

NOTIFICATION OF THE DEPARTMENT OF INTERNAL TRADE

**RE: FORM, CRITERIA, AND PROCEDURE OF SUBMITTING AN APPLICATION TO TAKE,
TRANSFER, SELL, HAVE IN POSSESSION, OR TO ALTER THE FORM OF CAFFEINE
OR SALT OF CAFFEINE**

By virtue of sections 5, 7, and 9 of the Royal Decree on Commodities Control (No. 12) of B.E. 2545 (2002) which is a Royal Decree that contains certain provisions in relation to the restriction of rights and liberties of a person, in respect of which section 29 in conjunction with section 35, 48 and 50 of the Constitution of the Kingdom of Thailand so permit by the virtue of law, the Director of the Department of Internal Trade issues the Notification prescribing the form, criteria, and procedure of submitting an application to take, transfer, sell, have in possession, use, or change the form of caffeine or salt of caffeine as follows.

Clause 1. The filing of a application to take, transfer, sell, have in possession, use, or change the form of caffeine or salt of caffeine shall be done according to the appropriate forms attached at the end of this Notification as follows.

(1) The taking or transferring of caffeine or the sale of caffeine shall use the form “Por Kor 01”.

(2) The sale, possession, use, or changing the form of caffeine or the sale of caffeine shall use the form “Por Kor 02”.

Clause 2. The person permitted to sell, have in possession, use, or change the form of caffeine or the salt of caffeine shall make a report of the amount of sale, in possession, of use, or the amount that was changed in the form as well as the storage location, name, and address of the buyers and the sources of caffeine or the salt of caffeine shall use the form “Por Kor 03”.

Clause 3. The filing of the application in Clause 1 shall be accompanied by the following documentary evidence.

(1) In case of the application to take or transfer caffeine or salt of caffeine:

- (a) the certificate of registration listing objectives, directors, and authorized persons issued by the Office of Company Limited and Partnership Registration within six months (in case of juristic person);
- (b) a copy of commercial registration (in case of natural person);
- (c) a copy each of national identification card and the household registration (in case of natural person);
- (d) a copy of the license to import caffeine or salt of caffeine issued by the Department of International Trade, Ministry of Commerce and a copy of the import entry declaration which has been inspected and released from the customs, in case that the applicant is also an importer;
- (e) a copy of the license to export caffeine or salt of caffeine from the Department of International Trade, Ministry of Commerce, in case that the applicant is also an exporter;
- (f) a copy of the permit to sell, have in possession, use, or change the form of caffeine or salt of caffeine from the Department of Internal Trade, Ministry of Commerce, or, when appropriate, from the provincial governor, which was issued to the applicant or the recipient of caffeine or salt of caffeine, in case that the applicant is a manufacturer of modern medicine, food producer, blueprint paper manufacturer, or the person who uses caffeine or salt of caffeine for the experimental purposes;

(2) In case of the application to sell, have in possession, or change the form of caffeine or salt of caffeine:

- (a) the documentary evidence according to Clause 3(1)(a),(b),(c),(d) in case the applicant is an importer;
- (b) the documentary evidence according to Clause 3(1) (a),(b),(c),(e) in case the applicant is an exporter;
- (c) the documentary evidence according to Clause 3(1)(a),(b),(c), and the evidence demonstrating the use of caffeine or salt of caffeine, namely a copy of the permit to

manufacture modern medicine including the permission to manufacture medicine containing caffeine or salt of caffeine as an ingredient and a copy of the certificate of modern drug registration, a copy of the permit to produce food or the person who was granted a non-industrial permit number to produce food of the manufacturer of caffeinated beverage and a copy of the certificate of food recipe registration, a copy of the permit to operate the manufacture of blueprint papers that use caffeine or salt of caffeine as an ingredient together with the certificate from either the Food and Drug Administration (FDA), the Ministry of Public Health or the Department of Industrial Works, the Ministry of Industry as applicable, in case the applicant is the manufacturer of modern medicine, food, blueprint papers or the person that use caffeine or salt of caffeine in experimental works;

(d) evidence proofing the legal title or the right to possess the storage location that stores caffeine or salt of caffeine and a rough map displaying the location of the storage of caffeine or salt of caffeine.

Clause 4. The application by a juristic person shall be signed by the person authorized to sign on behalf of that juristic person. In case of natural person, the owner of caffeine or salt of caffeine shall sign the application form. For application submission, any person may submit the application.

Clause 5. Any applicant who has his or her head office within the districts of Bangkok shall submit the application to the competent official at the office of inspection and operation, the Department of Internal Trade, Ministry of Commerce.

In case the applicant has the head office in the locality of other provinces, he or she shall submit the application to the competent official at the corresponding provincial commercial office, Ministry of Commerce.

Clause 6. The report of the amount of sale, possession, or changing in the form of caffeine or salt of caffeine shall apply the texts in clause 5 *mutatis mutandis*.

Clause 7. When a competent official receives the application with accompanying documentary evidence in accordance with clause 3, he or she shall inspect for accuracy and completion the said application and documentary evidence. If deemed so accurate and compete, the competent official shall present his or her preliminary opinion to the Director-General of the Department of Internal Trade, or the corresponding provincial governor as applicable for consideration.

In case that the supplied documentary evidence is not either accurate or complete, the competent official shall inform the applicant of the inaccuracy and/or incompleteness. The latter may revise and resubmit the application within 7 days from the date of the notification. If the applicant fails to revise and resubmit the application within the stated time period, he or she must file a new application.

Clause 8. The permit to take, transfer, sell, or have in possession, use, or change the form of caffeine or salt of caffeine is to be issued according to Form “Por Kor 04” and “Por Kor 05” attached to the end of this Notification .

The permit in paragraph one shall be filled by hand-writing or typing in a full, clear, and legible manner, and stamped with the seal of the issuing government agency.

Clause 9. The issuing of the permit to take, or transfer caffeine or salt of caffeine shall follow the following procedure:

- (1) to present the original copy to the applicant
- (2) to keep a duplicated copy with the issuing government office

In case that the permit is issued by the provincial governor, the duplicated copy must be sent to the Department of Internal Trade, Ministry of Commerce, in every seven days from the date of the issuance.

Clause 10. The expiration date of the permit to take or transfer caffeine or salt of caffeine should correspond with the distance of the taking or transfer but not exceeding two days.

The issuer of the permit shall specify the commencing date and time as well as the ending date and time of the permit to take or transfer including the route of the taking or transfer in the permit as well.

Clause 11. The recipient of the permit to sell, have in possession, use, or change the form of caffeine or salt of caffeine who wishes to renew the permit shall submit the application according to Clause 1 together with necessary documentary evidence specified in Clause 3 before the expiration date of the permit.

The provisions in clause 4, 5, 7, and 8 shall apply to the renewal of the permit *mutatis mutandis*.

The provisions in clause 11 are repealed and replaced by clause 1 of the Notification of the Department of Internal Trade (No. 2) B.E. 2546 (2003).

Clause 12. This Notification shall come into force as from the date after the date of publication.

Given on the 8th of January B.E. 2546

Mr. Siripol Yodmuangcharoen

Director-General of the Department of Internal Trade

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