

MILK AND DAIRY PRODUCTS ACT

B.E. 2551 (2008)

BHUMIBOL ADULYADEJ, REX

Given on the 31st Day of January B.E. 2551;

Being the 63rd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to enact a law governing milk and dairy products;

Whereas this Act contains certain provisions relating to restriction of rights and liberties of individuals, which Section 29, in conjunction with Section 43 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

Be it, therefore, enacted by His Majesty the King, by and with the advice and consent of the National Assembly, as follows:

SECTION 1. This Act shall be called the "Milk and Dairy Products Act B.E. 2551 (2008)"

SECTION 2. This Act shall come into force on the day following the date of its publication in the Government Gazette onwards.

SECTION 3. In this Act:

"milk" means the milk of cows that are regularly raised for production.

"dairy products" means products obtained by partially or entirely removing cream or almost all of it, and processing cow's milk, milk powder, and reconstituted milk by separating or adding other ingredients.

"dairy industry" means the production, procurement, exchange, sale, and provision of cow's milk and cow's milk products; additionally, it includes related activities such as animal feed, microbial cultures, embryos, and equipment used in the production and marketing of dairy products; services offered in relation to dairy farming; and other related or ongoing activities.

"cow's milk" means the milk that is squeezed from a cow three days after giving birth in order to extract colostrum; this milk is not separated from any other substance and without going through any kind of processing at all.

"import" means to bring or deliver products into the kingdom.

"export" means to deliver products outside of the kingdom.

"dairy farmer" means a person engaged in the occupation of raising dairy cows to supply cow's milk to the milk collection center of a state organization, private organization, or cooperative.

"dairy farmer organization" means an association, cooperative, or group of dairy farmers registered as a legal entity under the law; it excludes limited companies or ordinary partnerships that have dairy farmers as shareholders completely or partially.

"representative of dairy farmer organization" means a person who is a representative of a dairy farmer organization.

"dairy product manufacturer" means an individual or legal entity that engages in the production or distribution of raw milk or dairy products, as determined by the committee.

"representative of dairy product manufacturer" means a person who is a representative of a dairy product manufacturer.

"representative of dairy industry entrepreneur" means a person who is a representative of a dairy industry entrepreneur.

"Committee" means the Milk and Dairy Products Committee.

"Minister" means the Minister in charge of this Act.

SECTION 4. Establishes a committee named the "Milk and Dairy Products Committee," with the Permanent Secretary for Agriculture and Cooperatives serving as the chairperson. The committee comprises members from various key departments, including the Director- General of the Department of Livestock Development, the Director- General of the Cooperative Promotion Department, the Director- General of the Department of Internal Trade, the Director- General Department of Foreign Trade, the Director- General Department of Local Administration, the Secretary-General of the Food and Drug Administration, the Secretary-General of the Basic Education Commission, the Secretary-General of the National Economic and Social Development Board, the Director General of the Office of Industrial Economics, the Director General of the Office of National Bureau of Agricultural Commodity and Food Standards, and the Secretary-General of the Office of Agricultural Economics. Additionally, the committee includes twelve senior experts appointed from Ministers. The Director of Dairy Farming Promotion Organization of Thailand serve as a member and secretary, alongside two assistant secretaries are appointed from representatives of dairy farmer organization and entrepreneurs in the dairy product or milk industry.

The appointment of Senior Advisors Committee as specified in the first paragraph is to be conducted by appointing two experts in the field of milk and dairy products, particularly those affiliated with educational, or research institutions related to this specific field. Additionally, five representatives from dairy farmer organization which proposed by the National Dairy Cooperatives Federation of Thailand Limited, and five representatives from dairy product manufacturer or representative of dairy industry entrepreneur will be part of the committee, following criteria and procedures set forth by ministerial proclamation. The publication in the Government Gazette must be completed within ninety days from the effective date of this Act.

The Dairy Farming Promotion Organization Of Thailand is responsible for implementing activities in accordance with the resolutions of the Milk and Dairy Products Committee.

SECTION 5. Qualified committee members must possess the following qualifications and shall not have any of the following prohibited characteristics:

- (1) being a Thai nationality;
- (2) not being a bankrupt;
- (3) not having been sentenced to imprisonment under a final judgment, unless it is a sentence for an offence which was committed as a result of negligence, or a petty offence;
- (4) not having been ordered to vacate office under Section 7;
- (5) not being a political official, a political office holder, a local assembly member, a member of local administrative council, a local administrator, an advisory committee member, or a political party officer.

SECTION 6. Committee members shall serve for two years per term. A committee member who vacates office upon the expiration of the term may be reappointed, but consecutive terms shall not exceed two terms.

SECTION 7. In addition to the ground for removal from office upon the expiry of term under Section 6, a member of the Senior Advisory Committee shall be vacated from office when:

- (1) he or she pass away;
- (2) he or she resign;
- (3) he or she is a bankrupt;
- (4) he or she has been sentenced to imprisonment under a final judgment, unless it is a sentence for an offence which was committed as a result of negligence, or a petty offence;
- (5) he or she possess disqualifications under Section 5;
- (6) he or she is an incompetent or quasi-incompetent person;
- (7) The Prime Minister orders their removal due to incompetence, deteriorated conduct, or diminished capability to perform duties.

SECTION 8. When a member of the Senior Advisory Committee vacates office before expiry of his or her term, a replacement the Senior Advisory Committee shall be appointed to fill the vacant position, and the newly appointed member shall serve for the duration remaining in the term of the committee member whom he or she replaced.

Upon the expiration of the term specified in Section 6, if a new committee has not yet been appointed, that committee member shall continue to perform his or her duties until a new member has been appointed to take over his or her duties.

Section 9. Not less than one half of the total number of committee members must be present at a meeting, in order to establish the quorum for the meeting. In the event that the Chairman of the Committee is unable to attend the meeting, the committee members shall elect a committee member to preside over the meeting. Decisions of a meeting shall be determined by simple majority. Each committee member has one vote. In the case of a tie, the chairman of the meeting shall cast an additional vote as the deciding vote.

Section 10. The committee shall have the following authority and responsibilities:

- (1) establish policies, plans, and measures to promote and develop dairy farming;
- (2) develop policies and plans for the production and distribution of bovine milk and dairy products, both domestically and internationally;
- (3) specify the quantity and conditions for the import and export of bovine milk, milk powder, and dairy products;
- (4) set criteria and methods for calculating production costs of bovine milk, determine prices for purchasing bovine milk and dairy products, and establish days for milk purchases and non-purchase days for dairy product manufacturers;
- (5) establish regulations regarding penalties for non-compliance or violation of rules or regulations set by the committee;
- (6) appoint committees or subcommittees according to this Act and may invite government agencies, state enterprises, private sector organizations, or individuals to provide facts, explanations, opinions, recommendations, and relevant documents;
- (7) coordinate with state agencies, dairy farmer organizations, dairy product manufacturers, and dairy industry operators to set standards for production factors and products. This includes dairy farming centers, milk collection facilities, and processing plants, as well as transportation systems, to ensure that milk and dairy products meet the specified standards and address issues related to dairy farming and dairy products;
- (8) establish regulations, rules, announcements, or orders to implement operations in accordance with this royal decree;
- (9) perform other duties related to dairy products and the dairy industry as stipulated by law.

SECTION 11. The Minister of Agriculture and Cooperatives shall enforce the provisions of this Act.

Countersign by:
General Surayud Chulanont
Prime Minister.

Note: The reason for the promulgation of this Act is to facilitate the development of a stable economic process and foster the economic growth of the nation. The objective is to preserve benefits and ensure fairness for those involved in the entire milk industry, including dairy farmers, milk product manufacturers, and consumers. Additionally, it aims to develop the milk industry, enhance the efficiency of domestic milk production, ensure quality milk, and enable competitiveness on the international stage. Therefore, to achieve these goals, it is deemed necessary to establish the Milk and Dairy Products Committee, comprising representatives from dairy farming organizations, milk product manufacturers, and relevant government agencies. It is thus necessary to enact this Act.

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