

Regulation of the Ministry of Public Health

On communication between the authorities and operators or concerned persons of tobacco products B.E. 2559 (A.D.2016)

Whereas it is deemed proper to determine the rules and procedures regarding the communication with the operators and concerned persons of tobacco products to be in conformity with the responsibilities of Thailand under clause 5.3 of WHO Framework Convention on Tobacco Control in order to prevent public policies on tobacco products control tampering by the operators and concerned persons of tobacco products and also to determine the measures promoting the transparent communication and cooperation with the operators and concerned persons of tobacco products

By virtue of section 21 of the Administration Organization of the State Act B.E.2534 (A.D. 1991) and its modified issues, the Permanent Secretary of the Ministry of Public Health hereby issues a regulation as follows:

Clause 1: This regulation shall be called “Regulation of the Ministry of Public Health on communication between the authorities and operators or concerned persons of tobacco products B.E. 2559 (A.D.2016)”

Clause 2 : This regulation shall come into force on the day following the date of its publication in the Government Gazette.

Clause 3 : In this regulation

“Authorities” means the government officials, government employees and employees of the Ministry of Public Health or its agencies including the persons under other agencies performing official duties in the Ministry of Public Health.

“Operators” means the operators or its agents regarding tobacco products i.e. producer, seller, importer or exporter of tobacco products.

“Concerned persons” means persons of organizations concerning or agents or persons obtaining direct or indirect interests from tobacco industry i.e. tobacco farmer associations or societies, tobacco products seller associations or societies, legal consultants, lawyers or brokers of the operators or the operators providing advertisement of tobacco products etc.

“Tobacco products” means tobacco products under the laws on tobacco products control.

Clause 4 : The communication or access between the authorities and the operators or concerned persons of tobacco products shall be done as only necessary and shall be transparent. The authorities shall produce communication record to be kept as the evidences. The records shall include the information at least as follows:

- (1) Date, time and place of communication.
- (2) Names and titles of the communicated authorities or the authorities granting the access.
- (3) Names, titles and addresses of operators or concerned persons.
- (4) The purposes of communication or access.
- (5) Notes regarding the concluded issues of the communication or access.

Clause 5 : The accesses for the purpose of meeting between the authorities and the operators or concerned persons of tobacco products shall be conducted as follows:

- (1) The authorities shall determine the agendas, amount and names of the attendees explicitly.
- (2) The operators or concerned persons shall inform their names and show the evidences affirming their identities.
- (3) Before the meeting starts, the authorities shall provide the consent letter to be signed by the operators or concerned persons to confirm that they will not record any pictures or voice of the meeting and will not publicize the contents of the meeting for the purpose of their commercial interests.
- (4) The authorities shall make the minutes of the meeting.
- (5) The authorities shall disclose the contents of the meeting to public and make them be accessible for the public.

Clause 6 : The communication or access with the authorities to participate or to express the opinion regarding determination of the policies, draft laws concerning tobacco products control cannot be done.

Clause 7 : The agencies of the Ministry of Public Health may issue rules, regulations or principles which are not inconsistent or contradictory with this regulation.

Clause 8 : In case of problems arising from the execution or operation of this regulation, it shall be finally settled and decided by the Permanent Secretary of the Ministry of Public Health.

Notified on this 17th day of February B.E. 2559(A.D. 2016)

(Suwannachai Wattanayingcharoenchai)
(For) Permanent Secretary
of the Ministry of Public Health