

Notification of the Ministry of Commerce

Regarding Rules, Procedures and Conditions Relating to Submission of Prototype and Approval for Prototype of Measuring instrument by Competent Official

In order that a business operator who wishes to manufacture or import measuring instruments to be used in buying and selling or exchanging merchandise, or in the measurement service, or for the purpose of the calculation of remuneration, tax and fee is able to submit a measuring instrument prototype together with supporting documents or documents presenting the prototype of such measuring instrument, and the consideration for the approval for the measuring instrument prototype and the duration for the consideration of a competent official shall be in good order, correct and suitable, the Committee on Weights and Measures passed a resolution at the meeting No. 2/2566 on 9th June B.E. 2566 (2023) to approve the principle in relation to the prescription on rules, procedures and conditions relating to the submission of the prototype and the approval for the measuring instrument prototype by the competent official.

By virtue of Section 5 and paragraph two of Section 22/1 of the Measurement Act, B.E. 2542 (1999) as amended by the Measurement Act (No. 3), B.E. 2557 (2014), the Minister of Commerce, upon the recommendation of the Committee on Weights and Measures, therefore issues this Notification, as follows.

Article 1. This Notification shall come into force upon the expiration of ninety days as from the date of its publication in the Government Gazette onwards.¹

Article 2. In this Notification,

“measuring instrument” means a weighing instrument, a volume measuring tool and a measurer which are used in buying and selling or exchanging merchandise, or in the measurement service, or for the purpose of the calculation of remuneration, tax and fee;

“applicant” means a business operator who wishes to manufacture or import measuring instruments;

¹ Published in the Government Gazette, Volume 140, Special Part 192 d, Page 24, dated 11th August B.E. 2566 (2023).

“prototype” (type or pattern) means the pattern or drawing of a measuring instrument which the applicant wishes to manufacture or import, including the components of the measuring instrument as prescribed by the law governing measurement;

“documents presenting the prototype” means documents presenting a measuring instrument prototype which are certified by the measurement institute or organization of the foreign government or the international organization as prescribed by the Committee on Weights and Measures;

“examination report” means a report on the examination of the appearance of the prototype or the applicable documents presenting the prototype and documents and evidence supporting an application;

“test report” means a report on the test result of the prototype which is issued by a test unit;

“evaluation report” means a report on the result of considering the prototype and supporting documents or the documents presenting the prototype by a competent official, by considering the examination report, the test report and the supporting documents of the prototype;

“checklist” means the checklist of the prototype as prescribed by the Central Bureau of Weights and Measures;

“test unit” means the Central Bureau of Weights and Measures, a state agency or a state organization, a state enterprise or a private agency as prescribed by the Central Bureau of Weights and Measures, including the measurement institute or organization of the foreign government or the international organization as prescribed by the Committee on Weights and Measures.

Article 3. A business operator who wishes to manufacture or import measuring instruments which have the following characteristics shall file an application together with documents or evidence as specified in Form ChorVor.TorBor. 001 as attached to this Notification, and send two measuring instrument prototypes together with supporting documents or the documents presenting the prototype to a competent official at the Central Bureau of Weights and Measures within one hundred and twenty working days prior to the date of manufacturing or importing measuring instruments under such prototype:

(1) a new type, category or model of the measuring instrument which has never been manufactured and shall be manufactured,

- (2) a new type, category or model of the measuring instrument which has never been imported into the kingdom,
- (3) the measuring instrument which has already been inspected and verified, but it is modified or improved,
- (4) the measuring instrument which is manufactured or imported under the prototype which has already been approved, and it is modified or improved.

Article 4. When a competent official has already received the application together with supporting documents or evidence, the prototype together with its supporting documents or the documents presenting the prototype under Article 3, the competent official shall consider and approve pursuant to the following procedures.

(1) The competent official shall examine the correctness and completeness of the application, supporting documents or evidence. If he/she considers that the application, supporting documents or evidence are incorrect or incomplete, he/she shall notify the applicant to make revision or to submit additional documents or evidence for correctness and completeness, and set a period of time for making the revision or submitting additional documents. In this regard, the competent official and the applicant are required to sign a memorandum, and the memorandum shall be given to the applicant as evidence. If the application is not revised or additional documents are not submitted within the specified period, the competent official shall return the application, supporting documents or evidence, the prototype and its supporting documents or the documents presenting the prototype to the applicant, and notify the applicant of the cause of the return in writing.

(2) In the case where the application, supporting documents or evidence are correct and complete, or the applicant has already made the revision or submitted additional documents correctly and completely under (1), the competent official shall examine the prototype together with its supporting documents or the documents presenting the prototype to be in compliance with the law governing measurement as follows :

(a) to examine the appearance of the prototype together with its supporting documents or the documents presenting the prototype, and to make the examination report,

(b) to send the prototype for testing according to the checklist at the test unit in the following cases, and the test unit being required to make the test report to be sent to the competent official to proceed under (c) :

1) in the case of submitting the prototype together with its supporting documents,

2) in the case of submitting the documents presenting the prototype which are certified by the measurement institute or organization of the foreign government and there being the incomplete checklist,

3) in the case where the competent official deems appropriate,

(c) to make the evaluation report

1) in the case of submitting the prototype together with its supporting documents or in the case of submitting the documents presenting the prototype which are certified by the measurement institute or organization of the foreign government and the prototype being sent for testing under (b), the examination report under (a) and the test report under (b) shall be taken into consideration,

2) in the case of submitting the documents presenting the prototype which are certified by the international measurement institute or organization or the measurement institute or organization of the foreign government and the prototype not being sent for testing under (b), the examination report under (a) shall be taken into consideration.

If the evaluation report under (c) passes, the competent official shall consider for the approval of the prototype and issue a certificate of the approval of the prototype according to Form ChorVor.TorBor. 002 as attached to this Notification, and notify the applicant within seven working days as from the date of issuing the certificate in order that the applicant comes to receive the certificate of the approval of the prototype.

If the prototype or the documents presenting the prototype under the examination report under (a) or the test report under (b) is not correct and shall be corrected, it is required to notify the applicant to correct within a specified period of time as from the date of being notified.

In the case where the applicant does not correct within the specified period of time under paragraph three or in the case where the competent official considers that the applicant is unable to correct, the competent official shall make the evaluation report. And the competent official shall make a comment by specifying a substantial fact, a relevant legal issue together with reasons or considerations supporting the use of discretion over considering, and notify the applicant within seven working days as from the date of issuing a letter in order that the applicant comes to receive the prototype together with its supporting documents or the documents presenting the prototype back.

The consideration of making the evaluation report under paragraph one or paragraph four and the consideration for the approval of the prototype under paragraph two or paragraph four by the competent official shall be completed within thirty working days as from the date of making the examination report and receiving the test report under paragraph one. If there is necessity or force majeure which causes the consideration not to be completed within a specified period, the competent official shall request the Director-General of the Department of Internal Trade for the extension of a period for consideration prior to the end of such period. In this regard, the period for consideration shall be extended not exceeding thirty working days, and it is required to notify the applicant of the aforesaid extension of the period in writing within seven working days as from the date of the Director-General of the Department of Internal Trade granting permission.

Article 5. A competent official shall establish a register for the approval of the prototype by specifying a number and a date, a month and a year of issuing a certificate of the approval of the prototype, the type of the prototype, the name of the manufacturer of the prototype and the name of the applicant.

Article 6. When the prototype has already been approved by a competent official, the applicant shall manufacture or import measuring instruments under the approved prototype.

Article 7. A competent official and the test unit shall maintain confidentiality regarding information on the application, the prototype and its supporting documents, or the documents presenting the prototype, including all documents or evidence supporting the application of the applicant. In addition, it is required not to publicize the aforesaid information nor let any person know regardless of whether they receive any other benefits or not.

If there is a reason or necessity, the competent official and the test unit shall notify in writing the applicant of such cause and the details of information to be publicized within three working days as from the date of knowing such cause. And the applicant shall give consent by announcing his/her intention in writing to the competent official at the Central Bureau of Weights and Measures within fourteen working days as from the date of being notified.

Article 8. In the case where a certificate of the approval of the prototype has already been issued for any type of a measuring instrument prototype, if, thereafter, any person claims or a competent official knows that the documents presenting the prototype which are used to support the submission of the application are cancelled or revoked by

the measurement institute or organization of the foreign government or the international organization, or there is suspicion about correctness and accuracy in the measurement of the prototype which makes it possible to cheat easily, and the competent official considers that the aforesaid fact is reasonable, the competent official shall summarize the fact together with making comments and reasons for considering the revocation of the aforesaid certificate of the approval of the prototype. And the competent official shall notify in writing the revocation of the approval of the prototype and the fact together with supporting reasons and relevant legal issues to a person who receives the certificate of the approval of the measuring instrument prototype within fifteen working days as from the date when the competent official issues the aforesaid order.

Article 9. As for all categories, types, models of measuring instruments which were manufactured or imported on the date prior to the date of this Notification coming into force, a business operator who manufactures or imports the measuring instruments shall submit information together with supporting documents and evidence by presenting the details about the categories, types, models of the measuring instruments, a date, a month and a year of manufacturing or importing the measuring instruments into the kingdom to a competent official at the Central Bureau of Weights and Measures within one hundred and eighty days as from the date of this Notification coming into force. And when the information has already been submitted, the manufacture or importation of the measuring instruments shall continue.

When the competent official has already examined the information and supporting documents and evidence under paragraph one, if he/she considers that the information, documents and evidence are correct and complete, he/she shall issue a letter of receiving the information under paragraph one to the person who submits the information within the date of receiving the information. If the competent official considers that the information, documents and evidence are incorrect or incomplete, he/she shall notify the person who submits the information to resubmit the correct and complete information or to revise the documents and evidence within a specified period as from the date of receiving the information.

Given on the 11th Day of July B.E. 2566 (2023)

Jurin Laksanawisit

Minister of Commerce