

**The Trade Competition Commission Notice on  
Rules, Procedures, and Conditions for the Settlement of Fine  
B.E. 2562 (2019)**

---

Whereas it is necessary to amend the rules, procedures, and conditions for the determination of fine for settlement under Section 75 of the Trade Competition Act B.E. 2560 (2017), the Trade Competition Commission, by virtue of Section 17 (2) and Section 75 of the Trade Competition Act B.E. 2560, therefore, announces the Notice as follow:

1. The Commission Notice on Rules, Procedures, and Conditions for the Settlement of Fine B.E. 2561 (2018) shall be revoked.

2. In this Notice,

“The Commission” means the Trade Competition Commission;

“A Settling Authority” means The Commission or the Secretary-General who has been authorized by the Commission to act on its behalf;

“An Offence” means any offence in the Trade Competition Act B.E. 2560 in which it could be settled under the provision of Section 79;

“An Offender” means a person who committed an Offence;

“Fine” means pecuniary penalty that has been settled by a settling authority to be paid as punishment for an offence by an offender.

3. When there is an evidence that an offence has been committed, a settling authority shall summon an offender for settlement and shall be notified of the accused offence, date, time, and location of the offence as well as shall unambiguously inform the offender that the offence may be settled with fine; If the offender admits to the accused offence and agrees to settlement, a proceeding shall be terminated whereby the offender’s testimony shall be recorded in Form P.1 below;

If the offender refuses to settle, the offender’s testimony shall be recorded in Form P.2 below;

The settling authority shall determine an amount of fine to be paid by the offender and shall inform the offender on a settled amount and a dateline for a payment of the fine in which shall be within fifteen (15) days of the date of being informed; The settling authority shall handle the settlement and the determination of fine by considering an extent of the offence and its consequences on free and fair competition;

In a case where the offender fails to pay fine according to the settlement or within the specific dateline, the Commission shall proceed with further legal proceedings.

4. Before filing a lawsuit to the Court of Law, if the offender wishes to have settlement by informing its intention to the Commission in writing and if the Commission sees fit for such settlement, the provision in 3 shall be applied *mutatis mutandis*.

5. In a case where it is apparent that such offence has been repeated by the offender for more than thrice or has adverse consequences on free and fair competition, the settling authority may decide not to proceed with a settlement.

6. If there shall be any problem for the purpose of implementing this Notice, the Commission has the authority to consider and decide for solution to such problem and the Commission's decision is final.

7. This Notice shall be effective on the following day after the day being published in the Government Gazette onwards.

This Notice is announced on 15 July B.E. 2562 (2019)

Professor Sakon Varunyuwatana

Chairperson of The Trade Competition Commission





**Testimony of the Offender  
(No Settlement)**

Case Number ...../.....

....<place of giving testimony>....

.....<date>.....

I, ....., am ..... years old, with a nationality of ....., and residing at .....<address>..... (authorizing ..... with a power of attorney from ..... according to the power of attorney number ..... dated .....);

The settling authority had informed me that ..... is an offender being accused in the offence of ..... by committing ..... at ..... in which able to be settled by fine and I have fully acknowledged that. I, hereby, plead guilty but do not agree with the settlement.

I have read this testimony thoroughly and verify it is accurate by signing below in the presence of witnesses.

(Sign) ..... Offender

(.....)

(Sign) ..... Settling Authority

(.....)

(Sign) ..... Witness

(.....)

(Sign) ..... Witness

(.....)