

Draft

Act

Sustainable Packaging Management BE....

Section 1. This Act is called the “Sustainable Packaging Management Act B.E.”

Section 2. This Act shall come into force after one hundred and eighty days from the date of its publication in the Government Gazette. except the provisions in Chapter 5 shall come into force after the expiration of two years from the date of its publication in the Government Gazette.

Section 3 In this Act

“Sustainable packaging management” means the production, use, reuse, Recycling, converting to energy Safe treatment and disposal of packaging with regard to material recycling and minimization of waste and pollution in line with the circular economy approach. as well as alleviating or compensating for damages that occur to the environment.

“Packaging” means a container or wrapping or a box or any material used for encapsulation Packing, transportation, handling, protection, promotion Marketing or selling any product or item which may be packaged It also includes packaging materials or other single-use materials used for the consumption or use of products that have been declared by the Minister to be sustainable packaging materials.

“Used packaging” means packaging that has been used or has been used. and the owner or possessor does not wish to keep it for utilization

“Recycle” means the process of processing or improving the quality of used packaging so that it can be reused as raw materials or new materials to produce new packaging or other products.

“Reduce use” means to reduce the use of packaging or reduce the amount of packaging materials in the business cycle, including the conversion to packaging derived from recycling processes.

“Responsible Operator” means the following persons:

1. Manufacturers or importers of products with packaging under their own or others' labels.
2. Manufacturers or importers of packaging for distribution. If the package does not have a manufacturer's label in the preceding paragraph, it is exempted
3. Manufacturers or importers of products that use packaging under their own or others' product labels. or manufacturers or importers of packaging that are government agencies according to the laws governing the administration of state affairs
4. Manufacturers or importers of products that use packaging under their own or others' product labels. or a manufacturer or importer of packaging that is a small business under the law on promoting small and medium enterprises
5. Manufacturers or importers of products that use packaging under their own or others' product labels. or manufacturer or importer of packaging for export

“Packaging Management Organization” means an organization responsible for handling packaging established under this Act to represent entrepreneurs responsible for promoting the

sorting and collection of packaging. Used for sustainable reuse and means including the implementation of other missions specified in this Act.

“Used packaging collector” means a person who collects or purchases used packaging for sale to entrepreneurs who recycle used packaging or other persons. and includes those who are professionals collecting objects or damaged things used or leftover or bottle washing Used containers or packaging to be reused according to the law controlling the auction and antique trade.

“Distributor” means a business operator selling products or providing services that use packaging that has been declared to be packaging that requires sustainable management under this Act.

“Service fee” means the service fee that the operator responsible must pay to the organization responsible for packaging management for sustainably managing used packaging and carrying out other tasks specified in this Act.

“Damage Compensation Fee” means the fee charged for used packaging that cannot be sustainably managed and may leak into the natural ecosystem. damage the environment

“Competent official” means a person appointed by the Minister to have the powers and duties to perform duties under this Act.

“Minister” means the Minister of Natural Resources and Environment.

“Director-General” means the Director-General of the Pollution Control Department.

“State agency” means a government agency, a state enterprise, an agency of the National Assembly, the Court of Justice, the Administrative Court, the Constitutional Court. constitutional independent organizations, prosecutor organizations, public organizations, local government organizations and other government agencies as required by law

"Local official" means

1. President of the Provincial Administrative Organization For the Provincial Administrative Organization
2. Mayor for municipalities
3. President of Subdistrict Administrative Organization for the sub-district administrative organization
4. Governor of Bangkok for Bangkok
5. Mayor of Pattaya City for the area of Pattaya City
6. Executives of other local government organizations for the area of such local government organization.

Section 4 The Minister of Natural Resources and Environment shall have charge and control of the execution of this Act and shall have the power to appoint competent officials. with the issuance of ministerial regulations and announcements including determining other businesses for the execution of this Act

Ministerial regulations and announcements shall come into force upon their publication in the Government Gazette.

Section 5 For the benefit of sustainable packaging management The Minister, with the approval of the Sustainable Packaging Management Policy Committee has the power to issue ministerial regulations or announcements as follows:

1. Specify types of packaging that must be handled sustainably in accordance with Section 20.
2. Prohibit the production or import of single-use packaging that causes marine waste problems. or prohibiting or restricting the use of certain types of packaging in certain areas in order to prevent leakage into the sea under Section 21.
3. Determine the rate of fees to compensate for damage to the ecosystem from the leakage of used packaging into nature under Section 22.

Section 6 The Minister, with the recommendation of the Committee, shall support and promote sustainable packaging management. has the power to issue the following announcements

1. Conditions, criteria and methods for registering an organization responsible for packaging management.
2. Types of packaging that must be handled sustainably
3. Establish measures related to reducing the use of materials. recycling and increasing the proportion of recycled materials in packaging
4. Define labels or symbols to promote sustainable packaging management.
5. Conditions, rules and procedures for registering responsible entrepreneurs
6. Establish guidelines for calculating service fees for handling used packaging.
7. Set measures to promote sustainable packaging management in government agencies.
8. Any other announcements as specified in this Act.

Chapter 1

Promoting sustainable packaging management

Part 1

Sustainable Packaging Management Policy Committee

Section 7 There shall be a committee called “Sustainable Packaging Management Policy Committee” consisting of

1. Deputy Prime Minister assigned by the Prime Minister chairman
2. Minister, Minister of Natural Resources and Environment as the first vice chairman Minister of the Interior Minister of Industry, Minister of Commerce, Minister of Finance, Minister of Health, Minister to the Prime Minister's Office
3. 5 qualified members appointed by the Cabinet, consisting of:
 - a. 1 civil society representative
 - b. 1 representative of a business operator related to the production of packaging
 - c. 1 representative of a business operator involved in the handling of used packaging
 - d. 1 qualified person with knowledge, expertise, and experience related to waste management according to the circular economy approach or according to the principle of increased producer responsibility
 - e. 1 qualified person with expertise Have work and experience related to packaging design and production or material science

The Permanent Secretary of the Ministry of Natural Resources and Environment shall be member and secretary. and the Director-General shall be a member and assistant secretary.

Rules, procedures and conditions for the appointment of qualified members shall be as prescribed in the Ministerial Regulations.

A qualified member shall be entitled to meeting allowances or other benefits in accordance with the rules prescribed in the Ministerial Regulations.

Let the Pollution Control Department be the organizer of the meeting.

Section 8. The Sustainable Packaging Management Policy Committee has the powers and duties as follows:

1. Consider and approve policies and plans to promote sustainable packaging management under section 15.
2. Consider and approve the determination of types of packaging that entrepreneurs are obligated to manage sustainably under section 20.
3. Consider approving a ban on the production or import of single-use packaging that causes marine waste problems. or prohibiting or restricting the use of certain types of packaging in certain areas in order to prevent leakage into the sea under Section 21.
4. Consider approving the rate of fees to compensate for damage to the ecosystem from the leakage of used packaging into nature under section 22.
5. Supervise and expedite the enactment of royal decrees, issuance of ministerial regulations, regulations, local ordinances, announcements, rules and orders

necessary to ensure that the law on the promotion of sustainable packaging management is completely systematic.

6. Propose financial, fiscal, taxation and investment measures to comply with policies and plans to promote sustainable packaging management.
7. Recommends amendments or improvements to the legislation related to the promotion of sustainable packaging management to the Council of Ministers.

Section 9. Qualified members under Section 7 shall hold office for a term of three years. However, they may be re-appointed for a consecutive period of not more than one term.

In the event of an additional appointment of a qualified member while the appointed qualified members are still in office The additional person appointed as a qualified member shall hold office equal to the remaining term of the qualified member who has already been appointed.

Section 10 In addition to vacating office at the expiration of term under section 9, qualified members appointed by the Council of Ministers vacate office upon:

1. Death
2. Resignation
3. Bankrupt
4. Being incompetent or quasi-incompetent
5. Sentenced to imprisonment by a final judgment to imprisonment Unless it is a penalty for an offense committed through negligence or a misdemeanor.
6. Dismissed by the Cabinet because he was unable to perform his duties as usual negligence in duty or misbehavior or incompetence

In the event that a qualified member vacates office, the Cabinet may appoint another person to be a qualified member instead. and the person appointed to replace him shall hold office for the remaining term of the qualified member he replaces.

Section 11 A meeting of the Sustainable Packaging Management Policy Committee must be attended by not less than half of the members. of the total number of directors There must be qualified members representing entrepreneurs and experts. At least one person from each party attends the meeting to constitute a quorum.

If the chairman does not attend the meeting or is unable to perform his duties to the vice chairman presided over the meeting instead If the President and the Vice-President do not attend the meeting or unable to perform duties The members present at the meeting shall elect one member who is a Minister. presided over the meeting

Hold a meeting of the Sustainable Packaging Management Policy Committee at least once a year.

Section 12 The Sustainable Packaging Management Policy Committee may appoint a sub-committee or working group to consider or perform any act as entrusted by the Board.

The sub-committee or working group shall receive meeting allowances or other benefits as prescribed in the ministerial regulations.

Section 13. In the performance of duties under this Act Sustainable Packaging Management Policy Committee A sub-committee or working group under Section 12 may invite any person to give facts. explanations of opinions or academic advice when appropriate and may seek cooperation from

anyone to obtain facts or to investigate any activities that may affect the sustainable management of packaging.

Section 14 In the performance of duties under this Act Let the Pollution Control Department be the operator. Or prepare proposals to the Sustainable Packaging Management Policy Committee for further consideration.

Part 2

Plan to promote sustainable packaging management

Section 15 The Minister, with the recommendation of the Sustainable Packaging Management Support and Promotion Committee, shall prepare a five-year sustainable packaging management promotion policy and plan for submission to the Sustainable Packaging Management Policy Committee for approval.

Sustainable packaging management promotion plan under paragraph one It must contain at least the following contents:

1. Targets for collection and recycling of used packaging and other targets such as targets for the proportion of recycled materials in packaging. that supports sustainable packaging management
2. Measures to assist and promote sustainable packaging management
3. Establish a place to collect, sort and recycle used packaging thoroughly.
4. Set guidelines for the implementation of relevant government agencies in line with sustainable packaging management.
5. Guidelines for sustainable packaging management standards that are in line with international principles
6. The process of disseminating knowledge to the public on the importance of sustainable packaging management.

The preparation of a plan to promote sustainable packaging management under paragraph one requires a public hearing from stakeholders and civil society, taking into account the consistency with the solid waste management plan or the circular economy plan or any other plan proposed by the government. There are also environmental management objectives.

Section 16 Once the sustainable packaging management promotion plan has been approved It shall be published in the Government Gazette and published to the public through channels that the public can easily access.

The government agency having the mission as specified in the sustainable packaging management promotion plan shall have the power and duty to carry out such plan and to achieve the specified objectives and targets. The Pollution Control Department is responsible for coordinating, monitoring and preparing a report on the plan's performance to be presented to the Sustainable Packaging Management Policy Committee and has the power to give advice to relevant government agencies to implement the plan.

Chapter 2

Supporting and promoting sustainable packaging management

Part 1

The Committee supports and promotes sustainable packaging management.

Section 17 There shall be a committee called the “Committee for Support and Promotion of Sustainable Packaging Management” consisting of the Permanent Secretary of the Ministry of Natural Resources and Environment. chairman of the board Director-General of the Department of Local Administration or representative Director-General of the Department of Industrial Works or a representative of the Secretary-General of the Thai Industrial Standards Institute or a representative Director-General of the Department of Internal Trade or representative the Director General of the Customs Department or the representative of the Director General of the Excise Department or the representative of the Director General of the Department of Health or the representative secretary-general of the Food and Drug Administration or representative and secretary-general of the Office of the Board of Investment or representative

Nine qualified members comprised of

1. 1 representative of the responsible operator 1 representative of the organization responsible for handling packaging 1 representative of the operator who handles and disposes of used packaging or waste 1 representative of the professional who collects used packaging 1 representative from the Thai Chamber of Commerce and the Board of Trade of Thailand 1 representative from the Federation of Thai Industries
2. 1 civil society representative, qualified person with knowledge and expertise 1 person with work experience and experience related to packaging management according to the circular economy. 1 person with work and experience related to the design and production of packaging or materials science

The Director-General shall be a member and secretary.

A qualified member under this section shall not be a qualified member under section 7 at the same time.

Rules, procedures and conditions for the appointment of qualified members shall be as prescribed in the Ministerial Regulations.

The qualified members shall be entitled to meeting allowances or other benefits in accordance with the rules prescribed in the Ministerial Regulations.

Let the Pollution Control Department be the organizer of the meeting.

Section 18 The Committee for Support and Promotion of Sustainable Packaging Management shall have powers and duties to give advice and opinions to the Minister or Director-General, as the case may be, on the following matters:

1. Establishing policies and plans to promote sustainable packaging management
2. Announcement prescribing rules and conditions for compliance with obligations stipulated by law.
3. Implementation of activities related to the implementation of the plan to promote sustainable packaging management.

4. Suggest amendments or amendments to the law on sustainable packaging management to the Sustainable Packaging Management Policy Committee.
5. Announcement of measures related to reducing the use of materials used in the production of packaging. Switching to reusable materials reusable biodegradable conversion to energy, treatment and disposal of packaging
6. Establishing measures to strengthen cooperation and coordination between government agencies, state enterprises Public and private agencies on sustainable packaging management
7. Declaring requirements for labels or symbols to promote sustainable packaging management
8. Guidelines for Determining and Reviewing Compensation Fee Rates
9. Conditions, criteria, methods for registering responsible entrepreneurs and reports on the amount of packaging imported into the market
10. Conditions, criteria, methods for obtaining approval and supervising sustainable packaging management plans of entrepreneurs and industries.
11. Guidelines for configuring services for the handling of used packaging of the organization responsible for packaging handling.
12. Submitting a report on package handling to the Cabinet at least once a year.
13. Performing any other acts as provided in this Act or other laws shall be the powers and duties of the Minister.

Section 19. The provisions of section 11 relating to the meeting of the Sustainable Packaging Management Policy Committee shall apply to the Sustainable Packaging Management Support and Promotion Committee *mutatis mutandis*.

Part 2

Measures to support and promote sustainable packaging management

Section 20 The Minister, with the approval of the Sustainable Packaging Management Policy Committee, shall have the power to issue ministerial regulations prescribing criteria for selection and types of packaging that must be managed sustainably in accordance with Chapter 3 of this Act.

In the announcement under paragraph one, the Minister may prescribe certain types of packaging to be packaging that requires packaging handling by a compulsory redemption system or a deposit and refund system, in accordance with the rules and conditions prescribed by the Minister.

Section 21 The Minister, with the approval of the Sustainable Packaging Management Policy Committee, shall have the power to issue ministerial regulations prohibiting the production or import of single-use packaging that causes marine waste problems. or banning or restricting the use of certain types of packaging in certain areas to prevent leakage into the sea. taking into account the relevant international obligations

In issuing the Ministerial Regulations under paragraph one, consideration shall be given to the assessment of the feasibility of consumption and business models in the use of reusable packaging. This includes assessing the environmental impact of single-use packaging and alternative packaging, taking into account the impact on marine life and marine debris accumulation.

Section 22. The Minister, with the approval of the Sustainable Packaging Management Policy Committee, shall have the power to issue ministerial regulations prescribing the type of packaging and the rate of damage compensation fee that the responsible entrepreneur must remit as income

to the environment fund. To support the remedy for ecological damage from the leakage of used packaging into nature by taking into account the chances of each type of packaging leaking into nature, the cost of cleaning and sending the packaging. Used to be treated and disposed of safely and costs to restore terrestrial and marine ecosystems.

The remittance of money to the Fund under paragraph one shall be made to the Excise Department, or in the case of imports, the Customs Department collects for the Excise Department, in accordance with the regulations prescribed by the Excise Department.

In the case of packaging subject to sustainable handling pursuant to Article 20, the organization responsible for handling the packaging may calculate the compensation fee under paragraph one as part of the service charge charged by the responsible operator. and collect compensation fees for member operators to deliver to the Excise Department.

Section 23 The Minister, with the recommendation of the Committee on Support and Promotion of Sustainable Packaging Management, shall have the power to issue notifications prescribing forms, types, conditions, methods for labeling or symbols for packaging that must be managed sustainably in accordance with Section 20.

Distributors are prohibited from selling products that use packaging that does not have a label or symbol under paragraph one.

Section 24 The Minister, with the recommendation of the Committee for the Support and Promotion of Sustainable Packaging Management, may announce the right of consumers to use containers in the purchase of products to reduce the use of packaging without being rejected by distributors.

Section 25. The Minister, with the recommendation of the Committee for the Support and Promotion of Sustainable Packaging Management, may issue ministerial regulations specifying the establishment of take-back points, resting points, or used packaging sorting in communities of local government organizations or distributors that have More than a thousand square meters of sales and parking spaces are combined to facilitate the separation of used packaging so that used packaging is not considered waste in accordance with the Public Health and Cleanliness Laws.

Used packaging collected under paragraph one must be reused, converted into energy treatment or disposed of by operators operating in accordance with the law on factories and the law on energy industry operation.

Section 26. Government agencies have the duty to take actions for the benefit of sustainable packaging management as follows:

1. Reduce the use of packaging that is difficult to manage or has a significant environmental impact, or replace with packaging or materials derived from recycling processes within the organization or in the responsible activities or projects.
2. Consider procuring products that entrepreneurs use packaging that has reduced the use of raw materials or materials or has increased the use of recycled materials in packaging. according to the criteria set by the Cabinet
3. Organize the separation of used packaging from other waste before handing it over to the authorized person for collection.
4. Increase public and private awareness of packaging reduction, separate storage of used packaging through educational and public activities, and try to create practical cooperation.

5. Take other actions as a model of supporting and promoting sustainable packaging management as prescribed by the Minister upon recommendation of the Committee on Supporting and Promotion of Sustainable Packaging Management.

The Minister shall have the power to summon state agencies to prepare reports on the actions under paragraph one and shall have the power to give advice to state agencies to take action.

If any government agency fails to implement the advice under paragraph two, the Minister shall report to the Council of Ministers to consider prescribing appropriate measures.

Section 27 The Pollution Control Department shall be responsible for overseeing the sustainable packaging management promotion system by establishing an information system for registration, dissemination of information and facilitating business operators responsible for the organization responsible for packaging management. supplier packaging and local government organizations in compliance with this Act.

Chapter 3

Sustainable Packaging Management Responsibility

Part 1

Duties of entrepreneurs responsible for sustainable packaging management\

Section 28 Entrepreneurs who are responsible for packaging declared under section 28 20 Register with the Pollution Control Department within one hundred and eighty days from the date of the announcement specifying types of packaging in the Government Gazette.

Entrepreneurs who are responsible after the announcement under Section 20 shall register within ninety days from the date of commencement of bringing the packaging into the market.

Conditions, rules and procedures for registration and reporting of quantity of packages imported into the market shall be as prescribed by the Minister.

The entrepreneur who is responsible shall pay the registration fee or amendment of the registration at the rate prescribed in the Ministerial Regulations.

Section 29 Responsible entrepreneurs are responsible for sustainable packaging management as follows:

1. Reduce or avoid the use of certain materials that are difficult to handle or not commercially viable, or packaging whose production or disposal would have an undue environmental impact.
2. Display labels or symbols according to Section 23 on packaging according to conditions and criteria announced by the Minister to show that packaging is managed sustainably in accordance with this Act.
3. Collect used packaging and utilize it for reuse or recycling or conversion to energy or safe disposal according to the collection target amount announced in accordance with Article 15.
4. Communicate and provide information to the public To promote the sorting of used packaging and the return of used packaging for sustainable management.
5. Management of packaging by a compulsory redemption system or by a deposit and refund system as prescribed by the Minister under Section 20 paragraph two.

Responsible entrepreneurs may assign an organization responsible for packaging management established under this Act to carry out their responsibilities under paragraph one (3) – (5).

Section 30 Responsible entrepreneurs who have not assigned an organization responsible for packaging management established under section 31 to act on their behalf under section 29 paragraph 2 must submit a sustainable packaging management plan of the entrepreneur for approval. to the Director-General in accordance with the conditions, rules and procedures for requesting approval and supervising the sustainable packaging management plan announced by the Minister.

The sustainable packaging management plan of the operator under paragraph one shall last for three years. and must contain at least the following contents

1. Types and weight of packages covered under the plan.
2. The goal of the used packaging to be collected for reuse is the weight by package type.
3. Methods for sorting and retrieving used packaging for sustainable management, including compliance with the compulsory redemption system or the deposit and refund system as announced by the Minister under section 20 paragraph two
4. How to communicate and provide information to the public to promote the sorting of used packaging and the return of used packaging for sustainable management.
5. Estimated expenses related to the implementation of the plan including compensation fees under section 22 and financial management methods to support expenses incurred in the future.
6. Other content as specified by the Minister

The entrepreneur who is responsible for the sustainable packaging management plan of the approved entrepreneur must prepare and submit a performance report to the Director-General annually in accordance with the criteria and methods for obtaining approval and Supervise and monitor the sustainable packaging management plan announced by the Minister in the event that the used packaging cannot be collected and reused according to the target, the responsible entrepreneur must pay additional damage compensation fees under Section 22. according to the weight of the package that cannot be handled according to the plan

Part 2

Organization responsible for packaging management

Article 31 An organization responsible for packaging management shall be established with the support of the Federation of Thai Industries or the Chamber of Commerce established under the law on the Federation of Thai Industries and the law on Chamber of Commerce having the powers and duties in accordance with the objectives set forth in this Act.

Let the organization responsible for the management of packaging be a legal entity.

Article 32 The organization responsible for packaging management has the following objectives:

1. Represents the entrepreneurs who are responsible for the implementation of Responsibilities under section 29 paragraph one (3) – (5)

2. Develop an industrial sustainable packaging management plan to support the implementation of the responsibilities assigned by the responsible entrepreneurs under (1).
3. Set service fees for the handling of used packaging in accordance with the service fee calculation guidelines announced by the Minister in order to promote the handling of packaging in accordance with the objectives of this Act in a transparent and fair manner.
4. Organize a system for collecting used packaging in every province with the support of Bangkok, the Provincial Administrative Organization. or other forms of local government organizations in separating used packaging from waste under section 39, including the actions under section 25.
5. Promote the quality of life, safety and occupational security of used packaging collectors.
6. Send the collected used packaging to a licensed treatment and disposal provider in compliance with the factory and energy industry laws.
7. Consulting and providing recommendations to responsible operators and governments for the benefits of sustainable packaging management.
8. Perform other activities as may be specified by law to be the responsibility of the organization responsible for handling the packaging. or as assigned by the government

Section 33 The organization responsible for packaging management shall submit an industrial sustainable packaging management plan to the Director-General in accordance with the criteria, procedures for requesting approval and monitoring of the sustainable packaging management plan announced by the Minister.

The sustainable packaging industry management plan under paragraph one shall be valid for three years. and must contain at least the following contents

1. List of responsible operators participating as members, types and weight of packages of each responsible operator covered under the plan.
2. The goal of the total used packaging to be collected for reuse is the weight by packaging type.
3. Methods for sorting and retrieving used packaging for sustainable management, including compliance with the compulsory redemption system or the deposit and refund system prescribed by the Minister under Section 20. second paragraph
4. Guidelines for supporting local government organizations and professionals collecting used packaging under section 32 paragraph one (4) – (5).
5. Methods of communicating and providing information to the public to promote the sorting of used packaging and the sustainable return of used packaging.
6. Estimated expenses related to the implementation of the plan Including compensation fees for damages under Section 22.
7. Methods for charging management fees and estimating revenue from service fees that will be collected from responsible operators who join as members, taking into account the encouragement of responsible operators to adjust to include Their products have lower management costs or are easier to manage.
8. Other content as specified by the Minister

The organization responsible for packaging management must prepare and submit a performance report to the Director-General annually in accordance with the conditions, rules and

procedures for requesting approval and supervising a sustainable packaging management plan announced by the Minister in the event that it cannot be kept. collecting used packaging for reuse according to the target, the organization responsible for handling packaging must pay compensation fees under section 22 in addition to the weight of packaging that cannot be handled as planned

Article 34 Officers, employees or persons who used to be employees or employees of the organization responsible for the handling of packaging must not disclose trade secrets of the responsible entrepreneurs who have learned during the course of their duties.

Part 3

Supervision

Section 35. For the execution of this Act, the competent official shall have the power as follows:

1. Enter the premises and premises of the responsible operator or organization responsible for packaging handling or contracting parties between sunrise and sunset or during business hours to inspect their operations or check records. details, accounts or information about production and use of packaging when there is a reasonable ground to suspect that there is a non-compliance with this Act
2. To issue a written order summoning the responsible entrepreneur or organization responsible for packaging management or related persons to give a statement or to submit relevant documents or evidence for consideration in performing the duty under (1) have the person involved provide reasonable convenience

Section 36 Any responsible entrepreneur or organization responsible for packaging management fails to comply with this Act or Ministerial Regulations or Notifications of the Minister or Notifications of the Director-General issued under the provisions of this Act. Advise the responsible operator or organization responsible for the handling of the packaging to correct or improve the operation to be correct or appropriate within the specified period.

If the responsible entrepreneur or organization responsible for packaging management fails to comply with the instructions under paragraph one without reasonable grounds, the Director-General may issue a written order to rectify or improve the action within a specified period of time. Can

Section 37 An order under Section 36 shall be appealed to the Minister within thirty days from the date of receipt of the order and the decision of the Minister shall be final.

Section 38. In the performance of duties under this Act The competent official shall be an official under the Criminal Code.

In performing the duties, the competent official must show his identification card to the person concerned.

The identity card of the competent official shall be as prescribed in the Ministry's Notification.

Chapter 4

Storage and recycling of used packaging

Article 39 Local government organizations have the powers and duties to manage sustainable packaging as follows:

1. Collect used packaging separately from other waste and store it separately according to the type of packaging e.g. Set a separate collection date for waste collection. providing a specific take-back point or resting point for used packaging or investing in the construction of a sorting and processing center for recyclable materials or in accordance with the standards prescribed by the Minister
2. Provide containers for used containers that are sufficiently separated from other waste containers in a public place or way. or arrange for a take-back point or a resting point or sort packaging according to the standards prescribed by the Minister under Section 25.
3. Send the collected used packaging to a licensed treatment and disposal provider in compliance with the factory and energy industry laws.
4. Report sustainable packaging management information to the Director-General through the province at least once a year or upon the Director-General's request. Such information shall include at least information on the amount of used packaging that can be stored and processed. reuse according to the rules and procedures prescribed by the Director-General

Local government organizations shall have the power to issue local ordinances to prescribe conditions. Rules and procedures for the implementation under (1) and (3).

In taking action under paragraph one, a local government organization may cooperate with other state agencies or local government organizations to operate under a mutual agreement. But in the case of necessity for the public interest as a whole, the Minister has the power to issue ministerial regulations with the advice of the Committee Supporting and Promoting Sustainable Packaging Management, prescribing rules, procedures and conditions for joint action.

Article 40 No one shall dispose of used packaging together with other waste. and discarded outside the container provided by the local administrative organization for supporting used packaging only

The owner or occupier of the building shall have the duty to separate used packaging from other types of waste before delivering it to the local government organization or the person authorized to collect waste from the local government organization in accordance with the rules and procedures of the government organization. The local government announced it in the local ordinances.

Section 41 A professional shall collect used packaging and register it with a local government organization and carry out the business in accordance with the rules prescribed by the local government organization in local bylaws.

Used packaging collected by professionals under the preceding paragraph shall not be regarded as waste according to the waste management law.

Chapter 5

Penalty

Section 42. Any person who violates the provisions of Section 21 and Section 24 shall be liable to a fine not exceeding five hundred thousand baht.

Section 43 Responsible business operators who use labels or symbols in violation of the Notification of the Minister under section 23 paragraph one shall be liable to a fine of not more than one million baht and a daily fine of not more than ten thousand baht per day until the corrective action is taken.

Distributors who violate Section 23 paragraph two shall be liable to a fine not exceeding fifty thousand baht. and a daily fine of not more than one thousand baht per day until the correction is made.

Whoever counterfeits labels or symbols or using fake or unauthorized labels or symbols shall be liable to a fine not exceeding fifty thousand baht.

Section 44 Responsible entrepreneurs who do not register under section 28 shall be liable to a fine not exceeding one million baht. and a daily fine of not more than fifty thousand baht per day until the registration is correct.

Section 45 Responsible entrepreneurs who are registered but fail to comply with section 29 and section 30 shall be liable to a fine not exceeding one million baht. and a daily fine of not more than ten thousand baht per day until the correction is made.

Section 46 Any person who operates a business or presents himself as an organization responsible for handling packaging that does not comply with section 31 shall be liable to a fine not exceeding one million baht.

Section 47 An organization responsible for handling packaging that fails to comply with Section 32 and Section 33 shall be liable to a fine of no more than two million baht and a daily fine of no more than fifty thousand baht per day until corrective action is taken.

Section 48 Any person who violates or fails to comply with orders or obstructs the performance of duties of an official or the Director-General, as the case may be, under section 35 and section 36 shall be liable to a fine not exceeding two hundred thousand baht.

Section 49. Any person who violates the provisions of Section 40 shall be liable to a fine not exceeding two thousand baht.

Section 50 The Director-General has the power to impose a fine in a willful way as specified in this Part. except for imposing a fine under section 49, it shall be the power of the local official.

In considering issuing a implicit fine penalty order, the Director-General or the local official shall take into account the severity of the offending behavior, the weight of the packaging produced or used, or the damage to the implementation of the package management plan.

In the event that the person punished by vindication does not pay the vindicated fine under the law on vindicated fine and in the event that there is no officer to enforce the order or there is but the fine cannot be enforced as a testimony, the Director-General or the local official shall have the power to file an action in court for enforcing the payment of the fine. adjudicate And forced to seize or freeze assets sold by auction to pay fines

Section 51 In the case where the offender is a juristic person, if the offense of such juristic person is caused by an order or action of a director or manager or any person responsible for the operation of such juristic person, or in the event that such person is obligated to order Acts or acts and omissions to order or acts that cause such juristic person to commit an offense shall also be subject to the penalties provided for such offences.

Section 52 An offense under this Act shall be regarded as a probable offense under the law on probationary fines.

Transitional chapter

Section 53 The Minister shall establish an organization responsible for packaging management within two hundred and ten days from the date this Act comes into force.

Section 54 The first plan to promote sustainable packaging management under section 15 must include at least 5 types of packaging that must be managed sustainably, namely glass, metal, paper, plastic and composite materials used as Packaging for food, beverages, cosmetics and transport

Section 55 The organization responsible for packaging management shall prepare an industry sustainable packaging management plan under section 33 within three hundred and sixty days from the date this Act comes into force.