

**The Trade Competition Commission Notice on
Rules for the Assessment of Undertakings under
Common Policy Relations or Common Controlling Interests
B.E. 2561 (2018)**

Section 5, Section 51, para 6, Section 54, para 2, and Section 56 (1) of the Trade Competition Act B.E. 2560 (2017) obliges the Trade Competition Commission to announce rules for the assessment of undertakings under common policy relations or common controlling interests.

The Trade Competition Commission, pursuant to Section 17 (2), Section 51, para 6, Section 54, para 2, and Section 56 (1) of the Trade Competition Act B.E. 2560, therefore, announces the Notice as follows:

1. This Notice is called “The Trade Competition Notice on Rules for the Assessment of Undertakings under Common Policy Relations or Common Controlling Interests B.E. 2561.”

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

3. In this Notice,

“Policy Relation” means a relationship between two or more undertakings that is subject to corporate controls, in terms of objectives, policies, or managerial methods, directions, or administrations, from authorized persons of the undertaking with controlling interest;

“Controlling Interest” means an ability to control an undertaking from one or more of following sources:

(1) Shareholding with voting rights in a particular undertaking of more than 50 percent of all voting rights of that undertaking;

(2) An ability to control or influence, directly or indirectly, a majority of voting rights in a shareholders’ meeting of a particular undertaking;

(3) An ability to control or influence, directly or indirectly, an appointment or a renunciation of at least half of board members of a particular undertaking;

(4) Controlling interests as in (1) or (2) in all and every subsequent shareholding on other undertakings, starting from the controlling interests as defined in (1) or (2) in the first tier onwards.

4. Undertakings under Common Policy Relations or Common Controlling Interests shall be considered as a single economic entity with no competition among them.

5. The Chairperson of the Trade Competition Commission shall be in charge of this Notice.

This Notice is announced on 4 October B.E. 2561 (2018)

Sondhirat Sondhijirawong

Minister of Commerce acting as the Chairperson of

The Trade Competition Commission