

The Trade Competition Commission of Thailand Notice on Criteria for being an Undertaking with Dominant Position

Whereas it is necessary to amend the criteria for being an undertaking with dominant position to be more explicit and appropriate;

By virtue of Section 5 and Section 17 (2) of the Trade Competition Act B.E. 2560 (2017), the Trade Competition Commission announces the Notice as follows:

Article 1: This Notice shall be effective on the following day after the date of its publication in the Government Gazette onwards.

Article 2: The Notice entitled “The Trade Competition Notice on Criteria for being an Undertaking with Dominant Position B.E. 2561” shall be annulled.

Article 3: Any undertaking with market share and sales revenue as follow shall be deemed as an undertaking with dominant position:

(1) An undertaking in a market of a particular product or service that has market share in the preceding year of 50 percent or more and has sales revenue in the preceding year of one billion (1,000,000,000) baht or more, or

(2) First largest three (3) undertakings in a market of a particular product or service that have combined market shares of 75 percent or more;

The provision in Paragraph 1 (2) above shall not be applied to any undertaking having sale revenue in a preceding year of less than one billion (1,000,000,000) baht or with market share in the preceding year lower than 10 percent.

Article 4: The assessment of market share and sales revenue of an undertaking with dominant position shall include market share and sales revenue in a market of a particular product or service of all undertakings that are under common policy relations or common controlling interests corresponding with the relevant Commission’s Notice and all those undertakings are presumed to be undertakings with dominant position.

DISCLAIMER: "This translation is provided by the Trade Competition Commission of Thailand as the competent authority for information purposes only. Whilst the Trade Competition Commission of Thailand has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law."

Article 5: Any case or proceeding being conducting or conducted under the provisions of the Trade Competition Commission Notice on Criteria for being an Undertaking with Dominant Position B.E. 2561 shall remain valid and shall continue to proceed, under the enforceability and validity of the aforementioned Notice, until its completion.

This Notice is announced on the 1st of September B.E. 2563 (2020)

Professor Sakon Varanyuwatana

Chairperson of the Trade Competition Commission

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