

The Trade Competition Commission
Regulation on
Complaints, Investigation, and Procedures for Criminal or Administrative Prosecution (No. 2)
B.E. 2563 (2020)

Whereas it is necessary to amend the Regulation on Complaints, Investigation, and Procedures for Criminal or Administrative Prosecution B.E. 2562 (2019) to be more proper and effective;

By virtue of Section 17 (2) (6) and Section 29 (5) of the Trade Competition Act B.E. 2560, the Trade Competition Commission hereby issues the Regulation as follows:

Article 1: This Regulation is entitled “The Trade Competition Commission Regulation on Complaints, Investigations, and Procedures for Criminal or Administrative Prosecution (No. 2) B.E. 2563 (2020).”

Article 2: This Regulation shall be effective on the following day after the date of its publication in the Government Gazette onwards.

Article 3: The definitions of “An Accused” and “A Disputing Party” in Article 4 of the Trade Competition Commission Regulation on Complaints, Investigation, and Procedures for Criminal or Administrative Prosecution B.E. 2562 (2019) shall be annulled and being replaced by the following:

““An Accused” means a person being accused by the Commission, or by the Inquiry Sub-Committee, of having committed a criminal offence, whether or not it is also an administrative offence;

“A Disputing Party” means a person being accused by the Commission, the sub-committee to consider an administrative offence, or the Secretary – General, of having committed an administrative offence.”

Article 4: The provision in Article 22 (1) of the Trade Competition Commission Regulation on Complaints, Investigation, and Procedures for Criminal or Administrative Prosecution B.E. 2562 (2019) shall be annulled and being replaced by the following:

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“(1) If an offender has been identified, an accusation to such person shall be formally made and shall be informed to the Commission within seven (7) days of the date of the accusation, by presuming to that person to be an Accused, and further investigations and inquiry shall be proceeded without delay.”

Article 5: The provisions in Article 34 Paragraph 2 of the Trade Competition Commission Regulation on Complaints, Investigation, and Procedures for Criminal or Administrative Prosecution B.E. 2562 (2019) shall be annulled and being replaced by the following:

“In case where the Accused has been also deemed to commit the Administrative Offence, the Commission shall issue an order to impose an administrative fine per Section 85 of the Trade Competition Act B.E. 2560.”

Article 6: The provisions in Article 41 Paragraph 2 of the Trade Competition Commission Regulation on Complaints, Investigation, and Procedures for Criminal or Administrative Prosecution B.E. 2562 (2019) shall be annulled and being replaced by the following:

“The sub-committee per Paragraph One shall comprise of at least three, but not exceeding five, members appointed by the Commission, having at least one member who shall be, or used to be, a government officer with knowledge and experience in administrative law, economics, law, commerce, accounting, or other disciplines deemed necessary to perform the duty as a member of the sub-committee, and the Commission shall assign one of its Officer to be a member of and secretary to the sub-committee.”

This Regulation is announced on the 25th of August B.E. 2563 (2020)

Professor Sakon Varanyuwatana

Chairperson of the Trade Competition Commission

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