



**Asia-Pacific
Economic Cooperation**

Session: 3

Thailand's Role & Transition & Tensions & Obligations in the APEC Framework and Subsequent Amendments

Submitted by: Thailand



Symposium on the Role of Thailand in the APEC
Economic Cooperation Framework and Subsequent
Amendments
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Symposium on APEC Supporting the WTO Negotiations on Trade Related Aspects of E-Commerce

Session 3: How to Establish a Sound Environment for
Electronic Commerce Transactions

24-25 March 2021

Thongchai Sangsiri

Electronic Transactions Development Agency

Ministry of Digital Economy and Society, Thailand



Thailand's Electronic Transactions Act B.E. 2544 (2001) and subsequent amendments

Provide legal certainty and
harmonize with international rules



Electronic Transactions Act Is Based On :

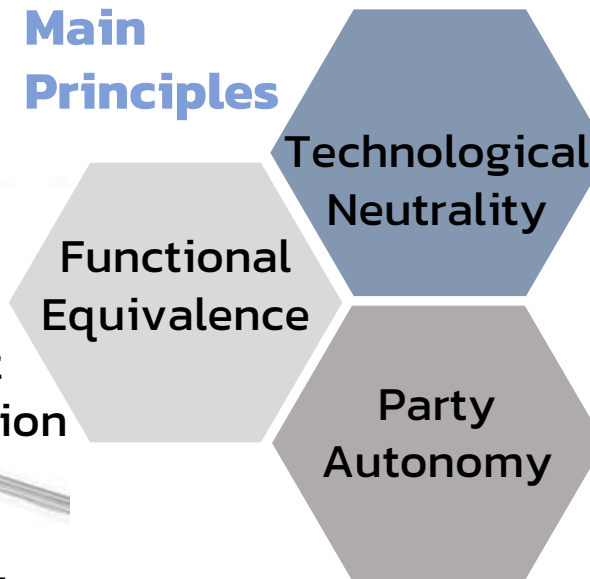
UNCITRAL Instruments

- Model Law on e-Commerce
- Model Law on e-Signatures
- The United Nations Convention on the Use of e-Communications in International Contracts

To support e-Transaction

To support cross border e-Transaction

Main Principles



- 1** In Conjunction with other laws,
- 2** Legal effects,
- 3** Admissibility of evidence in court

Future Steps ...

- Model Law on e-Transferable Records

- Resolving legal issues related to Identity Management and Trust Services



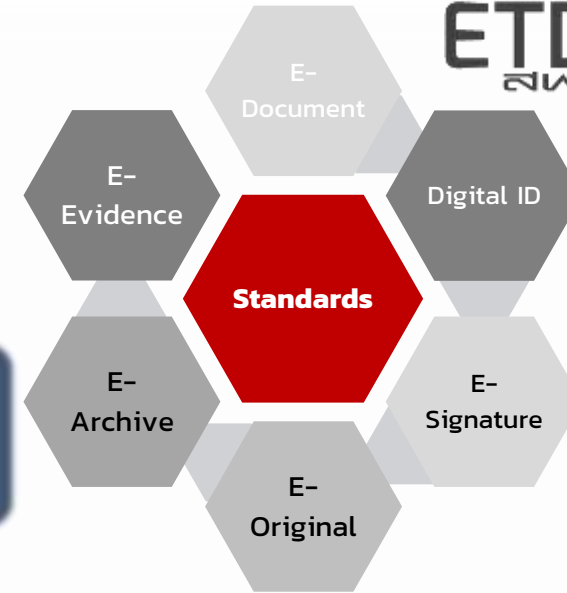
Legal Development of e-Transactions Act



• Model Law on e-Commerce

• Model Law on e-Signatures

• The United Nations Convention on the Use of e-Communications in International Contracts



ETA 2001

ETA 2008 (No.2)

ETA 2019 (No.3)

ETA 2019 (No.4)

- **Promote e-transactions**
- **Enhance trust in electronic information systems**
- **Provide legal recognition of e-transactions & e-Signatures**
- **+ supervise e-transactions services provider**
- **+ gov e-transactions**

Transition of

- paper-based documents to electronic documents
- electronic documents to paper-based documents

Adopt select principles from e-Communications Convention

- Invitations to make offers
- Use of automated message systems for contract formation
- Error in electronic communications

Provide legal recognition of Digital ID



Electronic Transactions Act (No. 3), B.E. 2562 (2019)

1. Adopted principles from e-Communications Convention by UNCITRAL

- Invitations to make offers,
- Use of automated message systems for contract information,
- Errors in electronic communications
(Article 13/1, Article 13/2, Article 17/1)

2. Amended to reinforce the enforcement

e-Signatures (added another provable method) (Article 9),

3. Adjust the rules on the supervision of e-transaction businesses

Set SLA and separate between registration and licensing process
(Article 32 – Article 34/2)

4. Adjust the components and authorities of Electronic Transactions Commission and empower ETDA as the ETC secretariat

(Article 36 – Article 41, Article 43 and Article 43/1)



Electronic Transactions Act (No. 4), B.E. 2562 (2019)

- 1. Provide legal recognition of Digital ID and legal assumption**
(Article 34/3)
- 2. Set Level of Assurance for Digital ID**
- 3. Supervise Digital ID to improve trust**
(Article 34/4)



Trade Related Terminology

- **Electronic Transactions Frameworks**
- **Electronic Authentication**
- **Electronic Signatures**
- **Electronic Contracts**
- **Electronic Invoicing**
- **Non-discriminatory Treatment of Digital Products**
- **Interactive Computing Services**
- **Cross-border Transfer of Information by Electronic Means**
- **Location of Computing Facilities**
- **Customs Duties on Electronic Transmissions**
- **Online Consumer Protection**
- **Personal Information Protection**
- **Trust and Electronic Commerce**
- ...

THANK YOU



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