

Notification of the Ministry of Agriculture and Cooperatives
Re: Rules and Procedures for the Notification of Business Operation and Cessation of
Business Operation in Contract Farming

By virtue of section 5 paragraph one, section 16 paragraph two and section 18 paragraph two of the Contract Farming Promotion and Development Act, B.E. 2560 (2017), the Minister of Agriculture and Cooperatives hereby issues the Notification as follows:

Clause 1. This Notification is called the “Notification of the Ministry of Agriculture and Cooperatives Re: Rules and Procedures for the Notification of Business Operation and Cessation of Business Operation in Contract Farming”.

Clause 2. The Notification shall come into force as from the date of its publication in the Government Gazette.

Clause 3. In this Notification:

“Office” means the Office of the Permanent Secretary for Agriculture and Cooperatives or the Provincial Agriculture and Cooperatives Office, as the case may be;

“Notifier” means an agricultural business operator who is a natural person owning the business, or in case of an agricultural business operator who is a juristic person, shall mean a signatory authorized to bind such juristic person, and shall also include the person authorized by the agricultural business operator.

Clause 4. An agricultural business operator who intends to operate the contract farming business shall notify the operation of business to the Office as follows:

(1) in the case where the contract farming business will be commenced for the first time or has been ceased but will be recommenced, the information regarding the contract farming business operation shall be notified in the Form 01 annexed to this Notification, together with the documents under clause 6, prior to the dissemination of the prospectus to farmers.

(2) in the case where the contract farming business is in operation, the information regarding the contract farming business operation shall be notified in the Form 01 and Form 02 annexed to this Notification, together with the documents under clause 6, within 30 days from date of this Notification comes into force.

Clause 5. The notification of agricultural business operation shall be carried out as follows:

(1) in case of notification made by the notifier or by another person entrusted thereby at the place of notification under clause 7 during the official hours, the notifier can download the business operation notification form from the website of the Office of the Permanent Secretary for Agriculture and Cooperatives (<https://www.opsmoac.go.th>) or request for the form at the place of notification, and shall fill the details in the form in a complete manner and then submit it together with the documents under clause 6.

(2) in case notification made through the website on the Internet network, the notifier shall register to log in to the system, and then record the information regarding the business operation in the form on the website of the Office of the Permanent Secretary for Agriculture and Cooperatives (<https://www.opsmoac.go.th>) in a complete manner, and print out the completed form and affix the notifier's signature thereon, and send it to the Office of the Permanent Secretary for Agriculture and Cooperatives by uploading the form together with the documents under clause 6 to the database through the website of the Office of the Permanent Secretary for Agriculture and Cooperatives, or by a registered mail, or submit in person at the place of notification under clause 7.

Clause 6. An agricultural business operator must submit the following business operation notification documents:

- (1) a copy of the certificate of registration of the juristic person;
- (2) a copy of the current memorandum of association;

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(3) a map showing the approximate location of the principal office or the domicile of the agricultural business operator;

(4) a copy of the national Identification card of the signatory authorized to bind such juristic person;

(5) a copy of the passport of signatory authorized to bind such juristic person, in case of a person of non-Thai nationality;

(6) a copy of the national identification card of the notifier, in the case where the notifier is a natural person;

(7) a copy of the house registration of the notifier, in the case where the notifier is a natural person;

(8) a power of attorney, in the case where an authorization is made for another to act on his or her behalf.

The business operation notification documents under paragraph one shall be submitted in Thai language only. If any document is in a foreign language, such document shall be translated into Thai and affixed with the translator's signature and the notifier's signature to certify its correctness.

Clause 7. Places of notification of the contract farming business operation:

(1) in the case where the principal office or the domicile of the agricultural business operator is located in Bangkok, the notification shall be made at the Office of the Permanent Secretary for Agriculture and Cooperatives.

(2) in the case where the principal office or the domicile of the agricultural business operator is located in other provinces, the notification shall be made at the Provincial Agriculture and Cooperatives Office located in that province.

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Clause 8. Once the agricultural business operator has notified the business operation under clause 4, it shall be deemed that the notification of business operation is effective as from the date the Office receives the notification or the date the business operator makes notification through the website on the Internet network, as the case may be. The Office shall complete the examination of the information and relevant documents and evidence within 5 working days. If they are correct and complete, the Office shall issue a receipt of business operation notification to the agricultural business operator as evidence.

In the case where any document, evidence or information submitted by the agricultural business operator is not correct or complete, the Office shall inform the agricultural business operator to submit additional documents, evidence or information in a correct and complete manner prescribed under clause 6. The agricultural business operator must comply with the request within 7 days from the date he or she is informed. In this regard, it shall also be informed that if the agricultural business operator fails to comply within the prescribed period, it shall be deemed that such agricultural business operator no longer has the intention to notify the business operation as previously submitted, and if such agricultural business operator operates a contract farming agricultural business, he or she shall be considered as having committed an offense and imposed the punishment according to the Contract Farming Promotion and Development Act, B.E. 2560 (2017).

Clause 9. In the case where there is any change in the information concerning the contract farming business operation, the agricultural business operator shall make a notification with respect to the changes or correct the information at the Office or make a notification through the website of the Office of the Permanent Secretary for Agriculture and Cooperatives (<https://www.opsmoac.go.th>) on the Internet network by recording the changed information in the Form 03 annexed to this Notification, and print out the completed form and affix the notifier's signature thereon, and send it to the Office of the Permanent Secretary for Agriculture and Cooperatives by uploading the form together with the documents under clause 6

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to the database through the website of the Office of the Permanent Secretary for Agriculture and Cooperatives, or by a registered mail, or submit in person at the place of notification under clause 7 within 30 days from the date of change of the information.

Clause 10. Once the Office of the Permanent Secretary for Agriculture and Cooperatives has been notified of the business operation or the change of business operation under clause 5 or clause 9, the Office of the Permanent Secretary for Agriculture and Cooperatives shall prepare a register of contract farming business operators and make it available on its website (<https://www.opsmoac.go.th>) for public inspection. The register system must be consistently updated.

Clause 11. For the purpose of supervising the contract farming business operation and consistently updating the agricultural business operator register system for public inspection in conformity with the objectives of the Contract Farming Promotion and Development Act, B.E. 2560 (2017), an agricultural business operator shall have the duty to make a notification to confirm his or her contract farming business operation and submit a report on the business operation information in the Form 04 annexed to this Notification to the Office of the Permanent Secretary for Agriculture and Cooperatives within 30 days from the last day of the calendar year. The submission shall be made in person, by a registered mail or through the Internet network system.

In the case where any contract farming business operator has failed to make a notification to confirm the contract farming business operation under paragraph one for 2 consecutive years, the Office of the Permanent Secretary for Agriculture and Cooperatives shall issue a written notice requiring the agricultural business operator to make a notification to confirm the business operation within 15 days from the date on which the confirmation period in the second year lapses. If the agricultural business operator fails to notify the confirmation within the prescribed period, it shall be deemed that the agricultural business operator no longer has the

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intention to continue operating the contract farming business, and the Office of the Permanent Secretary for Agriculture and Cooperatives shall delete the name of the agricultural business operator from the register system. This, however, does not prejudice the right of the agricultural business operator to notify the intention to reoperate the contract farming business.

Clause 12. In the case where an agricultural business operator intends to cease the contract farming business operation, the agricultural business operator shall notify his or her intention in writing to the Office together with the documents and evidence in the Form 05 annexed to this Notification. The notification shall be made not less than 30 days prior to the date the contract farming business operation will be ceased. The notification of cessation shall be made at the place under clause 7.

Once the notification of cessation under paragraph one has been made, the Office of the Permanent Secretary for Agriculture and Cooperatives shall delete the name of the agricultural business operator from the register system.

Notified on the 19th October B.E. 2560 (2017)

General Chatchai Sarikulya

Minister of Agriculture and Cooperatives

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