

Notification of the N.C.C. Commission Concerning the determination of the positions of state officials prohibited from carrying out the activities under Section 100 of the Organic Act on Counter Corruption, B.E. 2542 (1999) B.E. 2544 (2001)

By virtue of the provisions of Section 100 of the Organic Act on Counter Corruption B.E. 2542 (1999), any State official shall not carry out the following acts:

- (1) being a party to or having interest in a contract made with a Government agency where such State official performs duties in the capacity as State official who has the power to conduct supervision, control, inspection or legal proceedings;
- (2) being a partner or shareholder in a partnership or company which is a party to a contract made with a Government agency where such State official performs duties in the capacity as a State official who has the power to conduct supervision, control, inspection or legal proceedings;
- (3) being a concessionaire or continuing to hold a concession from the State, State agency, State enterprise or local administration or being a party to a contract of a directly or indirectly monopolistic nature made with the State, a Government agency, State agency, State enterprise or local administration, or being a partner or shareholder in a partnership or company which is a concessionaire or a contractual party in such manner;
- (4) being interested in the capacity as a director, counsel, representative, official or employee in a private business which is under supervision, control or audit of the State agency to which such State official is attached or where such State official performs duties in the capacity as State official, provided that the nature of the interest of the private business may be contrary to or inconsistent with public interest or the interest of the Government service or may affect the autonomy in the performance of duties of such State official.

The positions of State officials prohibited from carrying out the activities under paragraph one shall be prescribed and published in the Government Gazette by the N.C.C. Commission.

The provisions of paragraph one shall apply to spouses of the State officials under paragraph two. For this purpose, the activities carried out by the spouse shall be deemed as the activities carried out by the State official.

According to section 101, the provisions of section 100 shall apply *mutatis mutandis* to the activities carried out by the person who has already ceased to be the State official for less than two years, with the exception of the holding of shares of not more than five percent of the total number of shares issued by a public limited company which is not a party to a contract made with the State agency under section 100 (2), for which permission is obtained under the law on securities and securities exchange.

The positions of State officials prohibited from carrying out the activities under paragraph one shall be prescribed and published in the Government Gazette by the N.C.C. Commission. Therefore, by virtue of the provisions of Section 100 of the Organic Act above, the N.C.C. Commission determines the positions of state officials prohibited from carrying out the activities under Section 100, as follows:

1. Prime Minister
2. Minister

This Notification shall come into force as 180 days following the date of its publication in the Government Gazette.

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Ophars Arunin President of the N.C.C. Commission