



Customs Alert

Extension Period for Customs Duty Surcharge Reduction in Case of Self-disclosure

Introduction

The Ministry of Finance recently introduced Ministerial Regulation re: Criteria on Duty Surcharge Reduction no. 3 B.E. 2564, which extends the eligibility to obtain a duty surcharge reduction for importers who self-disclose underpaid duties on past import shipments. Business operators who perform a self-disclosure of duty shortfalls (without fraud intention) to Customs and pay the additional duties within 31 March 2022 will be eligible to enjoy the reduced monthly duty surcharge at the rate of 0.25%

What to know

On 8 December 2021, the Ministerial Regulation re: Criteria on Duty Surcharge Reduction no. 3 B.E. 2564 has been published in the Royal Gazette. The regulation extends the period of the duty surcharge reduction scheme, which expired at the end of September 2021, in accordance with the previous version of the Ministerial Regulation (i.e., Ministerial Regulation no.2).

The regulation encourages importers who unintentionally underpaid import duties and had no intention to avoid duty payments to self-disclose their error(s) to Customs and voluntarily pay the duty shortfall. In return, the normally applicable duty surcharges (maximum 1%) will be temporarily reduced and capped at 0.25% per month, if the underpaid duty is self-disclosed and paid to Customs within 31 March 2022.

Since COVID-19 is still negatively affecting the Thai economy, the new regulation was released to help business operators. At the same time, the measure aims to create incentives for importers to voluntarily pay duties at a time when it remains difficult for Customs to perform audits.

The duty surcharge percentage is calculated monthly on the amount of duty shortfall starting from the date of import until the date of payment (but always capped at the total amount of duty shortfall).

What can you do?

Importers who have underpaid duties on past imports have the opportunity to use the duty surcharge reduction scheme in combination with the One-Stop Service for Additional Duty Payments (OSS) to self-disclose this to Customs and pay the additional

duties, whilst mitigating the costs of duty surcharges and customs fines/VAT penalties that would normally apply in case the underpayments are detected during audits.

For that reason, importers are encouraged to:

- 1) Conduct an internal review of their company's import activities to determine whether the company has complied with customs rules and regulations or not and identify potential duty/VAT exposure.
- 2) Consider to self-disclose any non-compliance to Customs and pay outstanding duties within the specified time frame (31 March 2022) in order to be eligible for the temporary duty surcharge reduction (0.25% of duty payable per month) and potential waiver of the duty fine.

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