

ORGANIZATION TO ASSIGN RADIO FREQUENCY AND TO REGULATE
THE BROADCASTING AND TELECOMMUNICATIONS SERVICES ACT

B.E. 2553 (2010)

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ORGANIZATION TO ASSIGN RADIO FREQUENCY AND TO REGULATE
THE BROADCASTING AND TELECOMMUNICATIONS SERVICES ACT

B.E. 2553 (2010)

BHUMIBOL ADULYADEJ, REX;

Given on the 17th Day of December B.E. 2553 (2010);

Being the 65th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas, it is expedient to amend the law on the organization to assign radio frequency and to regulate the broadcasting and telecommunications services.

This Act contains certain provisions concerning the restriction of the rights and liberties of persons, which Section 29 together with Section 35, Section 36, Section 41, Section 43, Section 45, Section 46, Section 47, Section 61 and Section 64 of the Constitution of the Kingdom of Thailand provide for to be enacted by virtue of the provisions of the law.

Be it, therefore, enacted by the King, by and with the advice and consent of the Parliament, as follows:

Section 1 This Act is called "Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010)."

Section 2¹ This Act shall come into force after the date of publication in the Government Gazette onwards.

Section 3 The Act on the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2543 (2000) shall be repealed.

¹ Government Gazette Volume 127/Part 78 Gor/Page 1/19th December B.E. 2553 (2010).

Section 4 In this Act:

"Frequency Spectrum" means radio waves or Hertzian wave, electromagnetic waves of a frequency lower than three million megahertz , propagated in the space without an invented conductive medium;

"Telecommunications" means the transmission, emission or reception of signs, signals, letters, numbers, images, sounds, codes or anything else which may be understood by a frequency spectrum system, cable system, optical system, electromagnetic system or other system;

"Radiocommunication" means the transmission, emission or reception of signs, signals, letters, numbers, images, sounds, codes or anything else which can be understood by means of frequency spectrum;

"Sound Broadcasting" means a radiocommunication that transmits or broadcasts sound for direct access to the general public;

"Television Broadcasting" means a radiocommunication that broadcasts image and sound for direct public access;

"Sound Broadcasting Business" means a sound broadcasting business and a broadcasting business which provides the service of transmitting public news or programs to a receiver that can listen to such services, whether transmitted through a frequency spectrum system, cable system, optical system, electromagnetic system or any other system, or a combination thereof, or other similar businesses designated by the NBTC as a sound broadcasting business;

"Television Broadcasting Business" means a television broadcasting business that provides the service of transmitting public news or programs to a receiver that can watch and listen to such services, whether transmitted through a frequency spectrum system, cable system, optical system, electromagnetic system, or any other system, or a combination thereof, or other similar businesses designated by the NBTC as a television broadcasting business;

"Radiocommunication Business" means a business that receives and transmits signs, signals, letters, numbers, images, sounds, codes or any other things which can be understood by the frequency spectrum system for particular telecommunications affairs or on an ad hoc basis that is not a telecommunications business under the law on telecommunications business or sound broadcasting business or television broadcasting business under the law on the sound broadcasting business and television broadcasting business;

"Telecommunications Business" means a business that provides transmission services or the receipt of signs, signals, letters, numbers, images, sounds, codes or any other things which can be understood by the frequency spectrum systems, cable systems, optical

systems, electromagnetic systems , or any other system, or a combination thereof, and shall include the business providing satellite communication services or other businesses designated by the NBTC as telecommunications businesses, but excluding the business of sound broadcasting, television broadcasting and radiocommunication business;

"Table of Frequency Allocations" means the designation of radio frequency spectrum of sound broadcasting, television broadcasting, radiocommunication, telecommunications and other purposes under conditions specified by the NBTC;

"Frequency Plan" means the designation of radio frequency channels for the sound broadcasting business, television broadcasting business, radiocommunication business and telecommunications business for the use under the conditions specified by the NBTC;

"Frequency Allocation" means the permission of a broadcasting radio station, television broadcasting station or radiocommunication station to use the radio frequency or radio frequency channel in accordance with the Table of Frequency Allocations or Frequency Plan for the use under the conditions specified by the NBTC;

"Right to access satellite orbit"² means the right that Thailand or a government agency has received or has been entitled in the transmission of satellites into orbit in accordance with the radio regulations of International Telecommunication Union;

"Community" means a group of people who live in the same area, whether in an urban or rural area, and includes a group of people who have common interests and live in close proximity to each other or can communicate with each other with related social and cultural interests, jointly and continuously engage in activities that are lawful and moral, and can be managed and express their intentions on behalf of the group;

"Fund" means the Broadcasting and Telecommunications Research and Development Fund for Public Interest;

"Commissioner(s)" means a commissioner(s) of the National Broadcasting and Telecommunications Commission;

"Officer" means a person appointed by the National Broadcasting and Telecommunications Commission to act under this Act.

Section 5 The Prime Minister shall have charge and control of the execution of this Act.

² Section 4 The definition of "Right to access satellite orbit" is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

CHAPTER I
National Broadcasting and Telecommunications Commission

Part 1

Components, Qualifications and Prohibited Characteristics of Commissioner

Section 6³ The National Broadcasting and Telecommunications Commission shall be composed of seven persons referred to as the "NBTC" for short, who shall be appointed from qualified persons who are not prohibited under Section 7 and shall have the following knowledge, expertise and experience:

(1) one expert in Sound Broadcasting Business, one expert in Television Broadcasting Business and another in Telecommunications Business;

(2) one expert in consumer protection and another in promotion of people's rights and freedoms;

(3) two experts in other areas that will be beneficial to the performance of the NBTC's duties

Secretary General of the NBTC shall be the Secretary of the NBTC.

Section 7⁴ Commissioners must have the following qualifications and do not have the following prohibited characteristics:

A. General Qualifications

(1) being of Thai nationality by birth; and

(2) being of not less than forty years of age, but not more than seventy years of age.

B. Prohibited Characteristics

(1) being a person holding a political position;

(2) being a holder of any position of a political party;

(3) being of unsound mind or of mental infirmity;

(4) being addicted to narcotic drugs;

(5) being a bankrupt or having been a bankrupt on the grounds of corruption;

³ Section 6 is amended by Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 4), B.E. 2564 (2021).

⁴ Section 7 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

(6) having been sentenced by a judgment to imprisonment and being detained by a warrant of the Court;

(7)⁵ having been sentenced by a final judgment except for an offense committed through negligence, a petty offense;

(8) having been expelled, dismissed or removed from official service, state agency or state enterprise or private agency on the grounds of dishonest performance of duties or gross misconduct or deemed as having committed dishonest act or malfeasant in the official service;

(9) having been ordered by a judgment or an order of the Court that his or her assets shall vest in the state on the grounds of unusual wealth or unusual increase of assets;

(10) being a judge of the Constitutional Court, Election Commissioner, Ombudsman, member of the National Anti-corruption Commission, member of the State Audit Commission or member of the National Human Rights Commission;

(11) having been removed from office by the resolution of the Senate;

(12) being or having been in the past a director, manager, executive officer, advisor, employee, shareholder or partner in a company or partnership or any other juristic persons carrying out sound broadcasting, television broadcasting or telecommunications business within the period of one year before having been selected under Section 15;

(13) being under the prohibition from holding a political position;

(14) having been removed previously from the position of director or executive of a public limited company due to conduct demonstrating a lack of suitability to be entrusted with the management of a publicly held company, in accordance with securities and exchange law.

Section 8 Commissioner shall:

(1) not be a public servant with a regular position or salary;

(2) not be an official or employee of a state agency, state enterprise or local government and not be a director or advisor of a state enterprise or a state agency;

(3) not engage in any other independent profession or profession that has an interest or conflict of interest, whether directly or indirectly, with the performance of duties as a Commissioner.

⁵ Section 7B. (7) is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 4), B.E. 2564 (2021).

Part 2
Acquisition of Commissioner Candidates
by Means of Nomination⁶

Section 9⁷ (Repealed)

Section 10⁸ (Repealed)

Section 11⁹ (Repealed)

Section 12¹⁰ (Repealed)

Section 13¹¹ (Repealed)

Part 3
Acquisition of the List of Commissioners
by Means of Selection

Section 14¹² When the cause of selection and appointment of the Commissioners has occurred, there shall be a Nomination Commission having duty to select qualified persons to be appointed as the Commissioners, consisting of:

(1) a judge of the Constitutional Court who is selected by the plenary meeting of the Constitutional Court;

(2) a judge of the Supreme Court who holds a position not lower than that of a Supreme Court judge or a senior judge who has held a position not lower than a judge of the Supreme Court who is selected by the plenary meeting of the Supreme Court;

⁶ Part 2: Acquisition of Commissioner Candidates by Means of Nomination Section 9 to Section 13 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁷ Section 9 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁸ Section 10 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁹ Section 11 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

¹⁰ Section 12 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

¹¹ Section 13 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

¹² Section 14 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

(3) a judge of the Supreme Administrative Court who is selected by the general assembly of the Supreme Administrative Court;

(4) a National Anti-Corruption Commissioner who is selected by the meeting of the National Anti-Corruption Commission;

(5) a State Audit Commissioner who is selected by the meeting of the State Audit Commission;

(6) an Ombudsman who is selected by the Ombudsman's meeting;

(7) the Governor of the Bank of Thailand.

The Nomination Commission under paragraph one shall elect one of the Nomination Commission members as the Chairperson of Nomination Commission.

The Chairperson and the Nomination Commission are not eligible to apply for the position of Commissioner.

In the event that there is no Nomination Commission member in a position, or a member is unable to perform their duties, if the remaining members constitute at least half of the Nomination Commission, the Nomination Commission shall consist of the members available.

The Secretariat of the Senate shall serve as the administrative unit for conducting the nomination and selection of Commissioner.

Section 14/1¹³ Before proceeding with the notification of candidacy under Section 15, the Nomination Commission shall determine the field to be nominated as a Commissioner under Section 6 and determine the characteristics that demonstrate knowledge, expertise and experience in that field and announce it to the public.

Section 14/2¹⁴ A person who is eligible to apply for nomination as a Commissioner must have the characteristics specified in Section 14/1 and one of the following characteristics:

(1) serving or served in a position not lower than that of Deputy Chief Justice, Vice President of the Administrative Court of First Instance or Deputy Director General of Public Prosecutions;

(2) being or was a civil servant, employee in another state agency or state enterprise holding a position not lower than a deputy head of a government department at

¹³ Section 14/1 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 4), B.E. 2564 (2021).

¹⁴ Section 14/2 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 4), B.E. 2564 (2021).

the department level or higher, or being or held a position not lower than a deputy head of another state agency that is a juristic person or a state enterprise or equivalent;

(3) being or was a military officer or police officer with the rank of Brigadier General, Air Force Marshal or Lieutenant General or higher;

(4) holding or held the position of associate professor or higher;

(5) being or was an executive for not less than three years in the position of not less than deputy managing director in a public limited company with a registered capital of not less than five hundred million Baht;

(6) have at least ten years of experience in the administration of sound broadcasting, television broadcasting or telecommunications business;

(7) have at least ten years of working experience in the field of consumer protection or promotion of people's rights and freedoms;

(8) have work experience in areas beneficial to the performance of the NBTC's duties as prescribed by the Nomination Commission under Section 14/1 for a total of not less than ten years.

Section 15¹⁵ In the process of recruiting Commissioners, the Secretariat of the Senate shall announce the opening of the recruitment of candidates for appointment as Commissioners to the general public through radio, television, print and electronic media for at least thirty consecutive days.

Upon the expiration of the period specified in paragraph one, the Nomination Commission shall consider and select candidates who are qualified to be Commissioners within thirty days from the date of receipt of the list of candidates for nomination from the Secretariat of the Senate.

The criteria and procedures for recruitment and selection shall be as prescribed by the Nomination Commission.

In the selection, the procedure of open voting shall be used and each Nomination Commission member shall also record the reasons for the selection.

The person to be selected must receive votes of not less than two-thirds of the total number of existing members of the Nomination Commission.

If no person obtains the votes as specified in paragraph five, or if there is a person obtains the votes but the number of people to be selected is not met, a new round of voting shall be conducted for those who did not receive two-thirds of the votes. If the number of people to be selected is still not met, another round of voting shall be conducted.

¹⁵ Section 15 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 4), B.E. 2564 (2021).

In the event that the number of people to be selected is still not obtained in this subsequent round of voting, a new selection process shall be conducted for the remaining vacancies.

In the event that a lawsuit relating to the nomination of Commissioners is filed to the Administrative Court, such lawsuit shall not be grounds for suspension or delay of any proceeding related to the nomination that has already been carried out unless otherwise rendered by the Administrative Court. In this regard, if the Administrative Court issues a judgment or order resulting in a selected person being disqualified, possessing prohibited characteristics, or having been selected unlawfully, such judgment or order shall not affect the validity of any actions taken by that person prior to the issuance of the said judgment or order.

Section 15/1¹⁶ In the event of any issue concerning the qualifications or prohibited characteristics of a candidate for selection or a selected person, it shall be the duty and authority of the Nomination Commission to make a decision. The decision of the Nomination Commission shall be final.

The proposal of the matter for the Nomination Commission to make a decision under paragraph one shall be in accordance with the criteria and procedures prescribed by the Nomination Commission.

The decision shall be made by open voting.

The provisions of paragraphs one, two and three shall also apply *mutatis mutandis* to cases where there are problems with the qualifications and prohibited characteristics of the Nomination Commission, provided that the Nomination Commission who is alleged to be disqualified or has prohibited characteristics shall not be present at the meeting during the consideration and decision.

Part 4

Selection and Appointment of Commissioners¹⁷

Section 16¹⁸ When the Nomination Commission has selected any person, it shall propose the names to the Senate for consideration and approval, and the candidate

¹⁶ Section 15/1 is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 4), B.E. 2564 (2021).

¹⁷ Part 4: Selection and Appointment of Commissioners. Sections 16 to 18 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

¹⁸ Section 16 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 4), B.E. 2564 (2021).

must be approved by the Senate by a vote of not less than half of the total number of existing members of the Senate.

In the event that the Senate does not approve any candidate, the Nomination Commission shall proceed to nominate a new person to replace him or her and propose it to the Senate for further approval. The person who was not approved by the Senate shall not be eligible to participate in the new selection process.

In the case of selecting an entire body of Commissioners or selecting Commissioners to fill vacancies in accordance with Section 20 where the Chairperson of the Commission has vacated the position and fewer than four Commissioners remain, once at least five candidates have been selected by the Senate, or when the number of candidates combined with the remaining incumbent Commissioners totals at least five, the Secretariat of the Senate shall arrange for the candidates or the candidates together with the incumbent Commissioners, as the case may be, to convene a meeting to elect one among themselves as the Chairperson of the Commission. The result shall then be reported to the President of the Senate to inform the Prime Minister for further submission to His Majesty the King for royal appointment. Upon royal appointment, the Commissioners shall proceed to perform their duties and exercise their powers. In this regard, the NBTC shall be deemed to consist of the existing Commissioners and shall promptly proceed to conduct additional selections to complete the required number of Commissioners.

The Commissioners selected through the additional selection process under paragraph three shall hold office for the remaining term of the incumbent Commissioners. In the case where the remaining term is less than three years, said persons shall be eligible for reappointment for an additional term.

In conducting the additional nomination process under paragraph three, it shall be the duty and authority of the original Nomination Commission to carry out the proceedings until the required number of Commissioners is fully selected.

The provisions of Section 15, paragraph seven, and Section 15/1 shall apply *mutatis mutandis* to the proceedings of the Senate in considering and approving the selected candidates.

The President of the Senate shall notify the Prime Minister of the names of the selected Chairperson and Commissioners in order to proceed with the submission of the matter to His Majesty the King for royal appointment.

Section 17¹⁹ (Repealed)

¹⁹ Section 17 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 4), B.E. 2564 (2021).

Section 18²⁰ A candidate approved by the Senate to serve as a Commissioner who still possesses any of the prohibited characteristics under Section 8 (1), (2), or (3) must submit evidence to the President of the Senate, within the period specified by the President of the Senate, demonstrating that they have resigned or ceased engaging in the relevant occupation or profession. Such period must be prior to the Prime Minister submitting the matter to His Majesty the King for royal appointment. In the event that the candidate fails to submit the required evidence within the specified period, it shall be deemed that the candidate has relinquished their right to the position, and a new nomination shall be conducted. The candidate approved by the Senate in this instance shall not be eligible to participate in the new nomination. The provisions of Section 16, paragraph five, shall apply *mutatis mutandis*.

Part 5

Term and Vacancy of Office of Commissioners

Section 19 A Commissioner shall have a term of office of six years from the date of appointment by the King and shall hold office for only one term.

The Commissioners who have retired from office according to the term of office shall remain in office to continue to perform their duties until the appointment of new Commissioners by His Majesty the King.

Not less than one hundred and fifty days before the expiration of the term of office, the Secretariat of the Senate shall promptly complete the nomination and appointment of new Commissioners.²¹

Section 20 Apart from vacating office upon the expiration of the term, a Commissioner shall vacate office upon:

- (1) death;
- (2) having attained the age of seventy years;
- (3) resignation;
- (4) being disqualified or being under any of the prohibition under Section 7;
- (5) violation of Section 8;

²⁰ Section 18 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 4), B.E. 2564 (2021).

²¹ Section 19 paragraph three is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

(6) ²² (repealed);

(7) ²³ (repealed)

The vacancy of office of a Commissioner under (1), (2), or (3) shall be brought to His Majesty the King for his acknowledgment. In the case of vacancy of office under (4) or (5), it shall be brought to His Majesty the King for the issuance of a Royal Command to remove the Commissioner from office. The said Royal Command shall take effect from the date of disqualification, the date of possessing prohibited characteristics, or the date of committing the violating act, as the case may be.²⁴

In the case under paragraph one, the remaining Commissioners may continue to perform their duties and the NBTC shall be deemed to consist of the remaining Commissioners, but the number of Commissioners shall not be less than four.²⁵

In the case where a Commissioner vacates office before the expiration of the term, the person appointed to replace them shall hold office for the remaining term of the Commissioner they are replacing. In the event that the remaining term is less than three years, said person shall be eligible for reappointment for an additional term.

In the case where the Chairperson or Vice-Chairperson of the NBTC vacates office under paragraph one, the NBTC shall convene a meeting to elect one of the Commissioners as the Chairperson or Vice-Chairperson, and shall notify the Prime Minister accordingly. The Prime Minister shall then bring the matter to His Majesty the King for royal appointment as the Chairperson or Vice-Chairperson, as the case may be.

Upon the occasion of the grounds specified in paragraph one, Office of the NBTC shall notify the Secretariat of the Senate within fifteen days from the date of such incident and the Secretariat of the Senate shall commence the process of arranging for the election of Commissioners to replace the vacant positions within fifteen days from the date of receipt of the notice.²⁶

Section 21²⁷ (Repealed)

²² Section 20 (6) is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

²³ Section 20 (7) is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

²⁴ Section 20 paragraph two is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

²⁵ Section 20 paragraph three is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

²⁶ Section 20 paragraph six is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

²⁷ Section 21 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

Section 22²⁸ (Repealed)

Section 22/1²⁹ A person who has vacated the position of Commissioner is prohibited from being a shareholder, partner, or holding any position in a company, partnership, or any other legal entity engaged in the business of sound broadcasting, television broadcasting or telecommunications business, unless at least two years have elapsed since the date of vacating the position.

Part 6

Meetings, Powers and Duties of the Commission

Section 23 The NBTC's meetings, voting and operations shall be in accordance with the regulations prescribed by the NBTC.

In a meeting, if a matter in which any Commissioner has an interest, that Commissioner is not entitled to attend the meeting.

In the performance of its duties, the NBTC may assign one or more Commissioners to act on its behalf. However, the NBTC shall not be relieved of responsibility on the grounds that it has delegated such duties to the Commissioner(s).

Section 24 The conduct of duties of the NBTC, BC and TC on any matter related to or affecting the public interest must be done by resolution of the meeting and the minutes of the meeting along with the voting results of the resolution of the meeting of both individual members and the commission as a whole must be disclosed to the public through the electronic media of Office of the NBTC and by any other appropriate means as announced by the NBTC.

If any information contained in the minutes is of a nature that, under the law on official information, is not required to be disclosed, the NBTC may, by resolution, decide not to disclose only that specific portion of the information.

The disclosure of the minutes of the meeting along with the voting results under paragraph one must be carried out within a period not exceeding thirty days from the date on which the resolution is voted, unless there is a necessity to extend the period for an

²⁸ Section 22 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

²⁹ Section 22/1 is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

additional fifteen days. In such a case, the reasons and necessity for the extension must be clearly stated.

Section 25 The Commissioners shall hold high-level positions in accordance with the Organic Act on Prevention and Suppression of Corruption and shall be officials under the Criminal Code.

Section 26 The Chairperson, Vice-Chairperson, and Commissioners shall perform their duties on a full-time basis.

The Chairperson, Vice Chairperson and Commissioners shall receive monthly lump-sum remuneration as prescribed in the Royal Decree

The Chairperson, Vice-Chairperson, and Commissioners may be reimbursed for expenses related to traveling to perform duties in different localities, provided that said reimbursement does not exceed the rates specified in the Royal Decree.

Section 27 The NBTC shall have the following powers and duties:

(1)³⁰ to prepare a frequency spectrum management master plan, a national table of frequency allocations, a sound broadcasting business and television broadcasting business master plan, a telecommunications business master plan, a radio frequency plan, a management plan of Right to access satellite orbit and a telecommunications number plan, and implement it in accordance with such plans, provided that such plans are consistent with national policies and plans on digital development for the economy and society;

(2) to determine the allocation of frequency spectrum between the frequency spectrum used in sound broadcasting, television broadcasting, radiocommunication, and telecommunications businesses;

(3) to determine the nature and types of sound broadcasting, television broadcasting and telecommunications businesses;

(4)³¹ to consider, permit and supervise the use of frequency spectrum and radiocommunication equipment in the business of sound broadcasting, television broadcasting and telecommunications business or in the radiocommunication business, and to prescribe the criteria and procedures regarding the licensing, conditions or fees for such licensing. In this regard, the NBTC may delegate the authority to Office of the NBTC to act on its behalf in

³⁰ Section 27 (1) is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

³¹ Section 27 (4) is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

issuing licenses, specifically for radiocommunication equipment, in accordance with the criteria and conditions prescribed by the NBTC;

(5) to determine the criteria for the efficient use of the frequency spectrum and free from interference with each other both in the same type of business and between each type of business;

(6) to consider, permit and supervise the operation of sound broadcasting, television broadcasting and telecommunications businesses in order to ensure that users receive services that are of quality, efficiency, speed, accuracy and fairness, and to prescribe criteria and procedures regarding licensing, conditions or fees for such licensing;

(7) to consider, permit and supervise the use of telecommunications numbers and to prescribe criteria and procedures regarding the licensing, conditions or fees for such licensing;

(8) to prescribe the criteria and procedure for the access or interconnection and the criteria and procedure for determining the access or interconnection rates in the operation of sound broadcasting, television broadcasting and telecommunications businesses both in the same type and between each type of business which shall be fair to service users, service providers and investors or between telecommunications service providers with due regard to the public interest;

(9) to determine the fee rate structure and service fee structure in the sound broadcasting, television broadcasting and telecommunications businesses which shall be fair to service users and service providers with regard to the public interest;

(10) to prescribe standards and technical requirements in the operation of sound broadcasting business, television broadcasting business, telecommunications business and radiocommunications;

(11) to prescribe measures to prevent monopolistic acts or unfair competition in the sound broadcasting, television broadcasting and telecommunications businesses;

(12) to prescribe measures for the distribution of telecommunications services in a universal and equitable manner in accordance with Section 50;

(12/1)³² to recall the frequency spectrum that has not been utilized, underutilized, or reallocate it for more efficient utilization, as specified in the plan prepared under (1), from the licensees for reallocation, in accordance with the criteria, procedures, and conditions prescribed by the NBTC. Such conditions must specify procedures for replacement, remedy or compensation to those whose frequency spectrum is recalled, taking into account the rights of those affected by the recall in each case;

³² Section 27(12/1) is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

(13) to protect the rights and freedoms of the people from being exploited by business operators, protect the right to privacy and freedom of individuals to communicate with each other by telecommunications, and promote the rights, freedoms and equality of the people to access and use the frequency spectrum used in sound broadcasting, television broadcasting and telecommunications businesses;

(14)³³ to act as the authorized State Directorate to administer international communications affairs with the International Telecommunication Union or with other international organizations, governments and foreign agencies as within the duties and powers of the NBTC or as assigned by the Government, as well as to support the State's operation to acquire satellites or to acquire the Right to access satellite orbit, and to coordinate the management of the frequency spectrum both domestically and internationally in accordance with the plans prepared in accordance with (1) and the National Policies and Plans on Digital Development for the Economy and Society;

(14/1)³⁴ to acquire and maintain the Right to access satellite orbit, which are national assets, and to ensure that such rights are utilized for the maximum benefit of the nation and the public. In the event that maintaining such rights imposes a burden on the State exceeding the benefits to be gained, the NBTC may relinquish such rights as specified in the plan for the administration of the Right to access the satellite orbit, and shall report to the Cabinet while publicly disclosing the detailed reasons for such action. In exercising the Right to access satellite orbit, the NBTC shall have the authority to establish criteria, procedures, and conditions for licensing fees, fee exemptions, and other related expenses to be borne by the applicant or licensee, as the case may be. Any remaining licensing fees, after deducting the costs of licensing, shall be remitted as state revenue;

(14/2)³⁵ to consider, permit and supervise the operation of businesses under this Act using foreign satellite channels, and to establish criteria and procedures for such licensing, including conditions and licensing fees;

(15) to adjudicate and resolve issues related to the use of frequency spectrum involving mutual interference;

(16) to monitor, inspect and advise on the operation of sound broadcasting, television broadcasting and telecommunications businesses;

(17) to determine the nature of mergers, cross-media ownership or takeover of sound broadcasting and television broadcasting businesses using the frequency spectrum

³³ Section 27 (14) is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

³⁴ Section 27 (14/1) is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

³⁵ Section 27 (14/2) is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

between the mass media themselves or by any other person, which will have the effect of obstructing the freedom of information or blocking the public's access to various information;

(18) to promote the integration of licensees, program producers and mass communication professionals related to sound broadcasting and television broadcasting into various forms of organizations to prepare ethical standards of occupation or profession and self-regulation pertaining to the occupation or profession under ethical standards;

(19) to issue regulations or notifications under Section 58;

(20) to approve the expenditure budget of Office of the NBTC including money to be allocated to the Fund according to Section 52;

(21) to consider and approve the allocation of the Fund as proposed by the Fund Management Committee in accordance with Section 55;

(22) to provide information and participate in negotiations or agreements between the Government of the Kingdom of Thailand and foreign governments or international organizations on matters related to the management of the frequency spectrum, sound broadcasting, television broadcasting, telecommunications or other related businesses;

(22/1)³⁶ to provide information related to the operation of the NBTC and an operator authorized by the NBTC in relation to digitalization as requested by Office of the National Digital Economic and Social Commission for use as information for analysis and preparation of national policies and plans on digital economic and social development;

(23) to propose to the Cabinet to enact a law or amend or repeal the law related to the allocation of frequency spectrum and other operations related to the frequency spectrum, sound broadcasting business, television broadcasting business and telecommunications business;

(24) to issue regulations, notifications or orders relating to the powers and duties of the NBTC;

(25) to perform any other operations as prescribed in this Act or other laws.

In determining the nature of mergers, cross-media ownership or takeover under (17), the NBTC shall also consider opinions from the public and relevant parties.

The exercise of the powers and duties under paragraph one shall not be contrary to or inconsistent with the law on sound broadcasting and television broadcasting businesses, the law on telecommunications business and the law on radiocommunication.

Such regulations, notifications or any orders that are generally applicable shall come into force upon being published in the Government Gazette.

In the performance of its duties under paragraph one, the NBTC shall act in the best interest of the public, the security of the State, and the public good, including ensuring

³⁶ Section 27 (22/1) is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

that the public has access to the benefits of frequency spectrum. Measures shall be established to prevent the exploitation of consumers, to avoid imposing unnecessary burdens on consumers, to prevent frequency spectrum interference, and to prevent actions that obstruct the freedom of access to or block the public's access to accurate and factual information. Additionally, measures shall be implemented to prevent any individual or group from using frequency spectrum without regard for the rights of the general public, including preventing potential health impacts on the public arising from the use of frequency spectrum. Furthermore, a minimum proportion of public interest obligations that frequency spectrum users are required to fulfill shall be set.³⁷

The implementation of paragraph one and paragraph five shall not be considered as allowing private investment in state affairs in accordance with the law on private investment in state enterprises.³⁸

Section 27/1³⁹ In the event of a question as to whether the NBTC's actions are in line with the National Policy and Plan on Digital Development for the Economy and Society, the relevant persons shall propose to the National Board of Digital Economy and Society in accordance with the law on digital development for the economy and society for a final decision.

In making a final decision, the National Board of Digital Economy and Society shall appoint a committee to consider and provide recommendations to the National Board of Digital Economy and Society. The committee shall consist of one representative from the National Board of Digital Economy and Society as the chairperson, and an equal number of representatives from relevant agencies and the NBTC as committee members.

The final decision of the National Board of Digital Economy and Society under paragraph one shall be final.

Section 28 The NBTC shall conduct public hearings to gather opinions from stakeholders and the general public, and shall take such opinions into consideration prior to issuing regulations, notifications, or orders concerning the regulation of sound broadcasting, television broadcasting and telecommunications businesses that have general applicability and are related to competition in business operations or have significant impacts on the public.

³⁷ Section 27 paragraph five is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

³⁸ Section 27 paragraph six is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

³⁹ Section 27/1 is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

The NBTC shall provide information regarding the background, rationale, necessity, and a summary of the matters subject to public hearing, as well as the issues on which opinions are sought. The period for public hearing shall not be less than thirty days, except in cases of emergency or urgent necessity, where the NBTC may prescribe a shorter period for public hearing than the specified duration.

Office of the NBTC shall prepare a summary of the results of the public hearing consisting of the opinions received or the results of the NBTC's consideration of such opinions, together with the reasons and guidelines for further action, and disseminate the record on the information network system of Office of the NBTC.

Section 29 Determination of access rates or network interconnection fees, any fees or service charges for the operation of sound broadcasting, television broadcasting and telecommunications businesses in accordance with this Act and in accordance with the law on sound broadcasting business and television broadcasting business or the law on telecommunications business, the NBTC shall take into account the public interest and the burden of consumers, consistency with service costs, cost-effectiveness and efficient allocation of resources.

Section 30 In the performance of duties by the NBTC, BC, TC, other committees and subcommittees established under this Act, as well as the Secretary General of the NBTC and the officials of Office of the NBTC, regarding the consideration of applications or complaints submitted by the public under the law, regulations, rules, notifications, or contracts entered into by the NBTC or Office of the NBTC with private entities, if such law, regulations, rules, notifications or contracts do not specifically prescribe a time period for processing, the NBTC shall prescribe the time period for completion of such processing and publicly notify the general public. For matters where no time period is prescribed, the processing must be completed within a period not exceeding fifteen days from the date of receipt of the matter.

In the event that the NBTC, BC, TC, other committees, or subcommittees established under this Act, the Secretary General of the NBTC, or the officials of Office of the NBTC perform their duties with undue delay beyond the period prescribed under paragraph one without reasonable cause, and such delay causes damage to any person, Office of the NBTC shall be liable to compensate such person for the damage. Office of the NBTC shall subsequently recover the compensation amount from the NBTC, BC, TC, other committees, or subcommittees established under this Act, the Secretary General of the NBTC, or the officials of Office of the NBTC, who are the cause of such delay, as the case may be, if the damage arises from an act or omission committed intentionally or with gross negligence.

Section 31 For the benefit of protecting consumers from being exploited by operators of sound broadcasting, television broadcasting, and telecommunications businesses, the NBTC shall have the duty to examine the operations of such operators to ensure that no actions are taken in a manner likely to exploit consumers. To this end, the NBTC shall establish two subcommittees, composed of persons with knowledge, expertise, and experience beneficial to the performance of the NBTC's duties in consumer protection in sound broadcasting business and television broadcasting business and in consumer protection in telecommunications business. These subcommittees shall have the authority and duty to consider and provide recommendations on complaints and to perform other duties as prescribed by the NBTC.

In the event that an operator of sound broadcasting, television broadcasting, or telecommunications businesses engages in any action likely to exploit consumers by utilizing networks or advertising in the manner of excessive profiteering or causing undue nuisance, by any means as prescribed by the NBTC, the NBTC shall have the power to order the suspension of such actions.

Section 32 In the interest of protecting the right to privacy and freedom of communication of individuals by telecommunications, the NBTC shall have the power to prescribe measures to protect the rights of telecommunications service users with respect to personal data, the right to privacy and freedom of communication by telecommunications.

In the case where there is an offense of illegal interception, utilization or disclosure of message, information or any other data by means of telecommunications, it shall be deemed that the NBTC is the damaged person under the Criminal Procedure Code.

In the event that the licensee of the telecommunications business is the offender of the offense under paragraph two or knows that the offense under paragraph two has been committed but ignores or fails to take action in accordance with the provision of the law within a reasonable time, the NBTC shall have the power to suspend or revoke the telecommunications business license.

Section 33⁴⁰ The NBTC shall have the power to appoint subcommittees to perform the duties assigned by the NBTC as necessary and appropriate in accordance with the authority and duties of the NBTC.

In the performance of its duties, the appointed subcommittees shall not delegate their authority to any other person to act on their behalf. Any orders issued under

⁴⁰ Section 33 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

such assigned authority shall be reported to the NBTC in accordance with the criteria and procedures prescribed by the NBTC.

The subcommittees must not have any prohibited characteristics under Section 7B.

Section 33/1⁴¹ The NBTC may assign an official to perform his or her duties under this Act as necessary and appropriate in accordance with the authority and duties of the NBTC. The official shall report the performance of their duties to the NBTC in accordance with the criteria and procedures prescribed by the NBTC.

Section 34⁴² In the performance of its duties under this Act, the NBTC and the Performance Monitoring and Evaluation Committee shall have the power to order any state agency or person to provide clarifications on facts, give statements, or submit relevant documents or evidence for consideration.

CHAPTER I/I

National Emergency Telephone Number⁴³

Section 34/1⁴⁴ In this Chapter:

"National Emergency Telephone Number" means the telecommunications number provided by the NBTC for use as a telephone number for emergency notification under this Chapter;

"Emergency" means an emergency or an unfortunate incident that the person experiencing the incident intends to notify for urgent assistance to save himself or herself or others from danger to life, body or property or other circumstances that require urgent assistance;

"Informant" means an emergency reporter through the National Emergency Telephone Number to request assistance or suspend an emergency;

⁴¹ Section 33/1 is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁴² Section 34 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁴³ Chapter 1/1 National Emergency Telephone Number. Section 34/1 to Section 34/5 is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

⁴⁴ Section 34/1 is added by the the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

"Notified Recipient" means a person appointed by the Royal Thai Police to be responsible for receiving emergency reports under Section 34/2.

Section 34/2⁴⁵ The NBTC shall assign a National Emergency Telephone Number to the Royal Thai Police for the purpose of receiving Emergency reports.

The Royal Thai Police shall be responsible for receiving Emergency notifications and coordinating with relevant agencies in assisting or suppressing Emergencies expeditiously and effectively.

The administrative and coordination procedures for the operation of the National Emergency Telephone Number shall be in accordance with the regulations prescribed by the Royal Thai Police with the approval of the Cabinet.

Section 34/3⁴⁶ In the notification of an Emergency, the licensee of telecommunications business shall not charge any service fee from the Informant.

Section 34/4⁴⁷ The Notified Recipient and the relevant authorities in the assistance or suppression of the Emergency may access or disclose the location coordinates or personal information of the Informant or the person experiencing the Emergency without fault, only to the extent necessary for the benefit of aiding or rescinding the Emergency or to investigate the offender under this Chapter.

Section 34/5⁴⁸ Any person uses or calls the National Emergency Telephone Number without an Emergency or behaves in a manner that interferes with the operation of the Notified Recipient shall be liable to imprisonment not exceeding one month or a fine not exceeding ten thousand Baht or both.

⁴⁵ Section 34/2 is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

⁴⁶ Section 34/3 is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

⁴⁷ Section 34/4 is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

⁴⁸ Section 34/5 is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3) B.E. 2562 (2019).

CHAPTER II Business Supervision

Part 1 Broadcasting and Television Commission⁴⁹

Section 35⁵⁰ (Repealed)

Section 36⁵¹ (Repealed)

Section 37⁵² (Repealed)

Part 2 Telecommunications Commission⁵³

Section 38⁵⁴ (Repealed)

Section 39⁵⁵ (Repealed)

Section 40⁵⁶ (Repealed)

⁴⁹ Part 1: Broadcasting and Television Commission. Sections 35 to 37 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁵⁰ Section 35 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁵¹ Section 36 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁵² Section 37 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁵³ Part 2: Telecommunications Commission. Section 38 to 40 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁵⁴ Section 38 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁵⁵ Section 39 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁵⁶ Section 40 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

Part 3

Frequency Spectrum Licensing⁵⁷

Section 41⁵⁸ Any person who wishes to use the frequency spectrum to operate a sound broadcasting business, television broadcasting business or telecommunications business must obtain a license under this Act in accordance with the criteria, procedures and conditions prescribed by the NBTC notification. The notification shall specify the types of businesses that may utilize the frequency spectrum to be licensed in accordance with the frequency spectrum management master plan.

In granting permission for the use of frequency spectrum, the NBTC may prescribe licensing at the national, regional, and local levels, with the authority to issue separate licenses for each level.

Subject to Section 42, the use of frequency spectrum shall be permitted by means of frequency spectrum auction in accordance with the criteria, procedure and conditions prescribed by the NBTC.

The frequency spectrum that the NBTC permits a licensee to use under paragraph one may also be authorized for shared use by other persons within the same frequency band or channel, provided that such authorization does not interfere with the licensee's use. The NBTC shall publicly announce such conditions when granting the frequency spectrum license. The criteria, procedures, conditions, and fees for applying for and granting permission for shared use of the frequency band or channel shall be as prescribed by the NBTC.

The proceeds from the frequency spectrum auction under paragraph three, after deducting the auction expenses and the money that must be remitted to the Digital Development Fund for the Economy and Society under the law on digital development for the economy and society, shall be remitted as national revenue.

Section 42⁵⁹ For frequency spectrum in the following cases, the NBTC may authorize the use of frequency spectrum by means other than auction:

- (1) frequency spectrum that is sufficient for use;

⁵⁷ Part 3: Frequency Spectrum Licensing is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

⁵⁸ Section 41 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

⁵⁹ Section 42 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

(2) frequency spectrum announced by the NBTC to be used in public service, state security or other non-profit businesses.

The criteria, procedure and conditions for permission under paragraph one shall be as prescribed by the NBTC.

Section 43⁶⁰ The licensee authorized to use the frequency spectrum shall apply for a license to operate sound broadcasting business or television broadcasting business in accordance with the law on sound broadcasting and television broadcasting businesses or telecommunications business in accordance with the law on telecommunications business, which can use such frequency spectrum to operate a business as prescribed in the notification under Section 41 paragraph one, to the NBTC within thirty days from the date of obtaining the license to use the frequency spectrum.

The licensee authorized to use the frequency spectrum may submit an additional application for permission to operate sound broadcasting business, television broadcasting business or telecommunications business that can use such frequency spectrum to operate as prescribed in the notification under Section 41 paragraph one.

When the NBTC permits the operation of sound broadcasting, television broadcasting or telecommunications business under paragraph one or paragraph two, it shall be deemed that the licensee is also authorized to possess and use radiocommunication equipment and to establish a radiocommunication station under the law on radiocommunication, to the extent that the radiocommunication equipment is specified in the application.

Section 44⁶¹ The permission to use frequency spectrum that causes or may cause interference with a previously licensed frequency spectrum shall not be granted. In the event that interference with any frequency spectrum occurs as a result of a violation of the law, the NBTC shall take prompt action to suppress such interference.

Section 44/1⁶² The licensee authorized to use the frequency spectrum to operate sound broadcasting, television broadcasting, or telecommunications business shall conduct the operations by themselves and shall not delegate the management, in whole or in part, or consent to any other person acting as the authorized operator on their behalf.

⁶⁰ Section 43 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

⁶¹ Section 44 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

⁶² Section 44/1 is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

Allowing another person to lease certain hours of time for the operation of sound broadcasting or television broadcasting business may be done in accordance with the criteria, procedures and conditions prescribed by the NBTC.

Section 44/2⁶³ The licensee authorized to use the frequency spectrum authorized to operate sound broadcasting, television broadcasting, or telecommunications business shall pay the application fee and the license fee, which must be paid upon issuance of the license as prescribed by the NBTC. The proceeds from the auction under Section 41 shall be deemed as the license fee under this Section.

Agencies exempted from compliance with the law on sound broadcasting and television broadcasting businesses, whether in whole or in part, shall pay the fees under paragraph one. The NBTC may reduce such fee as it deems appropriate with due regard to the agencies' business objectives.

Section 44/3⁶⁴ The frequency spectrum license is an exclusive right and shall not be transferred, except with the permission of the NBTC and upon payment of a transfer fee. The criteria, procedures, conditions, and rates for the transfer of a frequency spectrum license shall be as prescribed by the NBTC.

When the NBTC permits the transfer of a license to use a frequency spectrum under paragraph one, the license to operate sound broadcasting business, television broadcasting business or telecommunications business using such frequency spectrum of the transferor shall be terminated and the NBTC shall issue a license to operate sound broadcasting business, television broadcasting business or telecommunications business, as the case may be, to the transferee according to the characteristics, types and scope of the license to operate sound broadcasting business, television broadcasting business or telecommunications business of such transferor.

Section 44/4⁶⁵ When the NBTC permits any persons to use the frequency spectrum under this Act, it shall notify the National Board of Digital Economy and Society in accordance with the law on digital development for the economy and society.

⁶³ Section 44/2 is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

⁶⁴ Section 44/3 is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

⁶⁵ Section 44/4 is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

Section 44/5⁶⁶ Any licensee authorized to use the frequency spectrum who:

(1) fails to comply with Section 43 paragraph one;

(2) does not operate sound broadcasting business, television broadcasting business or telecommunications business that can use such frequency spectrum to operate a business as licensed by the NBTC within the period specified by the NBTC; or

(3) uses the frequency spectrum for business outside the purpose or fail to comply with the conditions for operating a business using the frequency spectrum or commits any prohibited act as prescribed in Section 27 (11);

The NBTC shall take action to ensure correction or to issue an order revoking the frequency spectrum license in whole or in part.

Part 4

Business Supervision⁶⁷

Section 45⁶⁸ The licensee of sound broadcasting business or television broadcasting business under the law on sound broadcasting and television broadcasting businesses or telecommunications business under the law on telecommunications business shall pay the license application fee and the annual business license fee at the rate prescribed by the NBTC.

The annual business license fee rate under paragraph one shall take into account the expenditure for the effective supervision of business operations at a total rate not exceeding two percent of the income before deducting the licensee's expenses and shall be remitted as the income of Office of the NBTC.

Agencies exempted from compliance with the law on sound broadcasting and television broadcasting businesses, whether in whole or in part, shall pay the fees under paragraph one. The NBTC may reduce such fee as it deems appropriate with due regard to the agencies' business objectives.

⁶⁶ Section 44/5 is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

⁶⁷ The title of Part 4: Business Supervision is amended by Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

⁶⁸ Section 45 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

Section 46⁶⁹ For the benefit of promoting radio and television programs with social creative content or programs for children and youth, the NBTC shall prescribe conditions for the license to operate sound broadcasting business or television broadcasting business using the frequency spectrum in accordance with the law on sound broadcasting business and television broadcasting business. The licensee shall arrange a time for such programs to be broadcasted at a time appropriate for the target group.

Section 47⁷⁰ (Repealed)

CHAPTER III Planning Guidelines

Section 48 There shall be a frequency spectrum management master plan, which must contain at least the following items:

- (1) details of the schedule of all frequency spectrum that Thailand can use;
- (2) guidelines for the implementation of international frequency spectrum;
- (3) details of the frequency spectrum designated for use in sound broadcasting business and television broadcasting business, telecommunications business, and other business;
- (4) guidelines for the return of frequency spectrum for reallocation or the improvement of frequency spectrum usage.

The frequency spectrum management master plan, upon publication in the Government Gazette, shall become enforceable and shall serve as the primary criteria and conditions for authorization and all operations related to the use of frequency spectrum.

The NBTC shall monitor and evaluate the implementation of the frequency spectrum management master plan and must revise the said master plan to ensure effective frequency spectrum management and alignment with advancements in evolving technologies.

In the preparation of the frequency spectrum management master plan, the NBTC shall gather opinions from the public, operators utilizing frequency spectrum, and relevant government agencies as part of the consideration process. The period for public hearing shall not be less than thirty days. The preparation of the frequency spectrum

⁶⁹ Section 46 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

⁷⁰ Section 47 is repealed by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

management master plans shall also take into account the use of frequency spectrum for national security purposes as necessary.

Section 49⁷¹ In the supervision of business operations, the NBTC shall prepare a sound broadcasting business and television broadcasting business master plan and a telecommunications business master plan to be used as a guideline for five-year operation. The said plan must align with the frequency spectrum management master plan and, at a minimum, include guidelines for development and the promotion of fair and free competition among operators, guidelines for the authorization of frequency spectrum use, and the authorization of business operations, taking into account potential impacts on public health and environmental pollution that may arise from the use of frequency spectrum.

The implementation of paragraph one in the sound broadcasting business and television broadcasting business must provide for the use of the frequency spectrum for the public benefit or for the public sector in the proportion of not less than twenty-five percent of the transmission capacity to be allowed at each time.

In order to ensure efficient management of frequency spectrum and to maximize benefits for the public, national security, and the public interest, and in the event that frequency spectrum allocated for public interest or for the public sector under paragraph two, or frequency spectrum allocated for other specified types of operations, remains unused for a period exceeding three years from the date of the notification for license applications, if the NBTC deems that utilizing such frequency spectrum for other types of operations would yield greater benefits or efficiency, the NBTC shall have the authority to reallocate the frequency spectrum for other types of operations. However, this must not affect the rights to use frequency spectrum allocated for public interest or for the public sector. In the event that such actions result in a reduction of the proportion specified under paragraph two, the NBTC shall promptly allocate frequency spectrum to restore the specified proportion, in accordance with the criteria prescribed by the NBTC.

In preparing the master plan under paragraph one, the NBTC shall take the opinions of the public, business operators and relevant government agencies as a guideline into consideration. The period for public hearing shall not be less than thirty days.

In the event that the NBTC makes a decision that is inconsistent with the opinions of the public, the business operator or the government agency as shown in the hearing under paragraph four, the NBTC must clarify and explain the reasons to the public, the business operator, or the government agency.

⁷¹ Section 49 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

Any member of the public, business operator, or state agency under paragraph five who believes that the master plan prescribed by the NBTC is contrary to the provisions of the Constitution of the Kingdom of Thailand shall have the right to file a lawsuit with the Administrative Court. The master plan shall be deemed as a by-law under the law on the establishment of administrative courts and administrative trial procedures, and that the Administrative Court shall complete the judgment within one hundred and twenty days from the date of filing the lawsuit.

The master plan under paragraph one, once published in the Government Gazette, shall be binding on the NBTC and the relevant state agencies.

Section 50 For the benefit of ensuring universal basic telecommunications services and social services in accordance with the law on telecommunications business, the NBTC shall formulate a plan for the provision of universal basic telecommunications services and social services. The plan shall, at a minimum, specify the areas and target groups, the timeframe for implementation, and an estimate of the costs associated with such implementation.

In the preparation of the plan under paragraph one, the NBTC shall consult with other relevant state agencies, and ensure alignment with the policies announced by the Cabinet to the Parliament.

The NBTC shall prescribe the amount of fees to be collected from telecommunications business licensees to support the implementation of universal basic telecommunications services under paragraph one, taking into account the revenue generated by the licensees from providing telecommunications services.

The NBTC shall prescribe the amount of funds from the fund under Section 53 (4) to be allocated to support licensees in enabling them to provide such services.

In order to implement the plan for the provision of universal basic telecommunications services and social services under paragraph one, the NBTC shall have the power to assign National Board of Digital Economy and Society Office to carry out all or part of the operation on behalf of the NBTC. In such a case, the NBTC shall transfer the money collected under paragraph three and the money specified in paragraph four to the Digital Economy and Society Development Fund for further operation.⁷²

⁷² Section 50 paragraph five is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

Section 50/1⁷³ In order to implement the acquisition and maintenance of the Right to access satellite orbit and the waiver of such right, the NBTC shall prepare a management plan of Right to access satellite orbit as a guideline for implementation, which must be in accordance with the national policy and plan on digital development for the economy and society, as well as the government's policy on the Right to access satellite orbit. In preparing such a plan, the NBTC must consult with relevant state agencies.

The management plan of Right to access satellite orbit under paragraph one shall, at a minimum, include the following items:

- (1) details of the Right to access all satellite orbit that Thailand can use;
- (2) guidelines for the acquisition and preservation of the Right to access satellite orbit for the benefit of the nation and the people;
- (3) guidelines for waiving the Right to access satellite orbit in case the preservation of such rights causes a burden on the State beyond the benefits to be obtained;
- (4) guidelines for granting the Right to access satellite orbit.

The plan under paragraph one, upon publication in the Government Gazette, shall be binding on the NBTC and relevant state agencies.

Section 51 In order to encourage the public sector to use the frequency spectrum in proportion specified in Section 49 paragraph one, the NBTC shall prescribe the criteria and procedures for promoting Communities that are ready to be qualified to apply for licenses to operate sound broadcasting business or television broadcasting business in the category of community services, earning income, and supporting quality community service operators. In this regard, opinions from the public and relevant state agencies shall also be taken into consideration.

The revenue of community service operators must be derived from donations, station subsidies, or other sources that are not from advertising or the operation of sound broadcasting business, or television broadcasting business.

The support for quality community service business operators must be a subsidy for the operation of the station, not a specific support program and must account for not more than half of the total income of the community service business operator. An evaluation of the quality of service and the efficiency of the use of subsidized money to be used must be conducted for consideration of the allocation for each subsidy.

⁷³ Section 50/1 is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

CHAPTER IV
**Broadcasting and Telecommunications Research
and Development Fund for Public Interest**

Section 52 Office of the NBTC shall establish a fund called the "Broadcasting and Telecommunications Research and Development Fund for Public Interest" with the following objectives:

(1) to provide the public with comprehensive access to services in broadcasting, television and telecommunications businesses, as well as to promote the community and support community service operators under Section 51;

(2) to promote and support the development of communication resources, research and development in broadcasting, television and telecommunications businesses, including the ability to be literate with media technology in the field of frequency spectrum use, information technology, technology and facilities for the disabled, the elderly or disadvantaged, as well as the telecommunications industry and related industries;

(3) to promote and support the development of personnel in broadcasting, television, telecommunications and information technology as well as the operation of organizations that are responsible for preparing ethical standards of occupation or profession in accordance with the law on sound broadcasting business and television broadcasting business;

(4) to support, promote and protect consumers in broadcasting, television and telecommunications businesses;

(5) to support the implementation of the law on the safe and creative media development fund by allocating money to the Safe and Creative Media Development Fund;

(6)⁷⁴ to support the use of frequency spectrum to maximize efficiency, including supporting the recall of frequency spectrum for reallocation and supporting the substitution, reimbursement or payment of compensation for frequency spectrum recall, in order to achieve maximum efficiency in the use of frequency spectrum.

Section 53 The Fund under Section 52 consists of:

(1) initial capital allocated by the Government;

(2)⁷⁵ (repealed);

⁷⁴ Section 52 (6) is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁷⁵ Section 53 paragraph one (2) is repealed by the Notification of the National Council for Peace and Order No. 80/2557 on the Amendment to the law on organization to assign radio frequency and to regulate the broadcasting and telecommunications services, dated 9th July B.E. 2557 (2014).

- (3) money allocated under Section 65, paragraph two;
- (4) money remitted to the Fund under the law on sound broadcasting and television broadcasting businesses, and the law on telecommunications business;
- (5) administrative fines imposed under this Act and in accordance with the law on sound broadcasting and television broadcasting businesses and the law on telecommunications business;
- (6) money or property donated by the person to contribute to the Fund;
- (7) money and property transferred under Section 91;
- (8) the interest and revenue of the Fund, as well as the benefits derived from compensation for the utilization of research and development in sound broadcasting business, television broadcasting business and telecommunications business;
- (8/1)⁷⁶ revenue generated from the allocation of frequency spectrum recalled under Section 27 (12/1), after deducting expenses incurred in the allocation of such frequency spectrum;
- (9) money and other assets that belong to the Fund.

The Funds shall be used according to the objectives of the Fund under Section 52 and the plan for the provision of universal basic telecommunications services and social services under Section 50, except for the objectives of the Fund under Section 52 (6), the Funds under (8/1) shall be used exclusively.⁷⁷

For the Funds under (8/1), if the Ministry of Finance deems that it is in excess of necessity or no longer necessary, it may request that the excess amount be remitted to the national revenue.⁷⁸

Section 54⁷⁹ There shall be a Fund Management Committee consisting of:

- (1) the Chairperson of the NBTC shall be the Chairperson of the Committee;
- (2) the Permanent Secretary of the Prime Minister's Office, the Permanent Secretary of the Ministry of Defense, the Secretary General of the National Economic and Social Development Board, the Director of the Budget Office, the Director General of the

⁷⁶ Section 53 (8/1) is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁷⁷ Section 53 paragraph two is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁷⁸ Section 53 paragraph three is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁷⁹ Section 54 is amended by Notification of the National Council for Peace and Order No. 80/2014 on Amendments to the law on organization to assign radio frequency and to regulate the broadcasting and telecommunications services, dated 9th July B.E. 2557 (2014).

Comptroller General's Department and the Director of the National Center for Electronics and Computer Technology shall be the members by position;

(3) two qualified persons who are selected by the committees under (1) and (2).

The Secretary General of the NBTC shall serve as a committee and secretary and the Secretary General of the NBTC shall appoint an official of Office of the NBTC as assistant secretary.

The Committee under paragraph (3) shall not have the characteristics prohibited under Section 7B (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11) and shall serve a term of office of three years at a time and may be re-appointed but shall not hold office for more than two consecutive terms.

Section 23 shall apply to the meeting of the Fund Management Committee *mutatis mutandis*.

Section 55 The Fund Management Committee has the authority and duty to administer the Fund and propose opinions on the allocation of funds for expenditure purposes under Section 52 to the NBTC for consideration and approval. In the event that the NBTC has a different opinion from the Fund Management Committee, the NBTC must provide reasons to support its considerations.

The Fund Management Committee shall disclose the details of the allocation of Funds and the implementation of paragraph one to the public through the electronic media of Office of the NBTC, which must also display information on the applicant and the person who has been allocated funds from the Fund and the total amount received from the allocation.

Maintenance, expenditures, accountancy and accounting system shall be in accordance with the rules prescribed by the Fund Management Committee.

CHAPTER V

Office of the National Broadcasting and Telecommunications Commission

Section 56 There shall be an Office of the National Broadcasting and Telecommunications Commission, called in short "Office of the NBTC", as a juristic person with the status of state agency. It shall not be subject to the government agency under the law on public administration regulations and shall not be a state enterprise under the law on budgetary procedures or other laws. It is under the supervision of the Chairperson of the Commission.

The affairs of Office of the NBTC are not governed by the law on labor protection, the law on labor relations, the law on social security and the law on compensation.

Section 57 Office of the NBTC has the following powers and duties:

(1) to be responsible for receiving and disbursing the income of Office of the NBTC;

(2)⁸⁰ to prepare the annual expenditure budget of Office of the NBTC for submission to the NBTC for approval. The annual expenditure of Office of the NBTC shall include any expenses related to the performance of the duties of the NBTC, the Performance Monitoring and Evaluation Committee, and Office of the NBTC. The preparation of such annual expenditure budget shall take into account cost-effectiveness, economy, and efficiency. Any program or project for which a budget has been allocated but payment or financial obligation has not been incurred within the fiscal year shall be deemed canceled, and Office of the NBTC shall remit the budget allocated for such program or project as state revenue;

(3) to inspect and monitor the use of frequency spectrum;

(4) to receive and consider complaints regarding the use of frequency spectrum, operation of sound broadcasting, television broadcasting and telecommunications businesses to investigate and resolve problems or propose opinions to the NBTC for consideration in accordance with the criteria prescribed by the NBTC;

(5) to study, collect and analyze information on the use of frequency spectrum, operation of sound broadcasting, television broadcasting and telecommunications businesses;

(6) to be responsible for the administrative work of the NBTC, BC, TC and the Fund Management Committee;

(7) to perform other operations as assigned by the NBTC, BC and TC.

In the preparation of the annual expenditure budget under (2) before Office of the NBTC proposes to the NBTC for approval, Office of the NBTC shall propose the draft annual expenditure budget to the National Board of Digital Economy and Society for consideration and comment, and Office of the NBTC shall consider amending or improving the draft annual expenditure budget, except for the annual expenditure budget on the part of the Performance Monitoring and Evaluation Committee, Office of the NBTC shall propose to the Performance Monitoring and Evaluation Committee for amending or improving. In the event that Office of the NBTC or the Performance Monitoring and Evaluation Committee, as the case may be, disagrees with the opinion of the National Board of Digital Economy and Society, Office of the NBTC shall propose the draft annual expenditure budget together with

⁸⁰ Section 57 paragraph one (2) is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

the opinion of the National Board of Digital Economy and Society to the NBTC for further consideration.⁸¹

When the NBTC approves the annual expenditure budget of Office of the NBTC in accordance with paragraph two, Office of the NBTC shall disclose the annual expenditure budget together with the approved programs or projects to the public through the information network system or other means that are easily accessible.⁸²

The Performance Monitoring and Evaluation Committee shall propose to Office of the NBTC the expenditure budget for remuneration and other expenses in accordance with the criteria under Section 71 paragraph seven for allocation as the budget of the Performance Monitoring and Evaluation Committee in the draft annual expenditure budget of Office of the NBTC. In this regard, Office of the NBTC may include its comments on the allocation of such budget in the report on proposal of the draft annual expenditure budget.⁸³

In the implementation of paragraph two, Office of the NBTC shall propose a draft annual expenditure budget to the National Board of Digital Economy and Society not less than ninety days before the start date of the fiscal year and the National Board of Digital Economy and Society shall consider and complete its comments not less than thirty days before the start date of the fiscal year. Upon receiving the comments or after the expiration of the specified period, Office of the NBTC shall submit the draft annual expenditure budget to the NBTC for further action.⁸⁴

Section 58 The NBTC shall have the power to issue regulations or notifications concerning the general administration, personnel management, budget, finance and assets and other operations of Office of the NBTC, including the following matters:

(1) the internal division of Office of the NBTC and the scope of duties of such divisions;

(2) determination of positions, salaries and other remuneration of the Secretary General of the NBTC, officials and employees of Office of the NBTC, as well as remuneration and expenses of other committees and subcommittees under this Act;

(3) selection or assessment of knowledge and ability for the benefit of filling and appointing to positions or salary promotions, criteria for renewal of employment contracts

⁸¹ Section 57 paragraph two is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁸² Section 57 paragraph three is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁸³ Section 57 paragraph four is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

⁸⁴ Section 57 paragraph five is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

and payment of compensation in case of termination of employment due to failure to pass the assessment;

(4) personnel management, including disciplinary proceedings, appeals and grievances;

(5) the acting for and acting as a person holding the office;

(6) uniform and dress code requirements for officials and employees of Office of the NBTC;

(7)⁸⁵ the hiring and appointment of a person to become an expert or a specialist in a specific field that will be beneficial to the performance of the NBTC's duties, including the number and remuneration rate of such positions, taking into account the performance and duration of the positions.

(8) the administration and management of the budgets, properties and supplies of Office of the NBTC;

(9) the provision of welfare or other aid.

Regulations or notifications under paragraph one shall be signed by the Chairperson of the Commission and shall take effect once they have been published in the Government Gazette.

Section 59 Office of the NBTC shall disclose information about the operations of the NBTC and Office of the NBTC to the public through the information network system or other means as it deems appropriate, subject to at least the following disclosures:

(1) the business license of all licensees and the specified conditions;

(2) a summary of monthly revenues of Office of the NBTC under Section 65;

(3) a summary of monthly expenditures of the NBTC and Office of the NBTC;

(4)⁸⁶ details of the remuneration rate of Commissioners, the number of subcommittees and the remuneration rate of individual subcommittees and the remuneration rate of consultants appointed by the NBTC individually;

(5) results of research studies and other works outsourced to external agencies;

(6) list of complaints, progress and results of consideration of complaints of consumers and licensees and the number of pending matters;

(7) details of procurement results of Office of the NBTC and related contracts.

⁸⁵ Section 58 paragraph one (7) is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁸⁶ Section 59 (4) is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

Section 60 Office of the NBTC shall have a Secretary General of the NBTC responsible for the operations of Office of the NBTC, reporting directly to the Chairperson of the Commission, and serving as the superior of the officials and employees of Office of the NBTC.

In the affairs of Office of the NBTC with respect to third parties, the Secretary General of the NBTC shall be the representative of Office of the NBTC. For this purpose, the Secretary General of the NBTC may authorize any person to perform specific duties on his behalf, provided that in accordance with the regulations prescribed by the NBTC and published in the Government Gazette. Such regulations shall not be prescribed in a manner that compels the Secretary General of the NBTC to delegate authority to any person.

Section 61 The Chairperson of the Commission, with the approval of the NBTC, shall appoint and remove the Secretary General of the NBTC.

The Secretary General of the NBTC must be at least thirty-five years of age on the date of appointment and must be qualified and not have any of the prohibited characteristics under Section 7, as well as other qualifications as determined by the NBTC.

Section 62 The Secretary General of the NBTC shall serve for a term of office of five years from the date of appointment and may be re-appointed but shall not hold office for more than two consecutive terms.

Section 63 In addition to vacancy of office upon the termination of the term under Section 62, the Secretary General of the NBTC shall vacate office upon:

- (1) death;
- (2) being sixty years of age;
- (3) resignation;
- (4) being a bankrupt;
- (5) having been imprisoned by a final judgment to a term of imprisonment;
- (6) being disqualified or being under any of the prohibitions under section 61 paragraph two;
- (7) being dismissed by a resolution of the NBTC, by votes of not less than two-thirds of the total number of the Commissioners on grounds of mismanagement, misbehavior, incompetency or inability to perform his duties.

Section 64 The Secretary General of the NBTC and the officials of Office of the NBTC shall be public officials in accordance with the organic law on prevention and suppression of corruption.

Officials of Office of the NBTC must be qualified and must not have any prohibited characteristics as prescribed by the NBTC, and must not be directors, managers, executives, advisors, officials, shareholders or partners in any company or partnership or any other juristic person carrying out sound broadcasting business, television broadcasting business or telecommunications business.

The Secretary General of the NBTC shall hold a high-level position in accordance with the organic law on the prevention and suppression of corruption

In performing duties under this Act, the Secretary General of the NBTC and officials shall be the officials under the Penal Code.

Section 65 Revenue of Office of the NBTC are as follows:

(1)⁸⁷ application fees and license fees to use frequency spectrum under Section 44/2 paragraph one, application fee for license and business license fee under Section 45 paragraph one, and fee for transfer of license to use frequency spectrum under Section 44/3;

(2) revenue or benefits derived from the operation of the powers and duties of the NBTC and Office of the NBTC;

(3) revenue from the assets of Office of the NBTC;

(4) money and property donated to Office of the NBTC in accordance with the regulation set forth by the NBTC for the operation of Office of the NBTC;

(5) general subsidies allocated by the Government.

The remaining revenue of Office of the NBTC under (1) and (2) after deducting expenses for the efficient operation of Office of the NBTC, the necessary burdens, the funds allocated to contribute to the Fund in accordance with the Section 52, the Technology Development for Education Fund under the law on national education and the Digital Economy and Society Development Fund under the law on digital economy and society development, shall be remitted as state revenue.⁸⁸

In the event that the revenue of Office of the NBTC is insufficient to cover the expenses of Office of the NBTC's effective operation, including the necessary burdens and cannot be financed from other sources, the State shall allocate the amount of the public budget to Office of the NBTC as necessary.

Section 66 For the purpose of allocating public budget to Office of the NBTC under Section 65 paragraph three, Office of the NBTC shall submit the expenditure

⁸⁷ Section 65 paragraph one (1) is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

⁸⁸ Section 65 paragraph two is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

budget for the fiscal year requiring support to the Cabinet for the allocation of general subsidies to Office of the NBTC in the Annual Appropriations Bill or the Supplementary Appropriations Bill, as the case may be. The Cabinet may also make an opinion on the budget allocation of Office of the NBTC in the report on the proposal of the Annual Appropriations Bill or the Supplementary Appropriations Bill. In considering the Annual Appropriations Bill or the Supplementary Appropriations Bill, the House of Representatives or the Senate may request the Secretary General of the NBTC to provide clarifications for consideration.

Section 67 The immovable properties that Office of the NBTC acquired by buying or exchanging from the revenue of Office of the NBTC under Section 65(1), (2) or (3) or from the donor under (4) shall be the property of Office of the NBTC.

The immovable property that is Ratchaphatsadu land in accordance with the law on the Ratchaphatsadu land in the possession of Office of the NBTC, Office of the NBTC has the power to administer, supervise, maintain, use and provide benefits in accordance with the regulations prescribed by the NBTC.

Property of Office of the NBTC is not under the liability of legal execution.

Section 68 The accounting of Office of the NBTC shall be prepared in accordance with international standards in accordance with the standards of the Board of Auditors and shall provide for an internal audit of the finances, accounting and supplies of Office of the NBTC in accordance with the regulations prescribed by the NBTC.

In conducting an internal audit under paragraph one, there shall be an Internal Audit Committee consisting of not less than three but not more than five members appointed by the NBTC from experts in internal auditing who have qualifications and are not under prohibitions according to Section 7 and Section 8. Office of the NBTC shall arrange an appropriate number of internal audit officers responsible directly to the Internal Audit Committee to assist the Internal Audit Committee in performing its duties.

The Internal Audit Committee shall be independent in its conduct of duties and the NBTC, Secretary General of the NBTC and officials of Office of the NBTC shall facilitate the work of the Internal Audit Committee and internal audit officers as requested.

The Internal Audit Committee shall report the results of the audit to the NBTC every one hundred and eighty days.

The term of office, vacancy and meetings of the Internal Audit Committee shall be in accordance with the regulations prescribed by the NBTC.

Section 69 Office of the NBTC shall prepare its balance sheet, financial statements and book of accounts and submit them to the auditor within sixty days from the end of the fiscal year.

In every year, State Audit Office shall be the auditor and audit the spending of money and property of Office of the NBTC. It shall analyze effectiveness of budget spending, give statements as to whether or not the spending is in accordance with the objectives and the degree of its achievements according to the targets, and prepare a report to be submitted to the NBTC, the Cabinet and the Parliament.

Office of the NBTC shall be the inspection unit in accordance with the organic law on the audit of the national treasury.

At any time State Audit Office finds that the expenditure of money and assets of Office of the NBTC is ineffective or unreasonably extravagant, or that any action is not in accordance with the plan or will cause damage to the public interest, State Audit Office shall notify the NBTC and provide recommendations. The NBTC shall then take appropriate actions to improve, correct, or suspend the operations as deemed necessary within the period specified by the State Audit Office.⁸⁹

CHAPTER VI

Monitoring, Inspection and Evaluation of Operations and Management

Section 70 There shall be a Performance Monitoring and Evaluation Committee consisting of a Chairperson and four others committees with the following qualifications:

- (1) a person who has a number of works or knowledge and expertise or experience in broadcasting and one person in the television business;
- (2) a person who has a number of works or knowledge and expertise or experience in the field of telecommunications business;
- (3) a person with a number of works and experience in the field of consumer protection;
- (4) a person who has a number of works and experience in promoting the rights and freedoms of the people.

The President of the Senate shall arrange for the selection of persons who are suitable of being nominated as committees in twice the number of committees under paragraph one to be presented to the Senate for further consideration and selection in accordance with the rules and procedures prescribed by the President of the Senate.

⁸⁹ Section 69 paragraph four is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

The persons selected as the committee shall meet together to select a suitable person to be the Chairperson of the committee.

Section 71⁹⁰ The Performance Monitoring and Evaluation Committee shall have a term of office of three years at a time and shall not be appointed to serve two consecutive terms.

The Committees under paragraph one shall not be Commissioners of the NBTC, subcommittees of the NBTC, Secretary General of the NBTC, officials or employees of Office of the NBTC, and the provisions of Section 7, Section 8 and Section 20 (1), (3), (4) and (5) shall apply *mutatis mutandis*.

Not less than ninety days before the vacating an office, the Secretariat of the Senate shall promptly organize the selection of a new Performance Monitoring and Evaluation Committee. The Performance Monitoring and Evaluation Committee whose terms have vacated shall remain in office to continue performing their duties until the new committees are selected.

In the event that a Performance Monitoring and Evaluation Committee vacates their position for reasons other than the vacating an office of their term, the remaining committees may continue to perform their duties, and the Performance Monitoring and Evaluation Committee shall be deemed to consist of the remaining committees, unless fewer than three committees remain.

When there is a reason for the vacancy of a Performance Monitoring and Evaluation Committee for reasons other than the vacating an office of their term, Office of the NBTC shall notify the Secretariat of the Senate in writing within fifteen days from the date of such reason, and the Secretariat of the Senate shall initiate the process to select a replacement for the vacant position within fifteen days from the date of receiving the notification. The person selected to fill the vacancy shall hold the position for the remaining term of the committee they are replacing.

The conduct of meeting and voting shall be in accordance with the regulations set by the Performance Monitoring and Evaluation Committee.

Remuneration and other expenses for the performance of duties of the Performance Monitoring and Evaluation Committee shall be in accordance with the regulations prescribed by the National Board of Digital Economy and Society.

Section 72 The Performance Monitoring and Evaluation Committee shall have the authority to monitor, inspect and evaluate the performance and management of the

⁹⁰ Section 71 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

NBTC, BC, TC, Office of the NBTC and the Secretary General of the NBTC and shall notify the NBTC of the results within ninety days from the end of the fiscal year. The NBTC shall submit such report to the Parliament along with the annual performance report of the NBTC under Section 76 and shall disclose the report to the public through the information network system of Office of the NBTC or by other appropriate means.

The assessment under paragraph one must be based on facts and information and must be heard from stakeholders.

The Committee may assign an agency or organization with expertise to collect data, analyze and evaluate the results for the purpose of preparing the report.

Section 73 The report under Section 72 must contain at least the following contents:

(1) performance of the NBTC, BC, TC, Office of the NBTC and the Secretary General of the NBTC;

(2) report on facts or observations from the NBTC's compliance with its authority and duties in relation to the effective performance of its duties and consistency with government policies, as well as opinions and suggestions;

(3) opinions on the annual performance report prepared by the NBTC in accordance with Section 76;

(4) other matters that are deemed appropriate to be reported to the NBTC, the Parliament or the public.

The NBTC, BC, TC, Office of the NBTC and the Secretary General of the NBTC shall cooperate and facilitate the Performance Monitoring and Evaluation Committee as requested.

CHAPTER VII

Relationship with the Government and Parliament

Section 74⁹¹ In conducting its authority and duties, the NBTC shall act in accordance with the policies announced by the Cabinet to the Parliament and the national policies and plans on digital development for the economy and society.

Section 75 In the event for negotiations or agreements between the Government of the Kingdom of Thailand and foreign governments or international

⁹¹ Section 74 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

organizations in matters relating to the management of the frequency spectrum, sound broadcasting business, television broadcasting business, telecommunications business or other related matters, the NBTC and Office of the NBTC shall be obliged to provide information and cooperate as notified by the Government.

Section 76 The NBTC shall prepare an annual performance report on frequency spectrum management, sound broadcasting business, television broadcasting business and telecommunications business, as the case may be, which must show the details of the work plan and performance result, the details of frequency spectrum management, the allocation of frequency spectrum, the operation of the sound broadcasting business, television broadcasting business and telecommunications business, as the case may be, and the operation plan for the next phase shall be submitted to the Cabinet and the Parliament within one hundred and twenty days from the end of the fiscal year and disclosed to the public.

The annual performance report under paragraph one must contain at least the following contents:

- (1) the NBTC's performance in the past year compared to the set work plan or project;
- (2) work plan, project and budget plan for the next year;
- (3) financial statements and auditor's report, internal audit report;
- (4) problems and obstacles in the operation of sound broadcasting business, television broadcasting business and telecommunications business of various types that are important to the public;
- (5) quality and rates of various types of telecommunications service fee that are important to the public;
- (6) efficiency and effectiveness in considering consumer complaints;
- (7) efficiency and effectiveness of the Fund under Section 52;
- (8) reports on the competitive conditions of the market in various types of sound broadcasting business, television broadcasting business and telecommunications business, including observations on acts in the manner of direct or indirect domination of businesses that affect the interests of the State and the people.

The Prime Minister, the House of Representatives and the Senate may request the NBTC or the Secretary General of the NBTC, as the case may be, to clarify the operation of a particular matter in writing or orally.

CHAPTER VIII

Penalties

Section 76/1⁹² Any person who violates Section 22/1 shall be liable to a fine not exceeding one million Baht.

Section 77 Any sound broadcasting business, television broadcasting business or telecommunications business operator who fails to comply with the order under Section 31 paragraph two, the NBTC shall have the power to impose an administrative fine not exceeding five million Baht and a fine not exceeding one hundred thousand Baht per day at all time the order has not been observed.

Section 78⁹³ Any person who uses a frequency spectrum for sound broadcasting business, television broadcasting business or telecommunications business without permission under Section 41 paragraph one shall be liable to the penalties as prescribed for the offense under Section 66 of the Sound Broadcasting and Television Broadcasting Businesses Act, B.E. 2551 (2008) or Section 67 of the Telecommunications Business Act, B.E. 2544 (2001), as the case may be.

Section 79 If any Officer of the NBTC or person exercising the NBTC power who becomes aware of or has been notified about unlawful use of the frequency spectrum in violation of or not compliance with this Act fails to enforce this Act and such act or omission is not an offense under Section 157 of the Penal Code, that Officer of the NBTC or person exercising the NBTC power shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand Baht or to both.

⁹² Section 76/1 is added by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017).

⁹³ Section 78 is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

Transitory Provisions

Section 80 While the appointment of the NBTC under this Act has not been completed, the National Telecommunications Commission appointed under the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2543 (2000) shall continue to perform its duties as the NBTC under this Act, except the matters concerning the operation of sound broadcasting and television broadcasting businesses in accordance with the law on sound broadcasting and television broadcasting businesses shall be governed by such law.

Once the NBTC has been appointed, the National Telecommunications Commission under paragraph one shall be relieved of its duties.

Section 81 The Commission under the Sound Broadcasting and Television Broadcasting Businesses Act, B.E. 2551 (2008), the Commission under the Telecommunications Business, Act B.E. 2544 (2001) and the National Broadcasting and Television Commission under Section 61 of the Public Broadcasting Authority of Thailand Act B.E. 2551 (2008) shall mean the NBTC under this Act.

The powers and duties of the ministers, Director General of Post and Telegraph Department, and authorized licensing officer under the Radiocommunication Act shall become powers and duties of the NBTC under this Act.

Section 82 Upon the appointment of the NBTC, the government departments, state enterprises, state agencies or any person who has been allocated or has used the frequency spectrum for the purpose of operating sound broadcasting, television broadcasting and telecommunications businesses on the effective date of this Act shall be obliged to notify the NBTC of the details of the use of the frequency spectrum including the reasons for the necessity of holding the frequency spectrum in accordance with the criteria and period prescribed by the NBTC.

In the implementation of paragraph one, the government departments, state enterprises and state agencies shall notify the NBTC of the details of the permits, concessions, or contracts, including the contract period and concession fees or other benefits according to respective permits, concessions, or contracts in accordance with the criteria and procedures specified by the NBTC. The NBTC shall examine legality of those permits, concessions, or contracts, as well as disclose the information and results of the examination to the public.

Section 83 A person who has been allocated a frequency spectrum or uses a frequency spectrum for the lawful operation of sound broadcasting business or television broadcasting business on the effective date of this Act and has complied with Section 82 shall be deemed to have obtained permission from the NBTC under this Act. The NBTC shall supervise the person who has been allocated a frequency spectrum or uses such frequency spectrum to comply with this Act, other laws and the criteria prescribed by the NBTC until the deadline for the return of the frequency spectrum under paragraph three is reached.

The provision of Section 44/1 shall not apply to government departments and state enterprises that allocate the frequency spectrum they have been assigned to other persons for operations through lawful permit, concession, or contract. The person who has been granted permits, concessions, or contracts may continue their operations only for the remaining period of such permits, concessions, or contracts.⁹⁴

The NBTC shall determine the exact period of time for frequency spectrum assignees or users to return the frequency spectrum for reallocation or improvement of frequency spectrum utilization as stipulated in the frequency spectrum management master plan under Section 48, taking into account the public interest and the necessity of operating and using the frequency spectrum. In this regard, the reasons for the necessity of holding the frequency spectrum as notified under Section 82 shall be taken into consideration.

Section 84 A person who is legally allocated a frequency spectrum or uses a frequency spectrum for telecommunications business on the effective date of this Act and has complied with Section 82 shall be deemed to have obtained permission from the NBTC under this Act. The NBTC shall supervise the person who is allocated a frequency spectrum or uses such frequency spectrum to comply with this Act, other laws and the criteria prescribed by the NBTC until the deadline for the return of the frequency spectrum under paragraph four is reached.

The provision of Section 44/1 shall not apply to state enterprises that allocate the frequency spectrum they have been assigned to other persons for operations through lawful permit, concession, or contract. The person who has been granted permits, concessions, or contracts may continue their operations only for the remaining period of such permits, concessions, or contracts.⁹⁵

Upon the completion of a period of three years from the effective date of this Act, state enterprises shall remit the revenue derived from operations resulting from

⁹⁴ Section 83 paragraph two is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

⁹⁵ Section 84 paragraph two is amended by the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019).

the permits, concessions, or contracts under paragraph two, which the state enterprises have carried out under the law on private participation in or operation of state enterprises, whether in whole or in part, after deducting the following expenses. The remaining amount shall be submitted to the NBTC, and the NBTC shall remit such amount as public revenue.

(1) The business license fee only for the part calculated from the income base generated from the permits, concessions, or contracts;

(2) Expenses to support the provision of universal basic telecommunications services and social services in accordance with the Government's policies and under Section 50 only in the part calculated from the revenue base generated from permits, concessions, or contracts;

(3) Expenses incurred from the implementation of permits, concessions or contracts as prescribed by the Ministry of Finance.

The NBTC shall determine a certain period of time for the frequency spectrum assignees to return the frequency spectrum for reallocation or improvement of the use of the frequency spectrum as stipulated in the frequency spectrum management master plan under Section 48. The provisions of Section 83 paragraph three shall apply *mutatis mutandis*.

Section 85 In the initial term, the provisions of Section 49 in relation to the provision for the public sector to use not less than twenty percent of the frequency spectrum in television broadcasting business shall not apply until the NBTC announces the implementation of the digital television broadcasting transmission system.

The NBTC shall prepare a frequency spectrum management master plan under Section 48 within a period of one year from the date of appointment of the NBTC. The said plan must specify the timeline for transitioning to the digital television broadcasting transmission system and the timeline for allocating frequency spectrum for public use in television broadcasting business.

After the promulgation of the frequency spectrum management master plan, during the period when the use of the digital television broadcasting transmission system has not yet been announced, the NBTC shall allocate frequency spectrum to the public sector for temporary use in television broadcasting business only in areas with sufficient frequency spectrum to carry out the allocation.

Section 86 A telecommunications licensee assigned by the National Telecommunications Commission to provide universal basic telecommunications services and social services under the Telecommunications Business Act B.E. 2544 (2001) before the effective date of this Act shall be exempted from contributing to the Fund under Section 50 until the end of the period specified in the Notification of the National

Telecommunications Commission on Criteria, Procedures and Conditions for the Provision of Universal Basic Telecommunications Services and Social Services.

Section 87 Licenses lawfully issued under Radiocommunication Act, B.E. 2498 (1955), Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2543 (2000), the Sound Broadcasting and Television Broadcasting Businesses Act, B.E. 2551 (2008) and Telecommunications Business Act, B.E. 2544 (2001) before the effective date of this Act shall continue to be valid until the expiry of their term and shall be deemed to be licenses issued under this Act. The NBTC shall supervise the licensee to comply with this Act, other relevant laws and the criteria prescribed by the NBTC.

Any license under paragraph one that grants the right to hold or use frequency spectrum in which expiry date is not specified may continue to be valid until the date of termination as shall be specified by the NBTC. For this purpose, the provision of Section 83 paragraph three shall apply *mutatis mutandis*.

Section 88 Within one hundred and twenty days from the effective date of this Act, the NBTC shall issue a license to use the frequency spectrum and a business license under the law on sound broadcasting and television broadcasting businesses to the Thai Public Broadcasting Service according to the nature and type of business as well as the scope of services available as of the effective date of this Act.

The use of frequency spectrum for business operations in addition to the license under paragraph one must be in accordance with the frequency spectrum management master plan and must be licensed by the NBTC. In this regard, the NBTC may set forth any conditions necessary for public interest.

The operation of the Thai Public Broadcasting Service shall be under the provisions of this Act insofar as it is not contrary to or inconsistent with the law on Thai public broadcasting service.

While the license under paragraph one has not been obtained, Thai Public Broadcasting Service shall be able to continue to operate.

Section 89 All existing affairs, assets, rights, obligations, debts, officials and employees and budget funds of Office of the National Telecommunications Commission shall be transferred to Office of the NBTC in accordance with this Act.

The officials and employees transferred under paragraph one shall receive salaries, emoluments, or wages, including entitlements and benefits at the same rates to their

existing entitlements until recruitment and appointment to Office of the NBTC. The appointment to receiving a salary or wage lower than the original rate is prohibited.

In the event that any official or employee is subject to regulations or employment contracts that do not specify the term of employment, such indefinite employment shall not be deemed to be the right and benefit under paragraph two.

Section 90 In the initial term, the appointment of the Secretary General of the NBTC under this Act shall be carried out within ninety days from the date of appointment of the NBTC under this Act.

In the absence of the Secretary General of the NBTC under this Act, the Secretary General of National Telecommunications Commission under the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2543 (2000) who holds office prior to the date of the entry into force of this Act, shall perform the duties as Secretary General of the NBTC.

Section 91 The money and assets of the Sound Broadcasting and Television Broadcasting Development Fund for Public Interest and the Telecommunications Development Fund for Public Interest under the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2543 (2000) existing on the effective date of this Act shall be transferred to the Fund under this Act.

Section 92 All existing affairs, assets, rights and obligations of the Government Public Relations Department of the Prime Minister's Office in relation to the Division of the National Broadcasting Committee, the Government Public Relations Department of the Prime Minister's Office existing on the effective date of this Act shall be transferred to Office of the NBTC, except for the budget money relating to the salary and regular wages of the existing personnel which shall be transferred to the Government Public Relations Department of the Prime Minister's Office.

Section 93 Civil servants and employees of the Division of the National Broadcasting Committee of the Government Public Relations Department of the Prime Minister's Office who hold office on the day before the effective date of this Act, if they voluntarily transfer to become officials or employees of Office of the NBTC, upon giving written notice to their superiors within ninety days from the effective date of this Act, Office of the NBTC shall recruit and appoint such civil servant or employee as an officials or employee of Office of the NBTC in accordance with the criteria prescribed by the NBTC. The appointment to receiving a salary or wage lower than the original rate is prohibited.

For those who do not notify their intention within the specified period, they shall return to perform their duties at the Government Public Relations Department of the Prime Minister's Office.

In the absence of the NBTC under this Act, the authority of the NBTC under paragraph one shall be the authority of the National Telecommunications Commission appointed under the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services, B.E. 2543 (2000).

Section 94 The recruitment and appointment of a civil servant under Section 93 shall be deemed to be a release from the public service due to termination or dissolution of position in accordance with the law on government pension or the law on the government pension fund.

The recruitment and appointment of employees under Section 93 shall be deemed to be a release from service because the government dissolves the position or the government terminates the employment without fault and shall receive a gratuity in accordance with the Regulation of the Ministry of Finance on Employee Gratuity.

Section 95 All regulations, rules, notifications or orders issued by virtue of the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunication Services Act, B.E. 2543 (2000) remaining in force on the date of the entry into force of this Act shall continue to be effective insofar as they are not contrary to or inconsistent with the provisions of this Act until regulations, rules, notifications or orders issued by virtue of this Act come into force.

Countersigned by:
Abhisit Vejjajiva
Prime Minister

Remark :- The reasons for promulgating this Act are that Section 47 of the Constitution of the Kingdom of Thailand stipulates that there shall be an independent state agency having the duty to allocate the frequencies and supervise sound broadcasting, television broadcasting and telecommunications services as prescribed by law, and Section 305 (1) stipulates that such law shall at least, in its substance, make the provision for the establishment of specific commissions as internal bodies within such agency which are independent from one another to be in charge of supervising sound broadcasting and television broadcasting businesses and supervising telecommunications businesses and contain details with regard to the supervision and protection of the operation of businesses, the provision of funds for the development of communication resources and the promotion of public participation in the operation of public mass media. Moreover, the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunication Services Act B.E. 2543 (2000) has been in force for a considerable long period of time but it is not as effective as it should have been, and thus, resulted in a number of impediments to the implementation. In addition, its provisions are inconsistent with the Constitution of the Kingdom of Thailand. Therefore, it is expedient to establish an independent state agency having the duty to allocate the frequencies and supervise sound broadcasting, television broadcasting and telecommunications services, including to define the scope of the agency's mandate and the supervision of the said businesses, as well as to revise the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications services to be in compliance with the provisions of the Constitution of the Kingdom of Thailand. This Act shall hence be enacted.

Notification of the National Council for Peace and Order No. 80/2557 on Amendments to the Law on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services, dated 9th July B.E. 2557 (2014)⁹⁶

Clause 5 The proceeds from the auction under Section 41 paragraph six of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services, B.E. 2553 (2010), prior to the effective date of this Notification, if not yet remitted to the Broadcasting and Telecommunications Research and Development Fund for Public Interest, shall be remitted as public revenue after deducting expenses within fifteen days from the effective date of this Notification.

Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No.2), B.E. 2560 (2017)⁹⁷

Section 2 This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 42 The Commissioner of the NBTC who is in office on the effective date of this Act shall continue in office until the completion of his term or vacates office for any other reason. In the event of a vacancy for any reason, the Commissioners of the NBTC shall consist of the remaining Commissioners. If there are less than four Commissioners of the NBTC, the remaining Commissioner of the NBTC shall vacate office and be deemed as completion of term and the appointment of Commissioners shall be carried out in accordance with the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010), as amended by this Act. While the Commissioner of the NBTC have not yet been appointed, the remaining Commissioner of the NBTC shall perform their duties as necessary until the Commissioner of the NBTC appointed under the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010), as amended by this Act, take up the duties.

In the event that the person who vacates office under paragraph one is the Chairperson of the NBTC, the remaining Commissioner of the NBTC shall elect one of the Commissioner of the NBTC to continue to serve as the Chairperson of the NBTC.

The provisions on the qualifications and prohibited characteristics and the vacancy of office of Commissioner of the NBTC under the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553

⁹⁶ Government Gazette Volume 131/Special Part 134 Ngor/Page 3/21st July B.E. 2557 (2014).

⁹⁷ Government Gazette Volume 134/Special Part 65 Gor/Page 59/22nd June B.E. 2560 (2017).

(2010), as amended under this Act, shall not apply to Commissioner of the NBTC under paragraph one. Instead, the provisions as stipulated in the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010) prior to its amendment by this Act shall apply.

The vacancy of office of a Commissioner of the NBTC under paragraph one shall be deemed vacancy of office by completion of term in accordance with Section 19 of the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010).

Section 43 The provisions of any other law, rule, regulation or order referring to the Broadcasting and Television Commission and the Telecommunications Commission under the law on organization to assign radio frequency and to regulate the broadcasting and telecommunications services, shall be deemed that such laws, rule, regulations or orders refer to the National Broadcasting and Telecommunications Commission.

Section 44 The Prime Minister shall have charge and control of the execution of this Act.

Remark :- The reason for the promulgation of this Act is that the National Board of Digital Economy and Society has been established under the law on digital development for the economy and society to be responsible for the preparation of national policies and plans on digital economy and society, which requires state agencies to carry out their powers and duties in accordance with the goals and guidelines set out in the national policies and plans. Therefore, in preparation for the development of the digital economy and society and to align the law with advancements in technology, it is necessary to amend the law to be consistent with such national policies and plans. Additionally, given the progress in frequency spectrum allocation technology and to ensure the effective enforcement of the law on the organization to assign radio frequency and to regulate the broadcasting and telecommunications services for the greater benefit of the public and society, it is essential to revise the organizational structure and authority to accommodate these matters. Hence, it is necessary to enact this Act.

Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 3), B.E. 2562 (2019)⁹⁸

Section 2 This Act shall come into force as from the day following the date of its publication in the Government Gazette.

⁹⁸ Government Gazette Volume 136/Part 50 Gor/Page 38/16th April B.E. 2562 (2019)

Section 27 Licenses for the use of frequency spectrum issued under the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010) existing on the day before the effective date of this Act shall continue to be valid until the expiration of the license or the termination of the license for other reasons.

The NBTC shall have the power to prescribe any type or nature of sound broadcasting business, television broadcasting business or telecommunications business that can use the frequency spectrum licensed under paragraph one for additional business, provided that such notification must be in accordance with the frequency spectrum management master plan.

Any person licensed to use the frequency spectrum under paragraph one who wishes to carry on the additional sound broadcasting, television broadcasting or telecommunications business under paragraph two shall submit an application for a business license as well as pay fees under the law on sound broadcasting and television broadcasting businesses or the law on telecommunications business, as the case may be.

Section 28 The NBTC shall have the power to prescribe the type or characteristic of sound broadcasting business, television broadcasting business or telecommunications business for which the licensee is authorized to use the frequency spectrum under Section 83 and Section 84 of the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010) whose license has not yet been terminated that may utilize the licensed frequency spectrum for additional business, provided that such notification is in accordance with the frequency spectrum management master plan.

A person licensed to use the frequency spectrum under Section 83 and Section 84 of the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010), who wishes to operate an additional sound broadcasting, television broadcasting or telecommunications business under paragraph one shall submit an application for a business license as well as pay a fee in accordance with the law on sound broadcasting and television broadcasting businesses or the law on telecommunications business, as the case may be.

Section 29 The license to use the frequency spectrum existing on the day before the effective date of this Act may be transferred to each other as prescribed in Section 44/3 of the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010), as amended by this Act.

Section 30 In the initial stage, Part 3: Frequency Spectrum Licensing, Section 41, Section 42, Section 43, Section 44, Section 44/1, Section 44/2, Section 44/3, Section 44/4 and Section 44/5 and Part 4: Business Supervision, Section 45 and Section 46 under Chapter 2: Business Supervision and Section 65 (1), Section 78, Section 83 paragraph two and Section 84 paragraph two of the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010) as amended by this Act and Section 16, Section 27, Section 28 and Section 29 shall not apply until the NBTC is ready to implement such provisions and propose the enactment of a Royal Decree requiring the application of such provisions.

For the purpose of frequency spectrum management and the regulation of sound broadcasting, television broadcasting, and telecommunications businesses, and in the interim period before the issuance of a Royal Decree under the first paragraph, Part 3: Sound Broadcasting and Television Broadcasting Business Regulation, Section 41, Section 42, Section 43, and Section 44, and Part 4: Telecommunications Business Regulation, Section 45, Section 46, and Section 47 under Chapter 2: Business Supervision, as well as Section 65 (1), Section 78, Section 83 paragraph two, and Section 84 paragraph two of the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010), which were in effect prior to the effective date of this Act, shall remain enforceable until the Royal Decree under paragraph one comes into effect.

Before proposing the enactment of the Royal Decree under paragraph one, the NBTC shall arrange for a hearing of the opinions of the public and stakeholders as appropriate and take the information received into consideration.

The NBTC shall prepare an action plan and clearly define the timeframe for the enactment of the Royal Decree and shall report the results of the preparations under paragraph one to the Cabinet and the Parliament at least every six months and disclose it to the public.

Section 31 The regulations concerning the determination of remuneration and other expenses for the nomination and operational activities of the Performance Monitoring and Evaluation Committee issued under Section 71 paragraph five of the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010), prior to amendments by this Act, shall remain in effect insofar as such regulations are not contrary to or inconsistent with the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010), as amended by this Act, until new regulations are issued to establish remuneration and other expenses for the Performance Monitoring and Evaluation Committee under Section 71 paragraph seven of

the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010), as amended by this Act, comes into effect.

Section 32 The Prime Minister shall have charge and control of the execution of this Act.

Remark :- The reason for the promulgation of this Act is that Section 60 of the Constitution of the Kingdom of Thailand stipulates that the State must maintain the frequency spectrum and the Right to access satellite orbit which are national treasures and that the use of the frequency spectrum must be in the best interest of the nation and the people. Additionally, Section 274 of the Constitution of the Kingdom of Thailand mandates that the National Broadcasting and Telecommunications Commission under the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010) is the organization responsible for and supervising such operations, and whereas, the provisions on the commencement of the nomination process for the National Broadcasting and Telecommunications Commission and the commencement of the nomination process, including the term of office of the Performance Monitoring and Evaluation Committee, are not clear, as well as the process of preparing the annual expenditure budget of Office of the NBTC currently in force is also an obstacle to the operation, causing delays in budget management, coupled with the development of communication technology using the frequency spectrum, it is appropriate to revise the licensing of frequency spectrum in order to maximize the use of the frequency spectrum. Moreover, for the purpose of efficiently handling emergency notifications requiring public assistance, it is appropriate to establish a national emergency telephone number to ensure the highest efficiency in emergency response, thereby necessitating the enactment of this Act.

Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 4), B.E. 2564 (2021)⁹⁹

Section 2 This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 10 The National Broadcasting and Telecommunications Commission who held or performed his or her duties on the day before the effective date of this Act shall continue to hold office or continue to perform his/her duties and in the event of a vacancy for any reason, the National Broadcasting and Telecommunications Commission shall consist of the remaining members until the National Broadcasting and Telecommunications

⁹⁹ Government Gazette Volume 138/Part 14 Gor/Page 1/1st March B.E 2564 (2021).

Commission is established in accordance with the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010), as amended by this Act. In the event that any member of the National Broadcasting and Telecommunications Commission who held office or performed the duties on the day before the effective date of this Act has held office or performed the duties for less than three years, the person may be entitled to be appointed as a member of the National Broadcasting and Telecommunications Commission for another term.

The Secretariat of the Senate shall commence the process of arranging for the nomination of Commissioners of the National Broadcasting and Telecommunications Commission in accordance with the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010), as amended by this Act, within fifteen days from the effective date of this Act.

Section 11 The Prime Minister shall have charge and control of the execution of this Act.

Remark :- The reason for the promulgation of this Act is that the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act (No. 2), B.E. 2560 (2017) was enacted in order to improve the structure and authority, the criteria regarding the qualifications and prohibited characteristics, as well as the procedure of selection and nomination of persons for appointment as Commissioners of the National Broadcasting and Telecommunications Commission, however, it appears that there have been some practical problems that have caused the selection and nomination of personnel not to comply with the intent of the law which requires the selected persons to be knowledgeable, competent and experienced in the performance of their duties, and there have been a large number of complaints about the qualifications and prohibited characteristics of the candidates selected for such positions. It is therefore appropriate to amend the law on the organization to assign radio frequency and to regulate the broadcasting and telecommunications services concerning the selection and nomination of persons to serve as the National Broadcasting and Telecommunications Commission, in order to address the obstacles in the selection and nomination process, thereby necessitating the enactment of this Act.