

NOTIFICATION OF THE DEPARTMENT OF INTERNAL TRADE

RE: CRITERIA, PROCEDURE, AND CONDITIONS FOR REPORTING INFORMATION CONCERNING WAREHOUSE, SILO, AND COLD STORAGE, WHICH STORES GOODS EXCLUSIVELY FOR AFFILIATED COMPANIES

By virtue of sections 44, 45, 46, and 47 of the Warehouse, Silo, and Cold Storage Act of B.E. 2558, the Director-General of the Department of Internal Trade hereby issues the notification as follows.

Clause 1. This Notification shall come into force as from the day following the date of its publication in the Government Gazette.

Clause 2. The owner of warehouse, silo, or cold storage, which stores goods for affiliated companies in return for normal compensation, must report the information regarding his or her name and address, the storage location, space, size, and volume of the warehouse, silo, or cold storage, including the name and business address of the affiliated companies, the goods of which are stored therewith to a competent official within 30 days from the first date of operation. The report shall be according to the form reporting the information concerning warehouse, silo, and cold storage, which contains goods of affiliated companies attached at the end of this notification, together with documents or evidence certified for accuracy as follows;

(1) the certification of legal entity certified by the registrar and issued within 6 months of the owner of warehouse, silo, or cold storage and of all affiliated companies, the goods of which are stored therewith;

(2) a copy of the list of shareholders of the owner of warehouse, silo, or cold storage;

(3) a copy of the list of shareholders of all affiliated companies, the goods of which are stored therewith.

Clause 3. The report in Clause 2 shall be submitted at one of the following government offices;

(1) in case the business office is situated in Bangkok, the Department of Internal Trade, Ministry of Commerce;

(2) in case the business office is situated in other provinces except Bangkok, the respective provincial commercial office.

The report in paragraph 1 can also be submitted through registered mail service, facsimile, or electronic communication. The date of the stamp at the sending post office shall be considered the date of the report. In case of facsimile, the date of receipt shall be considered the date of expressing an intention to report, while the date that the electronic communication enters the information system of the Department of Internal Trade shall be considered the date of expressing an intention to report.

The report via facsimile in paragraph 2 shall be completed only when the owner of warehouse, silo, or cold storage who stores goods exclusively for affiliated companies in return for normal compensation during the course of ordinary business submit the original copy of the report to the competent official.

The owner of warehouse, silo, or cold storage who stores goods exclusively for affiliated companies in return for normal compensation during the course of ordinary business who wishes to report the information via electronic communication sign the memorandum of agreement concerning electronic communication according to the criteria, and procedure set forth by the Director-General.

Clause 4. When the competent official receives the information in Clause 2, he or she must check the accuracy and completeness of the information, list of documents, and evidence. In case that the information, list of documents, or evidence is either inaccurate or incomplete, the competent official shall order the reporter to correct the information or re-submit the complete set of documents or evidence within 30 days of the date of the said order.

In case the reporter fails to do so within 30 days stipulated in paragraph 1, the competent official shall return the submitted report back to the reporter, with a written explanation of the reasons for the return. To this end, it shall be considered that the owner of the warehouse, silo, or cold storage, which stores goods for affiliated companies in return for normal compensation, has failed to report according to Clause 2.

In case that the competent official is of an opinion that the information and list of documents or evidence is accurate and complete, he or she shall issue the certification of reporting according to the form attached at the end of this notification as evidence for the reporter without delay.

Clause 5. In case of alteration that needs to be made to the report made in Clause 2 or of the intention to cease the operation or transfer the business to other person, the owner of the warehouse, silo, or cold storage, which stores goods for affiliated companies in return for normal compensation, shall inform such alteration or the information regarding the cessation of the business, or regarding the transfer of the business as appropriate to the competent official at one of the government offices in Clause 3 within 30 days from the date of the change, cessation, or transfer, according to the form on changing the information regarding the warehouse, silo, or cold storage, which stores goods for affiliated companies in return for normal compensation, attached at the end of this notification, including relevant documents or evidence certifying the accuracy as follows:

- (1) Evidence regarding the alteration of information previously reported, or
- (2) Evidence regarding the cessation of the operation, or
- (3) Evidence of the transfer of the business to other person.

In case that the recipient of the transfer of the business of the warehouse, silo, or cold storage, which stores goods for affiliated companies in return for normal compensation, must report the information together with documents or evidence according to Clause 2 at one of the government offices in Clause 3 within 30 days of the date of the commencement of the operation.

In inspecting the information and documents or evidence according to paragraphs 1 and 2, the texts in Clause 4 shall be used *mutatis mutandis*, with the form of the certificate attached at the end of this notification.

Clause 6. The owner of the warehouse, silo, or cold storage, which stores goods for affiliated companies in return for normal compensation, must display the certificate of reporting in an area that is visibly conspicuous at the business location of the owner of the warehouse, silo, or cold storage, which stores goods for affiliated companies.

Clause 7. The owner of the warehouse, silo, or cold storage, which had stored goods for affiliated companies in return for normal compensation before the date of this notification shall report the information together with documents or evidence according to Clause 2 within 30 days of the date of this notification.

In inspecting the information and documents or evidence in paragraph 1, the texts of Clause 4 shall be used *mutatis mutandis*, with the form of the certificate attached at the end of this notification.

Given on the 4th of April B.E. 2559

Vibulrak Ruamrak

Director-General of the Department of Internal Trade