

NOTIFICATION OF THE WAREHOUSE, SILO AND COLD STORAGE CONTROL COMMITTEE  
RE: RULES, PROCEDURES AND CONDITIONS ON PERMISSION TO OPERATE BUSINESS,  
ISSUANCE OF SUBSTITUTE OF LICENSE, RENEWAL OF LICENSE AND RETURN OF GOODS IN  
CASE OF DISSOLUTION OF BUSINESS

By virtue of section 8(2), (5), section 18 paragraph three, section 19 paragraph three, section 20 paragraph two, section 27, section 28 and section 37 paragraph two of the Warehouse, Silo and Cold Storage Act B.E. 2558, the Warehouse, Silo and Cold Storage Control Committee 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.** Any person who wishes to operate business of warehouse, silo or cold storage shall submit an application for license to operate business before a competent official in accordance with form for permission to operate business as annexed to this Notification including certified documentary evidence as follows:

- (1) In the case of partnership limited, company limited, public company limited:
  - (a) juristic person registration certificate certified by the Registrar and issued no more than six months illustrating the details in relation to:
    - 1) name of juristic person;
    - 2) names of members of the Boards or partners;
    - 3) manager or person having the authority to sign on behalf of juristic person;
    - 4) capital or registered capital;
    - 5) location of the headquarter;
    - 6) purposes of business operation of warehouse, silo or cold storage;

(b) documentary evidence illustrating name of warehouse keeper or a person having the authority (if any);

(c) warehouse receipt;

(d) documentary evidence illustrating ownership or possessory right of a place used as the establishment of office and warehouse, silo or cold storage;

(e) documentary evidence illustrating the amount, size, capacity and weight efficiency of the floor of subsidiary warehouse, silo or cold storage including the plan;

(f) copy of license to operate office for the business operation whereby permission must be granted in accordance with the law on factory;

(g) map illustrating where an office and subsidiary warehouse, silo or cold storage is established.

(2) In the case of co-operative,

(a) copy of certificate of registration of co-operative;

(b) copy of rules of co-operative which illustrates the details relating to name of the co-operative, location, capital, purposes in the business operation of warehouse, silo or cold storage;

(c) documentary evidence illustrating the details of capital;

(d) documentary evidence under (1) (b) (c) (d) (e) (f) and (g)

**Clause 3.** Submission for application for permission to a competent official under clause 2 shall be made at the following governmental agencies:

(1) in the case where an office is located in Bangkok, it shall be notified at the Department of Internal Trade, Ministry of Commerce;

(2) in the case where an office is in other provinces outside Bangkok, it shall be notified at the Provincial Commerce Office where such office is located.

**Clause 4.** The submission of application for permission under clause 3 shall be made via one of the following channels:

(1) to submit to a competent official at the place as prescribed in clause 3;

(2) registered mail by which the postage stamp at the origin post office shall be the notification date;

(3) facsimile by which the date of receipt of facsimile shall be the date for expressing the desire to notify. In this regard, the notification is complete when the person notifying has submitted the original document to the Director-General of the Department of Internal Trade;

(4) electronic means by which the date the electronic date entered into the data system of the Department of Internal Trade, Ministry of Commerce shall be the date of expressing the desire to notify. In this regard, it shall be in accordance with the rules, procedures and criteria for notification as prescribed by the Director-General of the Department of Internal Trade.

**Clause 5.** A person submitting application for permission to operate business under clause 2 shall have capital or registered capital of no less than five million Baht.

**Clause 6.** Office and warehouse, silo or cold storage of a person submitting an application for permission to operate business under clause 2 shall have the characteristics, conditions and operational procedures in accordance with the type of business operation applied for permission as follows:

(1) office:

- (a) office must be divided in proportion;
- (b) office equipment shall be arranged sufficiently;
- (c) sign of office name shall be arranged as follows:

1) in the case of independent building, the sign must be installed at the front of office permanently and must be able to be seen clearly and easily to be read;

2) in the case of dependant building, the sign must be installed permanently at the overall sign, in front of the office and must be able to be seen clearly and easily to be read;

(2) warehouse, silo or cold storage must contain strong structure appropriate with the characteristics of business operation applied for permission and must obtain permission for construction from relevant agencies and contain the following characteristics:

(a) warehouse, silo or cold storage must be independent and does not mix with other business operation;

- (b) a name sign of warehouse, silo or cold storage must be in an appropriate size which can be able to be seen clearly and permanently installed;
- (c) warehouse, silo or cold storage must have convenient entrance via land or water;
- (d) materials or equipments for fire protection must be arranged sufficiently;

Upon a reasonable ground, the Committee may amend the rules under paragraph one (2) to be in accordance with the conditions of goods on a case-by-case basis.

**Clause 7.** When a competent official receives an application for permission under clause 2, he or she shall examine the correctness and completeness of the application, documentary evidence, capital, characteristics, conditions and operational procedure of an office, warehouse, silo or cold storage. In the case where the application, documentary evidence, characteristics, conditions and operational procedure of subsidiary office or warehouse, silo or cold storage is incorrect or incomplete, the competent official shall notify the applicant to correct the application or submit documentary evidence or amend the characteristics, conditions, operational procedure of office or warehouse, silo or cold storage to be correct and complete within fifteen days as from the date of being notified.

In the case where the applicant does not proceed within the prescribed time period, it shall be deemed that the applicant discards the application and the competent official shall dispose of such application.

**Clause 8.** In the case where the application, documentary evidence, characteristics, conditions and operational procedure of subsidiary office or warehouse, silo or cold storage is correct and complete, a competent official shall submit opinion to the Director-General of the Department of Internal Trade to consider issuing a license.

License to establish a subsidiary office for business operation of warehouse, silo or cold storage shall be in accordance with the form Kor Sor 1, Sor Lor 1 or Hor Yor 1, as the case may be, as annexed to this Notification.

A competent official who has the notification of the result of permission application shall give such notification to the applicant within seven days as from the date of permission to pay for license fee and to receive license.

**Clause 9.** In the case where a license to operate business of warehouse, silo or cold storage is lost, destroyed or damaged in the significant context, a business operator of warehouse, silo or cold storage shall submit an application for substitute of license in accordance with the form for substitute of license for the license to operate business as annexed to this Notification. An original license which is destroyed or damaged or evidence of investigator's report in the case of loss shall also be submitted. All documents must be submitted to a competent official at a governmental agency under clause 3 within fifteen days as from the date of acknowledging the loss, destroy or damage.

In submitting an application and consideration of issuing substitute of license under paragraph one, the provisions of clause 4, clause 7 and clause 8 shall apply *mutatis mutandis* and the form of license to operate such business operation shall apply with the statement "substitute" at the front of license.

**Clause 10.** Any business operator who wishes to continue having the subsidiary office shall submit an application for renewal of license to operate business in accordance with the form for renewal of license to operate business as annexed to this Notification including the original license, license to establish a subsidiary office (if any) and documentary evidence under clause 2(1) or (2), as the case may be, to a competent official at the governmental agencies under clause 3 for not less than thirty days prior to the date of expiration of such license.

In submitting an application and considering the renewal of license under paragraph one, the provisions of clause 4, clause 5, clause 6, clause 7 and clause 8 shall apply *mutatis mutandis* and the form for license to operate such business shall apply.

**Clause 11.** Any business operator of warehouse, silo or cold storage who wishes to dissolve business operation as permitted and has goods deposited in the possession on the date of dissolving business operation shall notify, in advance, in writing, every person depositing

the goods or having the warehouse receipts for no less than ninety days before the date of dissolution of business operation to take the goods deposited and return the warehouse receipt before the dissolution of business operation.

Upon carrying out an act under paragraph one, the business operator of warehouse, silo or cold storage shall notify, in writing, the Director-General of the Department of Internal Trade for no less than sixty days prior to the date of dissolution of business operation and shall attach a copy of letter to person depositing the goods or having the warehouse receipt under paragraph one.

When every person depositing the goods or having the warehouse receipt has completely taken the goods deposited under paragraph one, the business operator of warehouse, silo or cold storage shall notify, in writing, the Director-General of the Department of Internal Trade within seven days as from the date of completing the return of goods and shall attach documentary evidence in relation to return of goods which is signed by the person accepting the deposit, person depositing the goods or having the warehouse receipt.

**Clause 12.** All applications for permission to operate business of warehouse, silo or cold storage submitted before this Notification has come into force and are under consideration of the Director-General of the Department of Internal Trade shall be deemed to be application under this Notification *mutatis mutandis*.

In the case where an application under paragraph one contain statements different from the application under this Notification or such application contains incorrect or incomplete documentary evidence under this Notification, the Director-General of the Department of Internal Trade or a person entrusted by the Director-General of the Department of Internal Trade shall notify the applicant to amend his or her application for permission or submit correct and complete documentary evidence as necessary and within the prescribed time period. In the case where the applicant does not amend or submit complete and correct documentary evidence within the prescribed time period, such application shall be dismissed.

**Clause 13.** License holders under the Announcement of the Revolutionary Council No. 58 dated the 26<sup>th</sup> of January Buddhist Era 2515 and cooperatives which have operated the business of warehouse, silo or cold storage before the date this Notification comes into force shall be exempted from having capital or registered capital as prescribed in clause 5 for a period of 1 year as from the date this Notification comes into force.

Given on the 22<sup>nd</sup> of June B.E. 2559 (2016)

Apiradi Tantraporn

Minister of Commerce

Chairperson of the Warehouse, Silo and Cold Storage Control Committee