

Panel Discussion I: Key Policy Insights for a Robust Recovery Path for Thai Economy

Competition Regulation Role and key progress on
policies to strengthen competition in Thailand

Dr. Akarapon Houbcharaun

Director of Foreign Affairs Division

Trade Competition Commission of Thailand (TCCT)

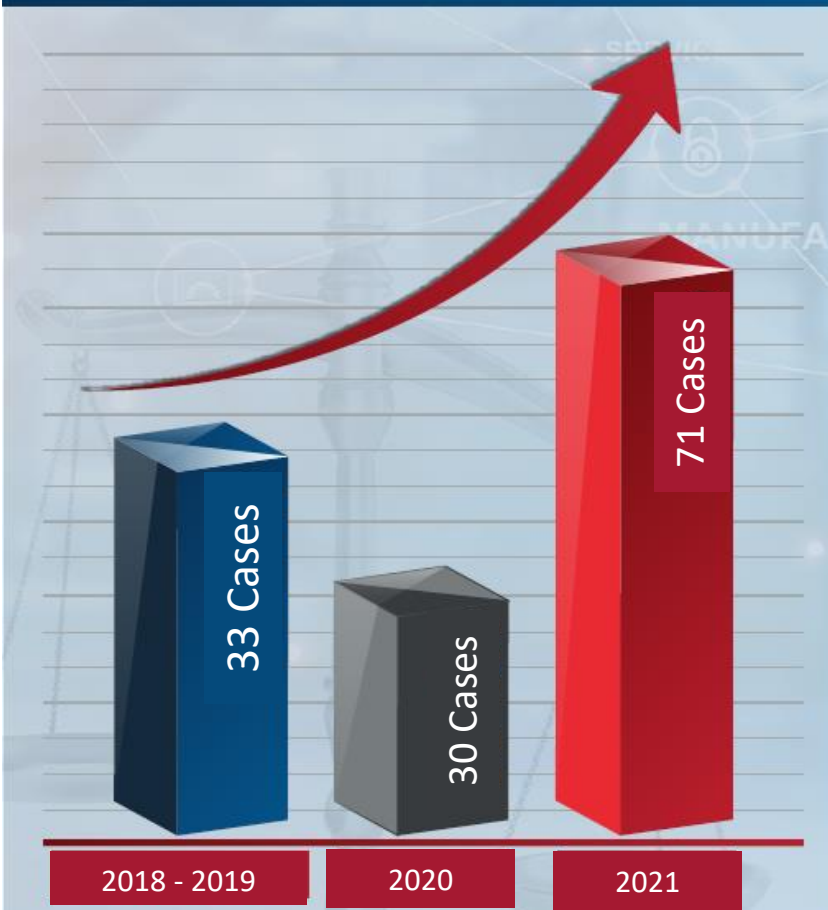
7th December 2023

Bangkok, Thailand

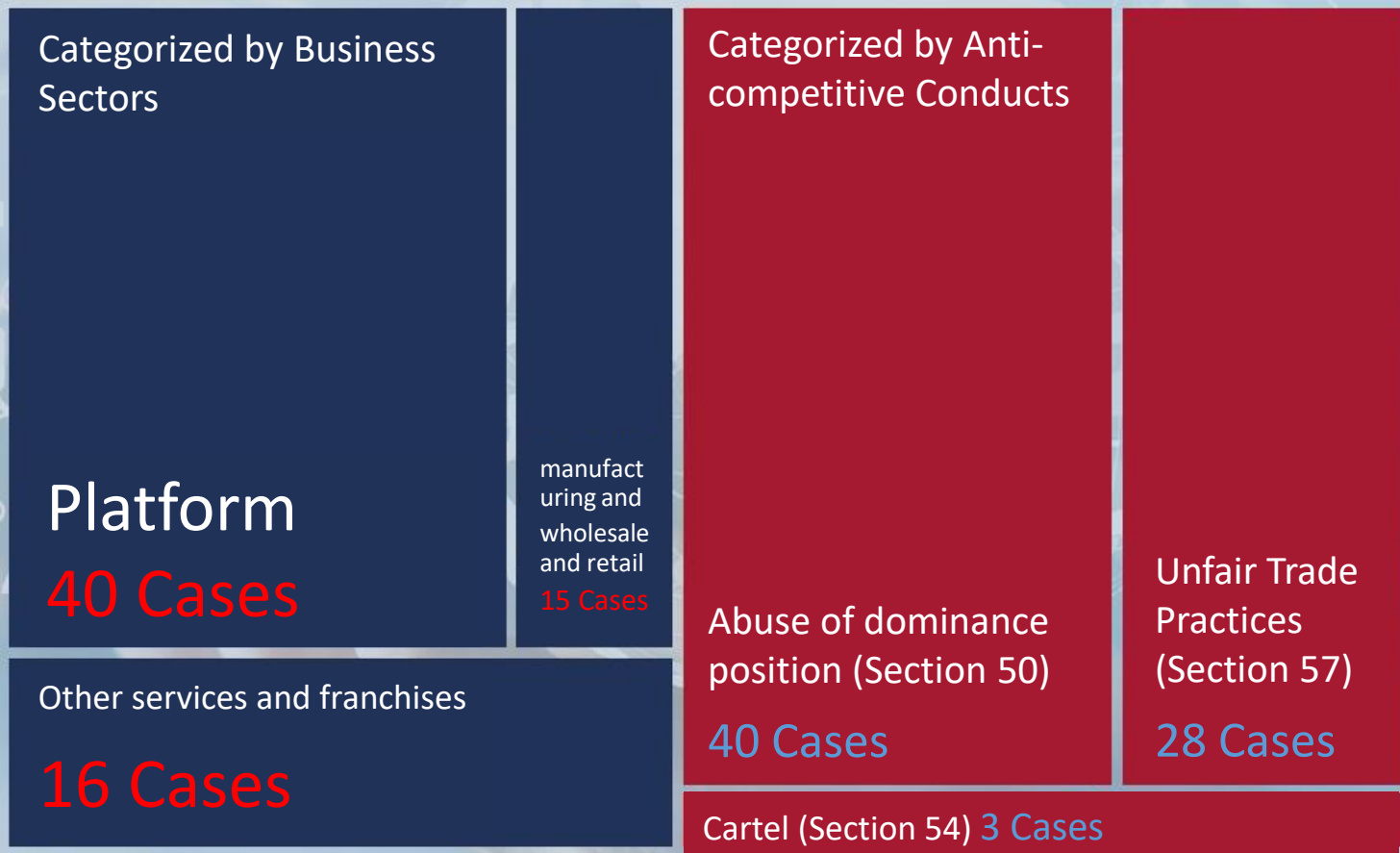
In 2021, the number of complaints has increased dramatically.

- More than half of the complaints are in the Digital Platform sector

Number of complaints



Categorized by Business Sectors and Anti-competitive Conducts
(Total number of Complaints is 71 cases in 2021)



Competition Policy and Law Priorities

PRIORITY 1:

Strengthening competition regulation and enforcement in Digital Platform markets.

- Developing regulatory tools (i.e., operational guideline on market definition and dominance position assessment and Business code of conducts in digital markets)
- Developing Ex-ante “Gatekeeper” regulation (i.e., Royal Decree on digital platforms published in Royal Gazette, to be effective in August 2023)
- Engaging collaboration with digital platform regulators (i.e., Electronic Transaction Development Agency) to better regulate competition matters in digital economy.

PRIORITY 2:

Ensuring level playing field facilitating favorable conditions for MSMEs’ market entry and participation.

- Strengthening law enforcement to address anti-competitive conducts in the markets effectively and to address market barriers blocking MSMEs’ participation. (i.e., business guideline on credit terms for MSMEs)
- Minimizing the burdens and costs imposed on MSMEs to comply with competition laws
- Cooperating with MSMEs promotion agencies to initiate compliance activities

PRIORITY 3:

Developing tools for data analysis to facilitate in-depth market condition reviews and

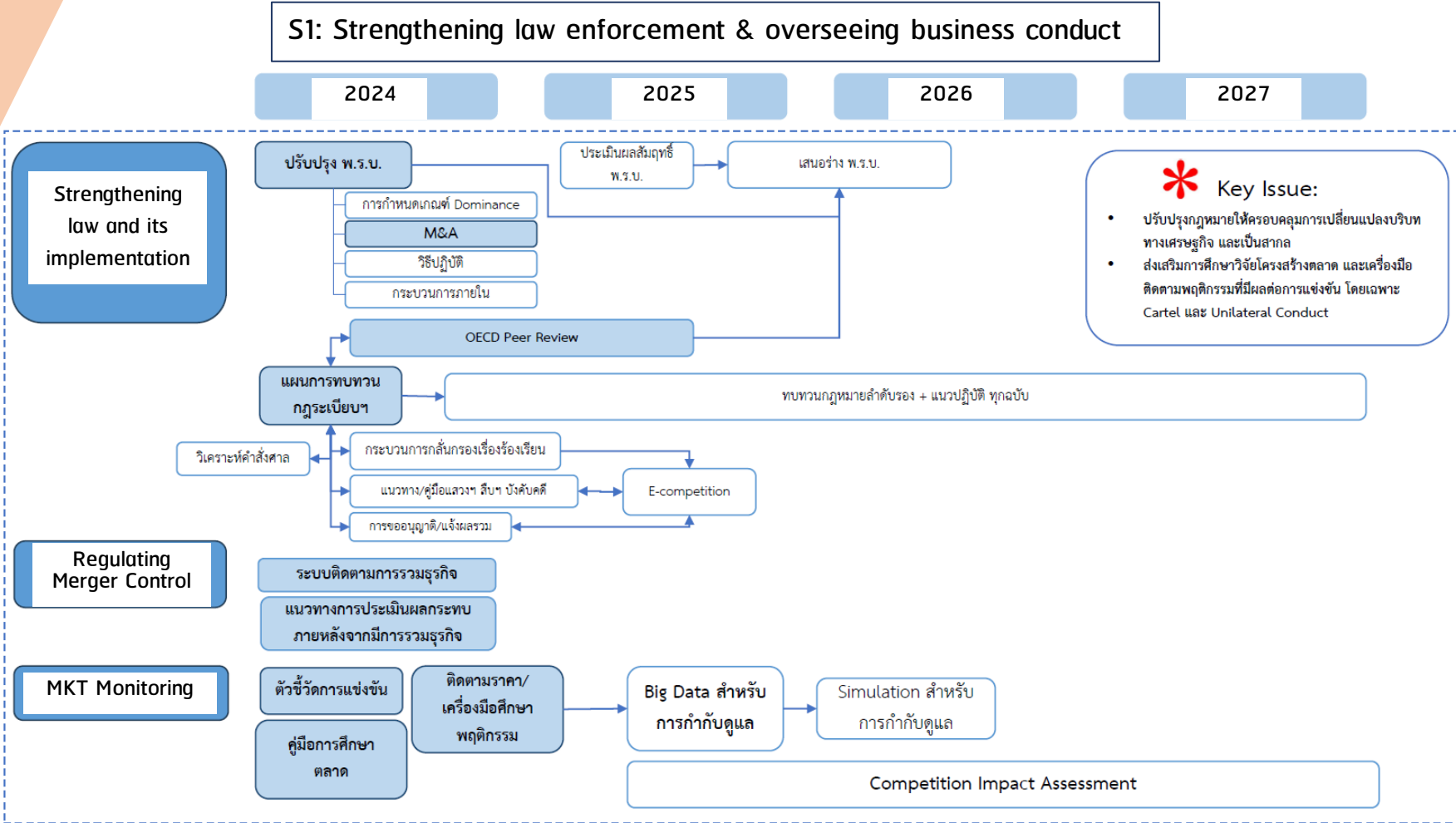
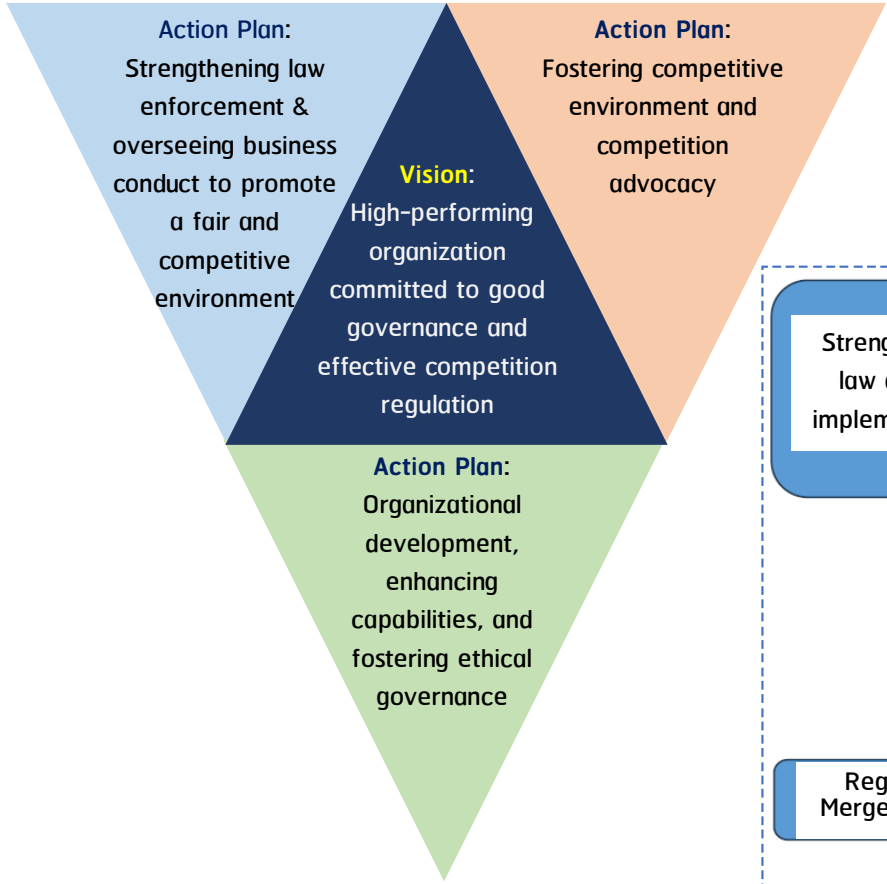
- Establishing Business Intelligence Unit (BIU) to develop and manage databases for regularly monitoring market condition and competition concerns.
- Strengthening prioritization in selecting markets to conduct market inquiries and reviews.
- Developing Warning system against anti-competitive conducts and market structural changes

PRIORITY 4:

Enhancing effectiveness of competition advocacy initiatives

- Engaging business operators to rise competition awareness and better understand competition law and regulation.
- Advocating for competition policy to integrate the competition regime into the broader economic policy.
- Advocating for compliance and enforcement by enhancing the understanding of the role of competition authorities in investigating complaints.
- Strengthening collaboration with sector regulators and relevant gov’t agencies to address competition concerns

TCCT Action Plan (2024-2027): Strengthening competition regulation



Conceptual Framework:

How competition regulation priorities are identified



Cabinet

Gov't Agencies

Commissioners

Mandates

1 Competition Regulation and Enforcement

2 Formulating recommendations on competition policy

3 Promoting competition culture and compliance (Competition Advocacy)



Office of TCCT

30 days
Fact Finding (Pre-investigation)

1 Y + 6 M
Criminal investigation procedure

Administrative Procedure

90 days + 30 Days

Regulation and Enforcement Priorities

- Providing Theory of Harms on anti-competition cases
- Providing recommendations on market definition and dominance analysis



Economist Team

Market Structure Divisions

2

Gov't Policy and Relation Division

Organization Communication Division

Competition Advocacy Division

4

International Best Practices

Exchanging Knowledge



Business Intelligence Unit (BIU)

1

Mandates

- **Developing competition tools:** Regulatory tools and competition guidelines (Code of conducts)
- **Developing and Managing databases:** Competition database at national and sub-national levels (province level)
- **Developing Warning system against anti-competitive conducts and market structural changes:** Anticipating market structural changes and anti-competitive conducts in markets
- **Providing policy recommendations on competition regulations:** Reports on market conditions and competition concerns

3

Reports on Market Condition and Competition Index

Deliverables

Policy Recommendations

Market Structure Analysis

Policy Papers

Comp'n Database

Regulation tools

Conducts monitored

5

TCA TRADE COMPETITION ACADEMY

- **Capacity Building Activities** Training/WS on competition regulation and enforcement
- **Developing competition networks** Expert Roster and knowledge exchange
- **Exchanging knowledge and experiences** Policy brief and papers
- **Promoting research on competition topics** Facilitating research funding

Outcomes

- ❖ Strengthened law enforcement with effective resource allocations
- ❖ Insight on market condition and competition concerns against business conducts
- ❖ Warning system against anti-competitive conducts and market structural changes

Market Analytics: Competition Indicators

Key Components of Competition Indicators



Competition Indicators

- Concentration: HHI and CR3
- Barrier to Entry: Entry rates



Competition Surveys

- Competition Awareness Survey
- Competition Confidence Survey

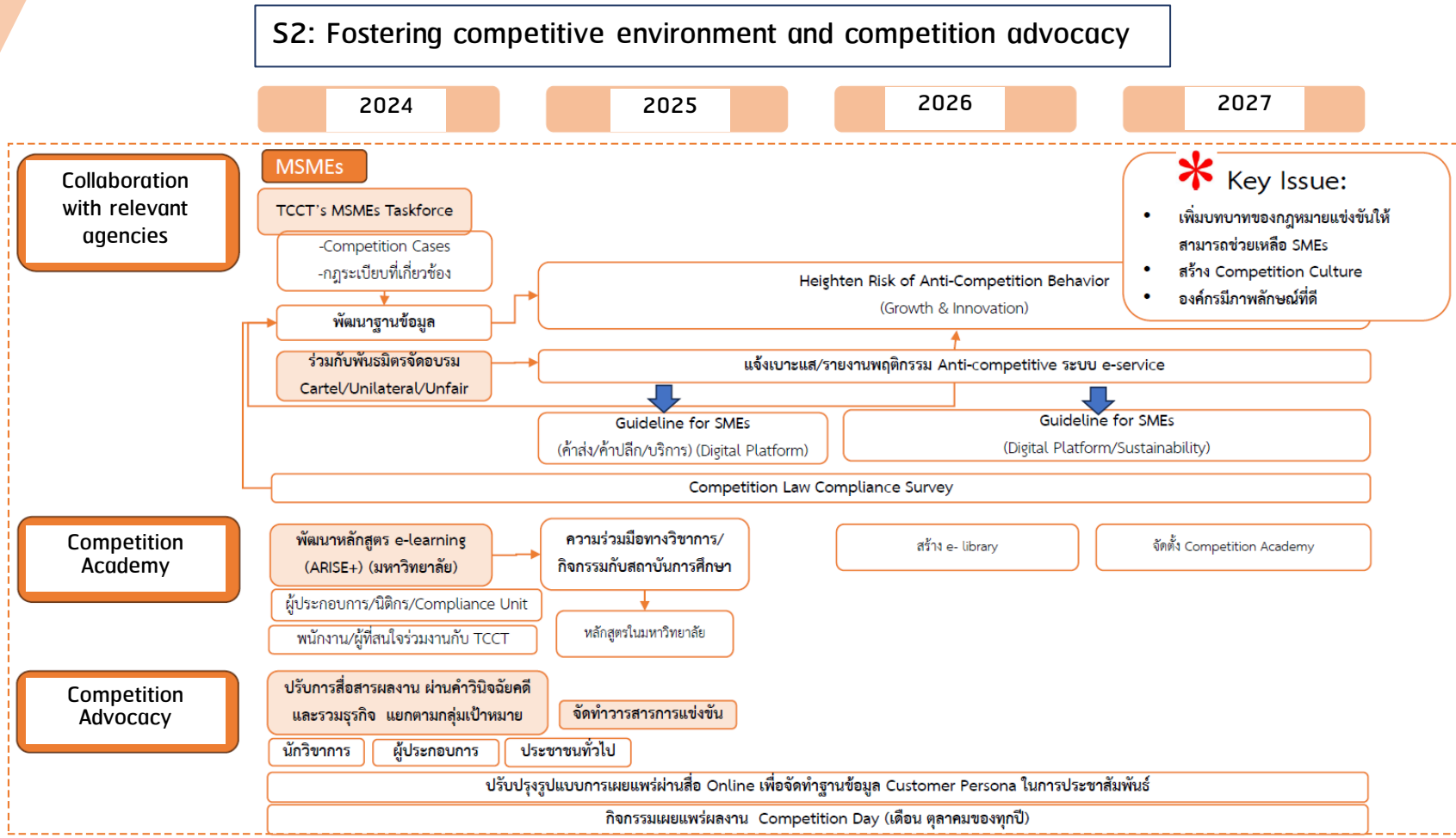
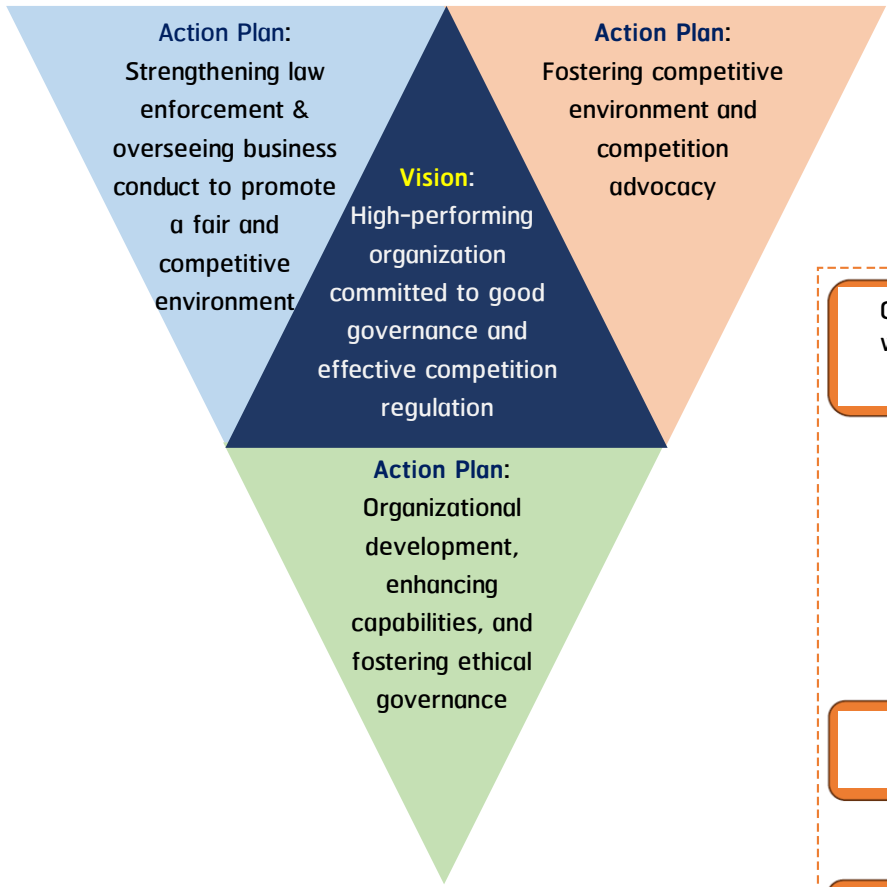


Business Operation Reviews

- Value/Supply Chain Analysis
- Market Structure Reviews

← **Competition Composite Index: National & Provincial** →

TCCT Action Plan (2024-2027): Strengthening competition regulation

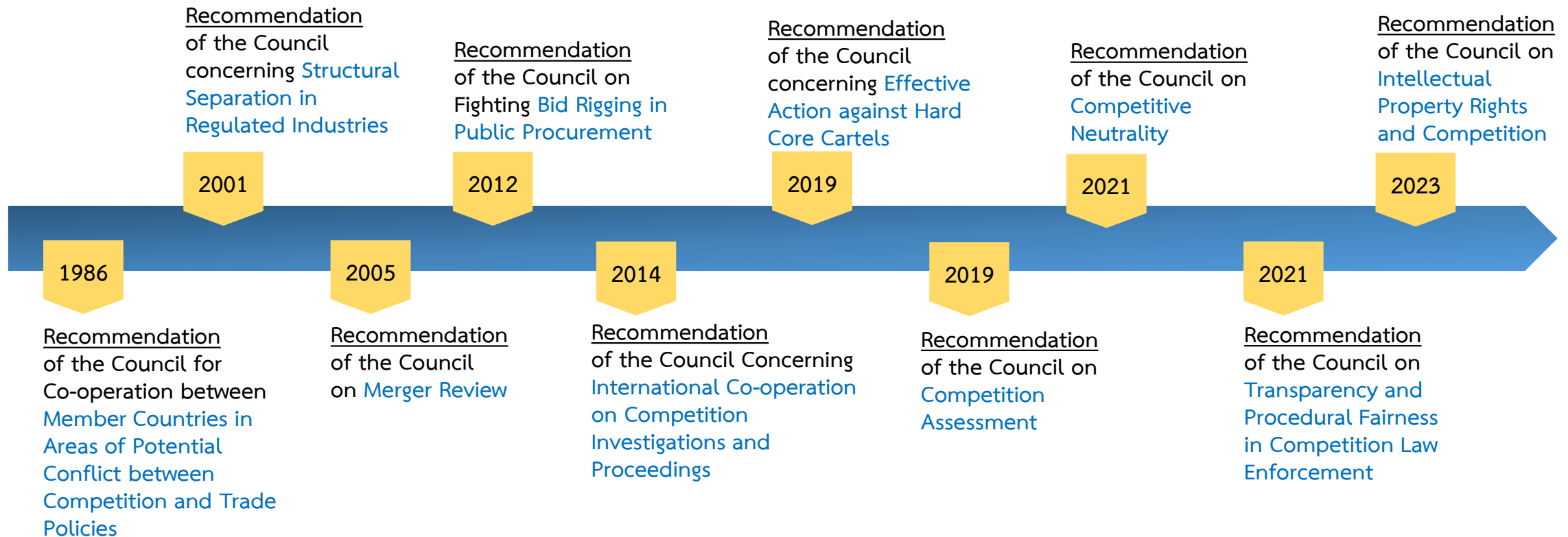


OECD- Thailand Country Programme Phase II: Enhancing Competition Framework

No	Key Activities	Time frame
1	Peer Review of Thailand Competition Policy and Enforcement	Dec 2023
2	Four Technical Workshops on Competition Policy and Law	2024-2025
3	Competition Advocacy Event: National Competition Day	2025
4	Participating in OECD Competition Committee (upgrading from “invitee” status to “Participant” status)	2023-2025

OECD- Thailand Country Programme Phase II: Enhancing Competition Framework

Ten Legal Instruments (OECD Competition Committee)





Thank you for your attention

Dr. Akarapon Houbcharaun
Director of Foreign Affairs Division
Email: akarapon.h@tcct.or.th