

21st July 2018

Surangkana Wayuparb, Executive Director of the Electronic Transactions Development Agency
(Public Organization)
Office of Electronic Transaction Development (Public Organization)
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By email to: legal@etda.or.th

Dear Surangkana Wayuparb

The Asia Internet Coalition (AIC) is an industry association made up of leading internet and technology companies. The AIC seeks to promote the understanding and resolution of Internet policy issues in the Asia Pacific region. Our Members include AirBnB, Amazon, Apple, Expedia, Facebook, Google, LinkedIn, LINE, Rakuten, Twitter and Yahoo. We thank the Thai Government for seeking comments on The Draft Electronic Transactions Bill

High-Level Comments

We have some High-Level comments Draft Electronic Transactions Bill in relation to Section 32.

Firstly, the phrase “service business relating to electronic transaction”, is not defined at all. Without clear definitions, there will be confusion and a lack of consistency. It is important that all key terms are comprehensively defined.

Secondly, we understand that the Government will issue a royal decree to designate those “service business[es] relating to electronic transaction” that must register or obtain a licence from the Government on the basis of “maintain[ing] national security of economic, financial and commercial stability, or for benefit of strengthening the credibility and acceptance of electronic transactions system, or to protect consumers or good morals and the public peacefulness”. These factors, especially around morals and public peacefulness, seem out of place in an ostensibly payments/transactions regulation. We would respectfully suggest the removal of this section.

Those “service business relating to electronic transaction” bound by the decree will be required to establish a local office or place of business in Thailand. The local office requirement in the new section 32 could also potentially violate international trade obligations, such as those arising under WTO, the General Agreement on Trade in Services (GATS) and the ASEAN Framework Agreement on

Services (AFAS). Further, we would highlight that if Thailand were to wish to join Comprehensive and Progressive Agreement for the Trans-Pacific Partnership (CPTPP) in future, it contains a local presence prohibition, meaning that insisting on the establishment of local offices is not permitted.

We do hope that our comments give the Royal Thai Government an insight into the industry perspective, and we will be more than happy to provide further comments or answer any further questions the Government may have.

Yours sincerely



Jeff Paine

Managing Director, Asia Internet Coalition