

The Trade Competition Commission
Regulation on
Complaints, Investigation, and Procedures for Criminal or Administrative Prosecution (No. 3)
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. 3) 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 provisions in Article 23 of the 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 interrogation of a Claimant, an Accused, and a witness, including a gathering of any evidence, an inquiry sub-committee may assign at least two of its members to conduct the interrogation.”

Article 4: The provisions in Article 27 Paragraph 2 of the 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 an interrogation per Paragraph One, an inquiry sub-committee may assign at least two of its members to do so and a testimony from the interrogation shall be recorded in writing and a person who has been interrogated shall read such testimony thoroughly – except if that person refuses to read or is unable to read, the testimony shall be read for – and signatures of an interrogated

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and a person who records that testimony shall be provided as evidences; If there is any other person(s) giving the testimony, such person(s) shall also provide the signature(s) as evidence; and all interrogating members of the inquiry sub-committee shall provide their signatures to certify thereof. If the testimony of interrogation contains many pages, at least one member of the inquiry sub-committee together with the interrogated shall provide their signatures on every page.”

Article 5: The provisions in Article 43 of the Regulation on Complaints, Investigation, and Procedures for Criminal or Administrative Prosecution B.E. 2562 (2019) shall be annulled and being replaced by the following:

“Under the provision in Article 36, the consideration on an administrative offence shall be subject to the following time periods:

(1) in an uncomplicated case, the proceeding shall be concluded within one-hundred-and-twenty (120) days from the date of receipt of the case per Article 36, Para 2 (1);

(2) in a complicated case, the proceeding shall be concluded within one-hundred-and-eighty (180) days from the date of appointment order of a sub-committee per Article 41.

If there is a cause of interruption preventing a proceeding to be concluded within such time period in Paragraph 1, an extension of thirty (30) days shall be requested from the Commission but no more than two (2) extensions are allowed; except when there is a necessary cause for further extension, each additional extension shall be thirty (30) days and the reasons and necessities of such extension shall be recorded on the case file.”

This Regulation is announced on the 1st of June B.E. 2564 (2021)

Professor Sakon Varanyuwatana

Chairperson of the Trade Competition Commission

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