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Enhancing Regulatory Oversight of Digital Platforms: E-commerce


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Thailand's e-commerce market has experienced rapid growth over the past decade, becoming a key driver of the digital economy. However, the regulatory framework governing digital platform services has not evolved at the same pace. Recognising this gap, the Electronic Transactions Development Agency ("**ETDA**"), acting under the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification B.E. 2565 (2022) (the "**DPS Law**"), has strengthened the regulatory framework applicable to digital platform service providers. The DPS Law establishes a prior notification regime and introduces enhanced compliance obligations aimed at promoting transparency, accountability, and fairness in the operation of digital platform businesses.

Regulatory Framework under the DPS Law

The DPS Law establishes minimum regulatory standards for digital platform service providers operating in, or offering services to users in, Thailand. In particular, it requires digital platform operators to notify the ETDA of prescribed information prior to commencing operations, and to update such information on an ongoing basis in accordance with statutory requirements.

Categories of Digital Platform Services

General Digital Platform Services

1. An individual operator with annual gross revenue in Thailand exceeding THB 1.8 million;
2. A corporate operator with annual gross revenue in Thailand exceeding THB 50 million; or
3. A platform with more than five thousand monthly users in Thailand, calculated in accordance with criteria prescribed by the ETDA.

Large Digital Platform Services

1. Annual gross revenue from a particular service in Thailand exceeding THB 300 million;
2. Aggregate annual gross revenue from all services exceeding THB 1 billion; or
3. A user base exceeding 10% of Thailand's total population.

Specified Digital Platform Services

1. A digital platform service designated as possessing specific risk characteristics due to its potential impact on financial and commercial stability, the reliability and trustworthiness of electronic information systems, potential harm to the public, and the high-level impact that may arise from the operation of such digital platform service ("**High-Risk Platforms**");
2. A digital platform service having an impact on critical sectors, including national security, public health, environment, energy, communications and telecommunications, transport, or logistics.

Digital platform services classified as large or specified are subject to more stringent regulatory requirements, reflecting their elevated risk profile.

In addition, the DPS Law applies to foreign digital platform operators providing services to users in Thailand, where they meet the statutory thresholds set out above.

Exemptions

Certain digital platform services are exempt from the DPS Law, including:

1. Those specifically regulated by law under the supervision of the Bank of Thailand or the Securities and Exchange Commission of Thailand; and
2. Those provided by a state agency that are not directly engaged in commercial businesses or do not operate primarily for profit, provided that the ETDA has been notified.

Obligations of Digital Platform Operators

Notification and Disclosure Requirements

Digital platform operators must submit prescribed information and supporting documentation to the ETDA prior to commencing operations and update such information as required. Required information includes:

1. information relating to the operator (whether an individual or juristic person), such as name, address, and contact details;
2. details of the digital platform service, such as the platform name, type of service, and service channels;
3. information relating to users, such as the type or number of users or relevant service providers;
4. complaint-handling mechanisms and complaint statistics;
5. in the case of foreign platforms, the designation of a local coordinator in Thailand; and
6. consent for the ETDA to access the notified information.

Risk Management and Remedial Measures

Operators, particularly those classified as either large or specified digital platform services are required to conduct risk assessments and implement appropriate risk mitigation measures, as well as to comply with any additional requirements prescribed under the relevant notifications issued by the Electronic Transactions Commission. Such obligations include the establishment of adequate internal control frameworks, monitoring mechanisms, and formal procedures to prevent, detect, and address unlawful or harmful activities carried out through the platform.

Key Highlights of New ETDA Notifications for Online Marketplace Platforms

The ETDA has recently issued two additional notifications under the DPS Law to clarify its enforcement framework and enhance regulatory effectiveness, particularly in relation to online marketplace platforms. These additional notifications are aimed at broadening the scope of High-Risk Platforms, and their obligations.

Designation of High-Risk Platforms

Under the relevant ETDA notifications, certain online marketplace platforms have been identified as High-Risk Platforms based on prescribed criteria (including transaction value, number of users, and potential impact on the public). Platforms falling within this designation are subject to enhanced compliance obligations. Non-compliance may result in regulatory orders, including suspension of services until compliance is achieved.

Additional Duties for High-Risk Platforms

Online marketplace platforms designated as high-risk must comply with additional obligations, including:

1. **Disclosure obligations**: clear display of information regarding products and business users (“**Seller**”);
2. **Seller registration and verification**: collection of reliable information for merchant registration, with appropriate verification mechanisms;
3. **Monitoring and enforcement mechanisms**, including:
   - 3.1 removal, suspension, or blocking of non-compliant or substandard products;
   - 3.2 ensuring adequate and accurate product information disclosure;
   - 3.3 display of product registration certificates or regulatory approvals from relevant authorities, such as the Thai Industrial Standards Institute or the Thai Food and Drug Administration;
4. **Regulatory reporting**: submission of operational reports to the ETDA.

Looking ahead

These developments reflect a clear move toward more active, risk-based oversight of digital platform services in Thailand, particularly for online marketplace operators. The DPS Law and recent ETDA notifications signal increased expectations around transparency, monitoring and accountability. Failure to comply with the new obligations may expose operators to regulatory scrutiny, administrative measures and potential penalties. Platforms designated as high-risk are now expressly required to take a more proactive role, ensuring robust risk management, effective content and transaction monitoring, timely incident reporting, and the implementation of adequate safeguards to protect users and the public.

In this evolving regulatory landscape, digital platform operators should prioritise reviewing and strengthening their compliance frameworks. Proactive alignment with these requirements is key not only to mitigating risk, but also to maintaining platform credibility and supporting sustainable growth in Thailand's digital economy.

This update is intended solely to provide general information on recent regulatory and enforcement developments in Thailand and does not constitute legal advice or a legal opinion. Specific legal advice should be sought in relation to individual circumstances.