

Digital Platform Service Businesses Law of Thailand

On 15th July 2021 the MDES (Ministry of Digital Economy and Society) and the EDTA (Electronic Transactions Development Agency) held a public hearing on the draft of the Royal Decree on Digital Platform Service Businesses (“**DPSB Law**”) to be enacted as a law under the Electronic Transactions Act B.E. 2544 (A.D. 2001). The stated objective of this law is for the protection of consumers and the enhancement of the credibility of digital platforms. This was the second round of the public hearing. It was for the private sector. The first round hearing was held on 2nd July 2021 for the public sector. We summarized the major principles and provisions of this law, and its tentative enactment timeline below.

1. A “Digital Platform Services” (“**DPS**”) means a service provided on a digital platform as a medium for connections between users in order to offer goods, services or intangible assets through a computer network regardless of an agreement is made on such digital platform or not.
2. A “Digital Platform Services Provider” (“**DPSP**”) is required to notify the ETDA before providing the DPS in Thailand.
3. A DPSP located outside Thailand is subject to the DPSB Law if its DPS is provided to consumers in Thailand. A DPSP is also required to appoint a local representative in Thailand.
4. Each DPSP must submit with ETDA an annual report on the size of its business within 30 days after the end of its financial year.
5. ETDA is given the powers to prescribe terms and conditions of services for the large-scale DPSP, such as the terms and conditions of the business between the DPSP and its business users, the criteria on ranking of goods or services, the system of consumer satisfaction assessment and consumer’s feedback, the dispute resolution, the notice and takedown of illegal electronic information.
6. ETDA has power to issue a notification to exclude the SME DPSP hiring less than 5 employees and having an annual turnover of not more than THB1,800,000 from the terms and conditions mentioned under No. 5 above.
7. As of August 2021, the draft DPSB Law is being reviewed by the ETDA. It will be later submitted to the MDES, the Cabinet, the Council of State (more public hearings by the Council of State are possible) respectively before it is returned to the Cabinet before passing as a law, expected around the end of 2021.



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