

**The Trade Competition Commission Regulation on
Complaints, Investigation, and Procedures for Criminal or Administrative Prosecution
B.E. 2562 (2019)**

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

1. This Regulation is called “The Trade Competition Commission Regulation on Complaints, Investigations, and Procedures for Criminal or Administrative Prosecution B.E. 2562”.

2. This Regulation shall be effective on the following day after the day that this Regulation being published in the Government Gazette onwards.

3. The Trade Competition Commission Regulation on Complaints and Fact-Findings B.E. 2562 shall be revoked.

4. In this Regulation,

“A Complaint” means a subject matter of which the Claimant complains, or a subject matter apparent to the Commission that there is, or may plausibly be, an offence under the provisions of the Trade Competition Act B.E. 2560;

“A Claimant” means a person who files the Complaint claiming that there is, or may plausibly be, an offence under the provisions of the Trade Competition Act B.E. 2560;

“An Alleged” means a person being alleged of having committed or probably committed an offence under the provisions of the Trade Competition Act B.E. 2560;

“An Accused” means a person being accused by the Commission 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 of having committed an administrative offence;

“A Criminal Offence” means an offence under the provisions of the Trade Competition Act B.E. 2560 having criminal punishment;

“An Administrative Offence” means an offence under the provisions of the Trade Competition Act B.E. 2560 having administrative punishment;

“The Commission” means the Trade Competition Commission;

“The Office” means the Office of the Trade Competition Commission;

“The Secretary-General” means the Secretary-General of Trade Competition Commission;

“The Officer” means the Officer under the provisions of the Trade Competition Act B.E. 2560;

and

“An Official” means an official of the Office of the Trade Competition Commission.

5. For the purposes of implementation of this Regulation, upon a receipt of the Complaint, the Office shall proceed as follows:

(1) Issuing a case number and necessary references for a case list according to the Office’s workflow by separating the case list from general clerical documents;

(2) Determining criteria for delegation, distribution, assignment, transfer, remand, or disposal of the Complaint or a case, as well as criteria for controlling, regulating, monitoring, examining and expediting a proceeding of a case; and

(3) Responsible for other actions assigned by the Commission.

6. For the purposes of implementation of this Regulation, the Commission shall have the authority to issue further guidelines or practices for this Regulation;

If there is a problem concerning the implementation of this Regulation, the Commission shall have the authority to resolve such problem. The decision of the Commission is final.

7. The Chairperson of the Commission shall be in charge of this Regulation.

Chapter 1

Complaints

8. Anyone who has been injured by an offence under the provisions of the Trade Competition Act B.E. 2560, or anyone who has observed such offence, may complain to the Office through the following methods:

(1) Submit a written complaint in person or by post;

(2) Verbally complain to the Official on duty or by telephone;

(3) Submit a complaint through the Office's website (www.otcc.or.th) or via electronic means or other means determined by the Office's Notice;

When a complaint is made verbally, the Official shall record it and shall have a Claimant's signature as an evidence and, if any witness has been brought along, the Official may also record the witness's statement and have the witness's signature as an evidence;

If a Complaint is made by telephone or through the Office's website, a Claimant shall provide the name, address, telephone number, and number of identity card or passport, as well as the e-mail address, if a Complaints is made through the Office's website.

9. A Complaint described in 8 shall be made in non-intrusive language and shall at least contains the following details:

- (1) The name and contact address of the Claimant;
- (2) The name of the Alleged, and the address of the Alleged, if known;
- (3) Facts concerning details and circumstances of an offence together with evidences or referring to available evidences to a current state of knowledge;
- (4) Date, time, and place in which the Claimant claims that an offence under the Trade Competition Act B.E. 2560 has been committed;
- (5) Incurred damages (if any);
- (6) In case of a written Complaint, the signature of the Claimant shall be presented;

If the Claimant is an agency in public sector, state enterprise, other government agency, juristic person, or private organization, the Claimant shall declare its authority, duty, and involvement with the Complaint.

10. In the event of the Claimant's withdrawal of the Complaint or the Claimant's decease during the proceeding under this Regulation, it shall not result in the termination of the proceeding, unless the Commission decides otherwise.

11. If it is apparent to the Commission that there is, or plausibly be, an action in which considered to be an offence under the provisions of the Trade Competition Act B.E. 2560, the Commission shall have the authority to consider such action by treating it as a Complaint in 8 and shall be submitted to the Office to proceed according to this Regulation;

If it is apparent that a complaint being filed to an inquiry official or official under the provisions of other laws involves a criminal offence under the provisions of the Trade Competition Act B.E. 2560, the Secretary-General shall propose it to the Commission to request that inquiry official or official for a transfer of that case along with all documents to the Commission for the proceeding under this Regulation by handling it as a Complaint in 8. For the purposes of the proceeding of such offence, the Office may enter into an agreement with Royal Thai Police or other concerning agencies.

Chapter 2 Fact Findings

12. When a Complaint in 8 or 11 has been received by the Office, the Official shall register for a case acceptance and record information in a case list, then propose a recommendation on whether such Complaint shall be accepted for further actions to the Secretary-General;

Any Complaint contains incorrect, incomplete, or unclear lacking details described in 9 or has a substantial shortcoming, the Official in Paragraph One shall inform the Claimant to rectify or to clarify details in the Complaint, or to submit additional documents within a specified time period; If the Claimant does not rectify as informed by the Official, the Official shall proceed according to Paragraph One and record such non-compliance in the Complaint.

13. The Secretary-General, once, receives a Complaint as described in 12, shall consider and proceed as follows, within thirty (30) days of the date of that Complaint's receipt.

(1) If a Complaint has a reasonable ground and has a merit to be pursued, the Secretary-General shall propose a Complaint to the Commission following the provision in 15;

(2) If there is no ground for a Complaint, or a Complaint is not in the jurisdiction of the Commission, the Secretary-General shall make a report and proposes it to the Commission for consideration. If the Commission decides to dismiss a Complaint, the decision shall be informed to the Claimant; But if the Commission decides that a Complaint has a ground, the Secretary-General shall proceed as in 15.

14. The proceeding described in 13, the Secretary-General may assign the Officer to find facts and gather evidences in order to ascertain facts and circumstances relating to an offence under the provisions of the Trade Competition Act B.E. 2560 and to identify an offender;

When the assigned Officer has completed the proceeding in Paragraph One, a report shall be made and proposed to the Secretary-General containing at least the following details:

- (1) Summary of fact findings;
- (2) Concerned legal provisions; and
- (3) The suggestion to the Commission for consideration of the Complaint acceptance.

15. The Commission, upon receiving a Complaint from the Secretary-General as in 13, shall establish whether it has a ground; if it has no ground, the Complaint shall be dismissed.

If the Complaint has a ground, the Commission shall proceed as follows:

(1) If the Commission establishes that the Complaint is a criminal offence, or is both criminal and administrative offences, and a particular person shall be accused of committing such offence(s), the proceeding under Chapter 3 Investigations and Inquiries of Criminal Offence shall be ensued;

(2) If the Commission establishes that the Complaint is an administrative offence and a particular person shall be accused of committing such offence, the proceeding under Chapter 4 Administrative Procedures shall be ensued;

When the Commission has decided per Paragraph One or Paragraph Two, the Claimant shall be informed of such decision;

Before deciding per Paragraph One or Paragraph Two, the Commission may instruct the Secretary-General or the Officer or appoint a sub-committee to further finding facts for the benefit of its consideration.

Chapter 3

Investigations and Inquiries of Criminal Offence

16. Unless there are provisions specified in this Regulations, investigations and inquiries of a criminal offence under the Trade Competition Act B.E. 2560 shall be proceeded according to provisions of investigation and inquiries in the Criminal Procedure Code.

17. When the Commission reaches a decision as in 15, Para 2 (1), the Commission shall appoint an inquiry sub-committee under the provisions of Section 21 of the Trade Competition Act B.E. 2560

to proceed with investigations and inquiries of such offence, whereby that the inquiry sub-committee shall select one of its members to act as a chairperson;

When the inquiry sub-committee has been appointed, the Commission shall circulate the appointment order of the inquiry sub-committee to An Alleged or an Accused; If there is a Claimant in such Complaint, the Claimant shall also be informed thereof.

18. A member of an inquiry sub-committee may be opposed upon any one of the following causes:

(1) (s)he has witnessed any event related to, or previously has investigated or examined, the Complaint, unless such action was acted as the Officer or the Official of the Office;

(2) (s)he has an interest in the Complaint;

(3) (s)he has a conflict with the Claimant, the Alleged, or the Accused;

(4) (s)he is the Claimant, the Alleged or the Accused, or is a spouse, a parent, a descendant, a direct sibling or a half sibling of the Claimant, the Alleged, or the Accused;

(5) (s)he has a close relationship as a relative, a partner, or having mutual business interest(s), or conflict of interest(s), with the Claimant, the Alleged, or the Accused;

If the Claimant, the Alleged, or the Accused wishes to oppose anyone of the sub-committee per Paragraph One, an objection specifying a circumstance which is the cause of the objection shall be submitted to the Commission within fifteen (15) days from the date of being notified of the appointment order of the inquiry sub-committee, and the Commission shall consider the objection within seven (7) days from the date of the receipt of the objection;

A decision of the Commission in Paragraph Two is final.

A decision made by the Commission according to Paragraph Two regarding the objection of any member of the sub-committee in Paragraph One shall not affect any action taken by that member prior to such decision.

19. In case where the Commission establishes that any member of the inquiry sub-committee is objectionable as in 18, that member shall be dismissed and the remaining members of the inquiry sub-committee shall continue their duties, unless the dismissal of such member causes a

composition of the sub-committee to be incomplete, the Commission shall appoint a new member to that sub-committee to replace the vacant position.

The provision in Paragraph One shall apply in an event of a member's withdrawal, resignation, or decease while on duty of the sub-committee, *mutatis mutandis*.

20. An inquiry sub-committee shall commence investigations and inquiries without delay in a place and at a time as deemed appropriate, whereas a presence of an Accused is not required.

21. In conducting investigations and inquiries, an inquiry sub-committee shall gather all available evidences in order to ascertain facts and circumstances relating to an allegation under the Trade Competition Act B.E. 2560, to identify an offender, and to prove a guilt, or an innocence, of the Alleged or the Accused.

22. When an inquiry sub-committee has already proceeded as described in 21 and it is found that there is an offence as being complained, the followings shall be proceeded:

(1) If an offender has been identified, an accusation to such person shall be formally made, by presuming to that person to be an Accused, and further investigations and inquiry shall be proceeded without delay;

(2) If an offence does not involve An Alleged or an Accused, a sub-committee shall propose to the Commission to terminate the proceeding against that person.

23. An interrogation of a Claimant, an Accused, and a witness, including a gathering of any evidence, an inquiry sub-committee may assign one or more of its members to conduct the interrogation.

24. For the purposes of investigation, an inquiry sub-committee may request the Secretary-General to appoint an Officer(s) to perform proceedings described in 21 and 23 and to report its findings to the inquiry sub-committee; such proceedings do not preclude the authority of the inquiry sub-committee to pursue similar investigation or inquiry.

25. When an Accused has been summoned or brought in by, or voluntarily approaches to, an inquiry sub-committee or it is apparent that anyone who is in a presence of an inquiry sub-committee becomes an Accused, the sub-committee shall inquire about the first name, nick name, surname, nationality, parents, age, occupation, residence and place of birth of such person, and inform such person of facts about an offence as being accused of and, thereafter, an accusation;

To notify the accusation per Paragraph One, it shall proceed according to the Criminal Procedure Code and provides a time frame under which the Accused has to defend against the accusation, which shall not exceed fifteen (15) days as from the date the Accused deemed to acknowledge such accusation, and the Accused shall provide the signature as an acknowledgment of the accusation;

A documentation on the accusation as described in Paragraph Two shall not disclose name and address of any accuser(s) or witness(es), or any other information leading to a positive identification of such accuser(s) or witness(es), unless it is utmost necessary for the Accused to fully comprehends with the accusation;

The documentation on the accusation shall be made in duplicate – one copy shall be kept as an evidence in a case file and another copy shall be submitted to the Accused.

26. An inquiry sub-committee shall give an opportunity to an Accused to defend against the accusation and to exhibit supportive facts for the benefit of such defense;

In defending against the accusation, the Accused may defend verbally or in writing. If the Accused intends to provide a verbal defense, the defense shall be recorded;

In cross-examination, the Accused may refer to any person as a witness or brought in an evidence or may refer to an evidence by requesting the inquiry sub-committee to summon such witness(es) or evidence(s). The inquiry sub-committee shall fulfill with such request, unless it is apparent that the Accused intentionally delays the investigation, or exercises rights not in good faith, or a requested person or document is not benefitting a decision of the Commission, but such incident shall be recorded in an investigation file.

27. An interrogation shall be proceeded as described by the rules and procedures as follow:

(1) No one except an inquiry sub-committee shall record voice, picture, or audio-visual data, or execute any methods of a similar manner, and no one other than a person being interrogated shall be present, unless has obtained a permission from the inquiry sub-committee;

(2) An inquiry sub-committee shall notify a person being interrogated that they are officers under the Criminal Code and giving false statements to the inquiry sub-committee is illegal;

(3) It is prohibited for an inquiry sub-committee to conduct or arrange anything in which constitute a nature of a promise, threat, deception, torture, coercion, or any other unsolicited act to induce anyone to do anything in respect of the Complaint;

In an interrogation described in Paragraph One, an inquiry sub-committee may assign one or more 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 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.

A testimony of interrogation shall not be obliterated, erased, or overwritten. If any recorded statement has to be altered, it shall be made by striking through an unwanted word(s) or adding a new word(s) and at least one member of the inquiry sub-committee together with the interrogated shall sign their signatures at every points being crossed out or added;

If the interrogated refuses to read or provide the signature to the testimony, the inquiry sub-committee shall make a note of the cause(s) thereof into such record. In case where a person cannot provide a signature, provisions of the Civil and Commercial Code shall be applied, *mutatis mutandis*.

28. Any document being referred to as an evidence shall be original. But if the original is not available, a certified copy of the document, by an appropriated authority, may be used as the evidence;

If the original is not available due to loss, or presumably being destroyed, or due to any other due causes, a copy of such document or a referred person may be examined instead;

In case where the material evidence cannot be brought into investigations and inquiries, an Officer shall examine and make a report of such evidence at a place where the evidence is located in an appropriate time and method(s) as the Officer sees fit considering characteristics of such material evidence.

29. In an investigation and inquiry of a criminal offence by a inquiry sub-committee, if it is necessary to collect or take a sample of goods in a reasonable quantity for further examination or analysis without paying for such goods according to the rules announced by the Commission under the provision of Section 63 (3) of the Trade Competition Act B.E. 2560, the inquiry sub-committee shall advise the Secretary-General to take further action.

30. In case where there are substantial evidences to believe that the Alleged engages in an business operation violating, or likely to violate, the provisions of Section 50, Section 51, Para 2, Section 54, Section 55, Section 57, or Section 58 of the Trade Competition Act B.E. 2560 and further delay in taking action against it will incur damages to public interests, an inquiry sub-committee shall report to the Commission to consider imposing an order to an undertaking to suspend, discontinue, or rectify such conduct according to criteria, methods, conditions, and time period to comply with such order.

31. Upon a conclusion of investigations and inquiries, an inquiry sub-committee shall immediately arrange a meeting to establish a recommendation on a guilt of an Accused and persons concerning the offence, in both factual and legal matters, as appeared in a case;

To establish the suggestion per Paragraph One, the inquiry sub-committee shall consider both factual and legal matters and shall reach resolutions for all issues in the investigation for every accusation made whether the Accused has committed an offence under the Trade Competition Act B.E. 2560. If it is established that the Accused has committed such offence, it shall be identified that such offence is a violation of what provision(s) of the Act, as follows:

(1) For a criminal offence, issues for consideration along with the recommendation, whether it is suitable to settle the case by fine or to prosecute a criminal lawsuit, shall be proposed;

(2) In case where such criminal offence includes an administrative offence, issues for consideration along with the recommendation, whether it is suitable to impose an administrative fine, shall be proposed.

32. When an inquiry sub-committee has proceeded as described in 31, an investigation report shall be made and proposed to the Commission together with all relevant documents from the investigation and inquiry;

The investigation report per Paragraph One shall at least consist of a matter under the investigation, a name of the Accused, the accusation(s), the defenses, a summary of revealed facts, circumstances of an offence, concerning evidence(s) obtained from the investigation, references to the legal provisions, issues for consideration, the recommendation of the inquiry sub-committee per 31, Paragraph Two, and signatures of all members of the inquiry sub-committee; moreover, the chairperson of the inquiry sub-committee shall sign on every page of the report. In case where anyone of the inquiry sub-committee is unable to provide the signature due to a necessity, such necessity shall be noted and if there is a disagreeing recommendation by anyone of the inquiry sub-committee, the name of that member and a summary of the disagreeing recommendation shall be noted in the investigation report; it is possible for that member who has the disagreeing recommendation to describe such disagreeing recommendation as a signed memorandum and attach it to the investigation report.

33. After a consideration of an investigation report, the Commission establishes that additional investigation shall be made; it may assign the former inquiry sub-committee or appoint a new inquiry sub-committee to conduct further investigation;

The inquiry sub-committee shall conclude additional investigation without delay, then finalized revealed facts, gather all evidences obtained, and make a recommendation, and propose them to the Commission for further consideration.

34. Upon receiving an investigation report as described in 32 or 33 where applicable, the Commission, if, decides that the Accused has committed the criminal offence, the settlement by fine according to the provision of Section 79 of the Trade Competition Act B.E. 2560 shall be ensued;

In case where the Commission decides that the Accused has also committed the Administrative Offence, it shall issue an order to impose an administrative fine per Section 85 of the Trade Competition Act B.E. 2560;

If the Accused refuses to settle as in Paragraph One, or agreed to the settlement but fail to pay the fine within the specific time period, the Commission shall further continue with the prosecution.

35. Unless there are provisions specified in this Regulations, provisions of laws on administrative procedure shall be applied, *mutatis mutandis*, for procedures regarding an administrative offence under the Trade Competition Act B.E. 2560.

36. If a Complaint has been established as an administrative offence, per 15 Para 2 (2), the Commission shall issue an order to impose an administrative penalty for such offence;

In a proceeding per Paragraph One, the Commission may proceed as follows.

(1) For a simple, uncomplicated, case, it shall be transfer to the Secretary-General for further action(s);

(2) For a complicated case, the Commission shall appoint a sub-committee to consider the administrative offence as described in 41.

37. Upon receiving a case from the Commission per 36, para 2, (1), the Secretary-General shall gather facts, consider such facts, and make a report along with a recommendation, then propose them to the Commission as described in 44. In this regard, the Secretary-General shall assign at least two Officers to gather facts relating to such case.

38. For the purposes of gathering factual information regarding an administrative offence, the Officer shall have the authorities as follows:

(1) To issue a subpoena for any person to give a statement, to provide facts, or a written explanation, or to surrender accounts, registrations, documents, or any evidence for examination or consideration;

(2) To enter into premises of operation, production, sale, purchase, storage of goods, service providing area of an undertaking or any person, or any other places or building where it is reasonably suspicious to accommodate an action violating the Trade Competition Act B.E. 2560 to conduct an examination according to the Law, as well as having the authorities to inquire for facts or request for accounts, registrations, or other evidence from the undertaking or relevant persons, and to instruct such persons in that premises to comply where necessary;

(3) To collect or bring goods in a reasonable quantity as a sample for examination or analysis without paying for such goods in accordance with the criteria prescribed in the Commission's notification.

In performing such duties described in Paragraph One, the Officer shall present his or her identification card to relevant persons.

39. In gathering facts, the Officer shall consider evidences that necessary to prove such facts. In this regard, it shall include the following actions:

- (1) Searching and gathering of all relevant evidences;
- (2) Hearing of evidences, explanations, or comments of a Disputing Party or a witness or an expert witness, as referred by the Disputing Party, unless the Officer sees that such reference is unnecessary, superfluous, or dilatory;
- (3) Requesting for facts or comments from a Disputing Party, a witness, or an expert witness;
- (4) Requesting for relevant documents from a possessor to tender such documents;
- (5) Inspection of a premise;

When fact gathering has been accomplished, the Officer shall make a fact-finding report together with recommendations of the Officer and propose it to the Secretary-General without delay. In case where any assigned Officer has a disagreeing recommendation, such disagreeing recommendation shall be made and attached to that report as an integral part of the fact-finding report.

Subject matters, details, and format of the fact-finding report described in Paragraph One shall conform to the Secretary-General's notification.

40. When a fact-finding report has been received per 39, Para 2 by the Secretary-General and it is deemed to have sufficient facts for further prosecution, an accusation and those reveals facts concerning an administrative offence shall be notified to a Disputing Party. And the Disputing Party shall have an opportunity to oppose such accusation and exhibit its evidence(s). After that, the Secretary-General shall propose a recommendation to the Commission within seven (7) days of the date of receipt of such report. Provisions in 22, 26, 27, 28, and 29 shall be applied *mutatis mutandis*;

If the Secretary-General establishes that the facts are insufficient for prosecution or additional facts shall be further gathered, it may instruct the Officer to gather additional facts;

Provisions in 38 and 39 shall be applied *mutatis mutandis* to the proceeding by the Secretary-General described in Paragraph Two.

41. For a complicated case of an administrative offence as described in 36, Para 2 (2), the Commission shall appoint a sub-committee to consider an administrative offence and shall have this sub-committee propose its recommendation to the Commission;

The sub-committee per Paragraph One shall comprise of at least three, but not exceeding five, members appointed by the Commission who shall be or use 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, at least one member shall have knowledge and experience in law or economics, and the Commission shall assign one of its Officer to be a member of and secretary to the sub-committee;

The sub-committee shall have an initial meeting to select one member to be its chairperson;

Upon an appointment of a sub-committee, the Commission shall inform the appointment order of the sub-committee to the Disputing Party. If there is a Claimant for such offence, the Claimant shall be informed too;

The sub-committee in Paragraph One shall have authorities equivalent to those of the Secretary-General as described in 37 and 40, and provisions in 38 and 39 shall be applied *mutatis mutandis*;

In case where a simple administrative offence as described in 36, Para 2 (1), subsequently becomes a complicated one, the Commission may appoint a sub-committee per Paragraph One to consider it; in such case the Secretary-General shall hand over a case as well as documents and relevant evidences to the sub-committee for further consideration.

42. A member of a sub-committee may be opposed upon any one of the following causes:

(1) (s)he has witnessed any event related to, or previously has investigated or examined, the Complaint, unless such action was acted as the Officer or the Official of the Office;

(2) (s)he has an interest in the Complaint;

(3) (s)he has a conflict with the Claimant, the Alleged, or the Disputing Party;

(4) (s)he is the Claimant, the Alleged or the Accused, or is a spouse, a parent, a descendant, a direct sibling or a half sibling of the Claimant, the Alleged, or the Disputing Party;

(5) (s)he has a close relationship as a relative, a partner, or having mutual business interest(s), or conflict of interest(s), with the Claimant, the Alleged, or the Disputing Party;

If the Claimant, the Alleged or the Disputing Party wishes to oppose any member of the sub-committee per Paragraph One, an objection specifying a circumstance which is the cause of the objection shall be submitted to the Commission within fifteen (15) days from the date of being notified of the appointment order of the sub-committee, and the Commission shall consider the objection within seven (7) days from the date of the receipt of the objection;

A decision of the Commission in Paragraph Two is final.

A decision made by the Commission according to Paragraph Two regarding the objection of any member of the sub-committee in Paragraph One shall not affect any action taken by that member prior to such decision.

43. The Secretary-General or a sub-committee appointed by the Commission as described in 41 shall conclude its consideration on an administrative offence within ninety (90) days from the date of receipt of the case per 36, Para 2 (1) or from the date of appointment order of a sub-committee per 41. If a proceeding cannot be concluded within such time period, an extension shall be requested from the Commission but not exceeding thirty (30) days;

If the proceeding cannot be finalized within the time period per Paragraph One, the Secretary-General or the sub-committee, where applicable, shall request for a permission from the Commission to extend a time period for such proceeding on a case by case basis. The period of extension shall be determined by the Commission.

44. When the Secretary-General or a sub-committee has finished the consideration of any administrative offence, a report together with recommendations on that offence of the Alleged and persons involved with that offence, on both factual and legal matters, specifying an amount of administrative fine, shall be made and proposed to the Commission;

During the consideration by the Secretary-General or the sub-committee, if a ground for a criminal offence according to the Trade Competition Act B.E. 2560 has been found, this finding shall be proposed to the Commission for further consideration.

The Commission may determine formats and details of the report in Paragraph One for a specific type of administrative offence.

45. After a consideration of a report as described in 44, prior to issuing an administrative punishment order, the Commission may decide to request the Secretary-General or a sub-committee to pursue further consideration in some matters and prescribe a time period for such consideration whereby the Commission may assign the former sub-committee or appoint a new sub-committee to do so. In case where there is an appointment of a new sub-committee, the provisions in 41 and 42 shall be applied *mutatis mutandis*.

46. An administrative punishment order of the Commission shall be made in writing specifying circumstances of an offence and relevant provisions of law including an administrative punishment imposed by the Commission.

The Commission shall inform the rights to object the administrative punishment order to the Disputing Party.

Transitional Provisions

47. All complaints under the Trade Competition Commission Regulation on Reception of Complaints and Fact-Findings B.E. 2562 which were submitted to the Office shall be deemed as the Complaints under this Regulation.

Any proceeding relating to a complaint per the Trade Competition Commission Regulation on Reception of Complaints and Fact-Findings B.E. 2562 which has been legally implemented shall remain valid and effective; further proceeding shall be in accordance with this Regulation.

48. All regulations, rules, criteria, notices, resolutions, orders of the Commission or the Office relating to investigation and inquiries prior to the effective date of this Regulation shall remain effective to the extent that it is not contradict to this Regulation, until there are rules, notices, resolutions, or orders of the Commission or the Office stating otherwise.

49. Any investigation and inquiry which has been proceeded prior to the effective date of this Regulation shall be deemed as the proceeding under this Regulation and further proceeding shall be in accordance with this Regulation.

This Regulation is announced on 4 December B.E. 2562 (2019)

Professor Sakon Varanyuwatana

Chairperson of the Trade Competition Commission