



LEGAL MEASURES IN THAILAND PERTAINING TO CONTRACT FARMING  
REGARDING LIABILITY FOR THE PRODUCTION OF AGRICULTURAL CROPS  
WITH CERTIFIED QUALITY AND SAFETY STANDARDS\*

มาตรการทางกฎหมายไทยภายใต้ระบบเกษตรพันธสัญญาด้านความรับผิดชอบในการผลิตพืชสวนทาง  
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## Abstract

Agriculture crops is vital to Thailand's food supply, with many produced under the contract farming system established during the 6th National Economic and Social Development Plan (1987-1991). These crops typically meet quality and safety standards before reaching consumers. However, if consumers cause harm to their health and body by consuming contaminated agricultural products, the producer must be held accountable if agricultural products cause harm to consumers. Nevertheless, the insecurity of these foods makes it impossible to determine who is directly accountable to the consumer. Additionally, consumers face unfair treatment in legal proceedings and lack appropriate remedies and protections against these infringements.

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This research proposes establishing a central standard for measuring product quality by setting a common standard that all food business operators should use as the same standard to enforce uniformly across all food businesses. It also recommends creating institutions for oversight and requiring food businesses in the contract farming system to register, ensuring a proper database for future consumer protection. The Ministry of Agriculture crops and Cooperatives should supervise appropriate institutions or organizations, and this information should be used to determine accountable persons. As for the problem of not receiving fair compensation for damages to consumers, the researcher proposes adding the word “Product quality” to the definition of the word “Unsafe products” in Section 4 of the Unsafe Goods Damage Liability Law, B.E. 2551 (2008) to cover the interpretation of product defects as well as product quality; the word “Within a reasonable time” in Section 4 (3) to provide clarity in enforcing the law and being fair to both the injured party and the seller. Furthermore, it should be agreed that a fund should be established to assist consumers damaged by the consumption of unsafe products under the Unsafe Goods Damage Liability Law, B.E. 2551 (2008), creating a more comprehensive system of accountability and support for affected individuals.

**Keywords:** Agricultural Crops, Contract Farming, Liability, Quality, Safety standard

## บทคัดย่อ

พืชสวนทางการเกษตรถือได้ว่าเป็นแหล่งอาหารที่สำคัญของประเทศไทย ซึ่งส่วนใหญ่แล้วมาจากระบบเกษตรพันธสัญญาภายใต้แผนพัฒนาเศรษฐกิจและสังคมแห่งชาติฉบับที่ 6 (พ.ศ. 2530-2534) มีการผ่านการรับรองคุณภาพและมาตรฐานความปลอดภัยก่อนส่งถึงมือผู้บริโภค แต่หากผู้บริโภคได้รับความเสียหายต่อสุขภาพจากการบริโภคพืชสวนทางการเกษตรที่ปนเปื้อน บุคคลซึ่งเป็นผู้ผลิตต้องรับผิดชอบรับผิดหากพืชสวนทางการเกษตรก่อให้เกิดความเสียหายต่อผู้บริโภค แต่บ่อยครั้งความไม่ปลอดภัยในอาหารเหล่านี้ไม่มีผู้รับผิดชอบหรือเกิดการผลักภาระกันไปมา ไม่สามารถระบุผู้รับผิดชอบที่แท้จริงได้อย่างชัดเจน อีกทั้งผู้บริโภคไม่ได้รับความเป็นธรรมในการดำเนินคดีหรือการเยียวยาที่เหมาะสม

ในงานวิจัยนี้ ผู้วิจัยเสนอแนวทางการกำหนดหลักเกณฑ์การวัดคุณภาพสินค้า โดยควรกำหนดเป็นมาตรฐานกลางที่ผู้ประกอบการธุรกิจอาหารทุกแห่งใช้เป็นมาตรฐานเดียวกัน พร้อมจัดตั้งหน่วยงานตรวจสอบและควบคุม และกำหนดให้ผู้ประกอบการธุรกิจอาหารในระบบเกษตรพันธสัญญาต้องจดทะเบียน เพื่อสร้างฐานข้อมูลที่มีประโยชน์หากมีความเสียหายเกิดขึ้นต่อผู้บริโภค หน่วยงานที่เหมาะสมควรอยู่ภายใต้การกำกับดูแลของกระทรวงเกษตรและสหกรณ์ และข้อมูลนี้จะใช้ในการระบุผู้รับผิดชอบ ส่วนปัญหาการชดเชยค่าเสียหาย ผู้วิจัยเสนอให้เพิ่มเติมคำว่า “คุณภาพของสินค้า” ในความหมายของ “สินค้าที่ไม่ปลอดภัย” ตามมาตรา 4 แห่งพระราชบัญญัติความรับผิดต่อความเสียหายที่เกิดขึ้นจากสินค้าที่ไม่ปลอดภัย พ.ศ. 2551 เพื่อให้ครอบคลุมถึงการตีความความ



บทพร่องของสินค้า นอกจากนี้ ควรเพิ่มเติมคำว่า “ภายในเวลาอันสมควร” ในมาตรา 4 (3) เพื่อความชัดเจนในการบังคับใช้กฎหมายและเป็นธรรมแก่ผู้เสียหายและฝ่ายผู้ขาย อีกทั้งเสนอให้จัดตั้งกองทุนช่วยเหลือผู้บริโภคที่ได้รับ ความเสียหายจากสินค้าที่ไม่ปลอดภัยตามกฎหมายดังกล่าว

**คำสำคัญ:** พืชสวนทางการเกษตร, ระบบเกษตรพันธสัญญา, ความรับผิดชอบ, คุณภาพ, มาตรฐานความปลอดภัย

## Introduction

The Thai government's initiatives to assist farmers in overcoming poverty and enhancing their competitiveness in the global market have resulted in the establishment of a national policy aimed at restructuring the agricultural production system. This policy focuses on aligning production with market demands in terms of both quantity and quality, improving efficiency, and reducing production costs. For nearly four decades, Thailand has implemented the Sixth National Economic and Social Development Plan (1987-1991). Moreover, the contract farming system, which involves collaborative production management between farmers, who contribute production factors such as land and labor, and food business companies, which provide advanced knowledge and technology, is considered mutually beneficial. Farmers benefit from increased production capacity and access to a guaranteed market, thereby minimizing income fluctuations, while food business companies can lower production costs and enhance efficiency through technology and modern management practices, ensuring product quality meets market standards. (Sirikas Kasikarn, 2016) In recent years, consumer awareness of food safety and agricultural products has heightened. When selecting agricultural produce, consumers increasingly seek products that are certified for quality and safety. A 2020 survey conducted by the Economics Research and Agricultural Forecasting Center on public confidence in Thai fruits and vegetables revealed that approximately 49.33 percent of consumers choose fruits and vegetables based on labeling or safety certifications. (Yamana Panan, 2020)

Therefore, the safety and quality of agricultural crops are paramount for consumer health and well-being. However, even when consumers choose products based on established labels and standards, they may still experience harm. This leads to significant legal challenges surrounding accountability and compensation.

### 1. The problem about being unable to determine the accountable person for the damage



Even though consumers purchase products based on certified labels and safety standards, these products still pose risks that can cause both physical and psychological harm. This situation often leads to lawsuits seeking compensation for damages. However, legal issues arise from the ambiguity of the wording of the law and the varying interpretations or applications of it, complicating the determination of accountability. Moreover, the existence of multiple laws related to the regulation of product quality and safety further complicates the process of identifying the party accountable for the harm. Although the general liability of producers is outlined in the law, in practice, the uncertainty surrounding food safety makes it difficult to establish clear accountability. As a result, consumers face challenges in receiving fair remedies or protection from the damages incurred. (Foundation for Consumers, 2021)

## **2. The problem about consumers do not receive fair compensation for damages**

Consumers often face difficulties in receiving fair compensation for damages resulting from the consumption of agricultural and horticultural products that do not meet certified quality and safety standards. Although the law mandates that producers are liable for harm caused by their products, in practice, the current legal framework needs to be revised to protect consumer rights effectively. The main issues stem from ambiguities in the enforcement of laws, as well as the need for mechanisms that allow consumers to claim their rights or seek proper compensation. As a result, affected consumers encounter complex and lengthy legal processes or fail to receive fair compensation. This situation places consumers at a disadvantage in the market and exposes a gap in consumer protection mechanisms. (Pitchakorn Ruengdechavivat, 2023) Consequently, it is crucial to study and reform the laws to clarify producer accountability and develop mechanisms that ensure consumers receive timely and fair compensation.

### **Objectives of Research**

1. To study the contract farming system's concepts, principles, and benefits regarding liability for producing agricultural crops with certified quality and safety standards.
2. Study and analyze relevant legal measures in Thailand and abroad regarding the accountability for producing agricultural products with certified quality and safety standards.
3. To find solutions and develop laws regarding liability for producing agricultural crops with certified quality and safety standards in Thailand.

### **Research Methodology**



This research utilized qualitative methods through document analysis of literature, including books, theses, articles, legal texts, and electronic media in Thai and English. It focused on the contract farming system and liability in the production of agricultural crops with certified quality and safety standards. The analysis evaluated whether current legal measures clearly define accountability for consumer damages and enable fair compensation, aiming to provide recommendations for legal improvements in Thailand.

## Result

The legal measures under contract farming regarding liability for producing agricultural crops with certified quality and safety standard where the accountable person cannot be determined and the fair compensation cannot be made are long-standing issues. Even though there are many related laws, they cannot provide justice to the victims. From a study of legal measures under contract farming regarding liability for producing agricultural crops with certified quality and safety where the accountable person cannot be determined and unfair compensation, the research results are as follows:

### **1. The problem about being unable to determine the accountable person for the damage**

Several Thai laws address legal measures related to contract farming and liability for producing crops that meet certified quality and safety standards. The Contract Farming Promotion and Development Act, B.E. 2560 (2017) (Contract Farming Promotion and Development Act, B.E. 2560, 2017) defines agricultural production and service contracts, identifying stakeholders such as agricultural operators, natural persons, legal farmer groups, and community networks, with government agencies overseeing these contracts. The Food Act, B.E. 2522 (1979) serves as the principal law governing food safety in Thailand, encompassing production processes, factory settings, import/export regulations, labeling, advertising, and food quality control to ensure consumer safety. Additionally, the Hazardous Substance Act, B.E. 2535 (1992) (Hazardous Substance Act, B.E. 2535, 1992) regulates harmful substances, mandating accountability for injuries caused by hazardous chemicals, while the Agricultural Commodity Standards Act, B.E. 2551 (2008) (Agricultural Commodity Standards Act, B.E. 2551, 2008) aims to enhance the quality and standards of agricultural products, including fisheries, animal husbandry, and by-products. Collectively, these legal frameworks aim to protect consumers while ensuring accountability among producers in the agricultural sector.



In the Unsafe Goods Damage Liability Law, B.E. 2551 (2008), Section 4 stipulates the meaning of the word's "goods" and "agricultural products" (Unsafe Goods Damage Liability Law, B.E.2551, 2008) as follows:

"Products" means any movable properties manufactured or imported for sale, including agricultural products and electricity, except those specified in the Ministerial Regulations.

"Agricultural products" means products from any agriculture, except natural products, such as farming, gardening, animal husbandry, aquaculture, silkworm breeding, scale insect breeding, and mushroom breeding.

"The injured person" means someone who suffers damages from an unsafe product.

"Damage" means damages caused by unsafe products to life, body, health, hygiene, mind or property, but does not include damages to such unsafe product itself.

"Unsafe products" means products which cause or may cause damages either by their manufacture defect or design defect, or by having no instruction, preservation, warning message, or relevant information about the product, or by having incorrect or unclear information about its nature including its usual usage and preservation.

The essential legal principles for determining the employer's liability for damages caused by certified and safe standards in agriculture and horticulture are: The responsibilities assumed under the Civil Code and Commercial Code (1992) shall be related to Section 472 of the Exchange Law.

Section 472 "In case of any defect in the property sold which impairs either its value or its fitness for ordinary purposes, or for the purposes of the contract, the seller is liable.

The foregoing provision applies whether the seller knew or did not know of the existence of the defect."

Section 472 stipulates that the seller must be accountable for any defective goods sold because the seller must deliver the goods sold to the buyer so that the buyer can use the property according to the buyer's needs. The seller must, therefore, provide the sold property in a condition free of defects to the buyer.

The terms "product" and "agricultural product" mean that food crops are included in agricultural products, which refers to the term 'goods' as defined in the Unsafe Goods Damage Liability Law, B.E. 2551 (2008). If the product is caused by one of three defects: manufacturing defects, design defects, or defects in warning, then products that cause or may cause damage are unsafe, and dangerous goods caused the damage, the law requires all entrepreneurs to be jointly accountable for the damages caused by the agricultural system under the convention. However,



according to the Ministerial Regulation, agricultural products are obtained under the Unsafe Product Damage Liability Act. According to the Product Liability Act, B.E. 2551 (2008), the entrepreneur who hires the production and distribution is therefore liable if damage occurs from consuming hazardous food crops. (Product Liability Act (No. 85), 1994)

In addition, in the agricultural system, it is easier to determine the employer if there is a written contract between the company and the farmer. It is difficult to find the accountable person if the manufacturer's employer is only a distributor or dealer rather than packaging and selling food under the company trademark. In this case, the manufacturer may claim that they can only identify the manufacturer's product suppliers, which may lead to problems in practice as the manufacturer can easily find ways to escape accountability. As a result, consumers who have suffered damage cannot sue the company for compensation, and Section 4 (3) of the Unsafe Goods Damage Liability Act B.E. 2551 (2008) does not specify a period for the seller to identify the manufacturer to release the seller from liability.

In terms of foreign laws concerning the determination of liability for damages related to agricultural products under contract farming systems, the relevant legal frameworks are as follows:

**1) EU unsafe product liability law** in Council Directive 85/374/EEC of 25 July 1985 stated clearly that

Article 1 "The producer shall be liable for damage caused by a defect in his product."

Due to consumer protection requirements, all manufacturers involved in the production process are held accountable as long as the finished components are included. Any raw materials they provide may have defects. However, for the same reason, the accountability should be extended to community product importers and those claiming to be manufacturers, trademarks or other distinctive features, or the person providing the product cannot identify the manufacturer which the person who is known as a producer (Producer) in Article 3 includes "manufacturer" means a producer of finished products, manufacturers of raw materials or manufacturers of parts and any person displaying a name, trademark or any other distinctive features on the product indicating that it is the manufacturer. (EUR-Lex, 1985)

**2) The Food Safety Modernization Act (FSMA)** enacted in 2011, represents one of the most comprehensive reforms to food safety laws in the United States.

Section 103 "Hazard Analysis and Risk-Based Preventive Controls (HARPC)"



This section requires food manufacturers to conduct hazard analyses and develop preventive measures to address potential risks in the production process. Manufacturers must establish a Preventive Controls Plan, which includes monitoring and controlling every step of the production process to ensure that products are safe and compliant with standards.

#### Section 206 “Mandatory Recall Authority”

This law grants the U.S. Food and Drug Administration (FDA) the authority to mandate the recall of products found to pose health risks to consumers. Manufacturers are accountable for executing product recalls and must compensate consumers for any damages caused by non-compliant products. (Food Safety Modernization Act, 2011)

**3) The Food Safety Basic Act (FSBA)** of Japan, which came into effect in 2003, aims to enhance food safety and prevent risks associated with unsafe food. The Act emphasizes the accountability of producers to comply with safety and hygiene standards in the production of agricultural crops.

#### Section 5 “Liability for Damages”

Producers are liable for damages caused by the production of unsafe food, including damages resulting from the use of unauthorized chemicals or production inputs. Producers must compensate consumers in cases where health impacts occur as a result of unsafe products. (Food Safety Commission Order (Cabinet Order No. 273), 2003)

## **2. The problem about consumers do not receive fair compensation for damages**

The complexities surrounding unsafe products have a significant impact on the remediation of affected consumers. Typically, victims bear a heavy burden of proof, hindering their ability to hold manufacturers accountable, especially since the manufacturers often retain relevant information. Although strict liability principles can simplify claims for damages, the lack of clearly defined damage standards leads to a non-standardized compensation process that may not adequately meet victims’ needs. Furthermore, legal remediation systems impose limitations, such as capping damages at no more than double the court’s deemed appropriate compensation, which may not reflect the case’s severity or the victims’ actual losses. Consequently, damage assessments should consider each case’s unique circumstances to ensure victims receive fair and appropriate compensation (Vatchchira Tapaninun, 2009)

Regarding the issue of consumers not receiving fair compensation for damages resulting from the consumption of agricultural products under contract farming systems that meet quality and safety standards has persisted for a long time. Relevant Thai laws address this concern, starting with Section 4 of the Food Act, B.E. 2522 (1979), which defines crops as classified as food.





Section 6 grants the Minister the authority to specify standards for food control to ensure food safety. Additionally, Sections 25 to 26 outline the types and definitions of foods that are prohibited from production, importation, and sale, including impure food, counterfeit food, substandard food, and other categories specified by the Minister. Agricultural crops can fall under the classification of food that does not meet standards as per Section 25(3). Section 28 further states that “substandard food includes food that does not meet the quality or standards set by the Minister specified in Section 6(2) or (3), but not to the extent specified in Section 27(5).” For violations of Section 6, penalties range from a fine of one thousand baht to a maximum of one hundred thousand baht, or imprisonment for six months to ten years, or both.

For Agricultural Commodity Standards Act, B.E. 2551 (2008), (Product Liability Act, B.E. 2551, 2008) the main focus will be on producers. Section 4 specifies that producers engage in agriculture, fishing, livestock, or forestry for trade, agricultural product transport operator, agricultural warehouses, fish market, cold storages, slaughterhouses or other continuing businesses related to agricultural products as determined by the committee or being a person who brings agrarian products to be packaged, processed, or processed in any way.

The issue of liability under the Agricultural Product Standards Act B.E. 2551 (2008) is characterized by ambiguities regarding producer responsibilities. While producers are mandated to ensure product quality, various factors such as transportation, storage, and sale complicate accountability for quality issues, making it challenging for consumers to identify the responsible party when problems arise. Furthermore, the inspection system needs to be improved; despite Section 26 requiring quality inspections, inconsistent implementation allows unsafe products to enter the market without consumer awareness. (Ministerial regulations, 2010) Consumers also need help in claiming compensation for damages caused by non-compliant products, as proving manufacturer liability can be problematic, particularly when tracking down unaccountable producers. Additionally, the continued use of unauthorized chemicals raises safety concerns, as some producers may prioritize yields over consumer safety. Moreover, insufficient information about product sources and quality prevents consumers from making informed choices. At the same time, those in rural areas encounter challenges in accessing information and asserting their rights, further hindering their ability to seek effective compensation.

Section 4 of Consumer Protection Act, B.E. 2522 (1979) (Consumer Protection Act, B.E. 2522, 1979) specifies the rights that this Act will protect consumers, that is, the right to be safe from the use of products or services and the right to receive consideration and compensation for damages. If a consumer suffers physical, mental, or other damage, this Act will protect the



consumer. Section 39, in cases where the Commission sees fit to take legal action regarding violations of consumer rights or when receiving a request from a consumer whose rights have been violated, states that the committee believes that the litigation will benefit consumers as a whole and in this regard, all court fees shall be exempted.

Foreign laws concerning consumers who do not receive fair compensation for damages present several interesting aspects. Here are some considerations and approaches from various countries:

**1) The Product Liability Act (No. 85, 1994)** is a consumer protection law designed to safeguard consumers from defective products, with a primary focus on product defects. This law applies solely to movable property. The term “defect” refers to a product that lacks safety features that are normally expected for that type of product, meaning that the product’s characteristics do not meet standard safety requirements.

Under this law, manufacturers are liable for damages arising from their products, which may result from issues related to manufacturing, design, importation, or presentation of the product. However, this liability does not apply to damages arising from the inherent characteristics of the product that are unrelated to the actions of the manufacturer. Manufacturers are exempt from liability if the consumer was aware of the defect at the time of purchase or if the product was a component or raw material that the manufacturer did not damage through negligence. Consumers must file claims within three years of the occurrence of the damage but no later than ten years from the date they received the product.

**2) Consumer Product Safety Act (1972)** of the United States is a law aimed at protecting consumers from hazards posed by unsafe products by establishing safety standards and regulating high-risk items. It also grants consumers the right to seek compensation in cases where they have suffered damages from unsafe products.

15 U.S.C. § 2072 “Remedies for Consumers” empowers consumers to claim compensation from manufacturers or distributors if they are harmed by using unsafe products. Consumers can seek compensation for bodily injuries, property damage, medical expenses, and loss of income. If consumers do not receive an appropriate response from the manufacturer or distributor, they can pursue legal action in court. This claim process emphasizes fairness and holds manufacturers accountable for inspecting and preventing risks associated with their products. Moreover, the law includes measures for product recalls and imposes penalties on manufacturers who fail to comply with safety standards, making it a vital tool for protecting consumer rights in the United States. (Consumer Product Safety Act, 1972)



**3) General Product Safety Directive (GPSD)** Directive 2001/95/EC establishes a stringent legal framework within the European Union (EU) aimed at protecting consumers, which is crucial for ensuring product safety and safeguarding consumer rights. This directive focuses on ensuring the safety of products entering the EU market, imposing an obligation on manufacturers to verify that the products they release are safe and do not pose any risk to consumers. If any product is found to be unsafe or does not meet established standards, consumers have the right to seek compensation for any damages incurred.

Article 9 “Right to Compensation”: If consumers suffer damages from a product that is unsafe or does not comply with standards, they are entitled to receive compensation from the manufacturer or distributor as stipulated by law.

## Discussions

The author would like to analyze the following results of the study of legal measures under the contract farming system regarding liability in producing agricultural crops with guaranteed quality and safety standards.

### 1. The problem about being unable to determine the accountable person for the damage

The study of relevant laws reveals that Thai legislation related to legal measures under the contract farming system includes the Contract Farming Promotion and Development Act, B.E. 2560 (2017), which establishes a framework for contracts between farmers and operators to clarify roles and responsibilities and to prevent ambiguity in identifying who is liable when damage occurs. Additionally, there are other laws, such as the Food Act, B.E. 2522 (1979), (Food Act, B.E. 2522, 1979) and the Hazardous Substances Act, B.E. 2535 (1992), which regulate the safety of agricultural products and the use of chemicals. However, inadequate enforcement may lead to neglect of safety. The Agricultural Product Standards Act, B.E. 2551 (2008) sets quality standards, but if oversight is ineffective, non-compliant products may easily enter the market. Furthermore, the Product Liability Act, B.E. 2551 (2008) states that manufacturers must be liable for damages from unsafe products. However, in cases involving multiple parties, such as intermediaries, the clarity of compensation claims needs to be improved.

At the same time, foreign laws, such as the European Union’s Product Liability Directive (Directive 85/374/EEC), are much stricter, requiring manufacturers, importers, and labelers to be jointly liable for damages caused by defective products, effectively reducing the problems of



identifying accountability. In the United States, the Food Safety Modernization Act (FSMA) emphasizes prevention rather than punishment, mandating that producers develop Hazard Analysis and Risk-Based Preventive Controls (HARPC) plans to minimize the risk of unsafe products while holding them strictly accountable for any resulting damages. In Japan, the Food Safety Basic Act (FSBA) focuses on controlling the use of hazardous chemicals and production factors, imposing strict responsibilities on producers to comply with safety standards, which ensures rigorous enforcement throughout the production chain.

## **2. The problem about consumers do not receive fair compensation for damages**

The study reveals that the issue of consumers not receiving fair compensation for damages caused by unsafe products in Thailand is complex, particularly in the case of substandard agricultural products under the contract farming system that includes quality and safety certification. Consumers often face a heavy burden of proof, which serves as an obstacle to claiming compensation from producers, as relevant information is typically held by the producers themselves. Despite the existence of the Food Act B.E. 2522 and the Agricultural Product Standards Act B.E. 2551, which set safety standards, challenges persist regarding producer liability and the lack of rigorous inspection systems. Consequently, consumers cannot be assured of product safety. Additionally, the compensation claim system faces numerous limitations and obstacles, preventing consumers from receiving adequate redress.

Internationally, laws in countries such as Japan prioritize consumer protection against defective products, including the Consumer Product Safety Act in the United States, which provides legal frameworks to protect consumers from unsafe products and grants the right to claim compensation. European laws, like the General Product Safety Directive (GPSD), also establish clear measures for ensuring product safety and protecting consumer rights. These differences highlight that legal systems abroad offer more robust support for consumers. At the same time, Thailand still has gaps that prevent consumers from receiving fair compensation for damages caused by unsafe products.

From the above, standard production rules are established, Standards are controlled to follow each law, and penalties are prescribed for those who violate and do not comply. There are administrative penalties, including revocation of license, and both in criminal matters, including punishment of fines or imprisonment or both. However, there is no provision for penalties for compensation for civil damages, and proving damage from the accumulation of chemical residues in food crops is difficult; moreover, the costs are very high.



## New knowledge from research

This study provided insights into integrating laws and quality certification standards within the contract farming system. It examined whether existing laws could exempt small farmers from liability and explored innovative risk management strategies related to legal liability for quality and safety issues in agricultural and horticultural production. The findings have been organized into a clear and concise knowledge model consisting of four main components:

**1. Quality Certification Standards:** Development of clear and stringent standards for horticultural production, including the establishment of criteria for inspecting and evaluating the quality of produce, enabling farmers to comply effectively.

**2. Legal Accountability of Farmers:** Analysis of the legal framework defining farmers' responsibilities in cases concerning the quality and safety of products, considering factors that may lead to exemptions from liability in certain situations.

**3. Risk Management:** Development of guidelines for managing risks that may arise from horticultural production under contract farming systems, focusing on creating support mechanisms and access to information related to risks and preventive measures.

## Suggestion

From the discussion of the results and conclusions of the study of legal measures under the contract farming system regarding liability in the production of agricultural products with certified quality and safety standards, the following recommendations can be made:

### 1. Suggestions from the study

#### 1.1 The problem about being unable to determine the accountable person for the damage

From the study of shortcomings and issues related to liability in the contract farming system, it was found that the existing legal ambiguities and loopholes prevent consumers from receiving fair compensation for damages caused by unsafe agricultural products. Therefore, it is essential to improve and develop the laws to provide greater clarity and rigor regarding the responsibilities of producers and distributors. The key proposals are as follows:

1) Amend Section 4 in Food Act B.E. 2522 (1979) to clarify the responsibilities of producers by stating that producers must be accountable for the safety of their products from the production process through to distribution.



2) Amend Section 23 in Agricultural Act B.E. 2542 (1999) to impose stricter obligations on producers regarding quality control of agricultural products, including conducting quality checks before delivery.

3) Amend Section 4 in Consumer Protection Act B.E. 2522 (1979) to explicitly state the liability of producers in cases where products cause harm to consumers, allowing consumers to claim compensation from both producers and distributors.

4) In addition, there should be additional regulations that “Those involved in production Whether from the beginning to the destination, every level deems it appropriate to be punished and responsible for the damage caused to the victims” to not create a loophole in claiming that they are not involved or only slightly related and will be able to solve the problem of not being able to identify those responsible for the victims.

### **1.2 The problem about consumers do not receive fair compensation for damages**

The Act on Liability for Damages Arising from Unsafe Products B.E. 2008 should be amended in the following sections.

1) Add the term “product quality” to the definition of “unsafe products” in Section 4 to make the law more comprehensive in interpreting defects that may arise not only in terms of safety but also in the quality of the products themselves, includes not just errors in production or design but also products that fall below quality standards, which could cause harm to consumers. A clear interpretation of defects in product quality will enable consumers to claim compensation or damages in cases where the products are of inferior quality.

2) Add the phrase “within a reasonable time” to Section 4 (3) to enhance fairness in the enforcement of the law by clearly defining a timeframe within which consumers should receive protection. This amendment would ensure that sellers or producers are accountable for damages in a timely manner. Such a revision would help reduce issues related to unfair compensation or damages, prevent protracted claims by victims, and create a balance in the application of the law for both victims and sellers.

3) There should be a system for initial compensation for victims, with a financial aid limit, to provide another channel for victims who urgently need treatment for damage caused by the consumption of unsafe food crops or may not receive compensation from litigation. Proposes the establishment of a fund to assist consumers whose consumption of unsafe products has been aged. The Liability for Damage Caused by Unsafe Products Act, B.E. 2008, in establishing contributions to the fund may come from taxes on entrepreneurs, such as agricultural chemical traders who are partly involved in this issue, and from some government assistance.



## 2. Suggestions for future research

The author suggests that in the next study, the contents of the revised research are as follows:

1. To understand the relationship between accreditation and producer liability, further study of the laws that authorize and define the role of certifying agencies at the local, national, and international levels should be undertaken.
2. The law's impact on smallholder farmers should be studied in different contexts, such as regions with various environmental conditions, to analyze whether it is flexible enough.

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