

NOTIFICATION OF CONTROL COMMITTEE FOR WAREHOUSE, SILO, AND COLD STORAGE

RE : CRITERIA, PROCEDURE, AND CONDITION OF APPLICATION AND CAPITAL DECREASE

PERMISSION

By virtue of sections 8 (2) (5), 29 (3), and paragraph 2 of the Warehouse, Silo, and Cold Storage Act of B.E. 2558 (2015), the control committee for warehouse, silo, and cold storage hereby issues the notification as follows.

Clause 1. The notification shall come into force on the day after the date of notification in the Government Gazette.

Clause 2. The operator of warehouse, silo, and cold storage who wishes to decrease their capital according to the notification issued by the control committee must receive permission by the Director-General of the Department of Internal Trade according to this notification before registering to decrease the capital according to the relevant law.

Clause 3. The operator of warehouse, silo, and cold storage in Clause 2 shall submit the application to decrease the capital to a competent official according to the form attached at the end of this notification, by articulating reasons and necessities.

Clause 4. The application in clause 3 shall be submitted together with certified documentary evidence as follows:

(1) a copy of the audited balance sheet and financial statement as well as the annual auditor report of the current accounting year;

(2) the amount and types of total outstanding shares issued by the operator of warehouse, silo, or cold storage;

- (3) the amount and types of all shares held by the operator of warehouse, silo, and cold storage hold in affiliated companies or other legal entities (if any);
- (4) the resolution of the shareholders or partners or members to decrease the capital.

Clause 5. The application in clause 3 shall be submitted at one of the following government offices:

- (1) in case that the business is situated in Bangkok, it shall be submitted at the Department of Internal Trade, Ministry of Commerce; or,
- (2) in case that the business is situated in other provinces, it shall be submitted at the respective provincial commercial office.

Clause 6. The application in Clause 5 shall be submitted in one of the following ways:

- (1) submitting to a competent official at one of the government offices according to Clause 5;
- (2) registered mail service and treating the date of the stamp of the sending postal office as the date of application;
- (3) facsimile and treating the date of receipt as the date of expressing an intention to apply for the permission, never the less the application shall only be completed after the applicant sends the original copy to the Director-General of the Department of Internal Trade;
- (4) electronic communication and treating the date that the electronic information enters the information system of the Department of Internal Trade, Ministry of Commerce, as the date of expressing an intention to apply for the permission, according to the criteria, procedure, and conditions of the application for permission set by the Director-General of the Department of Internal Trade.

Clause 7. When a competent official receives the application and documentary evidence according to clauses 3 and 4, he or she shall review the application for correctness and completion:

(1) in case that the application is correct and complete, the competent official shall proceed to the next stage of the process;

(2) in case that the application is either incorrect or incomplete, the competent official shall inform the applicant in order to correct the existing application or supplement the existing application with additional documentary evidence within 15 working days from the date of notification. If the applicant fails to correct and/or complete the application within the said time, the applicant is deemed to abandon the application and the competent official is free to discard the application.

Clause 8. In case that the application is correct and complete, the competent official shall supply his or her own opinion regarding the application before presenting it to the Director-General of the Department of Internal Trade for consideration.

A competent official shall inform the applicant of the result of the consideration in paragraph 1 within 7 days from the date of permission or non-permission, with accompanying reasons.

Given on 22nd of June B.E. 2559 (2016)

Apiradi Tantraporn

Minister of Commerce

Chairperson of the Warehouse, Silo, and Cold Storage Control Committee