

## Exporting Buddha

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If you've been living in Thailand for any length of time, odds are you've developed a respect for, or even a devotion to, Buddhism. You might have a Buddha statue or image in your house that you will want to take with you if or when you return to your home country.

Perhaps you're a tourist who wants to take a Buddha image home as a reminder of your holiday. Or possibly, like me, you have no intention of leaving, but want to send gifts to your family back home so they can share in the beauty of Thai handcrafts.

Last week, we introduced the regulatory framework you need to understand when starting an e-commerce business. As a follow-up, we will now look at some of the issues that arise when exporting goods from Thailand, either as part of your e-commerce business or as gifts.

Given the general misunderstandings surrounding the export of Buddha images, we will focus particularly on this selection of goods.

Exports out of Thailand are regulated by the Customs Act BE2469 (1926) as consolidated in 2005, and by the Customs Department under the Ministry of Commerce. This act lists a number of "prohibited" goods that under no circumstances can be legally exported from Thailand, as well as more than 50 categories of "restricted" goods, the export of which requires written permission and/or a licence.

The items in the restricted category change frequently, so if you think the goods you intend to export might be covered, it's wise to check again before doing something illegal.

Although the Customs Department provides a regulatory framework and examples of restricted goods on its website, you will have to contact the Commerce Ministry directly for a complete and updated list.

Anyone caught attempting to export restricted or prohibited goods from Thailand without prior authorisation faces confiscation of the goods, a fine, and possibly imprisonment. Ignorance of the law is no defence.

The prohibited goods comprise:

Obscene objects/literature/pictures.

Pornographic materials.

Goods featuring the Thai flag.

Narcotics e.g., marijuana, hemp, opium, cocaine, morphine, heroin.

Fake currency, bonds or coins.

Fake Royal seals/official seals.

Goods that infringe IPR, such as music CDs, tapes, videos, computer software, etc.

Counterfeit trademark goods.

In addition to the above, the government places particular reverence on all images of the Buddha. As a result, it strictly prohibits the export of any and all Buddha images without written permission or a licence to do so.

According to the Ancient Monuments, Antiques, Objects of Art and National Museums Act, BE2504 (1961), amended in 1992, written permission and an accompanying export permit must be obtained from the Fine Arts Department in advance of exporting any Buddha images larger than 12cm.

Also, there is a total export ban on parts of Buddha images such as the head, hands or feet. This ruling was instituted to prevent looters from removing antique fragments from Buddhist monuments, and in an effort to protect the sanctity of the country's religious culture.

The small trinkets normally sold in tourist shops do not require prior permission and can be made of any substance such as gold, silver, bronze, marble, or wood, but there is a maximum of five images allowed per shipment/person.

Buddha images in complete condition that are less than five years old can be exported for worship, cultural exchange or educational purposes once the necessary permits are obtained. A permit is required for all Buddha images (larger than 12cm) regardless of the personal or commercial nature behind the desire to export.

Bear in mind you will need a separate permit for every image, and that the process takes three to five days per submission. Also, officials from the Fine Arts Department will need to inspect each one before they can issue a permit.

When shopping, note that all approved Buddha images will have an official tag accompanying them, and the shop should have all documentation on file for export.

If you are a shop owner, you could request that officials visit your shop in person and inspect all of the Buddha images offered for sale at one time, in order to avoid continuous permit applications.

Thailand's Buddhist culture attracts visitors from around the world. If you wish to take a Buddha image home, you are welcome to do so provided you know the pertinent export rules. The last thing you want is to have your prized souvenir or gift confiscated on its way out of the country because you failed to adhere to the proper procedures.

By complying with the regulations and restrictions surrounding exports, you can help ensure that every package makes it safely out of the country and to its destination, while also helping to maintain the proper respect for Thai history and culture.

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