

ANNEX I SUMMARY SURVEYS FOR THAILAND

The final results displayed below are reflected in USD using foreign exchange rates from September 2014. Original data was typically provided in local currency. Coding rules were developed in advance of the assessment and applied across countries to ensure comparable data points.

LMI SUMMARY SURVEY – HYBRID SEED

Case Study Assumptions

Please provide responses to the survey questions based on the case study assumptions below.

Seed Supplier	<ul style="list-style-type: none"> Engages in the import, export, storage, and sale of hybrid seed of the most widely traded staple grain in the country. Registers a new proprietary staple grain variety of the most widely traded staple grain in the country. The variety has not been registered in another country. Operates in Bangkok. Domestic, non-state-owned enterprise. 	
Import Product – Hybrid Seed	<ul style="list-style-type: none"> Hybrid seeds imported in a standard 40-ft container, packed into 20-kg sacks, 400 such sacks (on pallets of 20 sacks each) per container, and valued at US\$20,000. The shipment is imported from Thailand’s largest trading partner globally through the main point of entry for seed imports. The point of entry may be a seaport or an inland border post. 	
	Most commonly used point of entry in Thailand for import of hybrid seed:	Bangkok Port
Export Product – Hybrid Seed	<ul style="list-style-type: none"> Hybrid seeds exported in a standard 40-ft container, packed into 20-kg sacks, 400 such sacks (on pallets of 20 sacks each) per container, and valued at US\$20,000. The shipment is exported to Thailand’s largest trading partner in the Lower Mekong region through the main point of exit for seed exports. The point of exit may be a seaport or an inland border post. 	
	Most commonly used point of exit in Thailand for export of hybrid seed:	Bangkok Port

Procedure: Any interaction of the **seed** supplier’s owner, manager or employees with external parties, including any relevant government agencies, lawyers, auditors, notaries, public and private inspectors and technical experts. Interactions among the owner, manager or employees of the **seed** supplier are not counted as procedures. All procedures that are legally or in practice required for the **seed** supplier to operate within its respective normal business functions are counted.

Time: Recorded in **calendar days** and captures the median duration of each procedure. The time span for each procedure starts with the first filing of an application or request or the start of a required

activity, and ends once the seed supplier has received a final document or completed the required activity. For example, it includes the time to make an appointment with a notary or any waiting time once documents are filed. Where the time required to complete a procedure is highly unpredictable, provide a range from low to high in addition to the median. The minimum time for a procedure is 1 day.

Costs: All costs are listed as **USD** unless otherwise specified. Only include **official fees and taxes**. Bribes are excluded. If possible, relevant fee schedule or calculation formula are listed – for example, as a percentage of shipment value. Professional fees (notaries, lawyers, accountants, private laboratories, inspectors) are only included if the **seed** supplier is required to use such services by law.

Agency: Indicate name of agency.

A. Licenses and Permissions for Seed Supplier

Please describe every procedure required for the seed supplier described in the case study to obtain all necessary licenses and permissions to be fully operational and appropriately registered as a seed importer or exporter. For example, this may include licenses to import hybrid seed, procedures to qualify to import seed, re-export or transit licenses, licenses to export hybrid seed, storage licenses, general trade licenses, and health and safety licenses. This also includes any applicable inspections. Where inspections are required as a separate procedure, please list separately and note any waiting times for inspectors.

Please include references to applicable laws and regulations (including fee schedules), information on renewal periods for licenses, and any other necessary explanatory details or additional assumptions required. Please add boxes for additional procedures as needed.

Procedure 1 Controlled Plant Variety Registration (por por number)			
Time	28 days	Cost	61 USD
Agency	PVCD, OAR, DOA, MOAC		
Details			
Seed importers must obtain a por por number for each commercial variety of a controlled crop. Registration is required for the import or marketing of any controlled crop. Por por numbers are listed on the label of each seed package. Registration is valid for five years, after which it can be renewed.			
Applicants must fill out an application and provide it to DOA in hard copy. The applicant must provide information on:			
<ul style="list-style-type: none"> • Crop name • Trade name • Place of origin • Parental lines • Crop characteristics • Cultivated condition 			
Respondents note that a letter from the exporter with their export permit is also required.			
Companies must submit a seed sample (1kg) to the DOA for germination and purity testing before they may apply for a por por number for the variety. Testing may only be done by the DOA laboratory. Testing usually takes 7 business days, though the germination time varies by crop. It takes about 2-3 weeks for administrative and other work before the test results are received by the applicant. Testing costs are THB 200 per sample. The PVCD accepts germination and purity testing from the manufacturer. The PVCD will also sample each and every import shipment for germination and purity testing as well. The Office of Biotechnology Development under DOA will conduct non-GMO testing.			

The process takes 12 days, including queuing time and costs 1,600 THB per sample. Not all seeds require non-GMO testing; it depends on seed type and country of origin. The cost reported includes costs for non-GMO testing.

After obtaining the test results, the applicant attaches the results and submits along with the application form. Por por numbers can typically be obtained one week (7 days) after germination results are returned. The por por number is good for 5 years. Any change to product or exporting country means the importer must submit a new application. The Seed Analysis Certificate for certified seed costs THB 100 and is issued when the testing results are passed.

Procedure 2 License to import controlled seed for commercial purposes

Time	10 days	Cost	13 USD	Agency	Plant Variety Control Division (PVCD), Office of Agricultural Regulation (OAR), Department of Agriculture (DOA), Ministry of Agriculture & Cooperatives (MOAC)
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Details

According to the Plants Act, a person shall not collect, sell, import, export or bring in transit controlled seed for commercial purpose unless he has received a license from the competent authority.

Seed companies apply for an import license through the Plant Variety Control Division (PVCD) in the Office of Agricultural Regulation (OAR), Department of Agriculture (DOA), Ministry of Agriculture & Cooperatives (MOAC). The import license allows the holder to import controlled seed. Controlled seed refers to 45 species for which the DOA has published mandatory germination rates and purity standards. The Minister has the power to determine any species and plant variety names as controlled seeds in the Government Gazette. The import license is valid for 1 year and renewable thereafter.

The applicant for license to collect, sell, import or export controlled seed for commercial purposes must have the following qualifications:

- Is a person of good financial standing;
- Be twenty years or older in age;
- Hold a residence or office in Thailand;
- Be a competent person;
- Have appropriate facilities for importation of controlled seed;
- Use a unique trade name;¹
- Applicants must provide the following information:
 - Application form;
 - Details on the companies who own the parent line, certificate of origin, and trade name of seed for sale;
 - Details and map of storage facilities;
 - Business registration certificate (from Ministry of Commerce) and information on the business owner.

There are 5 licenses with respect to controlled seed:

1. License for collecting controlled seed for commercial purpose;
2. License for selling controlled seed;
3. License for importation of controlled seed for commercial purpose;
4. License for exportation of controlled seed for commercial purpose;
5. License for bringing in transit controlled seed for commercial purpose.

¹ Also referenced in Plants Act Section 16

An importer or exporter must obtain the license to import or export as well as the license for collection of controlled seed for commercial purposes. Export and collection licenses are detailed below. The license to sell seeds is for retailers only. Importers and exporters need not obtain a license to sell seeds .

Applicable Laws: Plants Act B.E. 2518 (1975) as Amended by Plants Act (No. 2) B.E. 2535 (1992) and Plants Act (No. 3) (2007), “Plants Act”

Procedure 3 License to collect seeds for commercial purposes			
Time	10 days <i>Simultaneous with previous procedure</i>	Cost	13 USD
Agency	PVCD, OAR, DOA		
Details			
<p>Storage of controlled seed must be specified in the license to collect seeds for commercial purposes. “Collection” pertains to harvesting or purchase and storage of seed. The application must specify storage locations and if the locations change, the company must re-apply for the license to collect seeds. The license is valid until the last day of the calendar year of its issue. There are random inspections 1-2 times per year. There is no inspection fee. Inspectors may take seed samples, typically to run germination tests.</p> <p>Applicants for a License to Collect Seeds must provide the following to PVCD:</p> <ul style="list-style-type: none"> • Application form; • Detail and map of site of collection; • Business registration certificate and information on the business owner. <p>The Plants Act also specifies needing to provide the label in Thai language that follows specifications issued by the Minister in the Government Gazette.</p>			

Procedure 4 License to export controlled seed for commercial purposes			
Time	4 days	Cost	13 USD
Agency	PVCD, OAR, DOA		
Details			
<p>An export license, or Por Por 6, is required before a company can export seed. Later, to export a consignment, traders must bring the original export license, and have it stamped at the point of exit for each shipment. Each shipment is recorded on additional pages (called Por Por 5, or shipment export) attached to the original license. Updates are made on a shipment by shipment basis for the duration of the export license. There is no limit on quantity exported, and the export license is valid for 1 year.</p> <p>There are no shipment inspections for export. If the exporter requests certification of the shipment then an officer will go to the location of the consignment to take samples in advance.</p> <p>It currently takes about 1 month to renew. It takes longer to renew than apply for the first time. For export, either a por por number is needed to register for an import license or applicants must go through Procedure 1 from the beginning. You don’t need a new por por if applicants have it for the import license already.</p> <p>Applicable Laws: Plants Act, Plant Quarantine Act B.E. 2507 (1964) as amended by Plant Quarantine Act (No. 2) B.E. 2542 (1999) and Plant Quarantine Act (No. 3) B.E. 2551 (2008), ‘Plant Quarantine Act’.</p>			

B. Import of Hybrid Seed

Please provide details on the procedures, time, cost, and documentation for the import of hybrid seed as described in the case study. If significant delays are typically experienced, please note the cause of such delays in the “Comments” sections – for example, import shipments are sent to another location for testing for customs clearance or there is a lack of trained inspectors or laboratory facilities.

1. License and Document Preparation

Please include all applicable documentation required for customs clearance by customs authorities, port or border authorities, health and technical control agencies, and other government ministries.

Import Documents and Licenses				
Document	Obtained from:	Submitted to:	Time (days) <i>Specify if in hours</i>	Cost (USD) <i>Doc. fees</i>
1. Import permit of plant germplasms (Por Por 2-1)	Plant Quarantine Division, DOA	Customs and Plant Quarantine	5	6
2. Notification of import of controlled seed	Importer	Plant Variety Control Division, DOA	1 hour	-
3. Invoice	Supplier	Customs	1 hour	-
4. Packing list	Supplier	Customs	1 hour	-
5. Non-GMO certificate	Supplier	Customs and Plant Quarantine	1 hour	-
6. Phytosanitary Certificate	Supplier	Customs and Plant Quarantine	1 hour	3
7. Bill of Lading (B/L)	Shipping Liner	Customs	4	3
8. Seed Analysis Certificate	Plant Variety Protection Division and manufacturer in exporting country	Plant Quarantine and Customs	1	6
9. Customs Import Declaration	Customs	Customs	1 hour	6
10. Terminal Handling Receipts	Terminal Operator	Customs	1 hour	160
11. Certificate of Origin	Supplier	Customs	1 hour	-
Total time and cost for document preparation			10 days	189 USD
<ul style="list-style-type: none"> Which documents can be obtained simultaneously? Supplier documents: Invoice, Packing List, Non-GMO Certificate, Phytosanitary Certificate, Seed Analysis Certificate, Certificate of Origin, Bill of lading. 				

Comments:

Each imported shipment of seed requires an “Import permit for prohibited articles for commercial purposes” under the Plant Quarantine Act. An import permit is required in advance of a consignment of any agricultural seeds or plant germplasm. The import permit is managed by the Plant Quarantine Division of the DOA. Plant materials may be listed as “prohibited” or “restricted” items under Ministerial Notification (MOAC). These designations affect the documentation and proof required for quarantine purposes, irrespective of a plant species’ categorization as a “controlled” seed. Applicants for an import permit must provide the name of prohibited articles, plant parts, and places of origin for all types of imported seed. The application must be accompanied by a phytosanitary certificate and a certificate of origin from the exporter.

Upon consignment arrival, the importer must additionally notify the PVCD by taking the original import license to a PVCD inspector at the Plant Quarantine station at the port where the products arrived. The details of the imported consignment are recorded on additional pages of the import license, which acts as a master document. The phytosanitary certificate, certificate of origin, seed analysis certificate, and non-GMO certificate are submitted alongside.

The government accepts SPS certificates from different countries but the certificates have to conform to Thai standards. According to Section 30, Chapter IV Inspection and Certification of Standards, Thailand accepts SPS certificates for imported goods from countries that can certify they meet mandatory standards and are party to an agreement on mutual recognition of standard inspection and certification.

The time and cost for seed testing (28 days) is considered part of obtaining the Seed Analysis Certificate and is included in the license and product registration section, Procedure 3. The cost of the certificate itself is included in this section.

Terminal Handling Charges (THC) ranges from US \$90-160 and may vary based on ocean carrier, destination region, container size, and refrigerated/non-refrigerated cargo. The cost listed is for a standard non-refrigerated 40’ container, any destination.

Main Laws:

- 1) Plant Quarantine Act
- 2) 2013 Plant variety protection Act
- 3) Plants Act

2. Customs clearance

Please describe the typical customs clearance procedures, including any relevant cargo inspections. For inspections, list the **total average time and cost in practice**, including wait time for inspectors and payment time. Please list the government agency(s) involved for each procedure, as applicable. Please elaborate on each customs procedure in the “Comments” box, as needed.

Customs Clearance Procedure	Time	Agency
1. Time from arrival of shipment of seed to lodgment of customs declaration (includes queue/wait time, unloading time, and time to deliver hybrid seed to temporary storage)	1 day	Shipping Line and Freight Agencies
2. Lodgment of customs declaration and customs documentary control	<i>Simultaneous with customs declaration</i>	Customs
3. Inspections – <i>please list only if the inspection typically occurs</i>		

a. Customs tax/duty valuation inspection	<i>1 hour-Simultaneous with quality/standards inspections</i>	Customs
b. Quality/standards inspections (including laboratory analysis, if required)	31 days (1 day at port, 30 days for testing)	Plant Quarantine Division and Plant Variety Control Division, OAR, DOA & GMO lab
c. Health and safety inspection	0	
d. Security inspections and pre-shipment inspection	0	
e. Other inspections, please specify:	0	
4. Payment of duties/taxes	0	
5. Release of shipment of seed and removal from the seaport or land border post premises	1 hour	Customs
6. Average TOTAL time for customs clearance (from arrival of shipment of seed to cargo release)	32 days	
7. Minimum and maximum TOTAL time for customs clearance (from arrival of shipment of seed to cargo release)	16, 32 days	
8. Which activities above are carried out simultaneously?	Tax valuation by Customs and physical inspection of the seed by Plant Quarantine. Also, arrival of goods and customs declaration.	
<p>Comments:</p> <p>Seeds of a kind used for sowing have a 0% duty rate and are exempt from tax charges. Full container loads (FCL) of seed may enter Thailand while testing is being conducted and remain in quarantine at the seed company's warehouse. Less-than-container loads (LCL) must remain at DOA storage facilities at the port until the germination test results are obtained (typically 10-15 days). The shipment may be released before GMO test results are obtained, which takes up to one month. The importer must pay demurrage charges on containers during this time. This case study assumes FCL.</p> <p>Sampling and laboratory testing of imported seed consignments are conducted by:</p> <ol style="list-style-type: none"> 1. Plant Variety Protection Division is responsible for germination and purity tests at their lab. Standards of each individual seed are quoted in the 2013 Plant Variety Protection Act. 2. Plant Quarantine Division is responsible for disease testing at border. 3. The Office of Biotechnology Development under DOA (GMO lab) is responsible for GMO testing. <p>If all tests are passed, the Seed Analysis Certificate is issued by the Plant Variety Protection Division and sent to Plant Quarantine and Customs. If sample does not pass the tests, they will take 2 additional samples and perform all tests again. Both samples must pass testing requirements in order for the authorities to issue the Seed Analysis Certificate and for Customs to release the goods. The first test takes less than 10 days (lab time), depending on germination. The additional sampling can take up to 1 month to complete, including time spent on the first round of testing. GMO testing takes 12-30 days. The 31 days for quality/standards inspections includes 1 day for inspection and sampling and 30 days for seed testing.</p>		
Import Cost (USD)		
1. Administrative charges for customs clearance	65	
2. Customs brokers charges	94	

3. Inspection fees	7
4. Other, please specify:	0
5. TOTAL cost for all the above	165
6. Are informal facilitation payments (e.g. bribes) common for clearing imports of hybrid seed?	Mixed experiences. Low payments when reported at all.
Comments: Customs brokerage fees depend on individual contracts with the service provider. Administrative charges include system record fee, bill of lading processing, and shipment services charges for pick up and drop off.	

3. Trade Facilitation Index

Please respond to the following survey questions on the extent to which the legal framework facilitates the international trade of hybrid seed. Please include references to applicable laws and regulations and any necessary explanatory comments.

Question	Response	Comments
1. Can the documents required to import hybrid seed be submitted in advance of the consignment's arrival at Customs? <i>Please specify which documents.</i>	<input type="checkbox"/> All documents <input checked="" type="checkbox"/> Some documents <input type="checkbox"/> No documents	Customs import declaration may be made electronically in advance of ship arrival, once the bill of lading is obtained (3-4 days after ship departure from port of origin). However, seed-specific documentation must be presented to DOA upon arrival of the goods, along with notification to inspect the consignment.
2. Can the documents required to import hybrid seed be submitted electronically? <i>Please specify which documents.</i>	<input type="checkbox"/> All documents <input checked="" type="checkbox"/> Some documents <input type="checkbox"/> No documents	Customs import declaration
3. Do Customs and other agencies utilize a risk management system to screen shipments of seed for physical inspection?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Cargo is screened against selection criteria and categorized as ready for clearance (green) or requiring physical inspection (red). Due to phytosanitary concerns, all seed consignments are inspected and sampled.

a. If YES, is the risk management system electronic?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
4. Does Customs use audit-based controls to reduce the frequency of cargo inspections for trusted traders?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	All seed shipments must be inspected 100%
5. Are all required physical inspections of shipments of seed (by Customs and any other relevant agencies) carried out at the same place and time?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DOA inspectors must be notified separately. There are three different offices within DOA involved in seed inspection and testing: the Plant Quarantine Division (for disease tests), Office of Biotechnology (for non-GMO tests) and the Plant Variety Control Division (for germination and purity tests).
6. Are consignments of imported seed allowed to enter the country (and remain in storage) while samples undergo laboratory analysis?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	This can requested for the shipment for a FCL, to clear customs and be stored at company storage facilities. Shipment is sealed until notified of test results by DOA. Customs then comes to location and removes seal. If PCL, shipment stays at Port.

C. Export of Hybrid Seed

I. License and Document Preparation

Please include all applicable documentation required for customs clearance by customs authorities, port or border authorities, health and technical control agencies, and other government ministries. **List each necessary document separately**, such as phytosanitary certificate, seed quality certificate, certificate of origin, certificate of conformity, packing list, road manifesto, commercial invoice, export permit, customs export declaration, inspection results, terminal handling receipts, or bill of lading.

Export Documents and Licenses				
Document	Obtained from:	Submitted to:	Time (days) <i>Specify if in hours</i>	Cost (USD) <i>Doc. fees</i>
1. Export Permit	Agricultural Regulation Office	Customs and Plant Quarantine	2	6
2. Customs Declaration	Customs	Customs and Plant Quarantine	1 hour	6
3. Packing List	Exporter	Customs and Plant Quarantine	1 hour	0
4. Invoice	Exporter	Customs and Plant Quarantine	1 hour	0
5. Import Permit from buyer ²	Importer	Plant Quarantine	2 hours	0
6. Phytosanitary Certificate for Export	Plant Quarantine	Customs in Importing Country	15	74
7. Certificate of Origin	Department of International Trade or Thai Chamber of Commerce	Customs in Importing Country	1	7
Total time and cost for document preparation			19 days	95 USD
<ul style="list-style-type: none"> • Which documents can be obtained simultaneously? Packing list and Invoice 				
<p>Comments:</p> <p>Exporters must go to the DOA office in Bangkok for each export permit. The permit is recorded on the export license. Any person who would like to export specific controlled plant shall have a Phytosanitary Certificate accompanied with the consignment and pay an inspection fee at the rates specified by the Director-General under the recommendation by the Committee and shall be published in the Government Gazette. 99% of importers need to see the Phytosanitary Certificate so it is included as a required document.</p> <p>Procedure:</p> <ul style="list-style-type: none"> • Company gets import conditions and must comply with importing country requirements. • Company completes application for Phytosanitary Certificate and must present import permit from importing country for PQ to check. • If seed testing is needed – exporter must complete testing prior to application for Phytosanitary Certificate submission. Testing takes 3-4 weeks. Company can't take samples themselves and must be taken to the DOA. The company provides DOA with transportation (estimate of 2000 THB) and provides lunch, as well as internal staff time for 1 full day. Testing costs 200 Baht per sample. • Each Phytosanitary Certificate is valid for only a specific shipment: quantity of that shipment and destination. The process takes 2 hours to 1 day for each Phytosanitary Certificate, in addition to the required time for testing. • Typical time requirement is 15 days, and the certificate costs 100 THB. 				

² Plant Quarantine Act (No.3) B.E. 2551 (2008)

Non-GMO certificates are only required for export if required by the importing country. They are not required by the Thai Government for exports. If needed, the company must request the certificate from the responsible organization – the GMO lab of DOA.

A Certificate of Origin can be obtained from the Department of International Trade, Ministry of Commerce or the Thai Chamber of Commerce, depending on the requirements of the importing country. At the Department of International Trade, the exporter must apply for an importer-exporter ID card for a fee of 200 baht. The ID card is issued on the spot and is thereafter on file with the Department of International Trade. A request is submitted for the Certificate of Origin and the certificate is issued within 30 minutes for a fee of 30 baht. At the Thai Chamber of Commerce, the Certificate of Origin costs 400 baht

2. Legal Framework for Phytosanitary Certificates for Export

Please respond to the following survey questions on the extent to which the legal framework enables an efficient phytosanitary system that facilitates the export of hybrid seed. Please include references to applicable laws and regulations and any necessary explanatory comments.

Question	Response	Comments
1. Is your country a signatory of the International Plant Protection Convention (IPPC)?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
2. Does the National Plant Protection Organization (NPPO) follow international guidelines (ISPM 7 and 12) on the issuance of phytosanitary certificates and requirements for phytosanitary management?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
3. Does the NPPO provide information to exporters on destination country phytosanitary requirements (e.g. import document requirements, list of quarantine pests)?	<input checked="" type="checkbox"/> By request only <input type="checkbox"/> Published in print <input type="checkbox"/> Published online (<i>list website</i>) <input type="checkbox"/> Other (<i>please describe</i>)	Private sector typically gets info on phytosanitary requirements from buyer directly. They can also request the information from PQ. Usually PQ has the required information. Must call or go in person to get the information.
4. Does the NPPO provide information on obtaining a phytosanitary certificate for export (e.g. documents and fee schedules for sample collection, testing, and issuing the certificate)?	<input checked="" type="checkbox"/> By request only <input type="checkbox"/> Published in print <input type="checkbox"/> Published online (<i>list website</i>) <input type="checkbox"/> Other (<i>please describe</i>)	Plant Quarantine Act (very vague)
5. Can exporters request a phytosanitary	<input type="checkbox"/> YES	

certificate on the internet?	<input checked="" type="checkbox"/> NO	
6. Can exporters make an electronic payment for phytosanitary export certification?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
7. Can inspections to obtain a phytosanitary certificate for export be conducted at:		Wherever the consignment is located.
a. The exporter's warehouse or storage facility?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Must pay for transportation and lunch of inspecting officer.
b. Bonded warehouses?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
c. All points of exit from the country (including land, air, and sea ports)?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Must pay for transportation and lunch of inspecting officer if there is not staff based at that point of exit already.
d. Other (please specify):		
8. Does the NPPO notify exporters of the reason(s) for rejecting an application for a phytosanitary certificate?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
9. Does the NPPO enter into mutual equivalence agreements with main trade partners when phytosanitary measures are demonstrated to achieve an equivalent level of protection?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

D. Registering a Proprietary Staple Grain Variety

Please describe the full sequence of procedures necessary for the company described in the case study to properly register a new proprietary staple grain variety. These typically include application, field testing, technical review, and approval and official release of the variety. **Please include** references to applicable laws and regulations and any necessary explanatory details or additional assumptions required. Please add boxes for additional procedures as needed.

Application		
Time 53 days	Cost 32 USD	Agency Plant Variety Protection Division, Department of Agriculture (PVPD-DOA)
Details		
<p>There is no national list of seed varieties in Thailand. No government approval is required to introduce and market a new variety, other than obtaining a por por number (procedures described above) to prove that the variety meets mandatory germination and purity standards established for controlled variety.</p> <p>Therefore, variety registration is solely for the purpose of obtaining plant breeder protections. In practice, some breeders note the lack of benefits from variety registration in Thailand, though some breeders continue to choose to register new varieties with the DOA mainly for infringement purposes.</p>		

In Thailand, breeder's rights for grains extend for a maximum 12 years compared to 20 years under the UPOV treaty.

There are restrictions on who can apply for breeder rights. Breeders must be of Thai nationality, reside or operate a business in Thailand, or be of a nationality that is a party to an international agreement on plant varieties to which Thailand is also a party.

The applicant must submit the following application forms: PP 1, PP 1.1, PP 1.2 and PP 1.3, to the PVPD-DOA. Forms must be accompanied by attachments documenting the origin of the new plant variety and the genetic material used in the breeding of the variety – including its breeding process, pictures illustrating plant characteristics, and the Certificate of Company Registration. Applications must include:

- Name and features of the new plant variety.
- Breeder name.
- Details on the origin, breeding process, and genetic material used in the breeding or development of the new plant variety.
- A sample of the seed material and parental lines.
- A profit-sharing agreement in the case where a general domestic plant variety or wild plant variety is used in breeding the new variety for commercial use.

There is a separate process for registering a local domestic plant variety (native to a region of Thailand and not yet registered) which gives rights to the local community and the listing to a local farmers' organization, cooperative, or local government. (For more information see the Plant Variety Protection Act, Chapter 4).

The time for this procedure ranged from 45-60 days.

Applicable Law: Plant Varieties Protection Act, B.E. 2542 (1999) ("Plant Varieties Protection Act or PVP Act").

Field Testing			
Is the <i>Distinctness, Uniformity, and Stability (DUS)</i> test required?		X YES	NO
Number of Seasons 2	Number of Testing Locations 2	Agency Division, DOA	Plant Variety Protection
Details			
DUS testing can be undertaken by PVP at RGT facilities or DUS testing is undertaken by the breeder with oversight and periodic inspections by a DOA officer. For the former, the official fees total 30,000 per season, total of 60,000 for all tests. For the latter, there are typically 2 inspections per growing season depending on the crop. There are no official fees – however, breeders cover the inspector's travel costs and other expenses, which are quoted as 7,500 THB per inspection. Breeder costs to conduct the trials on their own plots depend on multiple factors, yet typically cost 20,000 per season. Official requirements for field testing are 1 location and 2 seasons, with comparison against 2 official specified varieties.			

Is the <i>Value for Cultivation and Use (VCU)</i> test required?		YES	X NO
Number of Seasons	Number of Testing Locations		
Agency	Agency Level		
Details			
VCU testing is optional. It is not required for the PVP certificate, but it is required if the breeder wants a certificate from DOA and be listed as "recommended" by DOA. Breeders may do this because it helps with marketing.			

Other field testing requirements (please list)	
Total time for field testing	365 days
Total cost for field testing	1936 USD
Can VCU test be undertaken simultaneously with the DUS test?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Technical Review			
Time	30 days	Cost	0
Agency	Variety Committee, DOA		
Details			
Some clarifications might be asked from breeder during the technical review process to complete the report before sending to Director General of Department of Agriculture for consideration.			

Approval and Official Release			
Time	120 days	Cost	32 USD
Agency	Director-General (DG), DOA		
Details			
This process is reviewed by the Director General (DG) of the DOA and typically takes one month, after which the DG publishes notification of the new variety for a period of 90 days. If no objections are received, the variety is approved and the DG issues a certificate of registration for the new plant variety. Plant variety protection fees are THB 1,000 per year for a maximum of 12 years of protection.			

Listing in National Catalog or Gazette			
Time	Simultaneous with Official Release	Cost	0
Agency	DG, DOA		
Details			
According to the Plant Variety Protection Act, the DG shall publish in the Government Gazette new plant varieties after the issuance of a certificate of registration of the new plant variety. Respondents noted that the DOA also publishes a list of new plant varieties on its website.			

Please respond to the following questions on plant variety registration and protection. Please include references to applicable laws and regulations and any necessary explanatory comments.

Question	Response	Comments
1. Does the authority in charge of seed variety registration accept testing data from the breeder as the official test? (e.g. breeder conducts DUS and VCU trials and seed authority audits the process)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Retesting in Thailand must be conducted according to the law, Plant Variety Acts B.E.2518. Breeders have the option of undertaking field trials with government supervision or have government conduct the trials on their official plots.
2. Do current regulations allow for a faster or facilitated registration process for seed varieties that have already been registered or field-tested in another country?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Every new variety should be tested in Thailand as quoted in 1995 Plant Protection Act. Controlled seeds do not undergo field testing for standard product registration.
a. If YES, with which country(s) and		

what is the facilitated process?		
3. Is your country party to a regional agreement with respect to common procedures for variety testing, registration, and/or release? If YES, please answer the questions below.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
a. Please list the other countries party to the regional agreement.		
b. Are common procedures effectively implemented in practice?	<input type="checkbox"/> YES <input type="checkbox"/> NO	The ASEAN Economic Community is currently reviewing seed policy frameworks of its members with the goal of regional harmonization.
c. Are new varieties registered in your country automatically accepted in other countries party to the agreement, and vice versa?	<input type="checkbox"/> YES <input type="checkbox"/> NO	

LMI Summary Survey - Chemical Fertilizer

Case Study Assumptions

Please provide responses to the survey questions based on the case study assumptions below.

Fertilizer Supplier	<ul style="list-style-type: none"> • Engages in the import, export, storage, and sale of chemical fertilizer for plants. Does not manufacture or repackage fertilizer. • Registers a new fertilizer product that has not previously been registered in the country. • Operates in Bangkok. • Domestic, non-state-owned enterprise. 	
Import Product – Fertilizer	<ul style="list-style-type: none"> • Chemical fertilizer imported in a standard 40-ft container, packed into 50-kg bags, 400 such bags (on pallets of 20 bags each) per container, and valued at US\$2,000. • The shipment is imported from Thailand’s largest trading partner globally through the main point of entry for fertilizer imports. The point of entry may be a seaport or an inland border post. 	
	Most commonly used point of entry in Thailand for import of chemical fertilizer:	Laem Chabang Port
Export Product – Fertilizer	<ul style="list-style-type: none"> • Chemical fertilizer exported in a standard 40-ft container, packed into 50-kg bags, 400 such bags (on pallets of 20 sacks each) per container, and valued at US\$2,000. • The shipment is exported to Thailand’s largest trading partner in the Lower Mekong region through the main point of exit for fertilizer exports. The point of exit may be a seaport or an inland border post. 	
	Most commonly used point of exit in Thailand for export of chemical fertilizer:	Laem Chabang Port

Procedure: Any interaction of the **fertilizer** supplier’s owner, manager or employees with external parties, including any relevant government agencies, lawyers, auditors, notaries, public and private inspectors and technical experts. Interactions among the owner, manager or employees of the **fertilizer** supplier are not counted as procedures. All procedures that are legally or in practice required for the **fertilizer** supplier to operate within its respective normal business functions are counted.

Time: Recorded in **calendar days** and captures the median duration of each procedure. The time span for each procedure starts with the first filing of an application or request or the start of a required activity, and ends once the seed supplier has received a final document or completed the required activity. For example, it includes the time to make an appointment with a notary or any waiting time once documents are filed. Where the time required to complete a procedure is highly unpredictable, provide a range from low to high in addition to the median. The minimum time for a procedure is 1 day.

Costs: All costs are listed as **USD** unless otherwise specified. Only include **official fees and taxes**. Bribes are excluded. If possible, relevant fee schedule or calculation formula are listed – for example, as a percentage of shipment value. Professional fees (notaries, lawyers, accountants, private laboratories, inspectors) are only included if the **fertilizer** supplier is required to use such services by law.

Agency: Indicate name of agency.

A. Licenses and Permissions for Fertilizer Supplier

Please describe every procedure required for the fertilizer supplier described in the case study to obtain all necessary licenses and permissions to be fully operational and appropriately registered as a fertilizer importer or exporter. For example, this may include **licenses to import fertilizer, re-export or transit licenses, export licenses, storage licenses, general trade licenses, health and safety licenses, and environmental licenses**. This also includes any applicable inspections. Where inspections are required as a separate procedure, please list separately and note any waiting times for inspectors.

Please include references to applicable laws and regulations (including fee schedules), information on renewal periods for licenses, and any other necessary explanatory details or additional assumptions required. Please add boxes for additional procedures as needed.

Procedure 1 License for importation of chemical fertilizer		
Time	10 days	Cost 161 USD
Agency	Fertilizer Control Division (FCD), Department of Agriculture (DOA)	
Details		
<p>Fertilizer companies apply for the license for importation of chemical fertilizer, or 'import license' at the Fertilizer Control Division (FCD) of the Department of Agriculture (DOA). Import licenses are valid for one year, and companies must renew all licenses before expiration or face fines (up to THB 400 per day for an expired import license).</p> <p>To obtain an import license, applicants must provide documentation on company registration and warehousing locations. They also must prove they have been actively trading for at least 6 months. According to respondents and to the Fertilizer Act , applicants must demonstrate:</p> <ol style="list-style-type: none"> (1) Ownership of the business (2) Residence or office location in Thailand (3) Appropriate facilities for manufacture, sale, import, export, or storage of fertilizer (4) No duplication or use of a similar commercial name of business to previous licensees <p>Once the company has received an import license, FCD inspectors conduct periodic inspections of the company's fertilizer storage facilities. In practice, periodic inspections of the location do not take place after the first inspection until the company re-applies for the license.</p> <p>Companies must inform the FCD of any changes to the company's activities, such as new storage facilities or changes to the details stated in the Chemical Fertilizer Product Registration (see procedure 3 below) of fertilizer products for manufacture or import. Such changes prompt re-application for the import license.</p> <p>Beyond the import license, fertilizer companies may need to obtain up to seven different operating licenses depending on their activities Also supported by Fertilizer Act Section 16. Based on the case study, only licenses pertaining to the importation and exportation of chemical fertilizer are enumerated as procedures.</p> <p>According to the Fertilizer Act B.E. 2518 Amended by Fertilizer Act (No.2) B.E. 2550 Section 18(3) the following costs and validity periods apply:</p> <ol style="list-style-type: none"> (1) License for manufacturing chemical fertilizer for trade (THB 10,000; Valid for 5 years) (2) License for manufacturing biological fertilizer for trade (THB 5,000; 5 years) (3) License for manufacturing organic fertilizer for trade (THB 2,500; 5 years) (4) License for sale of fertilizer (THB 500; 1 year) (5) License for importation of fertilizer (THB 5,000; 1 year)*Some respondents noted that the price 		

at the time of the study is THB 2000 (old price).

(6) License for exportation of fertilizer (THB 1,000; 1 year)

(7) License for transit of fertilizer (Re-export permit; THB 500 per shipment; valid for 6 months)

Procedure 2 License for exportation of chemical fertilizer

Time	1 days	Cost	32 USD	Agency	FCD
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Details

The procedures for obtaining a license for exportation of fertilizer are similar yet less stringent compared to those for obtaining an import license. The export license costs THB 1,000 and is valid for 1 year. A transit license that covers re-export is also available at a cost of 500 THB per shipment and valid for 6 months.

By law, an exporter of fertilizer must :

- Declare each type of fertilizer to the official for every exportation of fertilizer;
- Provide label as stipulated by the Director-General;
- Other matters that shall be promulgated by the Minister and published in the Government Gazette.

Procedure 3 Chemical Fertilizer Product Registration

Time	75 days	Cost	381 USD	Agency	Fertilizer Control Section, DOA
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Details

Product registration is required for importation or exportation of chemical fertilizer. A certificate of registration covers only one specific combination of formula, trade name, trademark, and source. The entire process to test and approve the Chemical Fertilizer Product Registration takes 2-3 months. The Registration is valid for 5 years and does not set quantity limits.

The company must complete an application for Chemical Fertilizer Product Registration, and submit it to DOA in person. The application lists :

- Name of chemical fertilizer;
- Substance used as ingredients of chemical fertilizer;
- Quantity of primary elements;
- Kinds and quantity of secondary elements or trace element contained in the chemical fertilizer, if any;
- Size and weight of packaging;
- Name of manufacturer and location of manufacturing;
- Method of chemical fertilizer analysis;
- Method of manufacturing chemical fertilizer;
- Label sample for packaging (if also selling the product);
- Details of the characteristics and property claims;
- Report of the analysis of chemical fertilizer by public laboratory or other chemical fertilizer testing laboratory stipulated by the Director-General with the approval of the Fertilizer Committee.

Obtaining product registration requires testing of the product by DOA laboratories. The company is required to provide a 1kg sample of the product from the manufacturer in advance of the application for import license. The sample undergoes two types of testing. The DOA lab, which is the primary lab for testing fertilizer samples takes 30 days to complete testing. Nutrient analysis typically costs 1000 THB. The actual analysis fee is determined by the number of nutrients: 400 Baht for Nitrogen, 200 Baht for Potassium, Phosphorus and each additional nutrient. Other required testing includes pH, moisture

content and humidity, for an additional 800 THB.

Respondents indicate that the DOA accepts testing done from other labs as well, including the Department of Science in the Ministry of Science. In addition, a laboratory at Kasetsart University offers regular and expedited testing services. Regular service takes 30 days and costs 1000 THB for nutrient tests and 1600 THB for other tests. Expedited service takes 7 days and costs six times more than the government laboratory (4200 Baht). The labs issue a Certificate of Analysis. Once the test results are returned from non-DOA labs it takes an additional 3 days for DOA to approve. Cost reported in this section is for the standard testing done by DOA (1800 Baht, 30 days).

Bio-efficacy field testing and final approvals by national committee are not required.

DOA then issues the Chemical Fertilizer Product Registration. The official cost for registration is 10,000 THB. The product registration assigns a unique Sor Por (SP-2) number. A change in formula of fertilizer, product manufacturer or storage location means that the company must inform the DOA and go through the registration process from the beginning. If the change is to only the storage location, the average time from application to approval is 15 days. Domestic companies have noted that this situation results in an excessive number of product licenses required. Multiple certificates are needed for similar products, including the same product imported from different sources.

To renew the fertilizer registration, the registration holder must file an application for renewal of certificate prior to its expiration. Upon such application, the applicant can continue their business unless officials reject renewal of such registration. Officials will issue the renewal of certificate in accordance with criteria, procedures and conditions stipulated by the Director-General.

Total Number of Procedures 3

Total Time 86 days

Total Cost 574 USD

B. Import of Chemical Fertilizer

Please provide details on the procedures, time, cost, and documentation for the import of chemical fertilizer as described in the case study. If significant delays are typically experienced, please note the cause of such delays in the “Comments” sections – for example, import shipments are sent to another location for testing for customs clearance or there is a lack of trained inspectors or laboratory facilities.

2. License and Document Preparation

Please include all applicable documentation required for customs clearance by customs authorities, port or border authorities, health and technical control agencies, and other government ministries. **List each necessary document separately**, such as certificate of registration, certificate of origin, certificate of conformity or quality assurance certificate, sample analysis certificate, manufacturer’s declaration, packing list, road manifesto, commercial invoice, import permit or customs import declaration, inspection results, terminal handling receipts, or bill of lading.

Import Documents and Licenses				
Document	Obtained from:	Submitted to:	Time (days) <i>Specify if in hours</i>	Cost (USD) <i>Doc. fees</i>
I. Import Permit	Fertilizer Control Section, DOA and Customs	Customs	1	0

2. Customs Declaration	Shipping Agent/Importer	Customs	1 hour	8.7
3. Packing List	Shipping Agent/Forwarder/Exporter	Customs	1 hour	0
4. Invoice	Shipping Agent/Forwarder/Exporter	Customs	1 hour	0
5. Certificate of Origin	Fertilizer Manufacturer	Customs	1 hour	0
6. Fertilizer Analysis Certificate	Fertilizer Manufacturer	Customs	1 hour	0
7. Bill of Lading (B/L)	Shipping Liner	Customs	2	40 USD
8. Terminal Handling Receipts	Terminal Operator	Customs	1 hour	100 USD
Total time and cost for document preparation			3 days	149 USD
Which documents can be obtained simultaneously? Supplier documents: Invoice, Packing List, Fertilizer Analysis Certificate, Certificate of Origin, Bill of lading.				
Comments: Information on the application for import permit include: <ul style="list-style-type: none"> • Company name and business registration number; • The type of fertilizer with registration number (SP-2); • Invoice • Shipping information (Seaport to be used and other logistics) Currently, not all relevant permit-issuing agencies are integrated into the National Single Window. Customs is the only agency using the information system. No e-payments are presently used by respondents. The company takes the application for import of chemical fertilizer in person to the DOA office in Bangkok. The DOA takes 1 day to review the documents and sign the permit. All interviewed companies in Thailand use a shipping company to clear customs and handle documentation and fees at the seaport. The signed import permit is provided to the shipping company, who gives the official hard copy to Customs at the port. This document is presented along with the Fertilizer Import Declaration, import permit, import license, invoice, packing list, and B/L. In addition, the Certificate of Origin and Fertilizer Analysis Certificate are presented, which were obtained by the manufacturer during the registration of the chemical fertilizer product.				

3. Customs clearance

Please describe the typical customs clearance procedures, including any relevant cargo inspections. For inspections, list the **total average time and cost in practice**, including wait time for inspectors and payment time. Please list the government agency(s) involved for each procedure, as applicable. Please elaborate on each customs procedure in the “Comments” box, as needed.

Customs Clearance Procedure	Time	Agency
1. Time from arrival of shipment of fertilizer to lodgment of customs declaration (includes queue/wait time, unloading time, and time to deliver fertilizer to temporary storage)	1.5 hours	Port Authority
2. Lodgment of customs declaration and customs documentary control	1 hour	Customs
3. Inspections – <i>please list only if the inspection typically occurs</i>		

a. Customs tax/duty valuation inspection	1 hour	Customs
b. Quality/standards inspections (including laboratory analysis, if required)	2 hours	Customs
c. Health and safety inspection	0	
d. Security inspections and pre-shipment inspection	0	
e. Other inspections, please specify:	0	
4. Payment of duties/taxes	1 hour	Customs
5. Release of shipment of fertilizer and removal from the seaport or land border post premises	2	Customs
6. Average TOTAL time for customs clearance (from arrival of shipment of fertilizer to cargo release)	3 days	Customs
7. Minimum and maximum TOTAL time for customs clearance (from arrival of shipment of fertilizer to cargo release)	1, 3 days	
8. Which activities above are carried out simultaneously?	Filing a tax valuation and customs inspection.	
<p>Comments:</p> <p>Before release of the cargo by Customs and the Port Authority, an importer or a Customs broker must submit the import permit to the DOA to check the authenticity of the document. Once the DOA officer issues their approval of the import permit, an importer or a Customs broker provides the document to the Customs officer to check. If correct, the good can be released from Customs custody.</p> <p>The Office of Agricultural Regulation, Department of Agriculture (DoA) controls the quality of fertilizer. DoA inspectors inspect fertilizer shipments at the port. 100% of shipments are sampled. The sample is sent to the DoA laboratory for nutrient analysis. These quality inspections take about 1 month to complete. According to the Fertilizer Act, all shipments of fertilizer should remain sealed in storage until the results of the quality testing by DoA is complete. Yet, Customs releases the cargo while tests are being done. Importers can leave the fertilizer in temporary storage or bring the shipment to their own storage facility. All respondents indicate that although they are supposed to keep the product in storage until the test results are received, in practice the fertilizer shipment is sold prior to test results being known, often within 2-3 days of customs clearance. This practice appears to be permitted by the authorities. In exchange, companies provide DoA with a 'guarantee'. Companies are pleased with this system and note that in the past they had to wait for the test results before selling (like fertilizer currently), which was costly for them (storage fees).</p> <p>Port Authority issues a customer delivery slip and wharf receipt to the shipping agent.</p> <p>Fertilizer is tax, duty and VAT exempt. The valuation is performed in compliance with GATT commitments. The company has to send cost information and selling price to Department of Internal Trade within 30 days of importing.</p> <p>Relevant Laws: Fertilizer Act B.E. 2518 and Fertilizer Act B.E. 2518 Amended by Fertilizer Act (No.2) B.E. 2550.</p>		
Import Cost (USD) (Exchange Rate THB: 31 to 1 USD)		
1. Administrative charges for customs clearance	90	
2. Customs brokers charges ³	323	
3. Inspection fees	32	

³ Customs broker charges depend on quantity of containers, negotiations with custom agents, and frequency of shipments.

4. Other, please specify:	-
5. TOTAL cost for all the above	445
6. Are informal facilitation payments (e.g. bribes) common for clearing imports of fertilizer?	Yes
Comments: The inspections at the border are performed by Plant Quarantine. Most respondents use a shipping company and are not well-informed of individual services charges.	

4. Trade Facilitation Index

Please respond to the following survey questions on the extent to which the legal framework facilitates the international trade of chemical fertilizer. Please include references to applicable laws and regulations and any necessary explanatory comments.

Question	Response	Comments
1. Can the documents required to import fertilizer be submitted in advance of the consignment's arrival at Customs? <i>Please specify which documents.</i>	<input type="checkbox"/> All documents <input checked="" type="checkbox"/> Some documents <input type="checkbox"/> No documents	The customs import declaration may be made electronically in advance of shipment arrival.
2. Can the documents required to import fertilizer be submitted electronically? <i>Please specify which documents.</i>	<input type="checkbox"/> All documents <input checked="" type="checkbox"/> Some documents <input type="checkbox"/> No documents	Import or export declaration/notification can be filed on line one day in advance of shipment, but not other documents yet.
3. Do Customs and other agencies utilize a risk management system to screen shipments of fertilizer for physical inspection?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Cargo is screened against selection criteria and categorized as ready for clearance (green) or requiring physical inspection (red). Fertilizer is considered Red Line, meaning that 100% shipments are sampled by DOA. There is no risk management system for fertilizer.
a. If YES, is the risk management system electronic?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
4. Does Customs use audit-based controls to reduce the frequency of cargo inspections for trusted traders?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	100% inspections take place for each shipment regardless of trader profile.
5. Are all required physical inspections of shipments of fertilizer (by Customs and any other relevant agencies) carried out at the same place and time?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Samples go to DoA laboratory for testing which is not located at the seaport.

6. Are consignments of imported fertilizer allowed to enter the country (and remain in storage) while samples undergo laboratory analysis?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
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C. Export of Fertilizer

3. License and Document Preparation

Please include all applicable documentation required for customs clearance by customs authorities, port or border authorities, health and technical control agencies, and other government ministries. List each necessary document separately, such as phytosanitary certificate, fertilizer quality certificate, certificate of origin, certificate of conformity, packing list, road manifesto, commercial invoice, export permit, customs export declaration, inspection results, terminal handling receipts, or bill of lading.

Export Documents and Licenses				
Document	Obtained from:	Submitted to:	Time (days) <i>Specify if in hours</i>	Cost (USD) <i>Doc. fees</i>
1. Export Permit	Fertilizer Control Section, DOA	Customs	3	0
2. Customs Declaration	Customs	Customs	1 hour	8.7
3. Certificate of Origin	Chamber of Commerce or Department of Foreign Trade	Customs	1	10
4. Quality Certificate	Inspection Company on behalf of the Department of Foreign Trade	Customs	2	14
5. Packing List	Exporter	Customs	1 hour	0
6. Invoice	Exporter	Customs	1 hour	0
Total time and cost for document preparation			5 days	33 USD
Which documents can be obtained simultaneously? Invoice and Packing List simultaneously as well as the Certificate of Origin and Quality Certificate.				
Comments: All documents can be provided to customs in advance of export. Exporters must bring hard copies of all documents. The Customs Export Declaration can be done in advance electronically. Inspections for mandatory certificates are included in License and Document Preparation section. The export permit is needed for every single shipment. First customs makes sure that the packing list matches the invoice from the customer receiving the exports. Before release of the cargo, the export permit must go to the DOA at the port to check the authenticity of the document. Once the DOA officer approves the export permit, a Customs officer can release the goods from Custom's custody. Supporting documentation to include in the application for export permit: <ul style="list-style-type: none"> • Chemical Fertilizer Export License from Fertilizer Control Section, DOA • Company registration 				

D. Registering a New Fertilizer Product

Please describe the full sequence of procedures necessary for the company described in the case study to register a new fertilizer product and receive approval to begin marketing the product. If registration of new fertilizer products is NOT legally required, skip this section. This may include application, content verification, environmental report, technical review, field testing, approval by national committee, and listing of the fertilizer product. **Please include** references to applicable laws and regulations and any necessary explanatory details or additional assumptions required. Add boxes for additional procedures as needed.

According to respondents , the process for importing, exporting and marketing a new chemical fertilizer product is the same if the product is a) already traded in Thailand but new to the specific importer/exporter, and b) new to Thailand but in conformity with the listed nutrients and active ingredients listed in the Fertilizer Act. It is rare for a truly proprietary chemical fertilizer product to be registered on the Thai market. Thai Fertilizer Association members did not know how to register this type of product though they, and others, did speculate: To introduce a proprietary product on the market, the owner would need to meet with the analysis team in the Fertilizer Committee of DOA to present the product and ask them to study the new product. The membership, powers and terms of office are described in Section 5 of the Fertilizer Act No.2 B.E. 2550. The last two Fertilizer Committees in Thailand had set up a sub-committee working group for this purpose, yet they did not approve any new products. As of July 2014, there is no working group for new fertilizer products.

Application			
Time	5 days	Cost	323 USD
		Agency	Fertilizer Control Section, DOA
Details			
<p>The company must complete an application for Chemical Fertilizer Product Registration, and submit it to DOA in person. The application lists :</p> <ul style="list-style-type: none"> • Name of chemical fertilizer; • Substance used as ingredients of chemical fertilizer; • Quantity of primary elements; • Kinds and quantity of secondary elements or trace element contained in the chemical fertilizer, if any; • Size and weight of packaging; • Name of manufacturer and location of manufacturing; • Method of chemical fertilizer analysis; • Method of manufacturing chemical fertilizer; • Label sample for packaging (if also selling the product); • Details of the characteristics and property claims; • Report of the analysis of chemical fertilizer by public laboratory or other chemical fertilizer testing laboratory stipulated by the Director-General with the approval of the Fertilizer Committee. 			

Content Verification		
Time 45 days	Cost 58 USD	Agency DoA Laboratory
Details		
<p>Cost depends on the number of nutrients and the choice of laboratory.</p> <p>Obtaining product registration requires testing of the product by DOA laboratories. The company is required to provide a 1kg sample of the product from the manufacturer in advance of the application for import license. The sample undergoes two types of testing. The DOA lab, which is the primary lab for testing fertilizer samples, takes 30 days to complete testing. Nutrient analysis typically costs 1000 THB. The actual analysis fee is determined by the number of nutrients: 400 Baht for Nitrogen, 200 Baht for Potassium, Phosphorus and each additional nutrient. Other required testing includes pH, moisture content and humidity, for an additional 800 THB.</p> <p>Respondents indicate that the DOA accepts testing done from other labs as well, including the Department of Science in the Ministry of Science. In addition, a laboratory at Kasetsart University offers regular and expedited testing services. Regular service takes 30 days and costs 1000 for nutrient tests and 1600 THB for other tests. Expedited service takes 7 days and costs six times more than the government laboratory (4200 Baht). The labs issue a Certificate of Analysis. Once the test results are returned from non-DOA labs it takes an additional 3 days for DOA to approve.</p> <p>Summary of main options for testing: DOA: 800 + 1000 = THB 1800, 30 days KU- regular: 1600 + 1000 = 2600 THB , 30 days KU- expedited: 4200 + 1000 = THB 5200 , 10 days</p> <p>Bio-efficacy field testing is not required.</p>		

Technical Review	
Time 25 days	Cost 0
Agency	Agency Level
Details Agricultural Chemical Control Division, DOA & Fertilizer Committee	

Approval and Official Release	
Time	Cost
Agency	Agency Level
Details Final approvals by national fertilizer committee are not required by law	

Listing in National Catalog or Gazette (only if required to market the new fertilizer variety)	
Time	Cost 0
Agency	Agency Level
Details	

Please respond to the following questions on new fertilizer product registration. Please include references to applicable laws and regulations and any necessary explanatory comments.

Question	Response	Comments
I. Is there an official catalogue listing all registered fertilizers?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

2. Does the authority in charge of fertilizer registration accept testing data from the manufacturer?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
3. Does the authority in charge of fertilizer registration follow international standards to test and review fertilizer?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DoA follows International standards though there was some concern that the equipment and facilities are too outdated to comply in practice.
4. Do current regulations allow for a faster or facilitated registration process for fertilizer products that have already been registered or field-tested in another country?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
a. If YES, with which country(s) and what is the facilitated process?		
5. Is your country party to a regional agreement with respect to common procedures for fertilizer registration? If YES, please answer the questions below.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
a. Please list the other countries party to the regional agreement.		
b. Are common procedures effectively implemented in practice?	YES NO	
c. Are new fertilizer products registered in your country automatically accepted in other countries party to the agreement, and vice versa?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

LMI Summary Survey - Pesticide

Case Study Assumptions

Please provide responses to the survey questions based on the case study assumptions below.

Pesticide Supplier	<ul style="list-style-type: none"> • Engages in the import, export, storage, and sale of pesticide. Does not manufacture or repackage pesticide. • Registers a new pesticide product that has not previously been registered in the country. • Operates in Bangkok. • Domestic, non-state-owned enterprise. 	
Import Product – Pesticide	<ul style="list-style-type: none"> • Pesticide imported in a standard 40-ft container, packaged in 20-liter containers, with 500 such containers per 40-ft container, valued at US\$30,000. • The shipment is imported from Thailand’s largest trading partner globally through the main point of entry for pesticide imports. The point of entry may be a seaport or an inland border post. 	
	Most commonly used point of entry in Thailand for import of pesticide:	Bangkok Port
Export Product – Pesticide	<ul style="list-style-type: none"> • Pesticide exported in a standard 40-ft container, packaged in 20-litre containers, with 500 such containers per 40-ft container, valued at US\$30,000. • The shipment is exported to Thailand’s largest trading partner in the Lower Mekong region through the main point of exit for pesticide exports. The point of exit may be a seaport or an inland border post. 	
	Most commonly used point of exit in Thailand for export of pesticide:	Bangkok Port

Procedure: Any interaction of the **pesticide** supplier’s owner, manager or employees with external parties, including any relevant government agencies, lawyers, auditors, notaries, public and private inspectors and technical experts. Interactions among the owner, manager or employees of the **pesticide** supplier are not counted as procedures. All procedures that are legally or in practice required for the **pesticide** supplier to operate within its respective normal business functions are counted.

Time: Recorded in **calendar days** and captures the median duration of each procedure. The time span for each procedure starts with the first filing of an application or request or the start of a required activity, and ends once the seed supplier has received a final document or completed the required activity. For example, it includes the time to make an appointment with a notary or any waiting time once documents are filed. Where the time required to complete a procedure is highly unpredictable, provide a range from low to high in addition to the median. The minimum time for a procedure is 1 day.

Costs: All costs are listed as **USD** unless otherwise specified. Only include **official fees and taxes**. Bribes are excluded. If possible, relevant fee schedule or calculation formula are listed – for example, as a percentage of shipment value. Professional fees (notaries, lawyers, accountants, private laboratories, inspectors) are only included if the **pesticide** supplier is required to use such services by law.

Agency: Indicate name of agency.

A. Licenses and Permissions for Pesticide Supplier

Please describe every procedure required for the pesticide supplier described in the case study to obtain all necessary licenses and permissions to be fully operational and appropriately registered as a pesticide importer or exporter. For example, this may include **licenses to import pesticide, re-export or transit licenses, export licenses, storage licenses, general trade licenses, health and safety licenses, and environmental impact assessments or licenses**. This also includes any applicable inspections. Where inspections are required as a separate procedure, please list separately and note any waiting times for inspectors.

Please include references to applicable laws and regulations (including fee schedules), information on renewal periods for licenses, and any other necessary explanatory details or additional assumptions required. Please add boxes for additional procedures as needed.

Procedure I Pesticide Product Registration		
Time 730 days	Cost 61355 USD	Agency Pesticide Sub-Division within the Office of Agricultural Regulation (OAR), Department of Agriculture (DOA), Ministry of Agriculture and Cooperatives (MOAC)
<p>Details Introductory Comments to Pesticide product registration:</p> <p>The primary legal act issued by the DOA to govern pesticide registration is the 2009 Details of Criteria and Procedure for Registration Issuance and Extension of Hazardous Substances Registration Certificate under the Responsibility of the Department of Agriculture (unofficial translation) (hereafter “DOA Pesticide Registration Rule”). There are a number of instructions and other subordinate acts under this rule.</p> <p>The DOA Pesticide Registration Rule governs Types 2 and 3, and conflates the two types, subjecting both to virtually the same inspection and testing regimes, although Type 2 pesticides are less hazardous. Note that the Thai numbering model is the opposite of the WHO model, which lists Type 1 as prohibited, etc. No hazardous substances used in agriculture are classified as Type 1, there are only a handful of Type 2 chemical pesticides and the vast majority of pesticides in actual use are thus classified as Type 3. The HSA specifies four types of regulated Hazardous Substances. Type 1 is subject to regulation, but nothing else. Type 2 is subject to notification. Type 3 is subject to licensing and Type 4 is prohibited.</p> <p>Thailand’s process for registering and managing hazardous substances is very complex. The Hazardous Substances Act (as amended through 2008) (HSA) casts a broad net, which includes pesticides among all other hazardous substances. There are many ministries involved with the process of regulating hazardous substances, including pesticides. The Ministry of Industry maintains the main list of hazardous substances, working with the Ministry of Public Health, MOAC and other ministries. Commentators have expressed substantial concerns about the effectiveness of the current regulatory framework to encourage responsible pesticide use.</p> <p>The 2009 DOA Pesticide Registration Rule requires all importers of Types 2 and 3 pesticides to go through a lengthy, complicated and expensive process to register the pesticides they propose to use. This is a more complex process than existed prior to 2009.</p> <p>The large number of required steps and the large amount of administrative discretion in the registration process make it difficult to provide accurate summaries of the time and cost of registration. The costs</p>		

and delay in the process multiply as importers include additional products, different formulas or other sources of supply – as each must repeat the same steps. If the importer wishes to have the pesticide registered for use on multiple crops, multiple field tests will be required.

Product registrations are for particular formulas from particular manufacturers. It is common practice for importers to sell the same pesticide under multiple trade names. The different names must be registered, but the pesticide formula only has to go through the process once. One registrant is now only permitted three trade names for the same formula, less than previously allowed.

In summary, three main phases make up pesticide product registration:

- Trial clearance on sample products
- Provisional clearance, including two seasons of farm testing at two sites
- Full registration, following further tests and approvals.

Once the efficacy test result, toxicological test result, quality analysis result, residue data assessment result have been accepted by the concerned agencies, the Registration Subcommittee shall approve and the Registration Certificate shall be issued. Registration is valid for 6 years and can be extended. See Section D New Pesticide Product Registration for step by step details.

Procedure 2 License to import hazardous substance

Time 3 days	Cost 645 USD	Agency OAR/Pesticide Sub-Division, DOA
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Details

Once a product is registered, the importer must receive an annual import license, which includes a maximum amount of pesticide that can be imported in the next 12 months. This amount is based on the importer's projection. This is a low cost filing, which appears to be used to keep track of dangerous chemicals in circulation. Once the stated license amount is used up, the importer must seek a renewal. In order to get the import license, the importer must submit the following three documents and have their storage facility checked.

1. Registration certificate for import
2. Pro Forma Invoice from the manufacturer
3. Certificate of Analysis from the manufacturer

The importer will receive different annual licenses for different brand names. Some products may be imported under the brand names under which they will be sold, and some will be repackaged for sale under different names. In the latter case, a re-packaging license is required. As noted earlier, no more than 3 brand names are permitted to be registered by one company for the same formulation. This can lead importers to register under multiple company names. The problem does not yet seem to be fully under control, and may merit additional regulatory attention.

Procedure 3 License to export hazardous substance

Time 3 days	Cost 645 USD	Agency Office of Hazardous Works, DOA
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Details

An exporter must bring the Registration Certificate from product's import to Thailand (above procedure) as well as the Registration Certificate in the country of destination, and certificate of analysis. The export license has 1 year validity. Renewal of import and export licenses is equal to the fee paid for initial license (20,000 THB).

Total Number of Procedures 3	
Total Time 736 days	Cost 62645 USD
<p>Additional Details: The Ministry of Industry (MOI) plays a substantial role regulating agricultural pesticide under its general oversight role over hazardous substances. The MOI has detailed regulations concerning storage and transport of hazardous chemicals. These include specifying where hazardous chemicals may and may not be kept, physical requirements for hazardous chemical storage and processing facilities and minimum training requirements for those transporting or working with these chemicals. Although these regulations specifically mention covering both importers and exporters of pesticides, survey respondents did not mention the MOI's oversight as being problematic and no survey results or interviews provided details about the MOI's role in exports and imports.</p> <p>It is possible that all MOI regulation takes place after the border, and is thus not as relevant to the limited scope of this survey. One government respondent noted that a separate license is need for transit and collection of pesticide for export. However, no private sector representatives mentioned this.</p> <p>The team could not meet with the MOI while the team was in Bangkok. Because of lack of survey or interview information about the roles of other agencies besides the DOA, the survey may somewhat understate the regulatory complexity and compliance burden facing pesticide importers and exporters.</p> <p>The Department of Foreign Trade of the Ministry of Commerce may also have some pesticide regulatory role, through its product and trade name review. It was not possible to meet with the MoC to confirm this, though several attempts were made, nor was relevant information available online and in English.</p>	

B. Import of Pesticide

Please provide details on the procedures, time, cost, and documentation for the import of pesticide as described in the case study. If significant delays are typically experienced, please note the cause of such delays in the "Comments" sections – for example, import shipments are sent to another location for testing for customs clearance or there is a lack of trained inspectors or laboratory facilities.

I. License and Document Preparation

Please include all applicable documentation required for customs clearance by customs authorities, port or border authorities, health and technical control agencies, environmental agencies, and other government ministries. List each necessary document separately, such as certificate of registration, certificate of origin, certificate of conformity or quality assurance certificate, sample analysis certificate, manufacturer's declaration, packing list, road manifesto, commercial invoice, import permit or customs import declaration, inspection results, terminal handling receipts, or bill of lading.

Import Documents and Licenses				
Document	Obtained from:	Submitted to:	Time (days) <i>Specify if in hours</i>	Cost (USD) <i>Doc. Fees</i>
1. Hazardous Substance Request for Import Application	Importer	OAR	1	0
2. Customs Declaration	Customs	Customs	1 hour	6
3. Import Permit of Hazardous	OAR	Customs	12	48

Substances				
4. Data Sheet on Chemical Substance	Exporter	Customs	0	0
5. Bill of Lading	Shipping Liner	Customs	1	40
6. Invoice	Exporter	Customs	1 hour	0
7. Packing List	Exporter	Customs	1 hour	0
8. Certificate of Origin	Exporter	Customs	0	0
9. Terminal Handling Receipts	Terminal Operator	Customs	1 hour	130
Total time and cost for document preparation			13 days	225 USD
<ul style="list-style-type: none"> Which documents can be obtained simultaneously? The bill of lading, invoice, packing list, data sheet, and certificate of origin can be obtained at the same time. 				
<p>Comments:</p> <p>Hazardous Substance Request for Import Application includes invoice, packing list, data sheet on chemical substance, and certificate of origin from exporter to OAR. These documents are later shown to Customs, aside from the Certificate of Origin and data sheet. Time and cost for the Certificate of Origin and data sheet is included in product registration section when the documents were first required. These documents are later shown to Customs, aside from the Certificate of Origin and data sheet.</p> <p>While most pesticides are under DOA import/export jurisdiction, some fall under dual DOA and Ministry of Industry jurisdiction. For the purposes of this study we focus on DOA regulated pesticides only. For MOI listed pesticides, the importer or exporter must declare the hazardous substance before coming to port. This procedure and list is defined under Notification of Ministry of Industry Subject: Declaration of the hazardous substances under the authorization of Department of Industrial Works by producer, importer, exporter or possessor B.E. 2547 (2004). The MOI requires importers to declare to the MOI and Customs the name, chemical formula and proportion, trade name, common name or abbreviation (if any), quantity, characteristic of containers, location of storage facility, transportation means, customs port, and anticipated arrival or departure date.</p> <p>Under the Ministerial Regulation Prescribing Fees Related to Hazardous Substance B.E. 2552 issued on November 13 2009, the permit for importing hazardous substances is calculated from the import volume each year as follows: For less than 10 metric tons the fee is 500 THB. This fee increases to 1000 THB for 10-50 tons, 1500 THB from 50 to 100 tons, and 3000 THB for 100 tons and above. For this study, we assumed the annual import volume to be 50-100 tons.</p>				

2. Customs clearance

Please describe the typical customs clearance procedures, including any relevant cargo inspections. For inspections, list the **total average time and cost in practice**, including wait time for inspectors and payment time. Please list the government agency(s) involved for each procedure, as applicable. Please elaborate on each customs procedure in the Comments box, as needed.

Customs Clearance Procedure	Time	Agency
1. Time from arrival of shipment of pesticide to lodgment of customs declaration (includes queue/wait time, unloading time, and time to deliver pesticide to temporary storage)	2 days	Port Authority
2. Lodgment of customs declaration and customs documentary control		Customs
3. Inspections – <i>please list only if the inspection typically occurs</i>		

a. Customs tax/duty valuation inspection	1 hour	Customs
b. Quality/standards inspections (including laboratory analysis, if required)	1 hour (<i>assuming shipment is one of the 90% not selected for sampling</i>)	Customs and OAR jointly inspect shipments and OAR samples around 10% of shipments, using a risk-based system. These are then sent to Division of Agricultural Regulatory Inspection of OAR for lab testing.
c. Health and safety/environmental inspections	0	
d. Security inspections and pre-shipment inspection	0	
e. Other inspections, please specify:	0	
4. Payment of duties/taxes	1 hour	Customs
5. Release of shipment of pesticide and removal from the seaport or land border post premises	1 hour	Customs
6. Average TOTAL time for customs clearance (from arrival of shipment of pesticide to cargo release)	2 days	
7. Minimum and maximum TOTAL time for customs clearance (from arrival of shipment of pesticide to cargo release)	1, 3 days	
8. Which activities above are carried out simultaneously?	Tax valuation, custom inspection, and the release of goods. Arrival and lodgment are reported together.	
<p>Comments:</p> <p>90% of pesticide imports are not sampled, making the 'typical' import go through clearance without being affected by any sampling procedures. Therefore, this study does not report time and cost estimates for sampling and testing of pesticide imports. However, for the 10% of shipments that are sampled and tested, it typically takes 2 hours at port to take sample. Then, testing takes from 15-90 days. It takes 2 weeks for content verification, and 1-3 months to do physical, toxicological, suspension. The Division of Agricultural Regulatory Inspection of OAR receives random samples taken by OAR at the port and tests them for a fixed 500 baht per substance fee schedule. Their direct costs are 3000-8000 baht per test. Testing follows www.cipag.org protocols. They test to insure actual imports conform to approved formula. Because the age of their machines, the Division is unable to test newer formulas adequately. The office tests 5000 samples a year for import, export and domestic use.</p> <p>The 'typical' pesticide does not go through health and safety, environmental or security inspections. These only apply to certain types of pesticides that no survey respondents were importing. The Food and Drug Administration and Ministry of Public Health would undertake tests for health and safety, the Ministry of Environment would undertake environmental inspections, and security inspections would be done by the Ministry of Defense.</p>		
Import Cost (USD)		
I. Administrative charges for customs clearance	90	

2. Customs brokers charges ⁴	645
3. Inspection fees	0
4. Other, please specify:	-
5. TOTAL cost for all the above	735
6. Are informal facilitation payments (e.g. bribes) common for clearing imports of pesticide?	Yes
<p>Comments:</p> <p>90% of pesticide imports are not sampled, making the 'typical' import go through clearance without being affected by any sampling procedures. Therefore, this study does not report time and cost estimates for sampling and testing of pesticide imports. However, for the 10% of shipments that are sampled and tested, it typically takes 2 hours at port to take sample. Then, testing takes from 15-90 days. It takes 2 weeks for content verification, and 1-3 months to do physical, toxicological, suspension. The Division of Agricultural Regulatory Inspection of OAR receives random samples taken by OAR at the port and tests them for a fixed 500 baht per substance fee schedule. Their direct costs are 3000-8000 baht per test. Testing follows www.cipag.org protocols. They test to insure actual imports conform to approved formula. Because the age of their machines, the Division is unable to test newer formulas adequately. The office tests 5000 samples a year for import, export and domestic use.</p> <p>The 'typical' pesticide does not go through health and safety, environmental or security inspections. These only apply to certain types of pesticides that no survey respondents were importing. The Food and Drug Administration and Ministry of Public Health would undertake tests for health and safety, the Ministry of Environment would undertake environmental inspections, and security inspections would be done by the Ministry of Defense.</p>	

3. Trade Facilitation Index

Please respond to the following survey questions on the extent to which the legal framework facilitates the international trade of pesticide. Please include references to applicable laws and regulations and any necessary explanatory comments.

Question	Response	Comments
1. Can the documents required to import pesticide be submitted in advance of the consignment's arrival at Customs? <i>Please specify which documents.</i>	<input type="checkbox"/> All documents <input checked="" type="checkbox"/> Some documents <input type="checkbox"/> No documents	The customs import declaration may be made electronically in advance of shipment arrival.
2. Can the documents required to import pesticide be submitted electronically? <i>Please specify which documents.</i>	<input type="checkbox"/> All documents <input checked="" type="checkbox"/> Some documents <input type="checkbox"/> No documents	Import or export declaration/notification can be filed on line one day in advance of shipment, but not other documents yet.
3. Do Customs and other agencies utilize a risk management system to screen shipments of pesticide for physical inspection?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Cargo is screened against selection criteria and categorized as ready for clearance (green) or requiring

⁴ Customs broker charges depend on quantity of containers, negotiations with custom agents, and frequency of shipments.

		physical inspection (red). About 10% of all pesticide shipments are inspected. Inspection appears to be based on a random sample, within categories, with more dangerous categories of pesticide being subject to higher levels of sampling.
a. If YES, is the risk management system electronic?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
4. Does Customs use audit-based controls to reduce the frequency of cargo inspections for trusted traders?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
5. Are all required physical inspections of shipments of pesticide (by Customs and any other relevant agencies) carried out at the same place and time?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Since 90% of imports are not sampled, DOA and Customs coordinate inspections at the port. For the 10% of shipments that are sampled, the importer must await test results from the DOA laboratory not located at the port of entry.
6. Are consignments of imported pesticide allowed to enter the country (and remain in storage) while samples undergo laboratory analysis or inspections are undertaken?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	If the shipment was selected for sampling by DOA, they must keep it sealed and stored in their approved warehouse until they get approval from DOA. Shipments not selected for sampling are then free to be sold.

C. License and Document Preparation for Export of Pesticide

Please include all applicable documentation required for customs clearance by customs authorities, port or border authorities, health and technical control agencies, environmental agencies, and other government ministries. **List each necessary document separately**, such as certificate of registration, certificate of origin, certificate of conformity or quality assurance certificate, sample analysis certificate, manufacturer's declaration, packing list, road manifesto, commercial invoice, export permit, customs export declaration, inspection results, terminal handling receipts, or bill of lading.

Export Documents and Licenses				
Document	Obtained from:	Submitted to:	Time (days) <i>Specify if in hours</i>	Cost (USD) <i>Doc. fees</i>
1. Export Permit (for Dangerous Goods)	DOA	Customs	3	48
2. Customs Declaration	Customs	Customs	1 hour	9
3. Certificate of Analysis	Exporter	DOA	1 hour	0
4. Pesticide Product Registration Certificate	Exporter	DOA	1 hour	0
5. Registration Certificate from Importing Country	Importer	DOA	1	0
6. Packing List	Exporter	Customs	1 hour	0
7. Invoice	Exporter	Customs	1 hour	0
Total time and cost for document preparation			4 days	57 USD
<ul style="list-style-type: none"> Which documents can be obtained simultaneously? Packing list, invoice, Copy of Pesticide Product Registration Certificate and Certificate of Analysis 				
<p>Comments:</p> <p>In order to export Class II and III pesticides from Thailand, an exporter must submit the following documents to the DOA, Hazardous Substances Office:</p> <ol style="list-style-type: none"> A Registration Certificate for that pesticide formula (either for import or production) A registration certificate from the destination country; and A certificate of analysis. <p>Under the Ministerial Regulation Prescribing Fees Related to Hazardous Substance B.E. 2552 issued on November 13 2009, the permit for exporting hazardous substances is calculated from the import volume each year as follows: For less than 10 metric tons the fee is 500 THB. This fee increases to 1000 THB for 10-50 tons, 1500 THB from 50 to 100 tons, and 3000 THB for 100 tons and above. For this study, we assumed the annual export volume to be 50-100 tons.</p>				

D. Registering a New Pesticide Product

Please describe the full sequence of procedures necessary for the company described in the case study to register a new pesticide product and receive approval to begin marketing the product. If registration of new pesticide products is NOT legally required, skip this section. This may include application, content verification, environmental report, technical review, field testing, approval by national committee, and listing of the pesticide product. **Please include** references to applicable laws and regulations and any necessary explanatory details or additional assumptions required. Add boxes for additional procedures as needed.

Check here if registration of new pesticide products is NOT legally required:

Note: While government representatives said that somewhat stricter data requirements have been established for entirely new pesticides, the process does not distinguish clearly between new, untested pesticides that have never been used before in Thailand, and older, known pesticides. While it does allow for some submissions of prior experimental data, its basic thrust is to treat every pesticide registration from a particular producer as if it

were the registration of an entirely new substance. It is not possible for importers to use the tests of others who have gone through the process before them. This is, in fact, explicitly prohibited under 2009 DOA Pesticide Rule, for no obvious public health reason. The total number of days required for registration is longer than that for Section A Fertilizer Product Registration seemingly due to the lack of clarity regarding times for technical review and approval by subcommittee for official release. For those sections below, we have included the maximum time allowed by the law.

Application to File an Experimental Plan			
Time	20 days	Cost	0
Agency	DOA		
Details			
<p>File an Experimental Plan for "Trial Clearance on Sample Product: Applicant must file and have approved an "Experimental Plan" which is subject to DOA approval, under DOA "Instructions for preFile an Experimental Plan for Trial Clearance on Sample Product: Applicant must file and have approved an "Experimental Plan" which is subject to DOA approval, under DOA "Instructions for preparation of experimental plan for hazardous substances for agricultural use" (Experimental Plan Instruction). The Experimental Plan Instructions are referred to in a broader 2009 DOA regulation entitled "Criteria, Procedure and Condition for Efficacy Experiment of Hazardous Substances for agricultural use as attached to the Notification of the Department of Agriculture regarding Details, Criteria and Procedure for Registration of Hazardous Material Accountable to the Department of Agriculture" ("Efficacy Experiment Rule"). The time allowable for consideration of the experimental plan and trial clearance of a sample product is 10 days.</p> <p>If approved, DOA will specify the quantity of samples, method of control, usage, time to report on efficacy test, and other details to the applicant. They have 10 days from the approval of the Experimental Plan to complete this.</p>			

Content Verification & Product Analysis			
Time	60 days	Cost	65 USD
Agency	DOA		
Details			
<p>While it is clear that DOA labs will do sample analysis, and residue and efficacy testing on sample products, further DOA lab involvement is subject to DOA approval of Experimental Plans. Respondents said that DOA tests could include solubility, suspension, and physical tests, analysis of active ingredient ratio to specification of individual substances (content verification according to FAO standards).</p> <p>DOA testing was reported as taking a minimum of 15 days per sample, with industry respondents noting around 3 months wait for these test results, with 6 months as the longest. The prices are set by a formula with DOA citing prices of 500 Baht per sample tested, and industry noting costs in the 1000-4000 Baht range, with 2000 Baht as typical. The 2009 DOA Pesticide Registration Rule allows 45 days for sample analysis by DOA.</p> <p>There are no private laboratories approved to do this testing. Several private sector respondents said they would be glad to pay more for expedited service.</p>			

Field Testing			
Time	300 days - Simultaneous with Product Analysis Testing/Content Verification	Cost	12903 USD
Agency	DOA		
Number of Seasons	2	Number of Testing Locations	2
Details			

Respondents reported that efficacy trials were required for two seasons and at two sites. Trials are required for each crop, which the importer wishes to put on the label of the pesticide. This was estimated to cost around 200,000 Baht out of pocket, including the cost of paying for DOA and Plant Protection officers to inspect the test sites. Respondents typically conducted the tests on their own plots under DOA supervision and inspection.

Residue tests are required in the 2009 DOA Pesticide Registration Rule.

Toxicology and Health Risks Testing at GLP labs following OECD standard

Time 390 days

Cost 48381 USD

Agency

Details

Potential importers of synthetic pesticides must incur major costs at the first stage, by submitting toxicity and perhaps other reports from GLP labs following OECD standards. These reports must cover both the technical grade material and finished product proposed for import. As there are no labs in Thailand that meet these standards, industry representatives said that they had to go to labs overseas for the certifications, naming labs in India, Switzerland and England. Prices for these tests alone ranged between 700,000 and 2 Million Baht for surveyed companies, or between around US \$22,000 and \$125,000. Indian labs were noted as less expensive.

Typically, a “6 pack” toxicology report is required, showing results of oral, dermatological, inhalation, eye irritation, skin irritation and skin sensitization tests. This requirement does not apply to Class II non-chemical pesticides, for which manufacturer’s lab test results are acceptable.

When the rule requiring this (2009 DOA Pesticide Registration Rule) was first put in place, the wait time for GLP labs was very long, but it is now possible to get results within around six months. Now that more manufacturers have their products certified under the stricter procedures, the backlog is easing.

This expensive step is a pre-requisite to getting provisional clearance of the product. The GLP lab provides a report on toxicity to the applicant once tests are complete and the applicant will submit them along with other required documentation with their application for registration.

Other procedures: Animal Testing – not included in time, cost or procedure reporting due to lack of consensus regarding whether or not it is required in practice.

Time

Cost

Agency

Details

2 years of animal testing is required for full registration, though none of the survey or interview respondents mentioned animal testing as a procedure in practice. Due to its lack of applicability in practice, we have noted it, but do not include it in reporting of total time and costs.

Application for Registration

Time 92 days

Cost 0

Agency

Details

The applicant must put together an application, often called a “Request for Registration”, which includes test results from the above testing procedures as well as:

1. Letter of authorization from the manufacturer permitting the registration to use the manufacture’s data and copy of manufacturer’s license,
2. Certification from the responsible regulatory agency of the manufacturer’s country, that the

manufacturer is licensed and in good standing .

The application is then reviewed for up to 90 additional days.⁵ Once approved by the Registration Sub-Committee, the registration is valid for six years and can be extended. After all technical analysis requirements and documentation are available and tests were passed, the company can submit the Request for Hazardous Substance Request Certificate to DOA. Since Type II Pesticides are most common, survey results are presented accordingly.

Approval by National Committee

Time 60 days	Cost 226 USD	Agency DOA
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Details

Within 60 days after authority approves and proposes to DOA sub-committee.

Under the HSA, company registration of formulas costs 5,000 Baht, which is included as a cost in this section. Also included in this section is the 2000 THB per copy Certificate of Registration of Hazardous Substance.

Listing in National Catalog or Gazette

Time 1 day	Cost 0	Agency
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Details

While the HSA does not require publication, Article 19 of the DOA Pesticide Registration Regulation does, by providing that the notification is effective one day after published in National Gazette.

Please respond to the following questions on new pesticide product registration. Please include references to applicable laws and regulations and any necessary explanatory comments.

Question	Response	Comments
1. Is there an official catalogue listing all registered pesticides?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	The Ministry of Industry maintains a list of all pesticides, as well as other substances covered by the HSA. This list allocates oversight responsibility for different substances to different ministries, with the DOA responsible for pesticides when used in agriculture. When a pesticide can have an agricultural and another use (such as Chlordecone for residential use), it may be subject to FDA or another ministry's responsibility for that alternate use. The list is updated periodically, with 2013 as the last update noted.
2. Does the authority in charge of pesticide registration accept testing data from the manufacturer?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	For chemical Class II and III pesticides, only toxicity testing from GLP/OECD compliant labs will be accepted from manufacturers. Manufacturer's testing data will be accepted for Class I pesticides and perhaps for Class II

⁵ No experiential data was available to support the actual time for review.

		organic pesticides.
3. Does the authority in charge of pesticide registration follow international standards to test and review pesticide?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<p>The DOA Rule 5 (4) requires that no pesticide can be imported from a specific manufacturer until the DOA first receives a report on toxicity of both the technical grade material and the finished product by a GLP certified lab following OECD standards. Thailand adopted their system from FAO Guidelines for Pesticide Registration.</p> <p>When the OPPRD tests pesticides, they follow international testing protocols from CIPAC, see www.cipac.org, insofar as they are able to given the constraints of old equipment that often needs repair, and is unable to test some newer formulae.</p>
4. Do current regulations allow for a faster or facilitated registration process for pesticide products that have already been registered or field-tested in another country?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	The DOA does not recognize or accept as binding any previous tests from other countries to speed the registration process for new pesticides.
a. If YES, with which country(s) and what is the facilitated process?		
5. Is your country party to a regional agreement with respect to common procedures for pesticide registration? If YES, please answer the questions below.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
a. Please list the other countries party to the regional agreement.		Respondents did not know of any mutual recognition or other harmonization agreements.
b. Are common procedures effectively implemented in practice?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
c. Are new pesticide products registered in your country automatically accepted in other countries party to the agreement, and vice versa?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

LMI Summary Survey – Fish Fry

Case Study Assumptions

Please provide responses to the survey questions based on the case study assumptions below.

Fish Fry Supplier	<ul style="list-style-type: none"> Engages in the import, export, storage, and sale of the most widely traded species of fish fry in the country. Operates in Bangkok. Domestic, non-state-owned enterprise. 	
	<table border="1"> <tr> <td>Most widely traded species of fish fry (i.e. pangasius, tilapia, grouper):</td> <td>Tilapia, Grouper, and Seabass</td> </tr> </table>	Most widely traded species of fish fry (i.e. pangasius, tilapia, grouper):
Most widely traded species of fish fry (i.e. pangasius, tilapia, grouper):	Tilapia, Grouper, and Seabass	
Import Product – Fish Fry	<ul style="list-style-type: none"> Fish fry of 3 cm imported in a standard container, 20,000 pieces sealed in plastic bags with chilled water and oxygen (500 pieces per bag), packed into boxes, 40 boxes per container at a total weight of 460kg, and valued at US\$2,000. The shipment is imported from Thailand's largest trading partner globally for fish fry through the main point of entry for fish fry. The point of entry may be an airport, seaport, or an inland or river border post. 	
	<table border="1"> <tr> <td>Most commonly used point of entry in Thailand for import of fish fry:</td> <td>Bangkok Airport</td> </tr> </table>	Most commonly used point of entry in Thailand for import of fish fry:
Most commonly used point of entry in Thailand for import of fish fry:	Bangkok Airport	
Export Product – Fish Fry	<ul style="list-style-type: none"> Fish fry of 3 cm exported in a standard container, 20,000 pieces sealed in plastic bags with chilled water and oxygen (500 pieces per bag), packed into boxes, 40 boxes per container at a total weight of 460kg, and valued at US\$2,000. The shipment is exported to Thailand's largest trading partner in the Lower Mekong region through the main point of exit for fish fry. The point of exit may be an airport, seaport, or an inland or river border post. 	
	<table border="1"> <tr> <td>Most commonly used point of exit in Thailand for export of fish fry:</td> <td>Bangkok Airport</td> </tr> </table>	Most commonly used point of exit in Thailand for export of fish fry:
Most commonly used point of exit in Thailand for export of fish fry:	Bangkok Airport	

Procedure: Any interaction of the **fish fry** supplier's owner, manager or employees with external parties, including any relevant government agencies, lawyers, auditors, notaries, public and private inspectors and technical experts. Interactions among the owner, manager or employees of the **fish fry** supplier are not counted as procedures. All procedures that are legally or in practice required for the **fish fry** supplier to operate within its respective normal business functions are counted.

Time: Recorded in **calendar days** and captures the median duration of each procedure. The time span for each procedure starts with the first filing of an application or request or the start of a required activity, and ends once the seed supplier has received a final document or completed the required activity. For example, it includes the time to make an appointment with a notary or any waiting time once documents are filed. Where the time required to complete a procedure is highly unpredictable, provide a range from low to high in addition to the median. The minimum time for a procedure is 1 day.

Costs: All costs are listed as **USD** unless otherwise specified. Only include **official fees and taxes**. Bribes are excluded. If possible, relevant fee schedule or calculation formula are listed – for example, as a percentage of shipment value. Professional fees (notaries, lawyers, accountants, private laboratories, inspectors) are only included if the **fish fry** supplier is required to use such services by law.

Agency: Indicate name of agency.

A. Licenses and Permissions for Fish Fry Supplier

Please describe every procedure required for the fish fry supplier described in the case study to obtain all necessary licenses and permissions to be fully operational and appropriately registered as an importer or exporter of fish fry. For example, this may include **licenses to import fish fry, procedures to qualify to import fish fry, licenses to export fish fry, fish seed supplier certificates, general trade licenses, and health and safety licenses**. This also includes any applicable inspections. Where inspections are required as a separate procedure, please list separately and note any waiting times for inspectors.

Please include references to applicable laws and regulations (including fee schedules), information on renewal periods for licenses, and any other necessary explanatory details or additional assumptions required. Please add boxes for additional procedures as needed.

Procedure 1 Import-Export License		
Time 1 day	Cost 0	Agency Department of Fisheries (DOF) and Aquatic Animal Health Research Institute
<p>Details</p> <p>Respondents noted substantial differences in the health risks posed by the different species of fish traded, and processes are thus different for high vs. low risk species. Grouper and sea bass are comparatively risk free, while ornamental carp (and shrimp – which is outside the survey but important to Thailand) are very susceptible to infectious disease, and thus inspected and controlled much more tightly. Some of the time and cost differences noted in the survey are thus attributable to differences in risk presented by the species traded. We focus our survey on the most widely traded fish fry to be used for human consumption, which are considered by RGT to be lower risk species at the time of the assessment.</p> <p>If a fish fry company wishes to export product, it must first apply for and receive a fish fry import - export license from the DOF. To get this, it must have its facilities inspected by the DOF and sample of fish tested. They must comply with DOF requirements as stated by the 1947 and 1956 Acts. These are substantially higher requirements than those that govern companies that only sell on the domestic market, and are based on OIE guidelines.</p> <p>Licenses are renewed annually. Typically, facilities are inspected at least once a year, but can be inspected more frequently – as often as quarterly if problems are found. The DOF will inspect and test if any problems are reported in the value chain. Inspectors are rotated regularly to ensure proper behavior. Details of registered traders are kept in the Inland Aquatic Animal Genetic Research and Development Institute's records.</p> <p>Applicable Laws: Fisheries Act of 1946 and the Animal Epidemic Act of 195</p>		

Procedure 2 Certified Fish Quarantine Facilities		
Time 21 days	Cost 0	Agency Trade Inspection, FOA
<p>Details</p> <p>Fish fry exporter must register their facilities with DOF, and the farm should meet the requirement of DOF, destination countries, and OIE. DOF requires all fish fry handlers in the value chain to permit facilities inspection and taking of sample animals at any time. Testing and inspection is free of charge.</p> <p>Licensed fish fry exporters must:</p> <ul style="list-style-type: none"> • Meet hygiene standards for the facility and equipment • Use only rain or tap water that meets standards; 		

- Install waste water treatment system;
- Submit samples of fish for tests for viruses and other possible disease (described in Procedure 3);
- Purchase only from hatcheries that also meet DoF standards and provide bar coded traceability documents.

It normally takes 5-7 days to make an appointment for a site inspection, and one day for the inspection at the trader's quarantine facilities. Testing of samples is done for the first health inspection in order to issue to get a trade license, then it is done periodically 3, 6, 9 months apart to maintain standing. During the initial inspection for the import-export license in Procedure 1, a sample of fish is taken to the Inland Aquatic Animal Health Research Institute, DOF. Lab test results can be returned within a few days if the fry are healthy and do not need special review. If they are not healthy, new samples must be brought and tested, which can take an additional week for normal species. These lab tests take less than one week. For species needing checks for PCR or virus testing, the lab results can take 2 to 3 weeks. Certification is then granted ½ to 1 day after satisfactory test results. The time for tests is a one-time start up delay. Once a facility is licensed and in good standing, business can continue as normal while test results are pending on license renewal. After inspection and after test results are available, the certification of quarantine facilities is issued.

Total Number of Procedures: 2

Time 22 days	Cost 0
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B. Import of Fish Fry

Please provide details on the procedures, time, cost, and documentation for the import of fish fry as described in the case study. If significant delays are typically experienced, please note the cause of such delays in the "Comments" sections – for example, import shipments are sent to another location for testing for customs clearance or there is a lack of trained inspectors or laboratory facilities.

I. License and Document Preparation

Please include all applicable documentation required for customs clearance by customs authorities, border authorities, health and technical control agencies, and other government ministries. **List each necessary document separately**, such as certificate of health, certificate of origin, traceability form, certificate of registration, certificate of conformity, packing list, air waybill, commercial invoice, import permit, customs import declaration, inspection results, or terminal handling receipts.

Import Documents and Licenses				
Document	Obtained from:	Submitted to:	Time (days) <i>Specify if in hours</i>	Cost (USD) <i>Doc. fees</i>
1. Health Certificate	Competent authority in exporting country	Customs and DOF	2	0
2. Import Permit	DOF	Customs	3	0
3. Import declaration	Importer	Customs and DOA	1	6 USD
4. Air waybill	Exporter	Importer to Customs	2 <i>Simultaneous</i>	0

5. Invoice	Exporter	Importer to Customs	1 hour <i>Simultaneous</i>	0
6. Packing List	Exporter	Importer to Customs	1 hour <i>Simultaneous</i>	0
7. Aquatic Animal Health Certificate (KPM Certificate)	Inland Aquatic Animal Health Research Institute, DOF	Customs	4 hours	0
Total time and cost for document preparation			6 days	6 USD

- Which documents can be obtained simultaneously? Health Certificate, Invoice, Packing List and Air Waybill are done simultaneously.

Comments:

The Aquatic Animal Trading Section within the Department of Fisheries (DOF) is a main regulatory body for the fish fry trade, with inspections carried out by the Aquatic Animal Research Institute, within the DOF.

Fish movements are subject to two different health related laws, both old. Fish fry movement is controlled by the Fisheries Act of 1946 and the Animal Epidemic Act of 1956, and regulations issued under them. Depending on what species is being moved, importers and exporters may need to have one or two overlapping certificates of fish health.

The import permit is obtained from the DOF, and is valid for different periods of time, typically 15 days. The "KPM" Certificate of Aquatic Animal Health is issued under the Fisheries Act, and is required to import all shipments of aquatic animals. For registered companies in good standing, this certificate can usually be provided in less than a day. The Health Certificate must be presented with each shipment. The exporter will request for aquatic animal health certification and will be received within 1 day. Traders must submit in person, as there is no electronic option.

For species that are covered under the Animal Epidemic Act, there is a higher level of scrutiny, and a separate certificate and import process. The DOA maintains a list of covered species, which now includes shrimp and koi carp, among others. For covered species, a second animal health certificate is required. All listed aquatic animals are subject to quarantine on import. As this survey focuses on the most widely traded species of fry (ones that are not on the quarantine list), the Animal Epidemic Act steps are not noted in the summary results, but merit comment.

Importers of shrimp broodstock subject to the Animal Epidemic Act can have imported stock tested either at one of four Aquatic Animal Research centers or pay extra to have an expedited service in Bangkok. Shrimp is usually kept at the DOA quarantine. Other Animal Epidemic Act restricted fish fry can be released to private licensed quarantine. Typically koi carp can be given a health certificate and released for sale in 30 days and live shrimp in two weeks after passing a good inspection. The FOA retains the right to require a 60 day quarantine. There is currently no charge for the quarantine, inspection or testing services, but the FOA is seeking a legal change to permit charging to cover costs.

It was not possible to get any English translations of any of the applicable regulations under either the Fisheries or the Animal Epidemic Law, both of which delegate broad responsibility to Ministry of Agriculture. This summary is thus based solely on interview and survey results, without independent review of the subordinate legal acts.

2. Customs clearance

Please describe the typical customs clearance procedures, including any relevant cargo inspections or quarantine. For inspections or quarantine, list the **total average time and cost in practice**, including wait time for inspectors and payment time. Please list the government agency(s) involved for each procedure, as applicable. Please elaborate on each customs procedure in the “Comments” box, as needed.

Customs Clearance Procedure	Time	Agency
1. Time from arrival of shipment of fish fry to lodgment of customs declaration (includes queue/wait time, unloading time, and time to deliver fish fry to temporary storage)	1 hour	Customs
2. Lodgment of customs declaration and customs documentary control	1 hour	Customs
3. Inspections – <i>please list only if the inspection typically occurs</i>		
a. Customs tax/duty valuation inspection	1 hour	Customs
b. Quality/standards inspections (including laboratory analysis, if required)	0	
c. Health and safety inspection	1 hour	DOF
d. Security inspections and pre-shipment inspection	0	
e. Other inspections, please specify: []	0	
4. Payment of duties/taxes	0	
5. Release of shipment of fish fry and removal from the airport, seaport or land/river border post premises	2 hours	-
6. Average TOTAL time for customs clearance (from arrival of shipment of fish fry to cargo release)	5 hours	-
7. Minimum and maximum TOTAL time for customs clearance (from arrival of shipment of fish fry to cargo release)	2 hours, 6 hours	
8. Which activities above are carried out simultaneously?	Customs valuation and health and safety inspection.	
Comments: At the airport, a sample of all fish fry imports is opened, resealed with oxygen and a sample fry sent for lab test. Restricted fish and shrimp proceed to quarantine pending test results; all others are free for sale. If the test results are poor, later shipments from that importer may be subject to quarantine or stricter review. If the animals look diseased on physical check, they can be held and a specialist is called to inspect them at port, and they may be held at port for lab testing.		
Import Cost (USD) (Exchange Rate THB: 31 to 1 USD)		
1. Administrative charges for customs clearance	6	
2. Customs brokers charges	0	
3. Inspection fees	0	
4. Other, please specify:	0	
5. TOTAL cost for all the above	6	
6. Are informal facilitation payments (e.g. bribes) common for clearing imports of fish fry?	No	
Comments: DOA has opened an ambitious “Fisheries Single Window” (FSW) program which it is in the process of implementing. When the FSW is fully implemented, substantial time and cost savings are expected for the private sector. It is currently in beta testing, and traders are signing up in large numbers. The team		

attended a FSW seminar with several hundred participants. Private sector participants reported being pleased with the effort, and hopeful that it would bring positive results – while noting that the FSW is still a work in progress, and is not yet fully functional for their purposes. The Fisheries Administration seems substantially farther ahead than the other government offices studied by the team in its efforts to implement a single window to ease trade.

One fish importer and exporter (not fish fry) noted that while many papers can be filed electronically initially, hard copies must still be presented at customs. They expected about a three day savings of labor time per shipment with full implementation of the FSW, once hard copies are no longer required.

3. Trade Facilitation Index

Please respond to the following survey questions on the extent to which the legal framework facilitates the international trade of fish fry. Please include references to applicable laws and regulations and any necessary explanatory comments.

Question	Response	Comments
1. Can the documents required to import fish fry be submitted in advance of the consignment's arrival at Customs? <i>Please specify which documents.</i>	<input type="checkbox"/> All documents <input checked="" type="checkbox"/> Some documents <input type="checkbox"/> No documents	Import or export declaration can be filed online in advance and electronically.
2. Can the documents required to import fish fry be submitted electronically? <i>Please specify which documents.</i>	<input type="checkbox"/> All documents <input checked="" type="checkbox"/> Some documents <input type="checkbox"/> No documents	
3. Do Customs and other agencies utilize a risk management system to screen shipments of fish fry for physical inspection?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Cargo is screened against selection criteria and categorized as ready for clearance (green) or requiring physical inspection (red). All imports of fish fry are inspected, but only selected exports.
a. If YES, is the risk management system electronic?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
4. Does Customs use audit-based controls to reduce the frequency of cargo inspections for trusted traders?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
5. Are all required physical inspections of shipments of fish fry (by Customs and any other relevant agencies) carried out at the same place and time?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

6. Are consignments of imported fish fry allowed to enter the country (and remain in quarantine) while samples undergo testing or analysis?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Some species that do not pose a danger are not subject to quarantine requirements. Others can enter the country to be kept in a licensed quarantine facility, or state facility.
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C. Export of Fish Fry - License and Document Preparation

4. License and Document Preparation

Please include all applicable documentation required for customs clearance by customs authorities, airport, port or border authorities, health and technical control agencies, and other government ministries. List each necessary document separately, such as certificate of health, certificate of origin, traceability form, certificate of registration, certificate of conformity, packing list, air waybill, commercial invoice, export permit, customs export declaration, inspection results, or terminal handling receipts.

Export Documents and Licenses				
Document	Obtained from:	Submitted to:	Time (days) <i>Specify if in hours</i>	Cost (USD) <i>Doc. Fees</i>
1. Customs Export Declaration	Exporter	Customs	1	6
2. Invoice	Exporter	Customs	1 hour	0
3. Packing List	Exporter	Customs	1 hour	0
4. Aquatic Animal Health Certificate (KPM Certificate)	Inland Aquatic Animal Health Research Institute, DOF or Aquatic Animal Genetic Research and Development Institute, DOF	Customs	4 hours	0
5. Air waybill	Airlines company to shipping agent and exporter. Agent arranges flight and transports fish to airport.	Customs	1 hour	0
6. Export Permit (Ror 9)	DOF	Customs	4 hours	5 USD
Total time and cost for document preparation			2 days	11 USD

- Which documents can be obtained simultaneously? Air waybill, invoice and packing list.

Comments:

The Fry Movement Document demonstrates traceability, and is provided from the hatchery to the nursery that collects fry, holds it for sanitization and prepares it for shipment. Without this, the exporter cannot receive the Aquatic Animal Health Certificate. The exporter must get the Aquatic Animal Health Certificate in person from the national office in Bangkok, while the Fry Movement Document is available to the nursery from the local provincial office at no cost.

An active exporter can spend half a day to a week arranging this document, although it requires no inspection of the fish and is based solely on existing knowledge within the Fisheries Department from prior facility inspections and animal tests. To get the Aquatic Animal Health Certificate the exporter must provide its business license number, source of fish with Fry Movement Document, name the buyer and identify the type and quantity of fish fry exported. The certificate is valid for 10-30 days and does not need to be presented at the airport. In addition, the DOF officer at the border can check in the FSW online system for the exporter's health certificate number, therefore the Health Quarantine Certificate does not need to be presented at the border.

The Certificate of Origin is not required by the Thai government to export, but may be required by the importing customer or country. If it is required by the receiving country, it must be included in the export document package. Reportedly, the Certificate of Origin was not typically necessary to export. An exporter can go to the Thai Chamber of Commerce or Department of International Trade and obtain a Certificate of Origin for around 270 THB. The KPM certificate is necessary only if requested by importing country.

The export document package can be brought to airport 4-6 hours prior to departure along with the goods. The general practice is to open a sample of boxes opened to confirm fish in box and estimate numbers, but bags not opened and fish not removed for testing.

5. Legal Framework for Health Certificates for Export

Please respond to the following survey questions on the extent to which the legal framework enables an efficient system for providing health certificates that facilitates the export of fish fry. Please include references to applicable laws and regulations and any necessary explanatory comments.

Question	Response	Comments
I. Does the agency issuing health certificates for fish fry exports (i.e. Department of Fisheries) follow international best practices for testing procedures, such as those provided by the World Organization for Animal Health (OIE), Best Aquaculture Practice (BAP), or GlobalGAP?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Aquatic Animal Genetic Research and Development Institute follow OIE guidelines to monitor fish hatcheries and nurseries. Health certificates are provided as required by importing country, on a per shipment basis. For fish fry, these certificates are based on inspection of premises and animal tracking.

2. Does the issuing agency provide information to exporters on destination country health certificate requirements (e.g. list of diseases to be tested for, most recent date of testing for diseases)?	<input type="checkbox"/> By request only <input type="checkbox"/> Published in print <input checked="" type="checkbox"/> Published online <i>(list website)</i> <input type="checkbox"/> Other <i>(please describe)</i>	Some information is available online in Thai at http://www.aahri.in.th/fish/ , but exporters will typically confirm accuracy with local purchaser. Different survey respondents had different answers for this and the next question, possibly indicating a need for communication among the Government and exporters about information supply and needs.
3. Does the issuing agency provide information on the procedures for obtaining a health certificate for export (e.g. documents and fee schedules for sample collection, testing, inspection, and issuance of certificate)?	<input type="checkbox"/> By request only <input type="checkbox"/> Published in print <input checked="" type="checkbox"/> Published online <i>(list website)</i> <input type="checkbox"/> Other <i>(please describe)</i>	
4. Can exporters request a health certificate on the internet?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
5. Can exporters make an electronic payment for a health certificate?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
6. Can inspections to obtain a health certificate for export be conducted at:	See response to Question 1 in this section.	
a. The exporter's storage facility?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Nursery and hatchery facilities are subject to at least annual inspection. After a failed inspection, follow-on inspections will take place every three months till the situation is corrected.
b. All points of exit from the country (including land, air, and sea ports)?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	No inspections at point of exit required for health certificate for export. The only inspection at export is to confirm that animals are in the box conform with the export permit.
c. Other <i>(please specify)</i> :		

7. Does the issuing agency notify exporters of the reason(s) for rejecting an application for a health certificate?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Health certificate applications from compliant exporters with proper animal movement tracking documents are typically processed promptly and not rejected. If for some reason an application does not request the proper certifications for the exporting country, this can be corrected promptly. If the competent authority in the importing country finds that the shipment does not comply with the health certificate, this can be reported back to the FOA and from there to the exporter and suppliers for inspection and correction.
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