

Export Control System in Thailand

- Experiences and Challenges -

Agreement Merchandise Administration and Trade Measure Division
Department of Foreign Trade, Ministry of Commerce

OUTLINE

1. Thailand's Related Agencies
2. Thailand's Control on Weapons of Mass Destruction Related Items Act, AD 2019. (**TCWMD Act**)
 - *Overview*
 - *Scope and Coverage*
 - *Current Status*
 - *Phased Implementation*
 - *Licensing System*
3. Challenges

RELATED AGENCIES

1. Licensing Agencies



*Defense Industrial
Department*

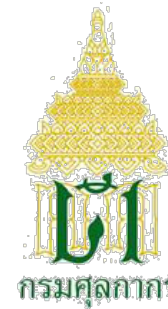


*Department of
Industrial Works*



*Department of
Medical Sciences*

2. Enforcement Agency



*กรมศุลกากร
Customs Department*

3. Financing Agency



*Anti-Money Laundering
Office*

main
licensing
agency ←

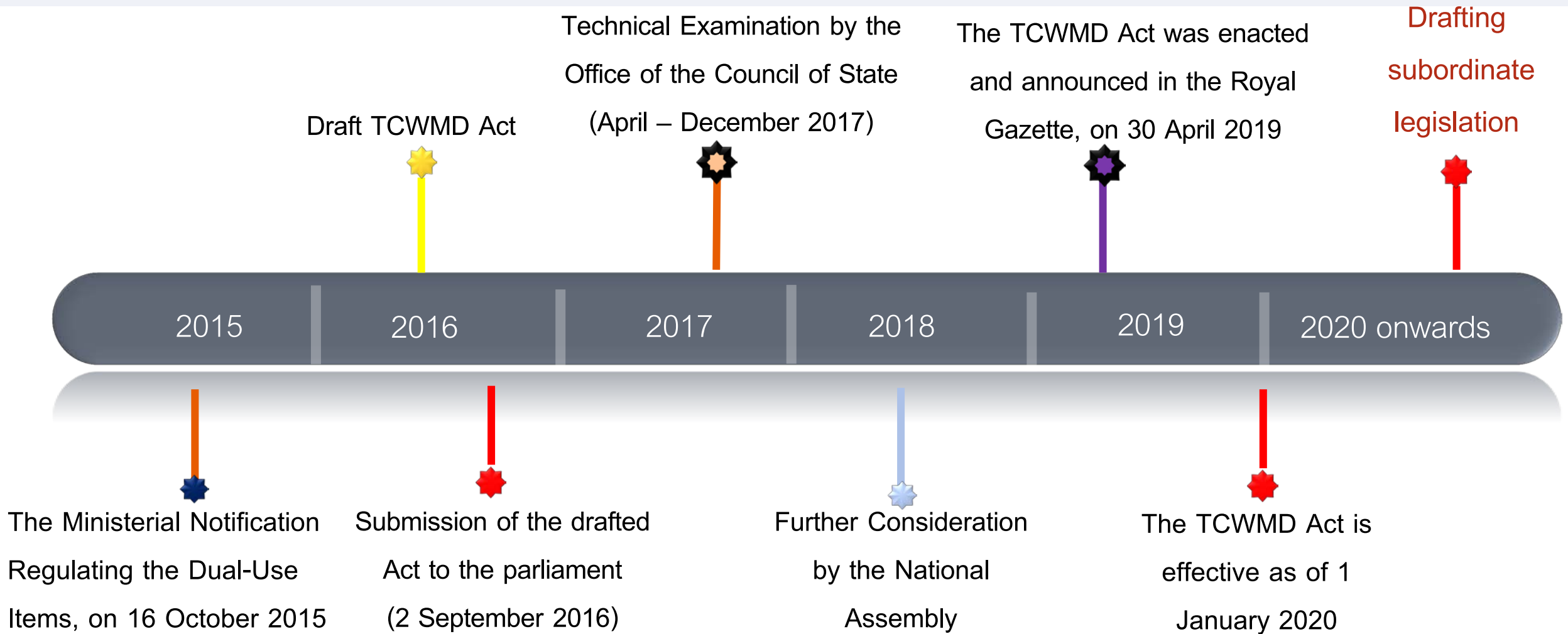


*สำนักงานปรมาณูเพื่อสันติ
OFFICE OF ATOMS FOR PEACE*



*Office of the National
Broadcasting and
Telecommunications
Commission*

JOURNEY TOWARDS TCWMD IMPLEMENTATION



Thailand’s Control on Weapons of Mass Destruction related Items Act or **TCWMD Act**

Section	Details	Number of Article
-	General Provisions	5
1	Committee	5
2	Control of WMD related Items	9
3	Appeal	2
4	Authorized Officers	4
5	Civil Liability	1
6	Penalties	6
Total		32

- On 30th April 2019, the TCWMD Act was enacted and announced in the Royal Gazette.
- TCWMD Act consists of 32 articles.
- All provisions are effective as of **1st January 2020**.

SCOPE OF TCWMD

- The DFT is the responsible authority under the TCWMD Act and has the **power to issue subsequent rules and regulations** under the TCWMD Act, including **a list of specific items** that will be regulated under the TCWMD Act, **controlled activities** of each items, and **requirements** in order to engage in the controlled activities.

SCOPE OF TCWMD

- The TCWMD Act regulates **all items that are related to the proliferation** of weapons of mass destruction.
- The **regulated items** include WMDs, military armaments and dual-use items (“DUI”) as well as tangible and intangible items that could have commercial interest, technology or even software.
- **Controlled activities** under the TCWMD Act include export, re-export, transshipment, transit, brokering and other actions with the purpose of spreading WMDs.

PENALTIES UNDER TCWMD ACT

For violating license provision

Maximum imprisonment of 2 years and/or a fine of up to THB 200,000.

If such offense is related to the WMDs

Maximum imprisonment of 10 years and/or a fine of up to THB 1 million.

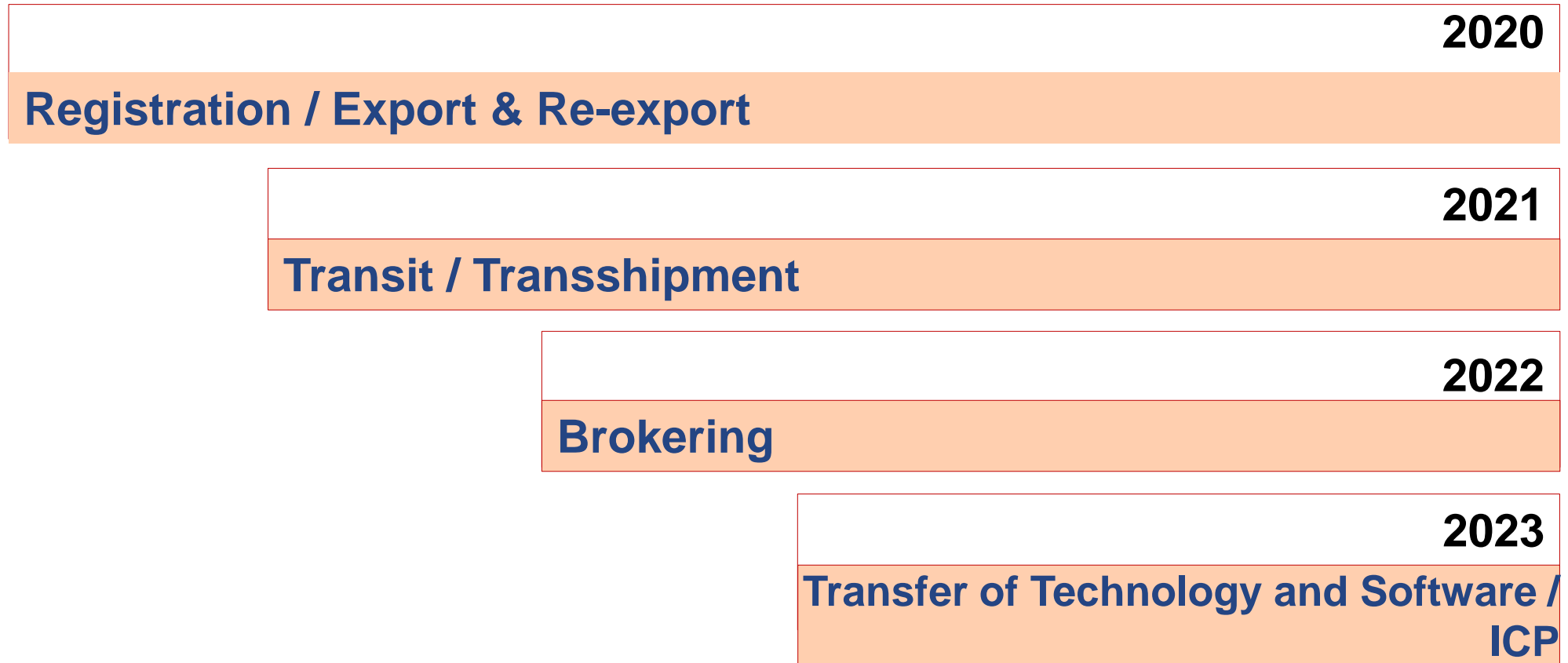
False or misleading document or information in order to obtain the license

Maximum imprisonment of 1 year and/or a fine of up to THB 100,000.

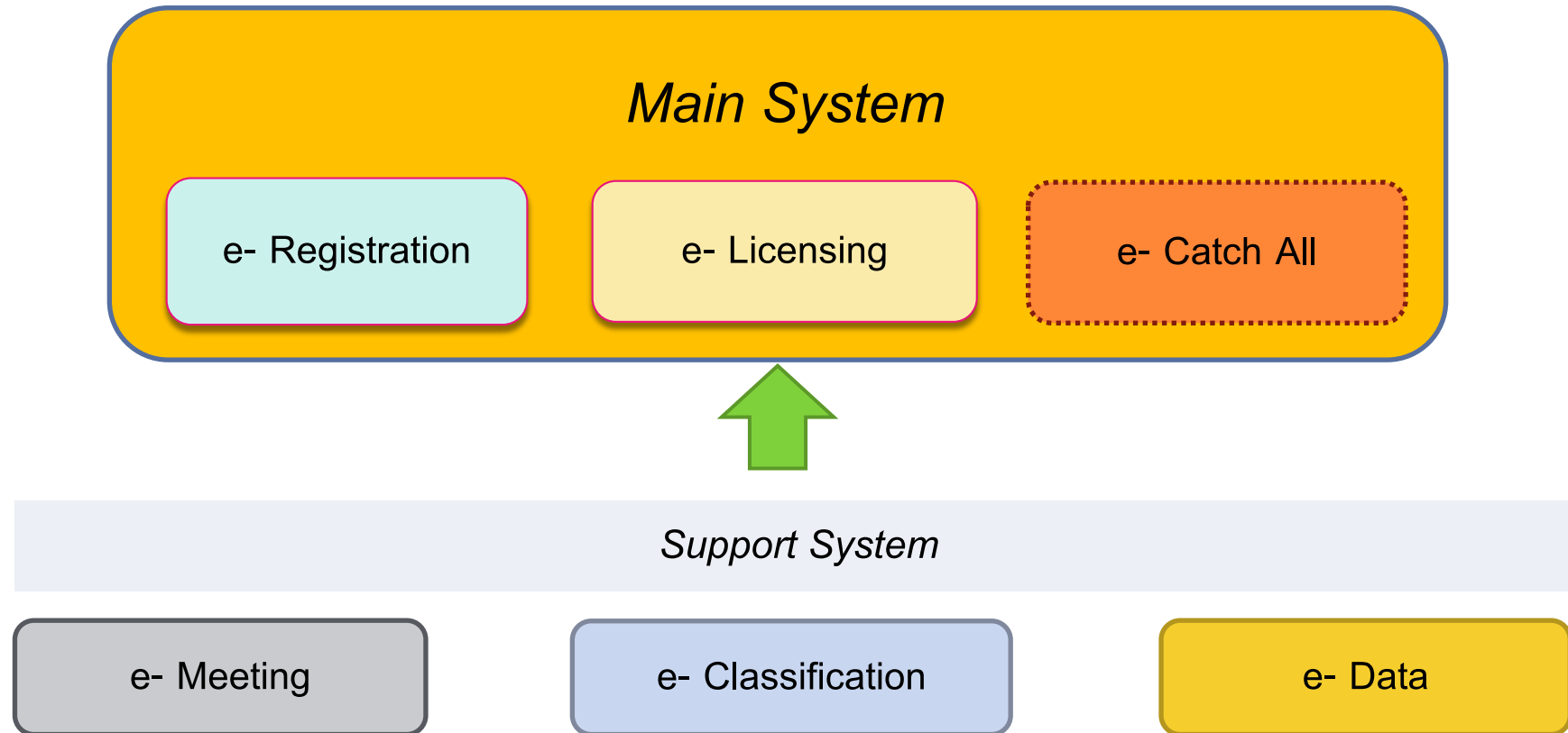
CURRENT STATUS OF TCWMD SYSTEM

1. Relevant **regulations and notifications** under the TCWMD Act are being drafted
2. Developing **e-TCWMD** system
3. **Outreach activities** for law and e-TCWMD system

PHASED IMPLEMENTATION OF THE TCWMD (TENTATIVE)



EXPORT LICENSE SYSTEM



CHALLENGES

DFT

1. Product classification
2. EU list updates
3. End use & end users verification
4. Control of transit, transshipment, brokering activities, intangible goods and technology transfer and catch-all control
5. Develop a working standard for licensing process
6. Conforming with existing law

Other Agencies & Institutions

7. Technical advisory committee
8. Promoting inter-agency collaboration

Private Sector

9. Industry and SME outreach
10. Promoting voluntary ICP in private sector

Thank you for your attention

tcwmd@moc.go.th