

Notification of Department of Industrial Works

Re: Qualifications of Applicant for Import Permit of Hazardous Substance and Determination Criteria for Import of HCFCs

B.E. 2556 (2013)

Thailand has been the Party of the Montreal Protocol on Substances that deplete the Ozone Layer and from 2013, Thailand has commitment to phase out the use of HCFCs to be not exceeding the overall annual import quota of the country, as detail shown in the Notification of Department of Industrial Works regarding Guideline of HCFCs Import Permit for Domestic Use B.E. 2555, dated 7 February B.E. 2555 (2012), which has been published in the Government Gazette, Volume 129, Special Part 62Ngor, dated 3 April B.E. 2555 (2012).

Article 1: Qualifications of applicant for import permit of HCFCs shall be as follows:

1.1 have import history during B.E.2552-2554 (2009-2011) of at least 1 year and have complied with criteria and requirement prescribed in the ministerial regulation and notification of ministry of industry issued under the Hazardous Substance Act B.E. 2535

1.2 Applicant in 1.1 shall prepare a monthly report on HCFCs purchasing/selling by identifying purchaser, amount on the monthly basis and submit it to Department of Industrial Works within the 5th date of the following month.

1.3 In case that applicant for import permit has never had import history according to 1.1 but is a direct end-user or a representative of the end-user, there shall have evidence identifying as such and shall inform reason and necessity of HCFCs use. Additionally, such applicant shall prepare the inventory of HCFCs purchasing/use for 1 year in advance including HCFCs phase out plan by identifying clear amount of use and phase out period, and then submit it to Department of Industrial Works for consideration.

End-user means a direct user of HCFCs in production process such as refrigerator manufacturer, etc. or who is a service provider such as refrigerator or cooler repair shop etc. However, there shall have evidence of company registration, business registration, or a factory according to the Factory Act B.E. 2535.

1.4 Applicant for import permit shall prepare the import/export plan of HCFCs or production plan using HCFCs, in case of the end-user, of the following year and submit it to Department of Industrial Works for deciding import quota of the following year within 30th September of each year. If the applicant fails to submit it in time, it shall be regarded that there is no intention to get the import permit of the following year.

Article 2: Department of Industrial Works will hold a meeting with applicant for HCFCs import permit who is qualified in accordance to Article 1 at least once a year in October for allocating of import quota of the following year. Total importation quota shall not exceed 85% of the country's annual quota as stipulated in the Notification of Department of Industrial Works regarding guideline for import permission of HCFCs for domestic use B.E. 2555, dated 27 February B.E.2555. Quota amount and type of HCFC allocated to each applicant shall be considered based on the following criteria:

2.1 Applicant for import permit as a trader – the Department will consider based on the import/export plan of HCFCs and list of the end-user together with selling amount to each end-user.

2.2 Applicant for import permit as the end-user or the industry – the Department will consider based on the import/export plan of HCFCs, usage and production plan of HCFCs, domestic purchasing plan and list of trader.

Article 3: Department of Industrial Works reserves the right for allocating of HCFCs import quota to a permit grantee based on the following criteria:

3.1 For the remaining quota of 15%, the Department reserves the right to reserve this amount in case of the over-importation such as smuggling. The Department will review and reallocate of the net unallocated amount with the applicant for import permit within October of each year as the latest.

3.2 In case that an applicant for import permit, who uses HCFCs directly in the manufacturing process such as refrigerator manufacturer, wishes to import HCFCs for the manufacturing process (applied only to the processes that are not the extended parts of manufacturing capacity permitted after the enforcement of this Notification) and has evidence to identify that such import is the substitution amount of the purchase from a specific trader. Department of Industrial Works reserves the right to consider a reduction of import quota allocated to such trader and to give such quota to the direct manufacturer instead.

Announced on 30 September B.E. 2556 (2013)

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