

Market Summary – Thailand

Contents

Title of Regulation	Mentions
Digital Services Act	P2 ; P2 ; P3
Merger of DTAC and TRUE	P2
Regulating Broadcasting and Telecommunications in the Digital Era	P2
Auction of Satellite Orbital Slots	P2
NBTC	P2 ; P2 ; P3 ; P3 ; P3 ; P3 ; P5
Soft Power Committee	P3 ; P3 ; P3
Draft Film Act	P4 ; P5

03/11/2021

[ETDA Supervision of Digital Services](#)

You may recall seeing our earlier update about this draft Royal Decree and our summary of the ETDA-hosted public consultation which was circulated to all R-AP members on 14 October 2021. The draft Royal Decree has now been approved by the Cabinet and will be forwarded to the Counsel for State for review. Additional comments may be lodged while this review process is underway.

06/12/2021

No specific update with relation to the video content industry. Policy activity in Thailand currently focused on spectrum management and partnerships (such as one between Huawei and NBTC) to accelerate expansion of fibre-based broadband infrastructure.

[Potential merger of DTAC and TRUE](#)

Potential merger of DTAC and TRUE announced 22/11 – already approved by both companies' boards.

03/03/2022

[New NBTC Commissioners](#)

The new NBTC commissioners are still awaiting royal endorsement.

[NBTC's paper on "Regulating Broadcasting and Telecommunications in the Digital Era"](#)

We have yet to secure an English translation of the NBTC's paper on "Regulating Broadcasting and Telecommunications in the Digital Era". Our consultant has spoken to the relevant official and no official English version appears to be available. We will update you all once we find a copy but if you or your organisations do have a copy and are able to share it with us, please do so.

20/04/2022

[New NBTC Commissioners](#)

5 new commissioners have just received royal endorsement on 14 April 2022.

[Supervision of Digital Services Act \(intermediaries\)](#)

This was the Act where clarification was given that it would only be applicable to scenarios where there are 3 parties – an intermediary platform, an end user and a business user hence not applicable to our members. A second public consultation was held recently and while minor amendments were made to the first draft, the requirement regarding the need for 3 parties to be part of an arrangement, to ensure it is brought within the scope of the legislation, remains.

07/06/2022

[Auction of Satellite orbital slots](#)

The new board of the National Broadcasting and Telecommunications Commission (NBTC) has set an initial timeline to hold a hearing for the draft of the country's first auction of satellite orbital slot rights in June 2022 (date to be determined). The hearing is slated to last for 30 days to gather the opinions of stakeholders, both offline and online. A proposal that some specific satellite orbital slots would have to be allocated for National Telecom (NT) to use for security purposes will be one of the topics up for discussion at the hearing.

New NBTC Commissioners

The five sitting commissioners began their terms on April 20. Despite being able to function, the board still lacks two members in the fields of law and telecommunications. The recruitment process for these two commissioners is ongoing to complete the board with seven members and is expected to be completed in July.

18/08/2022

Digital Services Act

There was some concern a few weeks ago that changes were to be made to the Digital Services Act when a consultation meeting was called by regulators. However, on further investigation, it transpired that AVIA was not invited because the regulator ETDA, continues to take the view that SVOD players are not caught within the scope of the legislation. Our consultant in Thailand managed to get hold of a copy of the regulator's powerpoint presentation which, while exclusively in Thai, specifically "excludes digital platform services that provide media or content display in the form of audio and video".

12/12/2023

NBTC dynamics

Following the formation of the new government, the NBTC, as well as other agencies, have been in a state of flux as key Cabinet positions are evolving. From the NBTC perspective there has been a clear split between the Commissioners and the new Chair has come in with some clear thoughts on policies he wishes to pursue, including on OCC regulation.

Soft Power Committee

Outside of the NBTC, a new committee has been formed, the Soft Power Committee, aimed ostensibly at focusing on opportunities to develop a cohesive approach to increasing opportunities within Thailand, especially on the content production side. All these things are still bedding down and we are watching developments closely.

12/03/2024

Updates on NBTC & Soft Power Committee

As we have noted previously, the National Broadcasting and Telecommunications Commission (NBTC) has been in disarray for a while, unable to move forward on appointing a new Secretary-General as well as suggestions that it should be re-organised. We understand that the issue of OTT regulation is still being discussed by parts of the NBTC but, as yet, given the dysfunctionality, it has not gathered any momentum or even been tabled for a committee-wide discussion. And, despite a new "Soft Power" Committee being formed and given a mandate to bring all aspects of promoting Thai soft power, to date this has failed to deliver much and faces similar challenges in bringing cohesiveness across various Ministries.

03/07/2024

Updates on NBTC & Soft Power Committee

For a while now we've seen the NBTC be stuck in limbo for a variety of reasons. But also on our radar is the Soft Power Committee and some of the challenges that they seem to be facing. You may recall that 10 months ago when PM Srettha Thavisin (Pheu Thai) came to power, he established a Soft Power Committee aka the Thailand Creative Culture Agency (THACCA), putting former PM Thaksin's daughter in charge. Whilst there has been much fanfare and stated ambitions, to date, it has been more talk and less delivery. Part of the stated aim was to recreate the success of the Korea Creative Content Agency in promoting Korean content to the world. However, there are concerns that the "soft power" term is simply being politicised with no clear goals and much confusion amongst bureaucrats as to

what it really means. And this is set against a backdrop of a number of ongoing court cases which potentially have the ability to dismiss PM Srettha means that as per usual, everything feels very unstable and unclear at present, with no end date apparent. And in the meantime the NBTC are still facing internal challenges so it is not clear when, or if, any policy making will move forward. Reporting suggests that the court decision on PM Srettha's future is likely in September whilst in parallel another court case which could potentially lead to the dissolution of the main opposition party, is due around the same time. Needless to say this suggests that the uncertainty in Thailand policy making will continue for the foreseeable future.

16/12/2024

[Draft Film Act](#)

Thailand continues to focus on Soft Power elements, recently introducing newly increased production incentives, to an already market-leading scheme. Meanwhile the Ministry of Culture continues to revise the Draft Film Act. Whilst the majority of this proposed Act is aimed squarely at the cinematic element of content, AVIA felt it was important to put a [submission](#) into the consultation to highlight how Online Curated Content, especially when talking about movies, should enjoy self-regulation, especially the ability to self-classify without the need to obtain a formal government registration certificate in order to do so. Clare was invited to an event in Bangkok in October and took the opportunity to meet with the key team who are tasked with penning the draft. We introduced them the AVIA's Self Governance Framework and clarified with them the challenges of drafting language which might inadvertently impact on, for instance, movies being solely delivered online vs those who are shown initially in cinemas. It became clear that they were struggling with understanding the various business models and it was useful to help go through some of their specific areas of concern. They did note that their goal is to put self-certification in place but as of the time of writing, a revised Draft Film Act has not yet been published.

18/02/2025

[Platform Economy Act \(PEA\)](#)

The Ministry of Digital Economy and Society (MDES) issued a consultation on a Platform Economy Act (PEA). The PEA is, from our understanding, aimed at intermediaries and digital platform service businesses, replacing the Royal Decree on the Operation of Digital Platforms. The draft Bill defines Digital Media Services as any service provided over a computer network internet system, or telecom network that acts as a medium between the sender and the data receiver. It also notes a requirement for all (Thai and foreign) online platform operators to appoint a PoC to liaise with the Electronic Transactions Development Agency (ETDA) if they have any users in Thailand but doesn't mandate establishment of a local entity in Thailand. Critically, an "Online Platform service" is defined as involving "the provision of intermediary services in the hosting category that involve facilitating the matching of various types of users to enable transactions or interactions". Whilst we do not assess that this Act is aimed at the Online Curated Content (OCC) industry, some of the language in the draft could cause some confusion, therefore at the end of last week AVIA put in a short [submission](#) urging clarity to ensure that OCC services are not captured in this Act. Once the PEA is finalised we'll send further details.

07/05/2025

[Draft Film Act \(Part 2\)](#)

Whilst Thailand remains fairly static from a regulatory perspective, of interest, is the draft Film Act, which has been revised by the Ministry of Culture and is currently with the Council of State. Whilst on the surface the aim of the new Film Act is to boost the film industry and de-regulate, where possible, introducing self-regulation and self-certification, there remain a number of concerns on the potential impact on the OCC industry. Areas which are currently unclear revolve around ratings, and whether only Thai-specific ratings will be used (something we would not be in favour of) as well as the criteria for self-regulating certification. Whilst the language and implementation remain unclear, there is still opportunities for us to influence the final implementation regulations, which will be drafted in parallel to the Film Act. And we need to ensure that any regulations which are finally introduced are as least burdensome as possible. Whilst there is not currently a clear timeline, once the draft Film Act has been passed by the Council of State it will be passed to the Parliament which is not due to meet until later this year (July). Given the amount of anticipated time it will take to navigate the various legislative processes, we do not anticipate this will move forward fast, giving us time to engage with the Ministry of Culture on the unclear language and implementing regulations.

08/10/2025

[Draft Film Act \(Part 3\)](#)

In Thailand, even with all of the various political changes, progression continues on the Thai Film Act. This draft, put together by the Ministry of Culture, remains under review by the Office of the Council of State, having been approved in principle by the Cabinet. AVIA had made a submission on the draft Act back in July. As, and when, this progresses, we will of course update members.

[NBTC Focus Group](#)

Separately, the NBTC held a focus group meeting on proposed changes to legislation which could have a potential impact on Online Curated Content providers. Although AVIA was not invited to attend the focus group, we did get a copy of the slides, which contained a number of proposals to change the regulations on the Broadcasting Services Act. Despite this not being a formal consultation, we felt it was important to submit our comments to the NBTC to ensure they were clear on our concerns with some of the proposals. Since then, there has been no additional meetings or consultations that we are aware of, nor have any further drafts appeared so we hope that this was an initiative which has subsequently been parked.