

Royal Command's Emblem

National Vaccine Security Act

B.E. 2561 (2018)

His Majesty the King Maha Vajiralongkorn Bodindradebayavarangkun

Enacted on the 18th day of November B.E. 2561 (2018);

Being the 3rd Year of the Present Reign.

His Majesty the King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that

It is expedient to have National Vaccine Security Act.

This Act includes certain provisions having implications on restriction of a person's rights and liberties. Section 26 and Section 40 of the Constitution of the Kingdom of Thailand authorize such restriction by virtue of the provisions of specific laws.

The rationale and necessity of the restriction of the person's rights and liberties under this Act are to develop and have vaccine security whereas vaccine is standard in adequate quantity for usefulness of the public health of the country. This Act is promulgated in accord with the condition legislated in Section 26 of the Constitution of the Kingdom of Thailand.

His Majesty, therefore, granted his royal assent for the promulgation of the Act in accord with the recommendation and consent of the National Legislative Assembly, acting as the National Assembly as follows:

Section 1 This Act shall be called "National Vaccine Security Act B.E. 2561 (2018)".

Section 2 This Act shall come into force as of the day after the publication date in the Government Gazette onwards.

Section 3 In this Act;

“Vaccine” means the product manufactured from creature or derived from synthesis or any other process applied in stimulating or immunizing disease to protect, control, treat or abate disease severity of disease both in human and animal.

“Vaccine Security” means extensive and fair accessibility of vaccine, execution for availability of vaccine in adequate quantity for demand, quality, safety and efficiency in immunization for good health of the people both in normal situation and emergency situation.

“Committee” means the National Vaccine Committee.

“Institute” means National Vaccine Institute.

“Management Committee of the Institute” means the Management Committee of the National Vaccine Institute.

“Director” means the Director of the National Vaccine Institute.

“Officer” means the officer of the National Vaccine Institute.

“Employee” means the employee of the National Vaccine Institute.

“Consultant” means the consultant of the National Vaccine Institute.

“Expert” means the expert of the National Vaccine Institute.

“Government Officer” means other government official, employee, officer or operator in central government service, provincial government service, local government service, state enterprise or other government agencies.

“Minister” means the Acting Minister pursuant to this Act.

Section 4 The Minister of Public Health shall act for pursuant to this Act and have power to enact the notification for operation hereunder.

The said notification shall come into force after publication in the Government Gazette.

Chapter 1

National Vaccine Committee

Section 5 There shall be a Committee called “National Vaccine Committee” consisting of:

- (1) Prime Minister as Chairman of the Committee;
- (2) Minister of Public Health as the first Vice Chairman of the Committee;
- (3) Ten Ex Officio Committee Members including Minister of Agriculture and Cooperatives, Minister of Science and Technology, Minister of Education, Permanent Secretary of Ministry of Finance, Permanent Secretary of Ministry of Agriculture and Cooperatives, Permanent Secretary of Ministry of Public Health, Secretary-General of the Council of State, Director-General of Department of Disease Control, Chairman of the Management Committee of National Vaccine Institute, and Chairman of the Federation of Thai Industries;
- (4) Not less than ten Competent Committee Members appointed by the Cabinet from the nominated persons with obvious knowledge, achievement and high experience in the areas of law, public finance, medicine, research and innovation, veterinary medicine, public health, pharmacy, vaccine, science, economics or industry.

The Director shall be the committee member and secretary, and the Director shall appoint two officers as the assistant secretary.

The Nomination Committee for Competent Committee Member shall be established in accordance with the rule, procedure and condition promulgated and prescribed by the Minister.

Section 6 The competent committee member shall be competent without the following prohibited characteristics:

- (1) Thai Nationality;
- (2) Not below thirty five years of full age;
- (3) Not be bankrupt or ever been fraudulent bankruptcy;
- (4) Not be incapacitated person or person under disability;

(5) Never been punished for imprisonment by final judgment for imprisonment unless it is the punishment for offence committed by negligence or minor offence;

(6) Not being the political office holder, member of local council or local administrator or office holder in charge of political party management, consultant of the political party, or officer of the political party;

(7) Not being the person who has ever been fired, discharged or dismissed from the government service, government agencies or private agencies due to malfeasance, serious bad conduct; or considered to perform fraudulent act and misconduct in government setting;

(8) Not being the officer or employee or consultant or expert with employment contract with the Institute;

(9) Not being the stakeholder in undertaking performed with the Institute or in undertaking which is competitive with the Institute's undertaking or contrary or contradictory to the Institute's objective either directly or indirectly unless being the person entrusted by the Committee as the Chairman of the Committee, Committee Member or representative of the Institute in joint venture with other juristic person under Section 22 (8).

Section 7 The office term of the competent committee members is four years per term from the appointed date. The retired person may be reassumed but shall not be in the office for more than two consecutive terms.

In case where the competent committee member is early retired by rotation and the replacing committee member is appointed, or in case where the Cabinet appoints an additional committee member while the office term of the appointed committee member is remained, the person who is appointed as the replacing competent committee member or as the additional competent committee member, shall be in the office equaling to the remaining term of the appointed competent committee member.

Upon expiration of term in paragraph one, if the new competent committee member has not yet been appointed, the competent committee member who is retired by rotation shall be further in the office until the newly appointed competent committee member assumes the duty.

Section 8 Apart from retirement by rotation, the competent committee member shall retire upon:

- (1) Death;
- (2) Resignation;

- (3) Dismissal by the Cabinet due to misprision, infamous conduct or lack of ability;
- (4) Disqualification or having any prohibited characteristics under Section 6.

Section 9 It shall be quorum when at least half of total number of committee members convenes the meeting of the Committee.

In case where the Chairman of the Committee is absent from the Committee's Meeting or fails to perform his/her duty, the Vice Chairman of the Committee shall preside over the meeting. If the Vice Chairman of the Committee is absent from the meeting or fails to perform his/her duty, a committee member who convenes the meeting shall be selected to preside over the meeting.

The majority shall be deemed as ruling judgment of the meeting. A Committee member shall have one vote. If the votes are equal, the president of the meeting shall perform one more vote as casting vote.

Section 10 The Committee shall have the following duties and powers :

- (1) Propose the strategic policy and plan for the national vaccine security to the Cabinet for consent request;
- (2) Promulgate regulations regarding to funding, promotion and support or cooperation for effective research, development, manufacture, management, procurement and distribution of vaccine or immunization to people in consistency with the strategic policy and plan for the national vaccine security;
- (3) Promote and support the application of proactive policy for domestic research, manufacture and distribution of vaccine or distribution of vaccine to the potential organizations or countries which are country partners;
- (4) Define the budget limit for operating use under the strategic plan and policy for national vaccine security to be proposed to the Cabinet;
- (5) Propose the guideline to the Cabinet in solving problem or obstacle caused from the operation in accordance with the strategic policy and plan for national vaccine security, and suggest the relevant agencies to prepare, revise, add or update laws to carry forward vaccine operation;

(6) Monitor, assess and report the operation program in accordance with strategic policy and plan for national vaccine security for acknowledgement of the Cabinet at least once a year;

(7) Perform any other necessary or continuous acts for achievement of strategic policy and plan for the national vaccine security or in accordance with laws prescribed to be the duties and powers of the Committee or as entrusted by the Cabinet.

Regulation under (2) shall come into force after publication in the Government Gazette.

Section 11 The Committee can appoint the Sub-Committee to consider or perform any acts as entrusted by the Committee.

Section 9 shall come in force mutatis mutandis in the Sub-Committee's Meeting.

Section 12 The Committee and the Sub-Committee have power to appoint the specialized expert to be the consultant for giving counsel about the operation under duties and powers of the Committee or the Sub-Committee.

Section 13 In performing duty hereunder, the Committee and Sub-Committee shall have power to issue written order to call any person for giving statement or delivering the relevant clarification, document, information, evidence or any object to be used as consideration support.

Section 14 The Chairman of the Committee, committee member, consultant, Chairman of the Sub-Committee, and sub-committee member, shall receive meeting allowance and other emoluments under rule as prescribed by the Cabinet.

Chapter 2

Vaccine Security

Section 15 For benefit of vaccine security, the strategic policy and plan for national vaccine security shall at least contain the essence pertaining to the promotion and support of research, development, manufacture, quality assurance and control, management, procurement and distribution of quality vaccine, to be fair and systematic with unity in consistency with the necessity for use of vaccine to prevent, control, treat or abate disease severity that keeps abreast of circumstance and continuity of immunization, and increase in vaccine capacity of the country.

The participation of people, vaccine expert and both relevant public and private agencies shall be concerned in preparation of strategic policy and plan under paragraph one.

Section 16 In observance of strategic policy and plan for the national vaccine security in research, development or manufacture of vaccine, the Committee may ask for cooperation from administrative agencies, state enterprise, public organization, other government agencies or private agencies to conduct or support research, development or manufacture of vaccine as appropriate under rule prescribed by the Committee.

Section 17 For operation benefit in accordance with strategic policy and plan for the national vaccine security, the researcher, developer, manufacturer, quality assurer and controller, administrator, supplier, distributor or provider of vaccine or immunization service may be granted for any of the following privileges:

- (1) Fund for research, development, manufacture, quality assurance and control, management, procurement, distribution or provision of vaccine or immunization service from the Institute;
- (2) Special fee exemption right under Investment Promotion Law;
- (3) Other privileges as prescribed by the Committee.

The privilege acquisition under paragraph one shall be in accordance with the relevant laws and regulations prescribed by the Committee.

In case where any law, ordinance, regulation or rule prescribe that research, development, manufacture, quality assurance and control, management, procurement, distribution or provision of vaccine or immunization service shall be executed or shall pay fee which is improper or unreasonable burden, the Committee may propose the Cabinet to consider on abatement of such burden as deemed as appropriate.

Section 18 In case of emergency or necessary cause for public interest, for prevention, control, treatment or abatement of disease severity or for security of the country, the Cabinet under consent of the Committee shall have power to promulgate and prescribe any of the following issues:

- (1) Manufacture vaccine in determined kind and quantity;

(2) The proportion of temporary vaccine exportation out of the Kingdom shall be proper for the proportion of domestic vaccine usage;

(3) Appropriate vaccine quality assurance and control;

(4) Appropriate procurement, management, distribution, provision of vaccine or immunization service;

(5) Other relevant issues relating to emergency or necessity.

In case where the consent of the Committee is unable to be timely requested under paragraph one, the Minister may firstly promulgate the notification and then propose the Committee for consent within three working days. In case where the consent is not requested from the Committee within deadline or the Committee gives no consent, the said notification shall be terminated, and the Institute shall notify the relevant agency for acknowledgement.

Upon termination of emergency or necessity, the Minister shall promulgate to cancel the said notification.

Chapter 3

National Vaccine Institute

Section 19 An institute shall be established and called “National Vaccine Institute”.

The status of the Institute is the juristic person and government agency which is non-administrative agency under National Administration Regulation Law, Reorganization of Ministry, Sub-Ministry, and Department, and non-state enterprise under Budget Procedures and other laws.

The undertaking of the Institute is not subject to Labour Protection Law, Labour Relations Law, Social Security Law, and Compensation Law. However, the officers and employees of the Institute shall be protected and granted for benefits not less than what are prescribed in such Laws.

Section 20 The head office of the Institute shall be located in Bangkok Metropolis or in other province as prescribed by the Cabinet in the notification.

In case where it is deemed appropriate, the Management Committee of the Institute under consent of the Cabinet may establish branch office and publicize in Government Gazette.

Section 21 The Institute is non-profit agency and has the following objectives:

(1) To study, analyze and prepare draft of strategic policy and plan for the national vaccine security, and propose to the Committee;

(2) To promote, support and operate for research, development, manufacture, and distribution of quality vaccine in adequate quantity for use both in normal situation and in emergency situation;

(3) To manage for integration and drive of the operation to achieve strategic policy and plan for the national vaccine security;

(4) To create network of vaccine expert and coordinate or collaborate between relevant government agencies, educational institutions, international organizations or private organizations in vaccine-related operations;

(5) To be the data and integrated knowledge management center as decision making support in term of policy, economy, and vaccine-related academic matter for academic service, data development and creation of body of knowledge, technology and innovation in vaccine area;

(6) To promote, support or operate training for development of the country's vaccine personnel.

Section 22 For attaining the objectives under Section 21, the Institute shall be the Secretariat of the Committee, the Management Committee of the Institute, and the Sub-Committee and have the following duties and powers:

(1) To prepare draft of strategic policy and plan for the national vaccine security, and coordinate, monitor and assess for observance of the said strategic policy and plan, as well as prepare the report of operation progress to be proposed to the Committee;

(2) To promote, support or operate for research, development, manufacture, and distribution of quality vaccine in adequate quantity for use both in normal situation and in emergency situation; and to provide research fund and grant for promoting or supporting the said operation;

(3) To manage knowledge, information and provide database to support such operation;

(4) To support the increase in capacity for selection, receiving and transfer of science and technology from abroad, as well as management of the relevant investment project and development project pertaining to selection, receiving and transfer of science and technology from abroad for acquisition of effective and appropriate science and technology;

(5) To continuously promote, support or develop the potential of the country's vaccine personnel, train and arrange scholarship for the said personnel;

(6) To establish the right to perform juristic act, hold ownership, and have right to possess and right in intellectual property, and have real right for operation benefit of the Institute's undertaking, and receive money or asset contributed and devoted by anyone;

(7) To make the agreement and cooperate with the government agency or private agency both in domestic and abroad in undertaking related to the operation pursuant to the objectives of the Institute;

(8) To establish juristic person or participate in joint venture with other juristic person in undertaking related to the Institute's objectives;

(9) To borrow money or lend money under personal or asset security for operation benefit under the Institute's objectives;

(10) To collect fee, maintenance fee, remuneration or service charge of undertaking operation under the Institute's objectives pursuant to the regulation prescribed by the Management Committee of the Institute;

(11) To perform any other necessary or continuous act to attain the Institute's objective or as entrusted by the Cabinet, Committee, Management Committee of the Institute, or Sub-Committee, or as prescribed by law to be the Institute's duties and powers.

The establishment of juristic person or joint venture with other juristic person under (8) and money borrowing or lending under (9) shall be in line with the rule prescribed by the Cabinet.

Section 23 Capital and assets of the Institute consist of the following:

(1) Transferred money and asset under Section 53;

(2) General subsidy annually allocated by the Government as appropriate;

(3) Subsidy from private sector, local administration organization or other organization, including from abroad or international organization, and money or asset devoted by anyone;

(4) Fee, maintenance fee, remuneration, service charge, or income from undertaking operations under the Institute's objectives;

(5) Fruit of money or income from the Institute's asset;

(6) Money or other asset generated from the undertaking operation of the Institute.

Money or asset under (3) shall not be received in the manner that the Institute will lack of independence or neutrality.

Section 24 All incomes of the Institute are not the incomes required for delivery to the treasury as national incomes.

In case of necessary or appropriate cause, the Institute under consent of the Management Committee of the Institute may deliver income of the Institute in the amount deemed as appropriate to the treasury as national income.

Section 25 The asset of the Institute shall not be liable for execution. Any person is unable to refer prescription as defence against the Institute in the matter of the Institute's asset.

All assets acquired by the Institute from donation by anyone, or acquired by purchase or exchange from income of the Institute shall be owned by the Institute unless all immovable properties acquired by the Institute by use of income under Section 23 (2) shall belong to state property but the Institute has power to administer, oversee, maintain, and utilize.

The Institute shall have power to administer, oversee, maintain, use, dispose and exploit benefit from the Institute's assets.

Section 26 All incomes, assets or money spending of the Institute shall be managed or spent to attain the Institute's objectives under Section 21.

Money and asset devoted by anyone to the Institute shall be managed under the condition determined by the devoter. However, the written consent from the devoter or his/her heir shall be given if the revision of such condition is necessary. The Management Committee of the Institute shall approve the said revision in case of the heir unavailability or the heir absence. However, the Institute's money storage and disbursement shall be in accordance with rule prescribed by the Management Committee of the Institute.

Chapter 4

Management and Operation

Section 27 In undertaking operation of the Institute, the Management Committee of the National Vaccine Institute shall consist of the following:

(1) The Chairman of the Committee appointed by the Cabinet from the person with obvious knowledge, achievement and high experience in the areas of vaccine, management, veterinary medicine, public health, science or other areas which are relevant and useful for the Institute's undertaking;

(2) Four Ex Officio Committee Members including Director-General of Department of Disease Control, Director-General of Department of Livestock Development, Director-General of Department of Medical Sciences, and Secretary-General of Food and Drug Administration;

(3) Not more than six Competent Committee Members appointed by the Cabinet from the persons with obvious knowledge, achievement and experience in the areas of law, public finance, management, medicine, veterinary medicine, biotechnology, nursing, pharmacy, vaccine or science.

The Director shall be the committee member and secretary and the Director shall appoint two officers to be the assistant secretary.

The acquisition of the Chairman of the Committee and the Competent Committee Member shall be in line with rule, procedure and condition prescribed by the Cabinet in the notification.

Section 6, Section 7 and Section 8 shall come into force mutatis mutandis in qualification and prohibited characteristics, office term and retirement of the Chairman of the Committee and the Competent Committee Member.

Section 28 The duties and powers of the Management Committee of the Institute is to generally supervise the Institute's undertakings and operations to be in line with the determined objectives. Such duties and powers shall include the following:

(1) To determine direction, target and policy of the management, and approve the operation plan, investment plan, financial plan and annual budget of the Institute;

(2) To promulgate regulation on determination of rule, procedure, condition and collection rate of fee, maintenance fee, remuneration or service charge in undertaking operations in accordance with the Institute's objectives;

(3) To promulgate regulation pertaining to general management of the Institute, division of the Institute's sections and scope of duties and powers of such sections;

(4) To promulgate regulation pertaining to personnel management, position determination, qualification of specific position, salary and wage rate, welfare and other privileges of the officer, employee, consultant and expert in filling, appointment, removal, discipline and disciplinary punishment;

(5) To promulgate regulation pertaining to management and administration of the Institute's finance, treasury, supply and asset, accounting and writing off asset from the account;

(6) To promulgate regulation pertaining to appointment, duties and powers of the Audit Committee; and determination of scope pertaining to the function of the Audit Committee and internal auditor;

(7) To promulgate regulation pertaining to nomination, appointment, assessment and removal of the Director, and operation of the Director and authorization to other person for deputizing;

(8) To perform any necessary or continuous act to attain the Institute's objectives or as prescribed by law to be the duties and powers of the Management Committee of the Institute or as entrusted by the Cabinet.

The regulation under paragraph one shall come into force after publication in the Government Gazette.

The regulation pertaining to writing off asset from account under (5) shall be in line with rule prescribed by the Cabinet.

Section 29 Section 9, Section 11 and Section 12 shall come into force mutatis mutandis in the meeting of the Management Committee of the Institute, the appointment of the consultant of the Management Committee of the Institute, the appointment of the Sub-Committee of the Management Committee of the Institute, and the meeting of the Sub-Committee, and the appointment of the consultant of such Sub-Committee.

Section 30 In performing duty hereunder, the Management Committee of the Institute and the Sub-Committee appointed by the Management Committee of the Institute shall have power to issue written order to call any person for giving statement or delivering the relevant clarification, document, information, evidence or any object to be used as consideration support.

Section 31 The Chairman and committee member of the Management Committee of the Institute, Chairman of the Sub-Committee, and the sub-committee member appointed by the Management Committee, the consultant, and the Chairman and the committee member of the Audit Committee, shall receive meeting allowance and other emoluments under rule prescribed by the Cabinet.

Section 32 The Institute shall have one Director in charge in management of the Institute to be subordinate to the Management Committee of the Institute. The director has duty in general supervision of the Institute's works and is the superior of the officers and employees.

The Institute may have Vice Director or Assistant Director appointed from the officer or the employee to be in charge of the Institute's management and have duty in general supervision of the Institute's works in lieu of the Director as entrusted in the number specified by the Management Committee of the Institute.

The Management Committee of the Institute is the person with power to nominate, appoint and remove the Director.

Section 33 The Director shall be the person with the following qualifications and non-prohibited characteristics:

- (1) Thai Nationality;
- (2) Not being aged over than sixty five years of full age;
- (3) Must be the person who can perform full-time work for the Institute;
- (4) Being the person with proper knowledge, achievement and experience for the Institute's undertaking as determined in the objectives, and duties and powers under Section 21 and Section 22;
- (5) Not being the executive of state enterprise or other government agencies;
- (6) Not possess any prohibited characteristics under Section 6 (3), (4), (5), (6), (7) or (9).

Section 34 The office term of the Director shall be four years per term and the Director may be reassumed but not more than two consecutive terms.

In case where the Director is absent or fails to perform his/her duty, the Vice Director with respective seniority shall act for the Director. If the Vice Director is absent or fails to perform his/her duty, the Management Committee of the Institute shall appoint one officer to act for.

The acting person of the Director shall have the same duties and powers as the Director.

Section 35 Apart from retirement by rotation, the Director shall retire upon:

- (1) Death;

- (2) Resignation;
- (3) In case where it is determined in the agreement between the Management Committee of the Institute and the Director;
- (4) Removal by the Management Committee of the Institute due to misprision, infamous conduct or lack of ability;
- (5) Any disqualifications or prohibited characteristics under Section 33.

The resolution of the Management Committee for removal of the Director under Section (4) shall consist of not less than two-third of the existing number of committee members excluding director position.

Disqualification under Section 33 (2) shall be deemed as retirement in the term of the employment contract.

Section 36 The duties and powers of the Director shall include the following:

(1) To manage the Institute's undertaking in accordance with objectives, and duties and powers of the Institute not in conflict with laws, regulations, notifications, resolutions or policies of the Committee and the Management Committee of the Institute;

(2) To prepare operation plan, investment plan, financial plan, and budget of the Institute, and propose to the Management Committee of the Institute for approval;

(3) To execute the management of personnel, finance, budget, and management in other areas of the Institute in accordance with regulation or notification prescribed by the Management Committee of the Institute;

(4) To formulate the regulation pertaining to the operation of the Institute to the extent that it is not in conflict with or contradiction with the objectives, duties and powers of the Institute without conflict with law, regulation, notification, resolution or policy of the Committee, and the Management Committee of the Institute;

(5) To perform other duties as entrusted by the Committee and the Management Committee of the Institute.

Section 37 The Director shall be the representative of the Institute in the Institute's undertakings related to the third party. In this regard, the Director shall assign any person to perform specific work in lieu of him/her but in accordance with regulation as prescribed by the Management Committee of the Institute.

The juristic acts performed by the Director or the authorized person of the Director through breach of regulation prescribed by the Management Committee of the Institute will not bind the Institute unless the Management Committee of the Institute will ratify.

Section 38 The Management Committee of the Institute shall determine salary rate and other emoluments of the Director in accordance with rule prescribed by the Cabinet.

Section 39 The work performers of the Institute consist of three types as follows:

- (1) Officer or employee such as the person who performs work and is paid for salary or wage from the Institute's budget;
- (2) Consultant or expert such as the person who is employed by the Institute to function as the consultant or expert under employment contract;
- (3) Government officer who temporarily performs work of the Institute under Section 42.

Section 40 The officer and employee shall possess qualifications and non-prohibited characteristics as follows:

- (1) Thai Nationality;
- (2) Being aged not below eighteen years of full age and more than sixty years of full age;
- (3) Able to perform full-time work for the Institute;
- (4) Properly qualified or experienced for the Institute's objectives and duties and powers;
- (5) Not being the government officer unless it is the case under Section 42;
- (6) Not being the consultant or expert under the employment contract of the Institute;
- (7) Not possess prohibited characteristics under Section 6 (3), (4), (5), (6), (7) or (9), or Section 33(5).

The provision in (1) shall not come into force to the foreign officer and employee whom are required for employment by the Institute or appointed in accordance with commitment or nature of the Institute's undertaking.

Section 41 The officer and employee shall retire upon:

- (1) Death;
- (2) Resignation;
- (3) Any disqualifications or prohibited characteristics under Section 40;
- (4) Dismissed due to fail from performance appraisal in accordance with regulation prescribed by the Management Committee of the Institute;
- (5) Fired or discharged due to disciplinary offence in accordance with regulation prescribed by the Management Committee of the Institute.

Disqualification under Section 40 (2) shall be deemed as retirement in the term of the employment contract.

Section 42 For management benefit of the Institute, the Minister may request the government officer to temporarily perform work as the officer or employee after approval from the superior or the employee of that person under the agreement entered in approval.

In case where the government officer is approved to temporarily perform work as the officer or the employee of the Institute under paragraph one, it shall be deemed to be permitted to quit from the official duties or quit from work to perform any works. The duration during performing work in the Institute shall be counted for calculation of pension or other emoluments similar to the time of performing official duties or performing such full-time works as the case may be.

After expiration of the approved duration in performing work in the Institute, the government officer under paragraph one shall be entitled to be filled and appointed to hold the office and receive salary in the former administrative agency or agency not below the former office and salary under the agreement entered in approval.

Chapter 5

Accounting, Audit, and Performance Appraisal of the Institute

Section 43 The Institute's accounting shall be prepared in accordance with the rule prescribed by the Management Committee of the Institute to be in line with Accounting Standards. Internal audit pertaining to finance, accounting, and supply of the Institute shall be arranged and audit result shall be reported to the Management Committee of the Institute for acknowledgement at least once a year.

In internal audit, the work performer of the Institute shall particularly perform his/her duty as internal auditor and being in charge to be subordinate to the Audit Committee and the Management Committee of the Institute in accordance with regulation prescribed by the Management Committee of the Institute.

In appointment, removal, salary increase, office promotion and disciplinary punishment of the internal auditor, the Director and the Audit Committee shall mutually consider and propose the Management Committee of the Institute to give consent prior to the operation.

Section 44 The Institute shall prepare balance sheet, financial statements and operating accounts, and deliver to the auditor within ninety days from the ending date of accounting year every year.

In every year, the State Audit Office of the Kingdom of Thailand or the third party appointed by the Management Committee of the Institute under consent of the State Audit Office of the Kingdom of Thailand, as the auditor and assessor of the Institute's spending and assets shall remark its opinion in analytical issue whether how such spending is in line with objective, saving and success on target. It shall record the report of the auditing result and propose to the Management Committee of the Institute.

In this regard, the auditor shall audit all kinds of account books and documentary evidences of the Institute, inquire the Director, Vice Director, Assistant Director, internal auditors, officers and employees or other persons, and call them to additionally submit all kinds of account books and documentary evidences of the Institute as necessary.

Section 45 The Institute shall prepare annual report and propose to the Minister every end of the fiscal year. This report shall refer to the Institute's performance in last year, operating accounts, the auditor's report, and clarification about the policies of the Management Committee of the Institute, projects and work plans that will be prepared in the future.

Section 46 For benefit in development and improvement of operating system of the Institute to be efficient and accomplished, creation of responsibility and reliability to public on the Institute's undertaking, as well as monitoring of progress and audit of the Institute's operation to be in line with the prepared objective, project and work plan, the Institute shall arrange operating assessment in the period specified by the Management Committee of the Institute but no longer than three years.

The operating assessment under paragraph one shall be prepared by the Institute, agency, organization or juristic body which are neutral and specialized in operating assessment, and selected or appointed in accordance with the method determined by the Management Committee of the Institute.

The operating assessment of the Institute shall declare fact to be revealed in the aspects of effectiveness, efficiency, organizational development and in other details which will be additionally determined by the Management Committee of the Institute.

In case of rationale and necessity, the Management Committee of the Institute can also periodically arrange the operating assessment.

The Institute shall report the operating assessment result to the Minister, the Committee, and the Public Sector Development Commission.

Chapter 6

Governance

Section 47 The Minister has duties and powers to govern the Institute's undertaking to be in line with laws and consistent with establishment objectives of the Institute, policies of the Government, resolutions of the Cabinet, strategies and plans in performing official duties related to the Institute. In this regard, the Minister shall have power to order the Institute to clarify, comment, report or restrain the act of the Institute which is in conflict with laws, establishment objectives of the Institute, policies of the Government, resolutions of the Cabinet, strategies and plans in performing official duties related to the Institute, as well as order to investigate fact related to the Institute's operation.

Chapter 7

Penalty Provision

Section 48 Any person violates or breaches the notification promulgated under Section 18 shall be punished for imprisonment for not more than one year or fine for not more than one hundred thousand Baht or both imprisonment and fine.

Transitory Provision

Section 49 In the initial term, the National Vaccine Committee shall consist of the Committee Members under Section 5 (1), (2) and (3), and the Director shall perform duties of the Committee Member and Secretary, and perform duties of the National Vaccine Committee hereunder for the time being until the Competent Committee Member under Section 5 (4) will be appointed in not more than one hundred and twenty days from the enforcement date of this Act. However, the Director shall appoint two officers to be the Assistant Secretary.

Section 50 The Chairman of the Management Committee of the National Vaccine Institute, and the Competent Committee Member in the Management Committee of the National Vaccine Institute under the Royal Decree of Establishment of National Vaccine Institute (Public Organization) B.E. 2555 (2012), shall be the Chairman of the Management Committee of the National Vaccine Institute, and the Competent Committee Member in the Management Committee of the National Vaccine Institute hereunder until expiration of the term in accordance with the Royal Decree of Establishment of National Vaccine Institute (Public Organization) B.E. 2555 (2012).

In count of office term of the Chairman of the Committee and the Competent Committee Member under Section 27 (1) and (3), their office term shall be counted in accordance with the Royal Decree of Establishment of National Vaccine Institute (Public Organization) B.E. 2555 (2012), as the first office term hereunder.

Section 51 The Director, officer, employee, consultant, expert and government officer who temporarily perform works of the Institute in accordance with the Royal Decree of Establishment of National Vaccine Institute (Public Organization) B.E. 2555 (2012), shall be the Director, officer, employee, consultant, expert and government officer who temporarily perform works of the Institute hereunder. Such Director, officer, employee, consultant, expert and government officer who temporarily perform works of the Institute shall hold the office and receive salary or wage as well as privileges based on the former office and rate of salary or wage being held and received in the enforcement date of this Act. The service duration of the said persons shall be deemed to be the service duration which is consecutive with service duration in the Institute from the enforcement date of this Act.

Section 52 In count of office term of the Director under Section 34, the office term of the Director shall be counted in accordance with the Royal Decree of Establishment of National Vaccine Institute (Public Organization) B.E. 2555 (2012), as the first office term hereunder.

Section 53 After this Act comes into force, the Royal Decree of Establishment of National Vaccine Institute (Public Organization) B.E. 2555 (2012), the Regulation of the Office of the Prime Minister on Advancement of Strategic Policy and Plan for National Vaccine B.E. 2554 (2011), and the Regulation of the Office of the Prime Minister on Advancement of Strategic Policy and Plan for National Vaccine (No. 2) B.E. 2559 (2016), shall be annulled. All undertakings, monies, assets, rights, debts as well as budget and incomes of the National Vaccine Institute (Public Organization) in accordance with the Royal Decree of Establishment of National Vaccine Institute (Public Organization) B.E. 2555 (2012), which are existent in the enforcement date of this Act, shall be transferred to be belonged to the Institute hereunder.

Section 54 All of regulations, rules, or notifications promulgated in accordance with the Royal Decree of Establishment of National Vaccine Institute (Public Organization) B.E. 2555 (2012) and strategic policy and plan for the national vaccine and master plan of the vaccine issued in accordance with the Regulation of Office of the Prime Minister on Advancement of Strategic Policy and Plan for National Vaccine B.E. 2554 (2011), which are effective before the enforcement date hereof, shall further come into force as long as they are not in conflict herewith or contradiction hereto until regulations, notifications or strategic policies and plans for the national vaccine security promulgated hereunder shall come into force.

The promulgation of the regulations and notifications shall be completed within one year from the enforcement date of this Act. In case of failure to execute such promulgation, the Minister shall report reason of the said failure to execute to the Cabinet.

Countersigned by:

General Prayut Chan-o-cha

Prime Minister

Note :- The rationale of promulgation of this Act is that today's vaccine management mechanism of Thailand has still lacked of unity and lacked of continuity in integration of strategic policy and plan for vaccine. It is therefore necessary for promotion and support for research, development, manufacture, distribution of quality vaccine in adequate quantity for use of vaccine in immunization for people and animals that are disease vectors to human both in normal situation and in emergency situation, and creation of network of vaccine experts, and coordination and cooperation between relevant agencies. Therefore, it is expedient to determine the mechanism as promoting and supporting system for appropriate and adequate research, development, manufacture, quality assurance and control, procurement and distribution of vaccine. The Committee shall formulate strategic policies and plans for the national vaccine security for more unity, continuity and efficiency in vaccine management, ability to protect and control controllable disease outbreaks with vaccine to be in restricted zone, minimized or extinguished from Thailand, leading to self-dependence and vaccine security of the country. Moreover, the criminal punishment is determined for efficient law enforcement. Therefore, this Act is required for enactment.