



**Asia-Pacific
Economic Cooperation**

2009/SOM1/CPLG/011

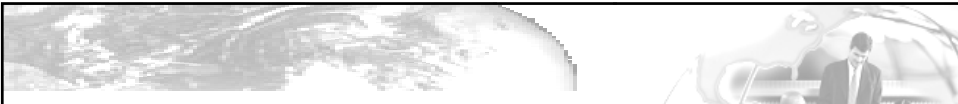
Agenda Item: 7

Competition Policy and Law: Thailand

Purpose: Information
Submitted by: Thailand



**Competition Policy and Law Group Meeting
Singapore
21-22 February 2009**


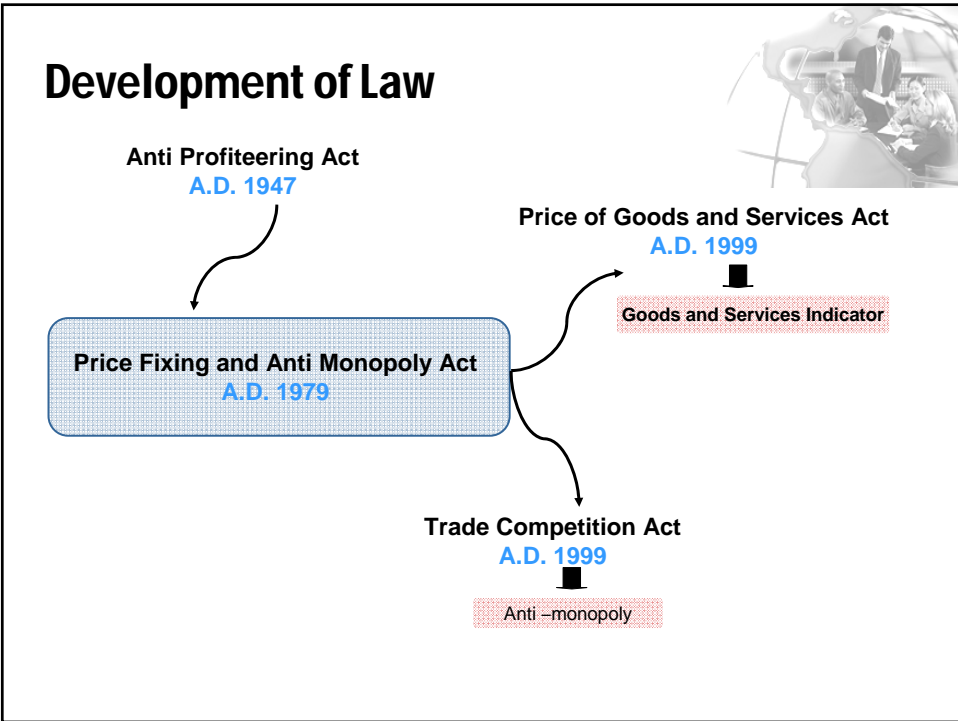


Competition Policy and Law Thailand

**MEETING OF THE APEC COMPETITION POLICY AND
LAW GROUP (CPLG)**

Grand Copthorne Waterfront Hotel Singapore

21-22 February, 2009
By
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Laws' Objectives

The Thai Trade Competition Policy Trade Competition Act A.D. 1999



- To promote free and fair trade competition of the country

- To promote the entrepreneur's business activities and encourage them to be initiative, creative

- To protect long term consumer's benefit

- To support efficient trade system and country's economy effectiveness.

Scope of Law Enforcement



Agriculture, Industry, Commerce, Finance, Insurance, Services and Businesses Prescription By the Ministerial Regulations



Except

1. Administration Govt.
2. State enterprises (under reviewing to including the public enterprise that competing with the private sectors)
3. Farmers' Groups
4. Businesses Prescription by the Ministerial Regulation





Thai



The Key sections of Competition Law

- section 25 Abuse of Dominant Position
- section 27 Unreasonable Agreement
- section 26 Mergers & Acquisitions
- section 29 Unfair Trade Practices
- section 28 Prohibition of Unreasonable Agreement With Foreign Firm

Under the Competition Act 1999,
the Ministry of Commerce has developed



- The Competition Commission's Notification on the Criteria of Dominant Position
- The Competition Commission's Rules on the Acceptance of Complaints and Inspections
- The Competition Commission's Guidelines Concerning Unfair Trade Practices Between Wholesalers/Retailers and Suppliers

Thailand Cases

Year : Cases

1999	-	2
2000	-	4
2001	-	7
2002	-	7
2003	-	13
2004	-	12
2005	-	9
2006	-	7
2007	-	9
2008	-	4

Total - 74



Section 25 The Stages of Dominant Position

Prohibition of behavior involved abuse of dominant position

- To conduct or control a relevant market on goods or services.
- To limit access to a relevant market or otherwise unduly restrain competition.
- Having or being likely to have adverse effects on trade or economic development

Thailand



Threshold of dominant position

- >1 firm \geq 50% of market share
- >Sales volume \geq 1,000 Million Bath/year

- 3 firm \geq 75% of market share
- >Sales volume \geq 1,000 Million Bath/year

(except < 10% Or Sales volume \leq 1,000 Million Bath/year)





Challenge

the Draft of the Wholesale and Retail Trade Act, A.D...
will be into effect soon



Activities

- Administrative Remedy Training Program on Competition Law.



DEPARTMENT OF INTERNAL TRADE

Thank You

