

Thailand Cabinet Approves Draft of Digital Platform Royal Decree

On 25th October 2021, the Cabinet approved in principle the draft of the Royal Decree on Supervision of Digital Platform Services Required to be Notified (“DPRD”) to be enacted under the Electronic Transactions Act B.E. 2544 (A.D. 2001) to provide protection to consumers and digital platform users, enhance the credibility of digital platforms, and maintain financial and commercial stability of Thailand.

We summarized the major principles of the DPRD as follows.

1. The Digital Platform Services (“DPS”) means a service provided on a digital platform as a media between digital platform business users who offer to sell to consumers their products, properties, handicrafts or services through the digital platform, or between consumers and consumers, through a computer network, no matter such business users or consumers have memberships or accounts with the DPS.
2. Digital Platform Service Providers (“DPSP”) means DPS providers in Thailand or abroad whose services are provided to consumers in Thailand. They are required to notify the Electronic Transactions Development Agency (“ETDA”) of their business operations electronically before providing their services in Thailand. Each of the foreign DPSPs is also required to appoint a local representative in Thailand.
3. The DPSP is also required to submit an annual report on the size of its business to ETDA within 30 days from the end of its financial year.
4. ETDA is empowered to issue implementation rules to specify the characteristics or types of DPSP whose DPS is required to notify certain details of DPS to their platform users before or at the time of providing their services.
5. DPSP who wishes to cease their business operation in Thailand must notify ETDA electronically of their closure of operation not less than 60 days prior to the closure date.
6. If the DPSP fails to comply with the DPRD, ETDA can order it to cease its operation until after it has fully complied with the DPRD. If the DPSP fails to comply with the ETDA’s order within 90 days, ETDA can remove it from the register of the notified DPSP.

The draft DPRD is now being reviewed the Council of State. Its final version will be approved by the Cabinet one more time before it is enacted and published in the Government Gazette.



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