

Translation

NOTIFICATION OF THE ELECTRONIC TRANSACTIONS DEVELOPMENT AGENCY
NO. DPS. 6/2566
RE: RULES, PROCEDURES AND CONDITIONS FOR NOTIFYING THE CESSATION OF
OPERATIONS OF DIGITAL PLATFORM SERVICE BUSINESSES

Whereas it is expedient to prescribe rules, procedures and conditions for notifying the cessation of operations of digital platform service businesses;

By virtue of the provisions of section 28 paragraph one of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022) in conjunction with section 34/1 of the Electronic Transactions Act, B.E. 2544 (2001) as amended by the Electronic Transactions Act (No. 3), B.E. 2562 (2019), the Director of the Electronic Transactions Development Agency hereby issues the Notification, as follows.

Clause 1. This Notification is called the “Notification of the Electronic Transactions Development Agency No. DPS. 6/2566 Re: Rules, Procedures and Conditions for Notifying the Cessation of Operations of Digital Platform Service Businesses”.

Clause 2. This Notification shall come into force as from the 21st day of August B.E. 2566 (2023).

Clause 3. In this Notification:

“operator” means a person who operates a digital platform service business that is subject to prior notification under the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022);

“Business Notification System” means the system for notifying the operation of digital platform service businesses made available by the Agency through the electronic means;

“Agency” means the Electronic Transactions Development Agency;

“competent official” means the Director of the Electronic Transactions Development Agency or a person appointed by the Director of the Electronic Transactions

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Development Agency for the execution of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022).

Clause 4. The operator who wishes to cease the operation of a digital platform service business shall notify the cessation of operations of the digital platform service business in accordance with the rules, procedures and conditions prescribed in this Notification.

Clause 5. The operator who wishes to cease the operation of a digital platform service business must notify the Agency not less than sixty days prior to the date of cessation of operations of the digital platform service business.

In the case where the operator who provides a digital platform service that meets the requirements under section 16 and section 18 paragraph two of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022) wishes to cease the operation of the digital platform service business, the operator must notify the Agency not less than one hundred and twenty days prior to the date of cessation of operations of the digital platform service business.

Clause 6. The operator who wishes to cease the operation of a digital platform service business shall notify the information and submit the evidence as listed in the Business Cessation Notification Form annexed to this Notification, through the Business Notification System or by making the submission to the competent official at the address of the Agency.

Clause 7. The operator who wishes to cease the operation of a digital platform service business shall notify and submit the following information and evidence to the Agency:

(1) information relating to the person wishing to cease the operation of the digital platform service business:

- (a) name and surname or name of the juristic person of the operator;
- (b) reference number of the receipt of notification (if any);

(2) information relating to the digital platform service:

(a) name of the digital platform service of which the operation is wished to be ceased;

(3) information relating to the cessation of business operations:

- (a) wished date of the cessation of business operations;
- (b) reasons for the cessation of business operations;

- (c) channels or procedures for publishing a notice to inform users of the cessation of business operations;
- (d) point of contact and channels for contacting the point of contact;
- (4) other information and evidence (if any):
 - (a) notification of the cessation of business operations under other law;
 - (b) other information and evidence.

Clause 8. In addition to notifying the information and submitting the evidence under clause 7, the operator who provides a digital platform service that meets the requirements under section 16 and section 18 paragraph two of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022) shall also notify the following information and details to the Agency:

(1) the operational plan and measures for taking care of users which are in accordance with the requirements prescribed in the Notification of the Electronic Transactions Commission relating to rules, procedures and conditions for operators to compensate or remedy users who have been injured from using the service or other matters necessary to protect users;

(2) total number of users and number of each type of users which are in accordance with the requirements prescribed in the Notification of the Electronic Transactions Development Agency relating to rules for determining number of average monthly active users (AMAU);

(3) total number and types of complaints;

(4) notice on the current or latest version of the terms and conditions of service;

(5) date of termination of the service, which must be at least thirty days after the date of notifying the cessation of business operations and no later than sixty days prior to the intended date of the cessation of business operations, for the purpose of managing the compensation or remedy for persons who have been injured from the cessation of the digital platform service business prior to the issuance of the receipt of notification for the cessation of the operation of the digital platform service business, except where the compliance with any other law or order or judgment of the Court is required;

(6) declaration that the operator will be able to implement the operational plan and measures for taking care of users as submitted to the Agency.

Clause 9. The operator who has notified the information and submitted the evidence of the cessation of business operations to the Agency, shall provide evidence of the publication of a notice to inform users of the cessation of business operations under

clause 10 to the Agency within five days from the date of notifying the cessation of business operations to the Agency.

In addition to providing the evidence under paragraph one, the operator who provides a digital platform service that meets the requirements under section 16 and section 18 paragraph two of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022) shall also provide evidence of the publication of a notice to inform users of the date of termination of the service and the operational plan and measures for taking care of users under clause 11.

Clause 10. The operator who has notified the information and submitted the evidence of the cessation of business operations to the Agency, shall immediately publish a notice to inform users of the cessation of business operations through the main channel agreed upon with the users and through channels suitable for communicating with the users. The following information shall be informed:

(1) statements announcing the cessation of the operation of the digital platform service business, which must at least be made in Thai language, using plain and easily understandable language for general users, and be published in a readily accessible location, and may utilize images, marks or any other graphical elements to aid in the description or conveying of the meaning;

(2) process for taking care of users prior to the cessation of business operations;

(3) wished date of the cessation of business operations;

(4) central channel of the operator for contacting and receiving complaints, in respect of which, for the benefit of the users, the operator may provide details relating to the central channel for receiving complaints arising from the provision of digital platform services made available by the Agency under section 31 of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022);

(5) period during which a user who has been injured from the cessation of business operations may file a complaint with the operator, which must not be less than half of the anticipated period of the cessation of the operation of the platform service business, provided however that this does not affect the rights and duties of the user under the relevant law existing prior to the date of cessation of business operations;

(6) point of contact and channels for contacting the point of contact;

(7) other information and evidence (if any).

Clause 11. In addition to the publication of a notice under clause 10, the operator who provides a digital platform service that meets the requirements under section

16 and section 18 paragraph two of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022), shall also—

(1) inform users of the date of termination of the service, the period of which shall be in accordance with that prescribed in clause 8 (5);

(2) inform users of the operational plan and measures for taking care of users in accordance with the Notification of the Electronic Transactions Commission relating to rules, procedures and conditions for operators to compensate or remedy users who have been injured from using the service or other matters necessary to protect users;

(3) report the progress of the implementation of the operational plan and measures to the Agency every sixty days from the date of notifying the cessation of business operations until the date on which the operator fully implements the plan and measures, and the Agency verifies that no more users have been injured from using the service.

Clause 12. In the case where the operator makes a notification or submits documents under clause 8 and clause 9 incorrectly or incompletely, the operator shall make corrections and present the results of the corrections to the competent official within the period of fifteen days from the date on which the competent official orders the corrections.

In cases of a *force majeure* or any other reasonable cause that makes it impossible to adhere with the time limit prescribed in paragraph one, the operator shall submit an application in advance requesting an extension of the correction period under paragraph one. The application shall specify the reasons, necessity and requested extension period, which may not exceed fifteen days from the date of expiration. Upon the lapse of the prescribed period, if the operator fails to make corrections or fails to do so correctly, as the case may be, it shall be deemed that the operator does not intend to notify the cessation of business operations.

In case of the operator who provides a digital platform service that meets the requirements under section 16 and section 18 paragraph two of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022), after amendments have been made to the operational plan and measures for taking care of users per the order of the competent official under paragraph one, the operator shall inform users by re-publishing the amended operational plan and measures for taking care of users.

If the corrections made to the document under paragraph one or paragraph two leads to a change or a postponement of the date of cessation of business operations, the operator shall expeditiously notify the new date of cessation of business operations to the Agency and users and proceed to present the results of the corrections to the competent official. In this regard, the provisions of clause 10 shall apply *mutatis mutandis*.

Clause 13. The competent official shall issue a receipt of notification for the cessation of the operation of the digital platform service business upon having verified that:

- (1) the operator has correctly and fully complied with this Notification; and
- (2) the operator providing a digital platform service that meets the requirements under section 16 and section 18 paragraph two of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022) has fully implemented the operational plan and measures for taking care of users, and no more users have been injured from using the service.

When the competent official issues a receipt of notification for the cessation of the operation of the digital platform service business to the operator, it shall be deemed that the provision of the digital platform service has been terminated.

Clause 14. The Agency shall publish a notice on the cessation of the digital platform service business for public knowledge through the channel under section 14 of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022).

Clause 15. The operator of a digital platform service that is in operation on the day prior to the date the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022) comes into force under section 43 paragraph two of the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022) who wishes to cease the business operation shall notify the cessation of operations of the digital platform service business to the Agency within ninety days from the date the Royal Decree on the Operation of Digital Platform Service Businesses That Are Subject to Prior Notification, B.E. 2565 (2022) comes into force, and shall comply with this Notification *mutatis mutandis*.

Given on the 4th Day of August B.E. 2566 (2023)

(signed) *Chaichana Mitrpant*

(Mr. Chaichana Mitrpant)

Director

Electronic Transactions Development Agency