



Customs and Global Trade Services Newsletter

New Customs Act B.E. 2560 (2017)

The new Customs Tax Act B.E. 2560 ("The Act") was announced in the National Gazette on 17 May 2017. The Act will become effective within 180 days from the date of announcement, which will be 13 November 2017.

The Act has replaced and consolidated the current Customs Act and related regulations into a single Customs Act and the significant change in this Act are as follows;

Prior to the effective date of the Act, it is believed that there will be approximately 80 sub-regulations to be announced¹.

¹ There is still no announcement of major regulations related to new Excise Act B.E. 2560 as of 19 July 2017

Issue	Customs Act B.E. 2469	Customs Act B.E. 2560
The period for Customs to perform a post audit/investigation	N/A	Section 159, limited to within 5 years from the date of importation/exportation.
Penalty for smuggling offence	Section 27, the penalty shall be imprisonment of up to 10 years or 4 times of import value plus duty or both	Section 242, the penalty shall be imprisonment of up to 10 years or 4 times of import value plus duty or both and seize of goods.
Penalty for duty evasion and offences related to prohibited and restricted goods		Section 243 and 244, the penalty will be imprisonment of up to 10 years or a range of 0.5 – 4 times of duty shortfall or both. Also, the goods may be sized.
Surcharge	Section 112 Quarter, 1% monthly surcharge from the date of importation (no capped) shall be collected for duty or additional duty payment except the case that discovered by an official investigating.	Section 22, 1% monthly surcharge (capped at duty shortfall) shall be collected for duty or additional duty payment with no exceptional cases.
Wilful intent for certain offences	N/A	Under section 252, wilful intent is not required to decide guilt for smuggling and offences related to prohibited and restricted goods.
Period to request a duty refund	Section 10, within 2 years from the date of importation/exportation.	Section 25, within 3 years from the date of importation/exportation.
Timeline for the Board of Appeal to consider the case	N/A	Section 41, within 180 days from the date of submission of the Appeal with completed supporting documents.
Reward sharing system	Section 102 ter, no cap for reward sharing.	Section 255, reward sharing will be capped at THB 5 million for each case.

What this means for you

Given the capping of rewards, there is a likelihood that the number of audits will increase. Therefore, the company should be particularly aware and perform an internal review of the import/export operation to identify the potential issues and address the issues before the audit occurs.

How we can support

Deloitte's Southeast Asia Customs & Global Trade Services team has dedicated specialists who are able to support you and your company in the following areas:

- Assessment of existing processes and procedures to identify any potential duty (and other border tax) exposures.
- Advise on corrective actions that could be taken should any underpayments be discovered.

Contacts

For more information on the above or any other Customs and Global Trade matters, please contact **Stuart Simons** (Tel: +66 2034 0000 ext. 5021) or **Sujitra Sukpanich** (Tel: Tel: +66 2034 0000 ext. 11394), or your usual Customs and Global Trade Services contact in Deloitte.

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