

New Regulations for Digital Platform Operators



The Royal Decree on Digital Platform Service Business Requiring Notification B.E. 2565 (2022) (The 'Royal Decree') was published on the 22nd of December 2022. Digital platform operators have until August 2023 to amend their platforms to comply with the notification requirements.

Digital Platform Service

Digital platform services are platforms providing businesses, consumers and service users with a digital platform to carry out electronic transactions, irrespective of whether they charge a service fee or not. Excluded from this are digital platform services created to offer one single business operators', or its affiliate companies acting as agents, goods, and services.

Digital Platform Services Operating Outside of Thailand

The Royal Decree applies to all digital platform services with users in Thailand- including those based overseas. If a digital platform service is based overseas, it will be regarded as providing services to service users in Thailand if:

- ✓ Part, or all of the platform is in Thai
- ✓ The domain name is .th, or other domains referring to Thailand
- ✓ Payment is accepted in Thai Baht
- ✓ Some employees are located within Thailand
- ✓ There is a Thai office
- ✓ Thai law governs transactions

In these cases, overseas digital platform services are required to appoint a Thai national, who resides in the Kingdom, as a coordinator to liaise with the ETDA. This appointment must be made in writing.

ETDA Notification

Digital platform providers are required to notify the ETDA prior to commencing their business operations, and annually thereafter. The general information which must be provided includes:

- ✓ Information on the person wishing to operate digital platform service business (such as their name, address and contact details)
- ✓ Information on the digital platform service (name, category, URL, income pre-expenses)
- ✓ Information concerning service users (number of users, category of service users)
- ✓ Annual report (transactions, net income pre-expenses)

For digital platform services which have an annual income (before expenses) of 1.8 million THB for natural persons/ 50 million THB for juristic persons or has, on average, over 5,000 monthly users, they must also disclose their terms and conditions of services to users.

For digital platform services which are considered large (net income of 300 million THB per year in each category of service or 1 billion THB combined for all services as well as, those that have Thai users equating to over 10% of the population of Thailand) the following additional requirements are imposed:

- ✓ Risk management system
- ✓ Compliance officer
- ✓ Third party auditor

For digital platform services who carry high financial risk or impact, and platforms impacting on state security, health, environment, communication, and public utilities the general duties remain the same and a risk management system is also necessary.

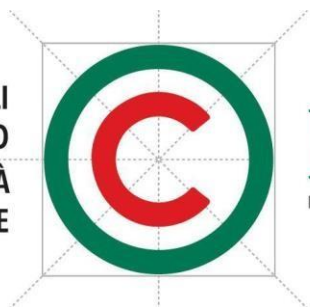
Digital Platform Services Already Operating

For digital platforms which have been operating prior to the enforcement of this Royal Decree, there will be a 90-day grace period for them to comply with the notification. During this time, these platforms can carry on their normal operations.

Failure to Comply

In the case that a digital platform service does not comply with the above, the ETDA may suspend operations and give them 90 days to rectify. If this does not happen, the ETDA will revoke their certification.

**OSTACOLI
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INTELLETTUALE**



ITCA 
ITALIAN TRADE AGENCY

Italian Trade Commission

Agenzia ICE di Bangkok

14/th floor, Bubhajit Building
20 north Sathorn rd
10500, Bangkok

Per ulteriori informazioni contattare:

 + 00662/6338491

 + 00662/6338355

 + 00662/6338494

 bangkok@ice.it

Responsabile: GIUSEPPE LAMACCHIA

IPR/FAIR BANGKOK

Desk Assistenza e Tutela della Proprietà Intellettuale e Ostacoli
al Commercio

Referente: Avv. Luca Bernardinetti

Layout grafico e impaginazione

ICE - Agenziaper la promozione all'estero e l'internazionalizzazione
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Ufficio Coordinamento Promozione del Made in Italy
Nucleo Grafica@ice.it | Vincenzo Lioi & Irene C. Luca