

**Notification of the National Herbal Policy Committee**

Re: Determination of Types of Operators, B.E. 2563 (2020)

Whereas it is expedient to determine the types of operators to promote, to grant the rights and privileges as well as to offer the rights and privileges in order to promote the operators by state agencies responsible for the promotions and provision of the rights and privileges to operators in the production of herbal products,

By virtue of section 10 (8) of the Herbal Product Act, B.E. 2562 (2019), the National Herbal Policy Committee hereby notifies as follows:

Clause 1 This notification is called the "Notification of the National Herbal Policy Committee Re: Determination of Types of Operators, B.E. 2563 (2020)".

Clause 2 This notification shall come into force from the day following the date of its publication in the Government Gazette onward.

Clause 3 In this notification,

"production of herb" means the herbs that are produced by cultivation, culture and primary processing of herbs;

"operator" means an operator who produces herbs or an operator who produces herbal products.

Clause 4 Operators who produce herbs shall receive the promotion of rights and privileges under the Herbal Product Act, B.E. 2562 (2019) as prescribed in this notification.

Clause 5 The operators who are engaged in the production of herbs shall be divided into two types, namely:

(1) Community enterprise operator means a community enterprise involves in the production, sale, or production and sale of herbs, operated by a group of persons who have mutual bonding, share a common way of life, and get together to operate the said enterprise, either as any form of juristic person or non-juristic person to generate income and self-reliance of the families, community and inter-community groups. Such community enterprises must be registered under the laws on community enterprise promotion.

(2) Agriculturalist operator means a person or a group of persons who produces, sells or produces and sells herbs.

(a) a person or a group of persons who produces, sells, or produces and sells herbs who have been registered as an agriculturalist with the Department of Agricultural Extension; or

(b) an agriculturalist who has been granted an organic agriculture standard certification from the Department of Agricultural Extension; or

(c) an agriculturalist who has been granted an organic agriculture standard certification from the Organic Agriculture Certification Thailand (ACT); or

(d) a registered agriculturalist or an agriculturalist who has registered as a group member with other agencies under the Ministry of Agriculture and Cooperatives; or

(e) Participatory Guarantee System (PGS) an agriculturalist who has been granted an organic agriculture standard certification under a Participatory Guarantee System (PGS), where members of the manufacturing group or community have an active participation on mutual inspection in the certification process.

Clause 6 The operators who produce herbal products shall be divided into two types, namely:

(1) Community enterprise operator means an operator in a community enterprise that engages in the production, sale, or the production and sale of herbal products operated by a group of persons, who have mutual bonding, share a common way of life, and get together to operate the said enterprise, either as any form of juristic person or non-juristic person, to generate income and self-reliance of the families, community and inter-community groups. Such community enterprises must be registered under the laws on community enterprise promotion;

(2) Herbal product operator with the characteristics that meets the criteria prescribed in the Ministerial Regulations under the law on small and medium enterprises promotion.

Clause 7 The Permanent Secretary of Public Health shall have charge and control of the execution of this Act and shall have the power to make decision over the implementation of this notification, and such decision shall be final.

Issued on 30 March B.E. 2563 (2020)

(Anutin Charnvirakul)

Deputy Prime Minister

Chairperson of the National Herbal Policy Committee