

<b>THESIS TITLE</b>	LEGAL PROBLEMS ON DETERMINATION OF AGRICULTURAL COMMODITY STANDARDS UNDER THE AGRICULTURAL STANDARDS Act B.E. 2551
<b>KEYWORDS</b>	AGRICULTURAL STANDARDS
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### **ABSTRACT**

This thesis aims to study concepts, principles and theories of Public Law on prescribing agricultural standard, namely the Principle of the Rule of Law, the Principle of Equality under the Principle of the Rule of Law, Rights and Liberties Protection, Juristic Person status of the state, and other foreign and Thai laws relating to prescribing agricultural standards, including study legal problems arising from prescribing agricultural standards according to the Agricultural Standards Act B.E. 2551, as well as study and recommend a solution for amending the Agricultural Standards Act B.E. 2551 in compliance with the principle and purpose of enactment to solve the problems on prescribing agricultural standards of Thailand more efficiently.

The results of the study found that since the promulgation of the Agricultural Standards Act B.E. 2551, there have been legal problems on prescribing agricultural standards hereinafter: Firstly, legal problem on no rules governing agricultural producers exempted from applying for a license of producing agricultural commodity under the mandatory standards. This problem occurs from non-enforcement in providing exemption to producer from applying for a license since the Minister of Agriculture and Cooperatives does not enact the Ministerial Regulation to prescribe a size or business area of agricultural producer. Secondly, legal problem on enforcement of agricultural standards in Thailand because there is no sanction for not filing an application for inspection and certification according to voluntary standards. This problem leads to the different standards between agricultural commodity distributed in domestic markets or

central markets and exported to foreign countries. Lastly, legal problem on overlapping mission of agencies in prescribing agricultural standards because Thailand presently consists of two agencies concerning the standardization of agricultural commodity and food, namely “the National Bureau of Agricultural Commodity and Food Standards” and “Food and Drug Administration” which both agencies differently exercises their legal power causing the problem of overlapping standardization of agricultural commodity and food. These mentioned three legal problems affect the standardization and enforcement of agricultural commodity standards according to the Agricultural Standards Act B.E. 2551.

Thus, Thailand should apply the concepts, theories, or legal principles of the United States of America and New Zealand to solve problems appropriately which can describe as follows: the Minister of Agriculture and Cooperatives should enact the Ministerial Regulation to prescribe a size or business category of agricultural producer exempted from applying for license, and Thailand should encourage farmer stepping into the standard system by applying for group certification standard. Moreover, Thailand should amend the Agricultural Standards Act B.E. 2551 by adding provision relating to bringing produced agricultural commodity to get a risk assessment before distribution to consumer. Additionally, Thailand should unify the authority of “the National Bureau of Agricultural Commodity and Food Standards” and “Bureau of Food” of Food and Drug Administration into one agency, namely “Bureau of Food Standards” under the Ministry of Agriculture and Cooperatives to prescribe, control, and regulate missions on agricultural and food standards from steps of planting, production process, processing, carriage, and distribution to consumer; thereafter, Thailand should repeal the Agricultural Standards Act B.E. 2551 and enforce only the Food Act B.E. 2522 for the unity of agricultural and food standardization of Thailand.