

(Translation)

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(Garuda Emblem)

**Ministerial Regulations
Determining Qualifications of License Holders and
Criteria and Procedure governing Application for, and Grant,
of Oil Trader License(s) or Permit(s)
B.E. 2545 (2002)¹
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By virtue of Section 6, Section 7 para two, Section 20 para two and Section 11 para two of the Fuel Oils Trading Act, B.E. 2543, a legislation containing some provisions which limit individual rights and freedom permissible by virtue of the law pursuant with Section 29 in conjunction with Section 50 of the Constitution of the Royal Kingdom of Thailand, the following Ministerial Regulations are hereby issued by the Minister of Commerce:

Clause 1. An oil trader's qualifications/eligibility are as follows:

- (1) It must be either a limited company under the Civil and Commercial Code or a public limited company under laws governing public limited companies with an objective to conduct fuel oils trading operations.
- (2) Its registered capital and paid-up capital shall not be less than Baht fifty million which must not be reduced below this level throughout the tenure of its license.
- (3) Evidence(s) must be provided by commercial bank(s) duly licensed under laws governing commercial banks, or finance company(ies) duly licensed under laws governing the conduct of finance, securities and credit foncier operations, or the Industrial Financial Corporation of Thailand to show that it has a credit line of not less than Baht one hundred million for use as its working capital in the conduct of such fuel oils trading operations.

Clause 2. Application for an Oil Trader License under Section 7 shall be filed to the Department of Commercial Registration's Energy Office together with the following evidences:

- (1) Copy of Certificate of Incorporation which has not been issued for more than six months except where verification of such incorporation may be checked online in a website arranged by the Department of Commercial Registration.
- (2) Financial statements (if any) for the preceding fiscal period.
- (3) Evidences under Clause 1 (3).

¹**Remark:** Reference to Thai legislation in any jurisdiction shall be made only to the Thai version. This translation has been made so as to establish correct understanding about the law to the foreigners.

- (4) Details and location of service station(s) for which the applicant seeks to operate itself (if any).
- (5) Form seeking approval for the annual trading volume.
- (6) Details of depot(s) and fuel oils storage tank(s) together with documents showing ownership and a brief site-map (if any).
- (7) Operations Plan showing its capability to undertake action as a fuel oils trader pursuant with Section 7.
- (8) Power of Attorney (if any), together with Civic Identity Cards of the assignor and assignee of authority.

Clause 3. During the process of application for a fuel oils trader license pursuant with Section 7, if the applicant holds no title nor rights to lease fuel oils storage tank(s), consideration may be made by the Minister to issue a license on condition that action must be taken by the license-holder to acquire such ownership or rights to lease fuel oils storage tank(s) within a period of 1 year.

When it transpires that the license-holder fails to acquire the ownership or rights to lease fuel oils storage tank(s) within the time prescribed by the preceding paragraph but wishes to seek an extension of such deadline, the license-holder may file an application for extension before the lapse of the deadline in which respect extension may be granted twice by the Minister for a period not exceeding thirty days each.

At the lapse of the period under paragraph one or two, as applicable, if the license-holder still fails to hold ownership or rights to lease the fuel oils storage tank(s), its license will be invalidated and no fees will be refunded to the license-holder.

The manner and installation of fuel oils storage tank(s) including accessory equipment shall be made in line with the Ministry of Commerce's Notification(s).

Clause 4. As far as application to be duly registered as an oil-trader under Section 10 is concerned, the application shall be filed at the location prescribed by Clause 5, together with the following evidences:

- (1) For an individual applicant: copies of the applicant's Civic Identity Card and Domicile Registration Card.
- (2) For a legal entity applicant: copy of the Certification of Incorporation of that legal entity which has not been issued for more than six months except where its incorporation as a legal entity may be checked on-line in a website arranged by the Department of Commercial Registration.
- (3) Details of depot(s) and fuel oils storage tank(s) together with documents showing ownership and map-site for their location(s) in brief (if any)
- (4) Details and location of the service station(s) for which the applicant seeks to operate itself (if any).

- (5) Power of Attorney (if any), together with Civic Identity Cards of the assignor and assignee of authority.

Clause 5: The application under 4 shall be filed at the following location(s):

- (1) Where the premise of its operations or head office is located within the parameters of Bangkok Metropolis and Nonthaburi Province, the application shall be filed at the Department of Commercial Registration's Fuel Oils Office.
- (2) Where the premise of its operations or head office is located in a province other than those listed in (1), it shall be filed at the Office of Commercial Registration of that particular province.

Clause 6: As far as application to be duly registered as an oil-trader under Section 11 is concerned, it shall be filed at the location prescribed by Clause 7, together with the following evidences:

- (1) For an individual applicant: copies of the applicant's Civic Identity Card and Domicile Registration Card and copy of the Domicile Registration Card of the service station's location.
- (2) For a legal entity applicant: copy of the Certificate of Incorporation of that legal entity which has not been issued for more than six months, except where its incorporation as a legal entity may be checked on-line in a website arranged by the Department of Commercial Registration.
- (3) Documents showing the rights to use the premise for its operations as a service station.
- (4) Documents permitting its use of a trademark (if any).
- (5) Power of Attorney (if any), together with copies of the Civic Identity Cards of the assignor and assignee of authority.

Clause 7: Application under 6 shall be filed per service station(s) at the following location(s).

- (1) Where its service station(s) is located within the parameters of Bangkok Metropolis and Nonthaburi Province, the application shall be filed at the Department of Commercial Registration's Fuel Oils Office.
- (2) Where its service station(s) is located in provinces other than those listed in (1), it shall be filed at the Office of Commercial Registration of that particular province.

Clause 8: As far as application for a replacement license or replacement permit in lieu of the original(s) which has been damaged is concerned, the original license/permit which has been damaged shall be surrendered, or in the case of application for a replacement license or permit which has been lost, evidences pertaining to the filing of complaint of such loss to the police shall be submitted at the place where application for the license or registration is made, as applicable.

Clause 9: The License or Permit will be issued by the Minister or Director-General, as applicable, to the applicant only when payment has been made in full for any pertinent fees.

Clause 10: The application for and grant of license under 2 as well as permit under Clauses 4 and 6 and replacement license or replacement permit under 8, shall be made in line with form(s) prescribed by the Department of Commercial Registration as published in the Royal Government Gazette.

Given on April 25th, 2002

(sign) Adisai Potaramik
(Mr. Adisai Potaramik)
Minister of Commerce

CERTIFIED CORRECT COPY

(signed)
(Mrs. Poonsap Sakunee)
Commercial Registration Analysis Official 7

Note: Reasons for the issuance of these Ministerial Regulations are as follows: whereas it is stipulated by Sections 6, 7 para two, 10 para two and 11 para two of the Fuel Oils Trading Act, B.E. 2543 that application for, issuance, and qualifications of recipient of the Fuel Oils Trader License including the filing for registration and registration as a fuel-oil trader shall be made pursuant with criteria and procedure prescribed by Ministerial Regulations, it is necessary, therefore, that these Ministerial Regulations be issued.