

Notification of the Central Committee on the Price of Goods and Services

No. 38, B.E. 2560 (2017)

Regarding Declaration of Price and Detail as regards Pre-cooked Foods Packaged in Sealed Containers

Whereas the Central Committee on the Price of Goods and Services has repealed the Notification of the Central Committee on the Price of Goods and Services No. 1, B.E. 2559 (2016) regarding Determination of Goods and Services under Control dated 21 January B.E. 2559 (2016), resulting in the end of enforcement of the Notification of the Central Committee on the Price of Goods and Services No. 37, B.E. 2559 (2016) regarding Declaration of Price and Detail as regards Pre-cooked Foods Packaged in Sealed Containers dated 25 January B.E. 2559 (2016). In the meantime, the Central Committee on the Price of Goods and Services has already reconsidered the exercise of its power regarding the stipulation of the aforesaid measure, it is of the view that the measure requiring a business operator to declare information on the price and detail as regards pre-cooked foods as packaged in sealed containers should be maintained, in order to monitor the price movement of pre-cooked foods as packaged in sealed containers in a category of instant noodle in order that the price shall be fair to consumers and there shall be the prevention of taking advantage of opportunity from consumers.

By virtue of Section 9 (2), (3), Section 25 (3), (4), (5), and Section 26 of the Price of Goods and Services Act, B.E. 2542 (1999), the Central Committee on the Price of Goods and Services has therefore issued this Notification, as follows.

Article 1. This Notification shall come into force in all areas of the Kingdom for the period of one year as from the day following the date of its publication.¹

Article 2. The producer, the hirer for production or the producer's sole distributor of pre-cooked foods as packaged in sealed containers in a category of instant noodle shall have to declare the name, the trade name, the distribution price, the purchase price, the discount in distribution, the plan and method of distribution in relation to the payment, the promotion of distribution, the size, the category, the weight per unit as appearing on the date of this Notification coming into force, within thirty days as from the date of this Notification coming into force.

The producer, the hirer for production or the producer's sole distributor of pre-cooked foods as packaged in sealed containers in a category of instant noodle under

¹ Published in the Government Gazette, Volume 134, Special Part 82 d, Page 142, dated 17th March B.E. 2560 (2017).

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paragraph one, who does a business after the date of this Notification coming into force, shall have to declare the information as specified in paragraph one in advance not less than fifteen days prior to the date of the distribution of goods.

In a case where the producer, the hirer for production or the producer's sole distributor of pre-cooked food as contained in a sealed utensil in a category of instant noodle has already declared information in accordance with the Notification of the Central Committee on the Price of Goods and Services No. 37, B.E. 2559 (2016) regarding the Declaration of Price and Detail as regards Pre-cooked Foods Packaged in Sealed Containers dated 25 January B.E.2559 (2016), this shall be deemed that the declaration under paragraph one of this Notification has already been made.

Article 3. It is prohibited for the producer, the hirer for production or the producer's sole distributor to distribute of pre-cooked foods as packaged in sealed containers in a category of instant noodle in a manner of being different from the declared list or the distribution at a price higher than the declared price under Article 2, unless the aforesaid person receives a permission from the Secretary-General of the Central Committee on the Price of Goods and Services.

The application for permission and the permission under paragraph one shall be in accordance with the Regulation of the Central Committee on the Price of Goods and Services regarding the Stipulation of Rules and Procedures for Consideration of Price Determination and Change in Declared List or Declared Price B.E. 2545 (2002) dated 16 August B.E. 2545 (2002).

In a case where the producer, the hirer for production or the producer's sole distributor has already filed the application for permission for the change in the information or the price which is different from that as already declared under the Notification of the Central Committee on the Price of Goods and Services No. 37, B.E. 2559 (2016) regarding the Declaration of Price and Detail as regards Pre-cooked Foods Packaged in Sealed Containers dated 25 January B.E. 2559 (2016), this shall be deemed that the application for permission under paragraph one and paragraph two of this Notification has already been made as from the date of this Notification coming into force.

Article 4. The declaration under Article 2 or the application for permission under Article 3 shall be made to the Secretary-General of the Central Committee on the Price of Goods and Services in the form prescribed by the Secretary-General of the Central Committee on the Price of Goods and Services at the Office of the Central Committee on the Price of Goods and Services, the Department of Internal Trade, Ministry of Commerce.

The declaration under paragraph one shall be made by registered and replied mail, facsimile or electronic data, whereby the date when there is a daily seal affixed at the origin post office shall be deemed as the date of declaration. In a case of the declaration by facsimile, the date when the facsimile is received by a competent official shall be deemed

as the date of intention of declaration. In a case of the declaration by electronic data, the date when the electronic data enters into the data system of the Office of the Central Committee on the Price of Goods and Services, the Department of Internal Trade, Ministry of Commerce shall be deemed as the date of declaration.

The declaration by facsimile under paragraph two shall be valid when the producer, the hirer for production or the producer's sole distributor has already submitted the original document to the Secretary-General of the Central Committee on the Price of Goods and Services.

The producer, the hirer for production or the producer's sole distributor, who wishes to declare information via electronic data, shall have to sign in the memorandum of agreement to declare information via electronic data in accordance with the rules and procedures as prescribed by the Secretary-General of the Central Committee on the Price of Goods and Services.

Article 5. When the producer, the hirer for production or the producer's sole distributor has requested the Secretary-General of the Central Committee on the Price of Goods and Services to extend the specified period of time in this Notification; or when the Secretary-General of the Central Committee on the Price of Goods and Services has deemed as appropriate; the Secretary-General of the Central Committee on the Price of Goods and Services may give an order to make an extension of the specified period of time prior to the expiry date of such period. Nevertheless, such extension shall be made only when there is a special circumstance or an unavoidable event; and the producer, the hirer for production or the producer's sole distributor has requested; or the Secretary-General of the Central Committee on the Price of Goods and Services has given an order prior to the expiry date of such period, except for the case of force majeure.

Given on the 24th Day of January B.E. 2560 (2017)

Apiradi Tantraporn

Minister of Commerce

Chairperson of the Central Committee on the Price of Goods and Services