

Announcement from Office of Trade Competition Commission
Topic: Criteria for collecting or taking products as samples
B.E. 2561

According to the Competition Act B.E. 2560, Section 63 (3) stated that officers is empowered to collect or take the product, in appropriate amount, as samples for investigating or analyzing without actually purchase needed. Therefore, it is proper to regulate the criteria in collecting or taking products as samples.

By an authority in accordance with Section 17(2) and Section 63(3) Competition Act B.E. 2560, the Committee of Trade Competition Commission Office issued the announcement as follows:

1. This announcement is denominated as “Announcement from Office of Trade Competition Commission (Topic: Criteria for collecting or taking products as samples B.E. 2561

2. This announcement is enforced since the following day of the announcement in Royal Thai Government Gazette

3. In this announcement,

“Investigative Officer” means an officer who is nominated by the committee to be responsible for the investigation.

“Head of Investigative Officers” means the supervisor who is nominated to be responsible for the investigation.

“Storage of products’ samples” means the room used for containing products according to the regulation from the Secretary.

4. An investigative officer must show his staff ID card to an entrepreneur who has the ownership upon the product or is responsible for taking care of the product at the storage’s location before proceeding in collecting samples of products. In additional, the office must inform the reasons why it must be done.

To proceed paragraph 1, the head of investigative officer must accompany. The supervisor may coordinate with public/private organization to deliver knowledgeable officer who is specialized about the product in which must be collected as samples.

5. An investigative officer must carefully collect or take the product as samples by, every time, recording video during the procedure.

6. During the collecting process, the investigative officer pick the products’ samples and control the collecting flow himself. An entrepreneur or the person who takes care of the product shall keep the product samples.

In case individuals according to paragraph 1 refused to collect samples of products, an investigative officer may collect the samples himself or let another individual does. The individual, mentioned earlier, will be liable of any expenses himself. Nevertheless, the samples collector must not be stakeholders who is related with the case.

Sample collecting procedure, according to paragraph 1, shall be done with the sufficient amount for investigating or analyzing in accordance to the decisions of the head of investigative officers.

7. The investigative officer must request other individuals to be witnesses by recording name, surname, national ID number, and telephone number as evidences.

In case it is not possible to acquire witnesses, the officer must report at the end of the announcement

8. If the collecting process has been done, an investigative officer must fill the report at the end of this announcement. The individual from 6. shall examine and leave his written signature as a consent to be collected some products as samples. An officer shall provide him the copy of record

and the copy of product samples' account. If the individual from 6. Refuses to sign his written signature, the officer must note in the report.

9. If the collecting process has not been done since the product cannot be moved, the investigative officer must orderly put the product into the package, seal the package, imprint the stamp, and indicate the product's detail clearly. The officer must, also, leave his written signature on the package.

In case it is not possible to pack up the product in the package, the investigative officer shall collect the product orderly seal the package, imprint the stamp, and indicate the product's detail clearly. The officer must, also, leave his written signature on the package.

10. An investigative officer shall proceed according to 8. by storing the product, immediately.

In case the sample is huge, expensive, danger, pluralistic, not fit the storage, or not in the proper place of storage; the investigative officer must be responsible for orderly collecting and taking care of the product. Officers may request for coordination with public/private organization in order to preserve during analyzing and investigating processes the product. The officer must consider about the proper ways to preserve samples orderly and safely. Nevertheless, the Director of Property and Supplies Department must report an error and request for the permission of locations and expenses for preserving the property in dispute. The secretary must be recognized immediately in order to permit.

The Director of Property and Supplies Department must inform the investigative officer must forward the samples to him when the proper location is found and the number of officers is sufficient in taking care of the sample.

In case the collecting process according to 9. , the Director of Property and Supplies Department shall be responsible for taking care of samples. The head of investigative officer may request for the collaboration from other public sectors or assign other private organizations to preserve the samples during the analysis or investigation. An agreement from the Secretary or person who is assigned by the Secretary must be acquired before proceed.

11. The Director of General Facts Seeking Department must provide product samples delivery documents to the Director of Property and Supplies Department. The detail must be indicated as follows:

(1) Documents number and the sender's field of work

(2) Case number

(3) Name, Surname, Job title, and staff number of the officer who deliver the product. The deliverer must be an investigative officer of the case.

(4) Copy of product samples' account

12. The Director of Property and Supplies Department must store the products properly by considering about safety and possible damage that may occur to the product samples.

13. The investigative officer who is willing to draw product samples from the storage location to investigate or analyze must fill the request and deliver the product samples back by the given duration.

In case the product sample cannot be delivered back by the deadline, the head of investigative officer must file a petition to expand the deadline to the Director of Property and Supplies Department before the deadline.

In case the analysis and investigation has been done and the product is not necessary in prosecuting anymore, the supervisor of investigative officer must indicate reasons in the form of product samples requesting. The supervisor must attach evidences of permission for selling the

samples as agreed by the Secretary. The Director of Property and Supplies Department shall sell the account of product samples from the storing and preserving license of the Committee of Trade Competition Commission Office, afterwards.

14. When the process of investigation and analysis is done and there is some product samples left, it must be returned to the entrepreneur or the person who is responsible for taking care of products immediately. An exclusion is when the ownership of samples falls to the land in accordance with the agreement of an entrepreneur or a person who is responsible for taking care of products. The remaining samples must be handled by approaches as follows:

(1) Destroy with the approach permitted by the Secretary.

(2) Other approaches permitted by the Secretary.

15. In case there is no testimonial on returning the product samples, all the remain samples will be owned by the land since the entrepreneur or the person who is responsible of taking care of the product refuses to give a testimonial. The person who inform must take remaining samples back within the given deadline.

If the individual failed to show up, it will be considered as disclaiming the samples and all remaining samples will be owned by the land. The remaining samples will be handled according to 14 (1) (2) or (3).

16. Expenses occurred during the process of collecting and preserving the product samples can be requested, by the investigative officer and The Director of Property and Supplies Department, as a budget in advance in accordance with the regulation of the Office of Trade Competition Commission

17. The Chairperson of Trade Competition Commission Office shall be in charge in accordance with this announcement.

Issued On ____ October B.E.2561

(Mr. Sontirat Sontijirawong
Minister of Commerce, Chairperson of
Trade Competition Commission

**Record and Testimonial for collecting or taking products as samples
in accordance with the Competition Act B.E. 2560**

Record number

Date Month Year (B.E.)

This record shows that On..... Month..... Year(B.E.).....The officer,
according to the Competition Act B.E. 2560, is composed of

- 1. Job Title
- 2. Job Title
- 3. Job Title
- 4. Job Title
- 5. Job Title

By an authority in accordance with Section 63 (3) of the Competition Act B.E. 2560 and for
the greater benefits of the Competition Act, the officer has engaged
 Office Marketplace Wholesale market Storage Etc.

oflocated at.....Village number..... Road

Sub-districtDistrict..... Province.....

Tel..... Fax.....

The investigative officer showed the staff ID card and informed reasons of collecting or taking products
as samples to investigate or analyze towards (Mr./Mrs./Miss) who is
 An entrepreneur and the product owner Assigned person, job title.....

An entrepreneur and the product owner or Assigned person

Collect the product himself

Did not collect the product, himself, since

But.....Acted as the representative collector

The sample has been collected at.....O'clock without any violating acts towards
the law. The detail is appeared according to the product account at the end of this record. The sample
collecting process is done at O'clock

In addition, the officer has conducted the collecting process without threatening, forcing, or
any acts that is physically and mentally harmful to an individual. Besides, the officer did not cause any
damages on property or products.

.....The head of investigative officers
.....An entrepreneur and the product owner or Assigned person (Name)
.....Evidences are certified by (name)

Nonetheless, the officer have read the record and the product account outloud and I certify that information and detail in the record of product samples collecting process and the product account attached with this document are correct, enough, and proper in amount, and based on facts. In case that there is samples left after the investigation or analysis

I don't wish the product in return. The ownership shall fall to the land.

I wish the product to be returned. However, I'm willing to deliver the ownership to the land if I failed to show up by the given deadline.

As I have received the copy of record and the copy of product account from the investigative officer, I shall leave my written signature as evidence.

Name.....An entrepreneur who owns the product/
(.....)Assigned person

Name.....The supervisor of investigative officer
(.....)

Name..... An investigative officer
(.....)

Name..... An investigative officer
(.....)

Name.....Witness 1
(.....)

Name.....Witness 2
(.....)

**Unnecessary detail can be cut off

I have received the copy of record and the copy of product account from

Name.....An entrepreneur who owns the product/
(.....)Assigned person

Date.....Month.....Year(B.E.).....

Officer's note:

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**Product Account for supporting record of collecting or taking product samples
In accordance with the Competition Act B.E. 2560
of the entrepreneur**

Location's name

Address

Date..... **Month**..... **Year(B.E.)**.....

Order	Title of product samples	Attribution and Appearance	Number or quantity of the samples (Unit.....)	Note

Note: In case the information exceeded the given space, attachment is allowed.

/I have...

Examined and certified (name)..... An entrepreneur who owns the product/assigned person (Name)The Supervisor

I (Mr./Mrs./Miss.)..... , the entrepreneur and owner/the assigned person certify that the investigative office; in accordance with the record of product samples collecting, have proceeded in collecting or taking samples of product on the specific date and location and in the proper amount to investigate and analyze according to the Competition Act B.E. 2560. The detail and quantity are as appeared in this account. Nonetheless, I have examined and certified that the information is correct, enough, and proper in amount, and based on facts. Therefore, I shall leave my written signature as the evidence.

Name.....An entrepreneur who owns the product/ Assigned person
(.....)led the investigation.

Name.....The supervisor of investigative officer
(.....)

Name.....An investigative officer
(.....)

Name.....An investigative officer
(.....)

Name.....Witness 1
(.....)

Name.....Witness 2
(.....)