

Notification of the Central Committee on the Price of Goods and Services

No. 4, B.E. 2564 (2021)

Regarding Setting of Distribution Price and Declaration of Information on Hygienic Mask

Whereas the Notification of the Central Committee on the Price of Goods and Services No. 1, B.E. 2563 (2020) Regarding Determination of Additional Goods under Control dated 4 February B.E. 2563 (2020) comes to an end, resulting in the end of the enforcement of the Notification of the Central Committee on the Price of Goods and Services No. 10, B.E. 2563 (2020) Regarding Setting of Sale Price and Declaration of Information on Hygienic Mask dated 5 March B.E. 2563 (2020). In the meantime, the Central Committee on the Price of Goods and Services has already reconsidered the exercise of its power regarding the stipulation of the aforesaid measure, it is of the view that there should be the maintenance of the measure that the seller of the hygienic mask shall sell the hygienic mask at a price not higher than the price as set; additionally, the producer shall declare the capital cost of production and the importer shall declare the price of importation within the date of changing the information in order that the price of the hygienic mask shall be consistent with the capital cost, the expense, and fair to all parties involved.

By virtue of Section 9 (2), (3), Section 25 (1), (2), (3), (4), (5) and paragraph one of Section 26 of the Price of Goods and Services Act, B.E. 2542 (1999), the Central Committee on the Price of Goods and Services therefore issues this Notification, as follows.

Article 1. This Notification shall come into force in all areas of the Kingdom for the period of one year as from the day following the date of its publication¹, except for there being the issuance of a new notification.

Article 2. In this Notification,

“capital cost” means

(1) the price of importation (CIF), tax and import duty included, as for the hygienic mask as imported from foreign countries; or

(2) the factory’s capital cost of production as for other hygienic masks as produced in the country.

¹ Published in the Government Gazette, Volume 138, Special Part 43 d, Page 25, dated 24 February B.E. 2564 (2021).

Chapter 1

Setting of Distribution Price

Article 3. The seller of the surgical mask as produced in the country shall sell the mask by retail at a price (value added tax included) not higher than 2.50 Baht per piece.

Article 4. The seller of the surgical mask as imported from foreign countries or other hygienic masks as imported from foreign countries or produced in the country, except for the hygienic mask which is produced from fabric and capable of being reused, shall sell the mask at a price not higher than the price which is computed by the following methods.

(1) The price of the mask to be sold by the importer or the producer shall be computed by a method of combining the capital cost with management and transportation costs, returns from sale and other expenses not exceeding 10 percent of the capital cost.

(2) The price of the mask to be sold by the wholesaler shall be computed by a method of combining the price as specified in (1) with management and transportation costs, returns from sale and other expenses not exceeding 10 percent of the price as specified in (1),

(3) The price of the mask to be sold by the retailer shall be computed by a method of combining the price as specified in (2) with the cost of distributing goods, returns from sale and other expenses not exceeding 23 percent of the price as specified in (2).

The price as specified in (1), (2) and (3) shall not include value added tax.

Chapter 2

Declaration of Information

Article 5. The importer of the surgical mask as imported from foreign countries or other hygienic masks as imported from foreign countries, except for the hygienic mask which is produced from fabric and capable of being reused, shall declare information on the price of importation. The declaration must be made within twenty-four hours as from the time when the Customs Department writes the record of examination and release.

The producer of other hygienic masks as produced in the country, except for the hygienic mask which is produced from fabric and capable of being reused, shall declare information on the current capital cost of production. The declaration must be made within the date of this Notification coming into force.

The producer, as stated in paragraph two, who carries on business after the date of this Notification coming into force shall declare the information as stated in paragraph two within the date of the commencement of production.

Article 6. In the case where there is a change in the information as declared under Article 5, such a change must be declared within the date of the change.

Article 7. The declaration under Article 5 or Article 6 shall be made to the Secretary-General of the Central Committee on the Price of Goods and Services in the form prescribed by the Secretary-General of the Central Committee on the Price of Goods and Services at the Office of the Central Committee on the Price of Goods and Services, the Department of Internal Trade, the Ministry of Commerce.

The declaration under paragraph one shall be made by electronic data, electronic mail (email) or facsimile. In case of the declaration by electronic data, the date when the electronic data enters into the data system of the Office of the Central Committee on the Price of Goods and Services, the Department of Internal Trade, the Ministry of Commerce shall be deemed as the date of declaration. In case of the declaration by electronic mail (email), the date when the electronic mail (email) is received by a competent official shall be deemed as the date of intention of declaration. In case of the declaration by facsimile, the date when the facsimile is received by a competent official shall be deemed as the date of intention of declaration.

The declaration by electronic mail (email) or the declaration by facsimile under paragraph two shall be valid when the producer or the importer has already submitted the original document to the Secretary-General of the Central Committee on the Price of Goods and Services.

The producer or the importer who wishes to declare information via electronic data shall sign in the memorandum of agreement to declare information via electronic data in accordance with the rules and procedures as prescribed by the Secretary-General of the Central Committee on the Price of Goods and Services.

Article 8. When the producer or the importer has requested the Secretary-General of the Central Committee on the Price of Goods and Services to extend the specified period of time in this Notification; or when the Secretary-General of the Central Committee on the Price of Goods and Services has deemed as appropriate; the Secretary-General of

the Central Committee on the Price of Goods and Services may give an order to make an extension of the specified period of time prior to the expiry date of such a period. Nevertheless, such an extension shall be made only when there is a special circumstance or an unavoidable event; and the producer or the importer has requested; or the Secretary-General of the Central Committee on the Price of Goods and Services has given an order prior to the expiry date of such a period, except for the case of force majeure.

Given on the 4th Day of February B.E. 2564 (2021)

Jurin Laksanawisit

Minister of Commerce

Chairperson of the Central Committee on the Price of Goods and Services