Draft
Act on the Management of Waste Electrical and Electronic Equipment and Other End-of-Life Products, B.E. ....
Principle and Rationale

The Draft Act on the Management of Waste Electrical and Electronic Equipment and Other End-of-Life Products, B.E. ....

Principle

To have a law on the Management of Waste Electrical and Electronic Equipment and Other End-of-Life Products

Rationale

The consumption of electrical and electronic equipment, e.g., televisions, refrigerators, air conditioners, personal computers, mobile phones and fluorescent lamps, has been rapidly increasing at present in line with the economic growth and advanced technology. This leads to significant increase of waste electrical and electronic equipment (WEEE) in the waste stream. Since WEEE contains not only hazardous substances and heavy metals, e.g. lead, mercury, cadmium, but also precious metals and rare earth minerals, it should be properly treated in environmentally sound manner with high recycling rate.

At present, valued WEEE has been improperly dismantled by junk shops or waste dealers while non-value end-of-life products such as used dry-cell batteries, used chemicals containers are discarded and mixed with municipal waste causing environmental impacts and ecological damage in the long run.

Managing WEEE and other end-of-life products is becoming a challenging problem of the country due to their rapidly increasing consumption rates without a comprehensive take-back system offered by producers and retailers. The increasing amount of WEEE and other end-of-life products has become a burden of local administrative organizations which haven’t had appropriate treatment and disposal facilities.

In order to have a proper and efficient management system for WEEE and other end-of-life products, it is appropriate to have a specific law on WEEE management based on stakeholder participation and the Extended Producer Responsibility (EPR) principles. By assigning producers with responsibility on WEEE management, it will create incentive for the producers to improve the product design to be more environmentally friendly through the reduction in the use of hazardous substances and through the design for recyclability. This will help promote sustainable production and consumption in the country so the enactment of this Act is deemed necessary.
Draft

Act on the Management of Waste Electrical and Electronic Equipment and Other End-of-Life Products, B.E. ....

Section 1 This Act shall be called “An Act on Management of Waste Electrical and Electronic Equipment and Other End-of-Life Products, B.E. ....”

Section 2 This Act shall come into force after 180 days from the date following the date of its promulgation in the Royal Gazette.

Section 3 This Act shall not apply to cases as follows.
(1) management of industrial waste according to factory laws;
(2) management of infectious waste according to public health laws;
(3) management of radioactive waste according to atomic energy for peace laws;
(4) export of products made in the country.
(5) utilizing or reusing the products for original purposes.

Section 4 In this Act

“Product” means electrical and electronic equipment and other end-of-life products that the ministry promulgates in Section 13.

“Electrical and electronic equipment” means appliance or equipment which is dependent on electric currents or electromagnetic fields in order to function properly. These products when becoming
waste electrical and electronic equipment and being improperly treated may cause impacts to the environment and human health. These shall include the products which contain recyclable parts or materials.

"End-of-life product" means Waste Electrical and Electronic Equipment and other end-of-life products

“Waste Electrical and Electronic Equipment” means electrical and electronic equipment, including any parts or accessories of the products, which reach the end of their useful life or become deteriorated or obsolete.

“Other end-of-life products” mean any other equipment or devices, other than waste electrical and electronic equipment, that reach the end of their useful life, or become deteriorated or obsolete. With improperly treatment, these products may cause impacts to the environment and human health. These shall include the products which contain recyclable parts or materials.

“Producer” means a person or juristic person who is owner of the trademark. Provided that the product has no trademark, the name appearing on the product label shall be implied as producer. In case of having more than one name on the label, the commissioning manufacturer shall be implied as producer. If there is neither trademark nor manufacturer’s name on the product, the maker, inventor, assembler or any person employing other means to obtain the product shall be the producer. In case the producer is outside the kingdom, the importer or purchaser, according to the customs law, shall be implied as producer.

“Distributor” means a person or juristic person who conducts commercial trading of the product through various channels, e.g., retail shop, internet, or direct sale.

“Consumer” means an end-user or a beneficiary of the product, regardless of having to pay the remuneration. This shall include end-users at household level and organizational level, either public or private organization.

“Take-back network” means a person or juristic person, such as private enterprise, foundation, non-government organization or other organizations that register with the local administrative organization to provide a take-back or buy-back service of the end-of-life products from consumers or the final holders.

“Take-back center” means an enterprise established or authorized by the local administrative organization to operate a take-back or buy-back service of the end-of-life products from consumers or the final holders.

“Factory processing end-of-life products” means a licensed or permitted factory, pursuant to the factory laws, that recovers end-of-life products by changing them into raw materials or
new products through industrial processing, as well as the factory that provides service for treatment or disposal of hazardous substances in the said products in accordance with prescribed standards.

“Fund” means the Environmental Fund pursuant to the National Environment Quality Act.

“Local Administrative Organization” means provincial administrative organization, municipality, Tambon (sub-district) administrative organization, Bangkok Metropolitan Authority, Pattaya and other local government organizations established by laws.

“Local Officer” means
(1) Chief executive of provincial administrative organization for the jurisdiction of provincial administrative organization;
(2) Municipality mayor for the jurisdiction of municipality;
(3) Chief executive of Tambon (sub-district) administrative organization for the jurisdiction of Tambon (sub-district) administrative organization;
(4) Bangkok governor for the jurisdiction of Bangkok Metropolitan Administration;
(5) Pattaya City Governor for the jurisdiction of Pattaya City;
(6) Local chief executive of other local administrative organizations as established by laws.

“Officer” means the person appointed by the Minister to act in accordance with this Act.

“Board” means the End-of Life Product Management Board

“Director-General” means Director-General of the Pollution Control Department

“Minister” means the Minister having control and being in charge of the execution of this Act.

Section 5 The Minister of Natural Resources and Environment shall have control and be in charge of the execution of this Act and shall have the power to appoint the competent officers and to issue ministerial regulations determining product fees which shall not exceed the rates annexed hereto, ministerial notifications, and rules and to perform other duties for the execution of this Act.

Ministerial regulations, ministerial notifications, and rules shall come into force once promulgated in the Royal Gazette.
Chapter 1
The End-of-Life Product Management Board

Section 6 There shall be the End-of-Life Product Management Board, comprising the Permanent Secretary of the Ministry of Natural Resources and Environment as Chairperson, the Secretary-General of the Office of Natural Resources and Environmental Policy and Planning, the Director-General of Department of Industrial Works, the Director-General of Department of Health, the Secretary-General of the Office of Industrial Product Standard, the Director-General of Department of Local Administration Promotion, a representative of the Municipality League of Thailand, a representative of the Federation of Thai Industry, a representative of the Thai Chamber of Commerce, a representative of the Thai Retailers Association, representatives of non-governmental organizations who have objectives in environmental protection and consumer protection, and five qualified persons appointed as members by the Minister from experts who have manifest experience and work in the area of public health, industry, and environment.

The Director-General shall be member and secretary, and an officer of Pollution Control Department, appointed by the Director-General, shall be assistant secretary.

Section 7 The Board shall have the power and duties as follows:
1) to provide recommendation or advice to the Minister on issuing or amending Ministerial Regulations or Notifications or perform any duties in accordance with this Act;
2) to define and approve the product type or product category to be controlled by this Act, control or management measures of the said product or product category as well as define registration fees, product fee rates and other fees related to the said product;
3) to prepare the five-year strategic plan and annual action plan promoting the implementation of this act and to propose them to the Minister
4) to appoint qualified persons or experts as advisory body to the Board;
5) to approve a compliance plan submitted by the producers according to Section 16
6) to prepare an annual performance report in accordance with the action plan and to propose it to the Cabinet within 90 days after the end of the fiscal year.
7) to carry out any duties as prescribed by this Act.

Section 8 A qualified member as an expert appointed by the Minister holds office for a three-year term, but not more than two consecutive terms.

In the case where the member vacates the office at the end of the term, and new member has not been appointed, the member who vacates the office shall remain in office to continue his or her duties until the appointment of new member is made.
In case that the expert member is removed from office before the end of term or in case that the Minister appoints new expert member when the existing expert member remains in office, the newly appointed expert member who is to replace the vacant position or additional expert member shall serve the remaining term of the member already appointed.

Section 9 Apart from the removal from office due to end of term, the member shall be removed from office when

(1) Passing away;
(2) Resigning;
(3) Going bankrupt;
(4) Becoming an incompetent person or quasi-incompetent person;
(5) Being removed from office by the order of the Minister due to negligence in the discharge of duty, disgrace behavior, or incapability;
(6) Being sentenced to imprisonment as delivered by the final court ruling, except that the guilt is committed due to negligence or it is petty offence;
(7) Being expelled from the position due to corruption practice.

Section 10 The quorum of any meeting will consist of no less than half of all members with at least one expert member attending.

In the case where the Chairperson does not attend the meeting or is unable to perform his or her duty, the members shall elect one among themselves to preside over the meeting.

Decisions of the meeting will be made by a majority vote. One member has one vote. If the voting score is equal, the Chairperson of the meeting shall make the deciding vote. The Chairperson or any member who directly or indirectly engages in the agenda being considered shall refrain from voting on that agenda.

The Board meeting shall convene at least twice a year.

Section 11 The Board has the power to appoint sub-committees to carry out any assigned functions.

The provision of Section 10 shall be applied Mutatis Mutandis for the meeting of the sub-committees.

Section 12 To perform duty in accordance with this Act, the Board or the sub-committee has power to call any person to give fact, explanation or opinion, or to present documents, data, or any related evidence or any objects that can be used to supplement the consideration of the Board as deemed appropriate.
Chapter 2
Product Control

Part 1
Defining Regulated Products

Section 13 The Minister as advised by the Board shall have the power to make notification on product or product category to be controlled by this Act, including any measures for management of the product or product category in accordance with Section 15 or Section 17. The consideration shall be based on any of the following criteria:

1. be the product which, after being used, is difficult to collect, transport, treat, dispose or other management methods that cause no environmental impact pursuant to public health law;

2. be the product which, after being used, contains parts or resources that should be promoted for recycling;

3. be the product which should be promoted for development into more environmentally friendly products.

The Minister shall review the list of product or product category issued in the notification pursuant to paragraph 1 every three years.

Part 2
Control of Producers and Distributors

Section 14 The producer, importer, and distributor of regulated products shall register with the Pollution Control Department following the criteria, procedures and registration fee prescribed in the Ministerial Regulation.

For the registration of the distributors in paragraph 1, the Pollution Control Department may assign local administrative organizations to be a registration agency in their responsible areas. All registration records shall be submitted to the Pollution Control Department.

The criteria, procedures and conditions of the registration implemented by local administrative organizations and the submission of registration records to the Pollution Control Department under paragraph 2 will be pursuant to the ministry promulgation.

Section 15 The producer of regulated product shall prepare a compliance plan on the management of regulated end-of-life products and submit it to the Board within 1 year after the notification of the regulated product or product category is issued. The producer can prepare the compliance plan individually or as a group by establishing an association pursuant to the civil and
commercial code. In case of establishing an association, the said association shall register with the Pollution Control Department.

The compliance plan under paragraph 1 shall contain at least the following information: the development of channels for information distribution, take-back or collection channels which take into account the convenience of consumers, financial support for the collection cost incurred by the take-back centers and distributors in accordance with the Section 25 and Section 26, financial support for the transportation cost of sending the end-of-life products to the authorized factories according to Section 27. The components of the compliance plan shall be determined by the Ministry.

The Minister, under the approval of the Board, may notify the scope of responsibility in the compliance plan which is based upon the size of the enterprise or market share of the producer. This should also apply to the product type which is prescribed to comply with the product fee scheme according to Section 17.

Section 16 The producer shall submit the compliance plan to the Board annually according to the timeframe set by the Board. The Board shall consider and approve the compliance plan within 60 days upon the date of receiving the plan. In case of necessity, the Board can extend the review period but will not exceed 30 days. In case the plan is not approved, the producer has to revise and resubmit the plan within 30 days.

After the compliance plan is approved by the Board under paragraph 1, the producer shall implement the plan and report the results of the implementation to the Board annually within the timeframe announced by the Board.

Section 17 For the benefit of product control in accordance with the purposes of this Act, the Minister as approved by the Board has the power to determine product fee collection for any specific product or product category. The product categorization, criteria, procedures and conditions of fee collection and the fee rate shall be prescribed by the Ministerial Regulation.

The producer shall pay the product fee to the Fund according to fee rate set in the ministerial regulation. The Excise Department or Customs Department, depending on each case, has the duty and power to collect the product fee from the producer for the Fund. The amount of the product fee, not exceeding 3% of total income, shall be deducted for concerned agencies to cover their expense of collection before delivering it to the fund.

The product fee collected under paragraph 1 shall be exempted from being submitted to government treasury.

Section 18 The producer shall report every 6 months on the product volume placed on the market by using the report form prescribed by the Pollution Control Department.
Section 19  The Director-General has authority to issue notification to prescribe supporting measures for the producer to minimize the use of hazardous substances in the products or to improve the product design to facilitate dismantling and recycling or to increase the recyclability rate in the production process.

If necessary, the Minister as advised by the Board shall issue the ministerial regulation prescribing the producer to mark the product or the packaging and containers thereof with relevant recycling or hazardous substance restriction label as prescribed by the Minister. Only the marked label products can be distributed for sale.

Section 20  No person is allowed to sell the product which the producer has not yet registered as prescribed in this Act.

Chapter 3
Management of End-of-Life Products

Section 21  To promote and support proper management of end-of-life products without causing environmental impacts, the Pollution Control Department and relevant agencies shall develop the procedures or guidelines on the management of end-of-life products including parts and residuals generated from various activities including repair, reuse, and education.

When the said procedures or guidelines on the management of end-of-life products according to paragraph 1 are developed, enterprises, academic institutions, vocational schools, foundations, and any other organizations or persons involving in the end-of-life products shall observe the said procedure or guideline.

Section 22  An information center on the end-of-life products shall be established at the Pollution Control Department to serve as an information platform and to act as a coordinating body with concerned government agencies, local administrative organizations and private enterprises. This center shall undertake public relation functions, disseminate knowledge to the public on the matter of environmental and health impacts caused by end-of-life product mismanagement. The disseminated information shall include data of producers and distributors registered pursuant to this Act, collection systems or channels for returning end-of-life products which are operated by the producers, distributors, take-back centers, take-back networks, and the local administrative organizations. Also the center shall act as a service center for petition filing and provide any other information regarding the management of end-of-life products.

The Pollution Control Department shall develop an online reporting system to support the implementation in accordance with Section 18, 28 and 31 as well as other activities that can support the implementation of this Act.
Part 1
Discarding, Taking-back, Collection and Transportation

Section 23 No person is allowed to discard the end-of-life product in the public place, abandoned site or mix together with municipal waste.

The consumer or final holder of the end-of-life product shall return or sell the product to the distributor, the take-back center or the take-back network or the authorized factory processing the end-of-life product.

Section 24 The provincial administrative organizations shall have the power and duty to set up at least one take-back center in the province under their responsibility. The local administrative organization with 10,000 populations and more with population density exceeding 3,000 heads per one square kilometer shall have the power to set up at least one take-back center in the area under its responsibility, while the local administrative organization with less than 10,000 population may have a take-back center set up in the area under its responsibility.

Bangkok Metropolitan Administration shall have at least one take-back center set up in each district under its responsibility.

In setting up and operating the take-back center, the local administrative organization can assign private enterprise to set up or operate the said take-back center.

The setup take-back center shall collect or take back the end-of-life products from the consumers or the final holders according to the criteria, procedures and conditions prescribed by the Minister in Section 28.

Section 25 When supplying a new product, the distributor shall accept the returned end-of-life product of equivalent type from buyer on a one-to-one basis free of charge and deliver the collected end-of-life product to the take-back center or system established in accordance with the producer compliance plan. The conditions of taking-back and collection shall be prescribed by the Minister.

For the benefit of end-of-life product collection, the Minister as advised by the Board shall have the power to determine the type of enterprise which shall provide take-back service free of charge for the end-of-life products having dimension in width, length, height or diameter not exceeding 25 centimeters, no matter the consumer buys the new product. The conditions of taking-back and collection shall be prescribed by the Minister.

Section 26 Apart from the local administrative organizations and distributors, any person wishing to operate the take-back service shall register as a take back network with the local administrative organization where he or she resides or operates. The take-back operation shall be run in accordance with the criteria, procedures and conditions prescribed by the Minister.
Section 27 The distributor and the take-back center shall deliver the collected end-of-life products to the authorized factory. The said factory may assign a third-party person to operate the collection and transportation on its behalf. However, the transporter shall operate and provide a manifest system pursuant to the criteria, procedures and conditions prescribed in the Ministerial notification.

Section 28 In order to promote and support a proper management of end-of-life products in a way that causes no harm to the environment, the Minister has the power to make notification prescribing the criteria, procedures and conditions for the operation of the take-back center, take-back network, storage and transport of end-of-life products for the authorized factory processing end-of-life products.

The notification made in accordance with paragraph 1 shall at least contain the provisions with the following key contents.

1. The take-back center must refrain from product dismantling, except the case that the examination of the complete inner parts is made, which shall be reassembled;
2. The take-back center shall record details of the product taking-back in accordance with the form prescribed by the Director-General and shall keep the records for at least 3 years for future monitoring;
3. The take-back center shall report the amount of end-of-life products being collected to the Pollution Control Department every 6 months.

Part 2
Recycling, Treatment and Disposal

Section 29 In order to support a proper treatment of end-of-life products in a way that causes no harm to the environment and public health, the Minister has the power to issue notifications on recycling, treatment and disposal standards for end-of-life products and their parts.

The factory processing end-of-life products shall operate in accordance with the standards notified by the Minister in paragraph 1.

To facilitate the sound management of the end-of-life products in this provision, the producer shall have the duty to provide necessary information to the Pollution Control Department and the factory processing end-of-life products regarding proper dismantling and recycling of end-of-life products as well as information on hazardous substance in the products.

Section 30 Any person who wishes to export end-of-life products or their parts regulated in this Act shall inform the Minister. Export of end-of-life products shall comply with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the importing country's laws as well as domestic laws.

The criteria, procedures and conditions of advance information requirement as stated in paragraph 1 shall be prescribed in the Ministerial notification.
Section 31 The factory processing end-of-life products shall have the duty to report the results of implementation to the Pollution Control Department every 6 months and have the records kept for at least 3 years. The report shall have, at least, the quantity of end-of-life products being processed, the quantity of reused materials, the quantity of recycled materials, the quantity of exported materials, and the quantity of disposed materials or scraps.

Chapter 4
Target Setting

Section 32 To promote an effective collection and recycling of end-of-life products, by the fifth year after this Act comes into force, the Minister, as approved by the Board, may issue a notification to determine a minimum collection rate that each producer shall achieve annually. The collection rate under paragraph 1 shall be calculated on the basis of the total weight of amount of end-of-life products collected in a given year, expressed in a percentage of the average weight or amount of products placed on the market in the two preceding years. Other criteria can be applied as deemed appropriate by the Board.

Section 33 The Minister as advised by the Board shall determine a minimum recycling rate of the end-of-life products collected in accordance with this Act. Producers and factories processing end-of-life products shall collaborate to achieve the recycling rate not less than the determined rate.

Chapter 5
Revenue Management and Support from the Fund

Section 34 Revenue collected from the fees according to Section 17 of this Act shall be delivered to the Fund. The money shall be directed to a separate account under the Fund and shall be paid for the following operations:

(1) No less than half of the total revenue shall be used to support the expense of take-back centers and factories processing end-of-life products that are operating under this Act. The support shall be in accordance with the qualification, criteria, procedures, and conditions defined by the Board;

(2) Supporting the operation of information center according to Section 22 as well as other organizations that provide information and education on moderate consumption and resource recycling.
(3) Supporting the research and development on technologies and projects related to resource recycling, waste treatment and disposal.
(4) Remedy persons who are affected by pollution caused by the end-of-life products according to the qualification, criteria, procedures and conditions prescribed by the Board.

Section 35 In order to promote producers to have responsibility throughout the life cycle of the product, producers, distributors and factories processing the end-of-life products shall have the right to request support and assistance from government agencies, local administrative organizations and other concerned agencies as follows.

(1) Tax or fee support with special rate for those who make effort in reduction, separation, and recycling of end-of-life products and can achieve the target. This shall include the effort to improve product design and production process that can minimize the use of raw materials and hazardous substances, and the effort to increase proportion of recycled materials in making new products. The supporting measures shall be approved by the Finance Minister.

(2) Support and provide subsidy for research and development, improvement, design, production of environmentally friendly products in a way that can reduce the use of raw materials and hazardous substances in the products or promote waste separation and product recycling.

(3) Support loan with special interest rate for the activities related to reduction, separation and recycling of end-of-life products.

(4) Investment promotion

(5) Any other kinds of support determined by the Board.

The above support shall be provided in accordance with the criteria, procedures and conditions prescribed in the Ministerial Regulation and by taking into account of the necessity and rationale of economic impact, social impact, technological impact, and investment and trade impact.

When a request for support stated in paragraph 1 is received, concerned government agencies and local administrative organizations shall provide support or assistance under their authority and provisions of related laws.

Chapter 6
Inspection and Supervision

Section 36 In order to execute this Act, the local officers and the authorized officers shall have the power to do as follows.
(1) Make an entry into the building, place and premise where end-of-life products are produced, sold, repaired, collected, dismantled, recycled or waste is treated or disposed of. The entry can be made during the period from sunrise to sunset or during office hours of the workplace, or in case of doubt about violation of or non-compliance with this Act, in order to inspect and control the operation to be in accordance with this Act.

(2) Issue a written order to demand any person to correct or improve the operation, according to this Act, within the determined deadline.

(3) Issue a written order to call any person to give oath, testimony, documents or any evidence related to the operation in (1) to supplement the consideration of the officers.

In case of violation or non-compliance with the written order under paragraph 1 (2), the local officers or the authorized officers shall have the power to make a fine not exceeding 10,000 Bath per day until the order is executed.

Section 37 In the execution under this Act, the local officers and the authorized officers shall declare their identification cards to concerned persons.

The identification card of the officers shall be in the form prescribed by the Director-General.

Section 38 The person who receives a written order from the local officers or the authorized officers under Section 36 shall have the right to appeal against the order to the appeals committee within 30 days from the date of receiving of the order.

The appeals committee shall have a decision on the appeal in paragraph 1 within 90 days from the date of receiving the appeal.

Section 39 An appeals committee shall be established and appointed by the Minister. The committee shall consist of the Director-General as chairperson, a representative from Department of Industrial Works, a representative from Thai Industrial Standards Institute, a representative from the Pollution Control Department, and a number of experts, not less than 5 but not exceeding 7 persons, who are appointed by the Director-General as committee members, and an officer of the Pollution Control Department acts as a member and secretariat.

The qualifications and the term of office of the expert members shall apply mutatis mutandis in accordance with Section 8 and 9.

Section 40 The appeals committee has the power to hear the appeals submitted in accordance with Section 38
After the appeals committee makes a decision, a written decision shall be sent to the appellant.

Section 41  The appeals committee has the power to appoint a sub-committee to assist in any activities assigned.

The meeting procedures of the appeals committee and its sub-committee shall *Mutatis Mutandis* conform to the provision of Section 10.

**Chapter 7**

**Penalty**

Section 42  Whoever commits violation or does not comply with Section 23 shall be liable to a fine not exceeding 10,000 Baht.

Section 43 The producer, the distributor and the association not registering with the Pollution Control Department in accordance with Section 14 shall be liable to a fine not exceeding 100,000 Baht.

Section 44 The producer who does not submit the compliance plan in accordance with Section 16, or does not pay the product fees according to Section 17 shall be liable to a fine not exceeding 200,000 Baht.

Section 45 The producer who does not report the quantity of the products sold in the market to the Pollution Control Department in accordance with Section 18 or gives false statement shall be liable to a fine not exceeding 100,000 Baht or imprisonment for a term of not exceeding six months or liable to both penalties.

Section 46 Whoever sells the product that the producer does not register in accordance with Section 20 shall be liable to a fine not exceeding 100,000 Baht.

Section 47 The producer who cannot collect end-of-life products in accordance with the defined target in Section 32 shall be liable to a fine not exceeding 500,000 Baht.
Section 48 The person who has the duty to take back and collect end-of-life products commits violation or does not conform to the related regulation stated in part 1 (discarding, taking back, collection and transportation), under Chapter 3 shall be liable to a fine not exceeding 50,000 Baht or imprisonment for a term of not exceeding three months or liable to both penalties.

Section 49 The factory processing end-of-life products that commits violation or does not conform to the provisions of part 2 (recycling, treatment and disposal) in Chapter 3, shall be liable to a fine not exceeding 500,000 Baht.

Section 50 Whoever with no ground fails to testify or submit document, evidence or any objects as required by the Committee or the sub-committee under Section 12 or by the local officers or the authorized officers under Section 36 (3) shall be liable to a fine not exceeding 20,000 Baht.

Section 51 In the case where the offenders, who shall be punished under this Act are a juristic person, managing director, manager or representative of such juristic person, issue an order of no operation or refrain from the operation, causing the said juristic person committing an offense, they will be punished in accordance with the penalty provided for such offenses.

Section 52 There shall be a fine settlement committee for all offenses under this Act. The committee shall comprise the representatives of the Pollution Control Department, the Office of the Attorney General and the Royal Thai Police acting as committee members and three officers appointed by the Pollution Control Department as members and secretaries. The fine settlement committee shall have the power and duty to consider fine penalty and to appoint a fact-finding sub-committee to make investigation and to propose the investigation results to the fine settlement committee. The committee has the power to assign duty of fine settlement to a sub-committee or the competent officers. The committee can set fine settlement criteria or other conditions for the assigned person as deemed appropriate.

According to paragraph 1 of this provision, if the investigators, during the investigation, identify the offender and that offender accepts the settlement, the investigators shall submit the document to the fine settlement committee or the assigned person according to paragraph 1 within 7 days from the date that the offender accepts the settlement.

After the offender pays the settled fine, the case shall be deemed settled under the Criminal Procedure Code.

Transitory Provision

---------
Section 53 The producer and the distributor who have produced, imported or sold the product of the type or category prescribed by the Minister in accordance with Section 13 prior the date that the notification enters into force, shall submit the application for registration according to this Act within 60 days after the notification comes into effect. After the submission, the producer and the distributor can continue producing, importing, or selling the said product until the Pollution Control Department or Local Administrative Organization withdraws such registration procedure.

Section 54 During the period that no revenue is delivered to the Fund according to Section 34, certain budget of the Fund with the support of the Ministry of Finance shall be allocated to support the implementation according to Section 22, Section 24 and Section 25 of this Act.

Countersigned by

Prime Minister

The product fee rate shall not exceed 10,000 Baht per unit.