

Notification of Department of Industrial Works

Re: Criteria and procedure for submission of a declaration form, issuance of a declaration receipt, submission of a renewal form and renewal of a declaration receipt for the operations concerning with hazardous substance type 2 under authority of the Department of Industrial Works

B.E. 2556 (2013)

As it deemed appropriate to revoke the Notification of the Department of Industrial Works regarding the criteria and procedure for submission of a declaration form, issuance of a declaration receipt, submission of a renewal form and renewal of a declaration receipt for the operations concerning with hazardous substance type 2 under authority of the Department of Industrial Works B.E. 2551 (2008) dated 15 September 2008 to be in line with the current list of hazardous substances and to facilitate the business operators to notify and renew of declaration receipt via the Department's computerized network system.

By the virtue of the provisions in the fourth paragraph of Article 22 of the Hazardous Substance Act B.E. 2535, having been amended by the Hazardous Substance Act (No.3) B.E. 2551, which contains some provisions concerning the limitation of the person's rights and freedoms that can be done by the provisions of Section 29 combined with Section 32, Section 33, Section 41, Section 43 and Section 45 of the Constitution of the Kingdom of Thailand, the Department of Industrial Works, as the competent authority of hazardous substances according to Notification of the Ministry of Industry regarding list of hazardous substances, which is issued under the second paragraph of Article 18 of the Hazardous Substance Act B.E. 2535, hereby issues the notification as follows:

Article 1 This Notification is entitled as "Notification of Department of Industrial Works regarding the Criteria and procedure for submission of a declaration form, issuance of a declaration receipt, submission of a renewal form and renewal of a declaration receipt for the operations concerning with hazardous substance type 2 under authority of the Department of Industrial Works B.E. 2556".

Article 2 This Notification shall be effective from the next day of the publishing date in the government gazette.

Article 3 the Notification of the Department of Industrial Works regarding the criteria and procedure for submission of a declaration form, issuance of a declaration receipt, submission of a renewal form and renewal of a declaration receipt for the operations concerning with hazardous substance type 2 under authority of the Department of Industrial Works B.E. 2551 shall be revoked.

Chapter 1

Submission of a declaration form, issuance of a declaration receipt, submission of a renewal form and renewal of a declaration receipt

Article 4 Anyone who wish to produce, import, export or possess hazardous substance type 2 shall submit two copies of a declaration form, annexed herewith as WoAo/AoKo 5 Form, to the official.

Article 5 Anyone who wish to renew a declaration receipt for production, import, export or possession of hazardous substance type 2 shall submit two copies of a renewal form, annexed herewith as WoAo/AoKo 5/1 Form, to the official.

Article 6 Declaration of the operation as prescribed in Article 4 and renewal as in Article 5 shall be submitted at the Hazardous Substance Control Bureau, Department of Industrial Works or other places as prescribed by the Department. With regard to this Notification, declaration and renewal forms can be submitted via the Department's computerized network system.

Article 7 Submission prescribed in Article 6 shall be attached with a hazardous substance registration certificate unless such hazardous substance is exempt from a registration.

Article 8 If a grantee of a declaration receipt for the operations concerning with hazardous substance type 2 wishes to revise information in the receipt of declaration, he/she shall submit a request in writing to the official. However, revision of hazardous substance's name, chemical formula, ratio, and properties are not permitted.

Article 9 A request for renewal of a declaration receipt for the operations concerning with hazardous substance type 2 shall be submitted by a grantee within 90 days before an invalid date.

Article 10 Issuance and renewal of a declaration receipt for the operations concerning with hazardous substance type 2 shall comply with WoAo/AoKo 5 Form and can be made only when the declaration and required document are submitted completely. The official may issue or renew the declaration receipt on the submission date as the case maybe.

Article 11 A declaration receipt or its renewal is valid for 3 years since the issuance or renewal date as the case maybe.

Chapter 2

Submission of a declaration form and a renewal form via computerized network system

Article 12 Anyone who wish to make a declaration prescribe in Article 6 via computerized network system shall submit a request at the Hazardous Substance Control Bureau, Department of Industrial Works, and attached with following documents:

12.1 For an ordinary person;

- (1) a copy of a house registration
- (2) a copy of ID card, or a copy of passport in case of a foreigner
- (3) a letter of attorney, in case of authorizing to a representative

12.2 For a juristic person;

(1) a certificate of a juristic person registration issued by the Ministry of Commerce not more than 6 months or its copy. In case that a registration is made under other laws, a certificate of registration issued by such law or its copy shall be attached with.

(2) a copy of ID card and a copy of a house registration of the director authorized to represent a juristic person in case of a Thai director, or a copy of passport in case of a foreign director.

(3) a letter of attorney, in case of authorizing a representative to act on behalf of a juristic person, certified true with a signature.

Article 13 Applicant of this service must have an electronic mail address (e-mail address) that is contactable and usable.

Article 14 Application form for the declaration or renewal service via computerized network system shall be in accordance with WoAo/AoKo 5/2 Form.

Article 15 Department of Industrial Works will issue a certificate identified with reference numbers and password to the approved applicant to use the online service as prescribed by this Notification.

Article 16 If the certificate is missing or destroyed, or the service user's name is changed, or the office address is changed, or other significant changes, application for a new certificate is required and the missing or destroyed certificate shall be regarded as void.

Article 17 User must check and certify that information submitted at the declaration of the operations of hazardous type 2 is true and shall take a criminal liability if such information is false, as well as is liable to a civil penalty if such false information have created damages.

Article 18 Request for correction of false information after submitted via the Department's computerized network system shall be made only at the Hazardous Substances Control Bureau, Department of Industrial Works.

Article 19 Department of Industrial Works reserves the right to stop the service immediately if it is found that the user has acted against the service conditions or has abused the service causing damages to the Department of Industrial Works, or the nation, or against public's peace and order and public moral, directly or indirectly. The user has no right to claim for any damages or compensations caused by the stop of service.

Article 20 Department of Industrial Works reserves the right to change the criteria, procedures and conditions specified in this Notification to ensure the efficiency and benefit to the user and the public sector and the user is not liable to claim for compensation for damages caused by such changes.

Article 21 Department of Industrial Works is not liable to any responsibilities for damages caused by the computerized network system used in this service.

Article 22 User shall perform the following procedures:

22.1 Login to the system by the login name and password.

22.2 Key and record information of the operations concerning with hazardous substance type 2 in the WoAo/AoKo 5 Form in the computer.

22.3 Submit, via the computerized network system, a certificate of hazardous substance registration or a document showing 100% of chemical contents in case where such hazardous substance is exempted from registration, together with safety data sheet or other documents to certify that such hazardous substance is exempted from registration.

22.4 Submit, via the computerized network system, a map and a plan showing the location where hazardous substance type 2 is stored.

22.5 Submit, via the computerized network system, a VAT registration certificate (PhoPho 20 Form).

Article 23 User can check result of consideration via the online system. If such declaration is received and approved by the official, the user can use the declaration receipt for making a declaration of the hazardous substance information (WoAo/AoKo 6) via the Department's computerized network system.

Article 24 User shall print the declaration receipt for the operations concerning hazardous substance type 2, signed by the notifier and shall submit it at the Hazardous Substance Control Bureau, Department of Industrial Works, for endorsement by the official. In case where a notifier is an attorney-in-fact, a power of attorney shall be attached with a copy of ID card of a proxy and an attorney-in-fact.

Article 25 User who wishes to renew a declaration receipt via the Department's computerized network system shall proceed in according to article 12-24 and record the data in WoAo/AoKo 5/1 Form.

Article 26 A declaration receipt for the operations concerning hazardous substance type 2 issued before the effectiveness of this Notification shall be continually valid.

Announced on 1 November B.E. 2556 (2013)

Nattapon Nattasomboon

Director-General, Department of Industrial Works

**Declaration of the Hazardous Substance Type 2
(under authorization of Department of Industrial Works)**

Dear Director of Hazardous Substances Control Bureau

Iage.....years, Nationality.....
 (ordinary person/juristic person)
 Tax ID no.....
 Address no..... Moo..... Soi..... Road.....
 Tambon..... District..... Province.....
 Postal code..... Tel..... Fax.....
 Would like to declare ()produce ()import ()export ()possess for.....(sell, transport,
 store, etc) of hazardous substance with registration Wo Ao No..... Expiry date.....
 as following details:

Name of hazardous substance, formula and ratio.....

 Commercial name (if available).....

 Quantity.....
 Property () soild () liquid () gas () others
 Type of container.....
 Producer and producing place.....
 Company/Factory's name..... Address no..... Moo.....
 Soi..... Road..... Tambon/subdistrict.....
 District..... Province..... Postal code.....
 Tel..... Fax..... Storage area..... Square meters.....
 Name of expert or person responsible for production/storage (in case where the Notification
 issued under Article 20(2) of the Hazardous Substance Act B.E. 2535 required).....

(If there are more than 1 storage place, it shall be described on the back of this form)

Sign.....Informer
 (.....)

Declaration Receipt of Hazardous Substance Type 2
The declaration of hazardous substances type 2 in accordance with the Hazardous Substances Act B.E. 2535 (1992) is received and valid until Date.....Month.....Year.....
Receipt No.....
Sign.....Receiver Official
Date...../...../.....

A second storage place

Company/Factory's name.....Address no.....Moo.....
Soi.....Road.....Tambon/subdistrict.....
District.....Province.....Postal code.....
Tel.....Fax.....Storage area.....Square meters
Name of expert or person responsible for production/storage (in case where the Notification issued under Article 20(2) of the Hazardous Substance Act B.E. 2535 required).....

A third storage place

Company/Factory's name.....Address no.....Moo.....
Soi.....Road.....Tambon/subdistrict.....
District.....Province.....Postal code.....
Tel.....Fax.....Storage area.....Square meters
Name of expert or person responsible for production/storage (in case where the Notification issued under Article 20(2) of the Hazardous Substance Act B.E. 2535 required).....

Sign.....Informer
(.....)

Attached Document:

1. A copy of a registration of hazardous substance. If a registration is exempted, attach a document showing 100% of chemical contents of a product.
2. A copy of juristic person registration
3. A power of attorney and a copy of ID cards of an attorney and a proxy
4. Map and layout of storage place of hazardous substances type 2
5. A copy of VAT registration certificate (PhoPho 20)

Renewal of Declaration Receipt No.....

No.	Date	Renewal of Declaration Receipt of HS Type 2		Official
		Valid Until	Additional Declaration	

Record of Change of Declaration Receipt No.....

No.	Ref. No.	Date	Changing Information	Official

**Renewal of Declaration Receipt of the Hazardous Substance Type 2
(under authorization of Department of Industrial Works)**

Dear Director of Hazardous Substances Control Bureau

Iage.....years, Nationality.....
(ordinary person/juristic person)

Tax ID no.....

Address no.....Moo.....Soi.....Road.....

Tambon.....District.....Province.....

Postal code.....Tel.....Fax.....

Would like to renew declaration receipt for ()produce ()import ()export ()possess for.....
(sell, transport, store, etc) of hazardous substance with registration Wo Ao No.....

Declaration Receipt No.....Expiry date.....as following details:

Name of hazardous substance, formula and ratio.....

Commercial name (if available).....

Quantity.....

Property () soild () liquid () gas () others

Type of container.....

Producer and producing place.....

Company/Factory's name.....Address no.....Moo.....

Soi.....Road.....Tambon/subdistrict.....

District.....Province.....Postal code.....

Tel.....Fax.....Storage area.....Square meters

Name of expert or person responsible for production/storage (in case where the Notification
issued under Article 20(2) of the Hazardous Substance Act B.E. 2535 required).....

(If there are more than 1 storage place, it shall be described on the back of this form)

Sign.....Informer
(.....)

A second storage place

Company/Factory's name.....Address no.....Moo.....
Soi.....Road.....Tambon/subdistrict.....
District.....Province.....Postal code.....
Tel.....Fax.....Storage area.....Square meters
Name of expert or person responsible for production/storage (in case where the Notification issued under Article 20(2) of the Hazardous Substance Act B.E. 2535 required).....

A third storage place

Company/Factory's name.....Address no.....Moo.....
Soi.....Road.....Tambon/subdistrict.....
District.....Province.....Postal code.....
Tel.....Fax.....Storage area.....Square meters
Name of expert or person responsible for production/storage (in case where the Notification issued under Article 20(2) of the Hazardous Substance Act B.E. 2535 required).....

Sign.....Informer
(.....)

Attached Document:

1. A declaration of hazardous substance type 2
2. A copy of juristic person registration (if changed from previously submitted)
3. A power of attorney and a copy of ID cards of an attorney and a proxy
4. Map and layout of storage place of hazardous substances type 2 (if changed from previously submitted)

**Application Form for a Service on Declaration or Renewal of the Hazardous Substance
Type 2 under Authorization of Department of Industrial Works
via the Department’s Computerized Network System**

**For the applicant:
General Information**

Name/Company’s name.....
Tax ID no.....Address (as in PhoPho.20).....
Moo.....Soi.....Tambon.....
District.....Province.....Postal code.....
Tel.....Fax.....E-mail address.....
Contact address () as abovementioned
() Address..... Moo.....Soi.....
Road.....Tambon.....
District.....Province.....Postal code.....
Tel.....Fax.....E-mail address.....
Service Using Date.....

I would like to apply for a service on declaration or renewal of the hazardous substance type 2 under authorization of Department of Industrial Works via the Department’s computerized network system. I have acknowledged and will comply with criteria, procedures and conditions, currently enforced and to be enforced in the future. I certified that the above given information is true.

Sign.....
(.....)
Date...../...../.....

For Official:

() Identification card number..... () Passport number.....
() Power of Attorney dated..... () Membership number.....
() Initial password.....

Official checking the documents.....
(.....)
Date...../...../.....