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# International Trade

# 2026

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## **Thailand: Law & Practice**

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Tilleke & Gibbins



# THAILAND

## Law and Practice

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## 1. Trade Agreements

### 1.1 World Trade Organization Membership or Plurilateral Agreements

Thailand has been a member of the World Trade Organization (WTO) since 1995. The country is also a party to several WTO plurilateral agreements, including the Trade Facilitation Agreement, which aims to simplify and harmonise international import and export processes. Thailand is not a party to the Government Procurement Agreement. As a WTO member, Thailand is committed to the principles of non-discrimination and transparency in trade.

### 1.2 Free Trade Agreements

Thailand is a party to numerous regional and bilateral free trade agreements (FTAs). Notable agreements in force include the ASEAN Free Trade Area (AFTA), the ASEAN–Australia–New Zealand FTA, and bilateral FTAs with countries such as Japan, China, and India. Thailand is also a founding member of the Regional Comprehensive Economic Partnership (RCEP), which entered into force in 2022. Negotiations are ongoing for additional FTAs, including with the European Union.

### 1.3 Other Trade Agreements

Thailand participates in other trade arrangements, such as the Generalised System of Preferences (GSP), under which certain Thai products receive preferential access to markets like the United States and the European Union. These arrangements impose legally binding obligations and provide Thai exporters with competitive advantages in key markets.

### 1.4 Future Trade Agreements

Thailand is actively negotiating new trade agreements, including a potential FTA with the European Union and the United Kingdom. These negotiations are at various stages, with the EU–Thai FTA currently in the early rounds of discussion. The government is also exploring opportunities to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).

### 1.5 Key Developments Regarding Trade Agreements

In the past 12 months, Thailand has ratified the RCEP, significantly expanding its trade network in the Asia-Pacific region. The government has also prioritised digital trade and e-commerce provisions in ongoing FTA negotiations, reflecting the growing importance of the digital economy.

### 1.6 Pending Changes to Trade Agreements

Key issues on the horizon include the potential conclusion of the EU–Thai FTA and further liberalisation under the RCEP. There is also an increased focus on sustainability and heightened labour standards in new trade agreements, which may impact compliance requirements for Thai businesses.

## 2. Customs

### 2.1 Authorities Governing Customs

Customs matters in Thailand are governed primarily by the Customs Act B.E. 2560 (2017), which sets out the legal framework for import, export, and transit of goods. The Act is supplemented by ministerial regulations and notifications issued by the Ministry of Finance.

### 2.2 Enforcement Agencies Enforcing Customs Regulations

The principal agency responsible for administering and enforcing customs laws is the Thai Customs Department, which operates under the Ministry of Finance. Other agencies, such as the Department of Foreign Trade and the Food and Drug Administration, may also be involved depending on the nature of the goods.

### 2.3 Legal Instruments

Thailand does not have a direct equivalent to the EU's Trade Barriers Regulation or US Section 301. However, Thailand can impose trade remedies such as anti-dumping and countervailing duties in response to unfair trade practices. Domestic companies may petition the Thai authorities for such measures, and non-domestic companies are generally allowed to participate in the review process. Findings are typically published on relevant government websites.

## 2.4 Key Developments in Customs Measures

In the past 12 months, the Thai customs and trade law has witnessed a major push towards transparency and international security compliance, headlined by two historic reforms announced in late 2025. First, the Customs Department finalised a plan to overhaul its century-old “bounty” system, issuing an immediate regulation in December 2025 that prohibits senior officials (Level 9 and above) from receiving shares of fines or seized assets, with a full legislative amendment drafted to ultimately abolish these rewards entirely – a move heavily influenced by the new US–Thailand Reciprocal Tariffs framework. Second, regarding dual-use items (DUI), the Ministry of Commerce launched a mandatory Licensing Scheme under the TCWMD Act; while the law has been in place since 2019, actual enforcement of export licences is set to begin in January 2026, starting with “Category 0” goods (nuclear materials and machinery) and requiring exporters to register via a new e-TCWMD system to prevent Thai supply chains from aiding weapons proliferation.

## 2.5 Pending Changes to Customs Measures

Upcoming changes include further digitalisation of customs processes and potential amendments to the Customs Act to align with international best practices. There is also ongoing discussion about enhancing risk management and post-clearance audit mechanisms.

# 3. Sanctions

## 3.1 Sanctions Regime

Thailand maintains a targeted sanctions regime, primarily in accordance with United Nations Security Council resolutions. The country does not have a comprehensive autonomous sanctions programme but may impose specific restrictions on individuals, entities, or countries as required by international obligations.

## 3.2 Legal or Administrative Authorities Imposing Sanctions

Sanctions are imposed under the authority of the Ministry of Foreign Affairs, in co-ordination with other relevant agencies such as the Bank of Thailand and the Anti-Money Laundering Office.

## 3.3 Government Agencies Enforcing the Sanctions Regime

The Ministry of Foreign Affairs is the lead agency for sanctions policy, while enforcement is carried out by agencies including the Bank of Thailand, the Customs Department, and the Anti-Money Laundering Office.

## 3.4 Persons Subject to Sanctions Laws and Regulations

Sanctions laws apply to all individuals and entities operating within Thailand, as well as Thai nationals and companies abroad, to the extent required by international law.

## 3.5 List of Sanctioned Persons

Thailand maintains lists of sanctioned persons in line with UN Security Council designations. Persons are added to these lists following official notifications from the United Nations.

## 3.6 Sanctions Against Countries/Regions

Thailand does not maintain comprehensive embargoes against any country or region beyond those required by the United Nations.

## 3.7 Other Types of Sanctions

Other sanctions may include asset freezes, travel bans, and restrictions on financial transactions, as mandated by international obligations.

## 3.8 Secondary Sanctions

Thailand does not impose secondary sanctions, nor does it threaten sanctions for transactions lacking a direct nexus to Thailand.

## 3.9 Penalties for Violations

Violations of sanctions laws can result in criminal and civil penalties, including fines and imprisonment, depending on the nature and severity of the offence.

## 3.10 Sanctions Licences

Licences may be available in limited circumstances to authorise activities otherwise prohibited by sanctions, subject to approval by the relevant authorities.

## 3.11 Compliance

Entities are expected to implement robust compliance programmes to prevent violations of sanctions

laws. Liability may be strict or based on negligence, depending on the specific regulation(s).

### 3.12 Sanction Reporting Requirements

Certain transactions involving sanctioned persons or entities must be reported to the relevant authorities, particularly in the financial sector.

### 3.13 Adherence to Third-Country Sanctions

Thailand does not have blocking statutes or anti-boycott regulations prohibiting adherence to other jurisdictions' sanctions, but compliance with Thai law and international obligations is required.

### 3.14 Key Developments Regarding Sanctions

In the past year, Thailand has updated its procedures for implementing UN sanctions, with a focus on improving inter-agency co-ordination and public awareness.

### 3.15 Pending Changes to Sanction Regulations

Potential changes include further alignment with international best practices and enhanced enforcement mechanisms, particularly in the financial sector.

## 4. Exports

### 4.1 Export Controls

Thailand's export controls are governed by several laws and regulations, including the Export and Import of Goods Act B.E. 2522 (1979) and related ministerial notifications. These controls regulate the export of strategic goods, dual-use items, and products subject to international obligations, such as arms, military equipment, and certain chemicals.

### 4.2 Administrative Authorities for Export Controls

The Department of Foreign Trade (DFT) under the Ministry of Commerce is the primary authority responsible for export controls. Other agencies, such as the Ministry of Defense and the Office of Atoms for Peace, may be involved for specific categories of controlled goods.

### 4.3 Government Agencies Enforcing Export Controls

The DFT enforces export controls in co-ordination with the Customs Department and other relevant agencies. These agencies ensure compliance with licensing requirements and monitor the export of controlled items.

### 4.4 Persons Subject to Export Controls

Export controls apply to all individuals and entities exporting goods from Thailand, including both Thai and foreign companies operating within the country. Certain items, such as dual-use goods, are subject to additional scrutiny.

### 4.5 Restricted Persons

Thailand maintains lists of restricted persons, particularly in connection with international sanctions and non-proliferation obligations. People may be added to these lists based on government or international determinations, such as UN Security Council resolutions.

### 4.6 Sensitive Exports

Sensitive exports include military equipment, dual-use goods, and items subject to international treaties. The DFT maintains and updates lists of such items, and exporters must obtain licences before shipping these goods abroad.

### 4.7 Other Export Controls

In addition to list-based controls, Thailand may impose export restrictions on certain goods for reasons of national security, public health, or to comply with international commitments. These controls can be implemented through ministerial notifications.

### 4.8 Penalties

Violations of export control laws can result in administrative penalties, fines, and imprisonment. The severity of the penalty depends on the nature of the violation and the goods involved.

### 4.9 Export Licences

Export licences are available for controlled goods, subject to review and approval by the DFT or other relevant agencies. The application process requires

detailed information about the goods, end users, and intended use.

#### 4.10 Compliance

Exporters are expected to implement compliance programmes to ensure adherence to export control laws. Liability may be strict or based on negligence, and companies are encouraged to conduct due diligence on customers and transactions.

#### 4.11 Export Reporting Requirements

Exporters must submit export declarations and supporting documents to the Customs Department. Additional reporting may be required for sensitive or controlled goods.

#### 4.12 Key Developments Regarding Exports

Recent developments include the introduction of an electronic licensing system and increased enforcement of controls on dual-use goods, in line with international best practices.

#### 4.13 Pending Changes to Export Regulations

Thailand is considering further alignment of its export control regime with international standards, including possible amendments to expand the list of controlled items and enhance compliance requirements.

The DFT may also self-initiate investigations if warranted.

#### 5.4 Ad Hoc and Regular Reviews

Reviews can be initiated on an ad hoc basis upon petition by interested parties or conducted periodically as required by law.

#### 5.5 Non-Domestic Company Participation

Foreign importers and producers are given the opportunity to participate in investigations and reviews, including submitting evidence and attending hearings.

#### 5.6 Investigation and Imposition of Duties and Safeguards

Investigations typically begin with a preliminary review, followed by a full investigation if sufficient evidence is found. Provisional measures may be imposed during the investigation, and final duties are determined based on the findings. The process generally takes 12–18 months.

#### 5.7 Publishing Reports

The DFT publishes reports and decisions related to AD/CVD investigations on its official website, ensuring transparency.

#### 5.8 Jurisdictions With No Imposition of Duties and Safeguards

Certain trade agreements may limit the imposition of AD/CVD duties on goods from specific jurisdictions, but these are exceptions rather than the rule.

#### 5.9 Frequency of Reviews

Existing AD/CVD measures are subject to review at least every five years or upon request by interested parties.

#### 5.10 Review Process

Reviews involve a reassessment of the need for continued duties, considering changes in market conditions and the impact on domestic industry.

#### 5.11 Appeal Process

Parties may appeal DFT decisions to the Intellectual Property and International Trade Court, which will review the legality and reasonableness of the measures imposed.

## 5. Anti-Dumping and Countervailing (AD/CVD)

### 5.1 Authorities Governing AD/CVD

The legal framework for anti-dumping and countervailing duties is set out in the Anti-Dumping and Countervailing Act B.E. 2542 (1999). The Department of Foreign Trade (DFT) is the main authority responsible for administering these measures.

### 5.2 Government Agencies Enforcing AD/CVD Measures

The DFT investigates and enforces AD/CVD measures, with support from the Customs Department for the collection of duties.

### 5.3 Petitioning for a Review

Domestic producers may petition the DFT to initiate investigations into alleged dumping or subsidisation.

## 5.12 Key Developments Regarding AD/CVD Measures

Recent years have seen increased use of AD/CVD measures, particularly in response to surges in imports of steel and chemical products.

## 5.13 Pending Changes to AD/CVD Measures

Potential changes include streamlining investigation procedures and enhancing co-operation with international partners to address circumvention of duties.

# 6. Investment Security

## 6.1 Investment Security Mechanisms

Thailand employs investment security mechanisms under the Foreign Business Act B.E. 2542 (1999) and the Trade Competition Act B.E. 2560 (2017). Certain sectors are subject to foreign ownership restrictions, and investments in sensitive industries may require prior approval. The review process typically takes several months, depending on the complexity of the transaction.

## 6.2 Agencies Enforcing Investment Security Measures

The Department of Business Development (DBD) and the Board of Investment (BOI) are the main agencies responsible for enforcing investment security measures.

## 6.3 Transactions Subject to Investment Security Measures

Transactions involving foreign investment in restricted sectors, mergers and acquisitions in sensitive industries, and investments that may affect national security or public order are subject to review.

## 6.4 Mandated Filings/Notifications

Filings or notifications are required for foreign investments in restricted sectors, as well as for certain mergers and acquisitions under the Trade Competition Act.

## 6.5 Exemptions

Exemptions may apply to investments promoted by the BOI or those covered by international treaties, such as the US–Thailand Treaty of Amity.

## 6.6 Penalties and Consequences

Non-compliance with investment security requirements can result in fines, revocation of business licences, or even forced divestment.

## 6.7 Fees

Fees may be charged for filings, approvals, and licences, with amounts varying depending on the type and size of the transaction.

## 6.8 Key Developments Regarding Investment Security

Recent developments include increased scrutiny of foreign investments in technology and infrastructure sectors, reflecting global trends in investment security.

## 6.9 Pending Changes to Investment Security Measures

Thailand is considering updates to its investment review framework to address emerging risks, particularly in critical infrastructure and data-related sectors.

# 7. Other Measures Affecting Production and Trade

## 7.1 Subsidy and Incentive Programmes for Domestic Production

Thailand offers various subsidies and incentives to promote domestic production, including tax holidays, investment allowances, and grants for research and development. These are primarily administered by the BOI.

## 7.2 Standards and Technical Requirements

The Thai Industrial Standards Institute (TISI) sets mandatory standards for a wide range of products. Compliance with these standards is required for both domestic and imported goods.

## 7.3 Sanitary and Phytosanitary Requirements

Sanitary and phytosanitary (SPS) measures are enforced by agencies such as the Department of Agriculture and the Food and Drug Administration. These measures ensure the safety of food, agricultural products, and animal health.

## 7.4 Policy and Price Controls

The Ministry of Commerce may impose price controls on essential goods and services to prevent market manipulation and protect consumers. Competition policy is enforced by the Trade Competition Commission.

## 7.5 State and Privatisation Measures

State-owned enterprises (SOEs) play a significant role in sectors such as energy and transportation. The government has pursued selective privatisation to increase efficiency and attract investment.

## 7.6 “Buy Local” Requirements

Certain government procurement projects include “buy local” requirements to support domestic industries. These requirements are subject to Thailand’s international trade obligations.

## 7.7 Geographical Protections

Thailand protects geographical indications (GIs) for products such as rice, silk, and fruit. The Department of Intellectual Property administers GI registration and enforcement.

## 8. Other Significant Issues

### 8.1 Other Issues or Developments

Recent legal developments include the introduction of new data protection laws and increased focus on environmental regulations. Thailand is also enhancing its digital infrastructure and e-commerce regulations to support economic growth and international trade.

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