area in the Kingdom may be deemed as an officer under the Criminal Code.

Section 9. Committing an offence related to cross-border transport in the joint controlled area outside the Kingdom, which is also an offence under the Thai law may be deemed as committing the offence in the Kingdom.

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Section 10. An implementation of when an officer finds there are offences related to cross-border transport committed in the joint controlled area in the Kingdom may be subject to the following criteria and methods:

(1) When the offences are committed under Thai law, the officers of the Government of Thailand may proceed in accordance with the law;

(2) When the offences are committed under the law of the contracting state under the agreement, and when the officer of the contracting state requests that the officer of the Thai government return the persons, animals, plants as well as vehicles, vehicle commanders, and vehicle crew members used to transport the items to the contracting state under the agreement; and,

(3) When the offences are committed under both the Thai law and the law of the contracting state under the agreement, the officer of the Thai government may proceed in accordance with the law and; when the processes are completed, inform the officer of the government of the contracting state of the report on the outcome of the processes. If the officer of the government of the contracting state requests, the officer of the Thai government may return the persons, animals, plants, objects as well as vehicles, vehicle commander and vehicle crew members used to transport the these items to the contracting state under the agreement after the processes according to the Thai law are completed.

Section 11. The implementation of when an officer finds that there are offences, under Thai law, related to cross-border transport committed in the joint controlled area outside the Kingdom, the officers of the Thai government may request that the officer of the contracting state under the agreement return the persons, animals, plants as well as vehicles, vehicle commanders, vehicle crew members used to transport these items to the Kingdom in order to proceed accordingly with the Thai law.

Section 12. The Minister may have the authority to make regulations to set the procedures of how to perform duties in the joint controlled area on the part of the officers of the Thai government as follows:

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(1) Joint performance of the duties among relevant agencies in order to conform to this Act;

(2) Adoption of a system, instrument, and equipment with international standards for use in order to exchange information for implementing the procedures and connecting processes among the relevant agencies;

(3) Shipment of persons, animals, plants, objects, as well as vehicles, vehicle commanders, and vehicle crew members used to transport these items; and reporting on the outcome of the processes under Section 10;

(4) Request for the shipment of persons, animals, plants, objects, as well as vehicles, vehicle commanders, and persons in the vehicle used to transport these items under Section 11; and,

(5) Implementation of other matters in the joint controlled area.

Section 13. The Minister for Finance, the Minister for Agriculture and Cooperatives, the Minister for Transport, the Minister for Natural Resources and Environment, the Minister for Interior, and the Minister for Health are in charge and control of this Act, and have the authority to make regulations in order to comply with this Act; however, only for matters related to them.

The regulations may come into force after their publication in the Government Gazette.

Countersigned by

Yingluck Shinnawatra

Prime Minister

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