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Thailand Rethinks the Rulebook for Digital Platforms

Thailand is revising its proposed draft of Digital Platform Economy Act after the Ministry of Digital Economy and Society (DES) concluded that the European Union model on which the draft was initially based may be too stringent for Thailand's digital economy. The draft, influenced by the EU's Digital Markets Act and Digital Services Act, is intended to regulate digital service providers, strengthen consumer protection and promote fair competition in online markets. The government had previously planned to submit the legislation to the Council of State before seeking Cabinet approval and introducing it to Parliament, but the DES Ministry is reassessing the framework to better reflect Thailand's economic and regulatory circumstances.

The reconsideration suggests a move away from directly importing a highly prescriptive foreign regulatory model. Rather than focusing narrowly on particular platform charges, such as gross profit commission fees imposed on merchants, policymakers are considering the overall "take rate" deducted through commissions and other service fees. This reflects a concern that regulating one component of platform pricing may simply cause costs to shift elsewhere, without reducing the actual burden on merchants. The policy objective is therefore becoming broader: controlling unfair market practices while preserving sufficient commercial flexibility for platforms and the businesses that depend on them.

Thailand is also examining alternatives to the EU approach. These include India's Open Network for Digital Commerce, which promotes interoperability between participating digital commerce networks, and elements of China's framework combining specific legislation with specialised regulatory authorities. The government is considering a national platform or network operating under common governance standards, potentially supported by government incentives, as well as a dedicated regulator for digital platforms. These options indicate that Thailand may favour a hybrid model combining legislation, institutional oversight, industry cooperation and shared technical infrastructure rather than relying solely on extensive statutory obligations.

The policy review is also closely connected with Thailand's response to online fraud and the growing influence of major technology platforms. Discussions with platform operators have included digital identity, verification systems, artificial intelligence and know-your-customer measures, while the DES Ministry is studying whether elements of China's anti-scam framework could be adapted locally. This demonstrates that the proposed platform law is increasingly being viewed not only as a competition and consumer-protection measure, but also as part of a wider digital governance framework addressing fraud, platform accountability and cooperation between government and private operators.

From a legal and business perspective, the revision may reduce the risk of Thailand adopting platform obligations that are disproportionate to the size and maturity of its digital market, but it also creates uncertainty over the final compliance framework. Online marketplaces, e-commerce businesses and major technology platforms should monitor the redrafting closely, particularly rules concerning fee structures, consumer protection, platform governance, digital identity and anti-fraud responsibilities. For Thai merchants and smaller businesses, the eventual framework could materially affect bargaining power and platform costs. The key challenge for policymakers will be creating meaningful accountability without imposing regulatory burdens that discourage investment, innovation or participation in Thailand's digital economy.

Should you have any question, please do not hesitate to contact us via info@bgloballaw.com