

20 September 2018

Ms. Ajarin Pattanapanchai,  
Permanent Secretary of the Ministry of Digital Economy and Society  
Ministry of Digital Economy and Society  
120 Moo 3, 6-9 floor  
The Government Complex Commemorating His Majesty, Chaeng Watthana Road,  
Thung Song Hong, Khet Laksi Bangkok 10210.

(sent via email)

Dear Ms. Pattanapanchai,

**RE: Submission of comments on the Draft Electronic Transaction Act**

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 (Oath).

We thank the Thai Government for seeking comments on The Draft Electronic Transactions Bill. With reference to the previous AIC submission (dated 21st July 2018), we would like to provide the following comments to the latest draft in relation to Section 32:

- The phrase, “service business relating to electronic transaction” remains undefined. The scope and applicability of Section 32 is unclear, as long as there is no definition. To ensure predictability for the “service businesses” (which could be subjected to further regulations through Royal Decree), it is important that all key terms are comprehensively defined.
- We understand that the Government can issue a Royal Decree designating those “service businesses relating to electronic transaction” to prior notification, registration or license as necessary to “maintain financial or commercial security, or for benefit of strengthening the credibility and acceptance of electronic transactions system, or to prevent detriments to the public”. These factors remain broad, particularly “to prevent detriments to the public” given that this is a payments and transaction bill.
- Further, we understand that the criteria used to determine what type of regulatory regime “services businesses” will be subject to includes “effects that may arise from the operation of such business, along with the suitability of the control and supervision, and the prevention of the detriments in accordance with the degree of effects that may arise from the operation of such business must be taken into account.” These criteria are also broad and vague, providing little indication of which “service businesses” are actually included within the purview of this bill.
- We would respectfully suggest removing this section, or, including a clear definition of the phrase “service businesses related to electronic transaction”.

Lastly, we once again would like to convey our appreciation to the Royal Thai Government for maintaining a requirement for the Royal Decree to undergo public consultation.

We believe that close dialogue with the industry, allowing industry appropriate time to provide comments, and taking into consideration its views, will improve the legislative outcomes. As always, we are available to meet in person to discuss any of the above further.

Yours sincerely,



Mr Jeff Paine  
Managing Director  
Asia Internet Coalition