



TWO PARTS: Digital Economy/ICT; GENERAL

Digital Economy/ICT

MDES Minister

Following conviction of the current MDES Minister along with two other cabinet ministers and others, a new minister for the MDES Ministry is proposed. This could be Mr Chaiwut Thanakhamanusorn currently tipped as MDES. The short list seems to be blessed /chosen by PRRP Sec-Gen (DPM Prawit). Factional or party representation continues to apply to cabinet positions.

PDPA

Personal Data Protection Act (PDPA) was enacted May 2019, to come into force May 2020. Operational parts were deferred to 1 June 2021. Detailed rules / regulations now being developed. See PC minutes of 17 February for more details. Public hearing on the first group of proposals was held 15-18 February and we participated 16 and 17 February.

We have conferred widely and made a detailed submission 1 March on what is called the First Group of issues. We have finalised a letter to the Dep Perm Sec MDES who will be Sec-Gen PDPC. The next public consultation steps are not clear but should include:

Second Group

Ten rules about regulations, co-operation and co-ordination, rights of data subject, rights and obligations of data controllers (about five are about PDPC – who, and compensation)

Third group

Ten rules, processing of personal data and standards for protection of personal data, operation of PDPC office. How to process information; security,

Release of draft 'Rules' – will that include all three groups?

Public hearing on draft Rules

In addition some larger issues:

- Sectoral regulation – our recommendation is PDPC should be the single authority on data protection but sectoral regulations should be involved to advise and help implement
- Extra Territoriality – currently unworkable – we have as we did in 2018 recommended a 'layered' approach
- Governance – see chart in February PC minutes. Will the PDPC be able to make timely and effective decisions under the planned arrangements?

IAPP We are working with International Association of Privacy Professionals (Thailand chapter) and may join IAPP.



BEING DIGITAL is our mantra for digitalisation across the board. The webinar series, **BEING DIGITAL** reflects this.

- #3 – Privacy Summit – agenda confirmed, finding a date.
- #4 Cybersecurity and Trust Summit – April or May.

Series Supporters included 13 chambers. Please be a Supporter.



Cybersecurity – Subsidiary legislation

Work continues on development of regulations, larger issues:

- Designation of Critical Information Infrastructure; process, objections etc
- Reviewability of actions of state actors / officials
- Governance MSM model and transparency; how a large Committee will react quickly to deal with cyberthreats

We held an internal special meeting about Cybersecurity on 1 March and plan to make further submissions.

Smart Visas – ‘Freelancer’ and other changes

Reported January. No development.

eCommerce in RCEP

Int’l Trade Committee co-ordinated the JFCCT RCEP seminar 25 Feb. (Thanks for including us!). We covered Services, People (see later in this report) and eCommerce. eCommerce chapter is not much different to the ASEAN eCommerce Agreement. No specific commitments but good sounding messages. Thailand is certainly working on some key parts to meet the general commitments – eg cross border transfers (data and payments), cybersecurity.



eCommerce Tax

See chronology in Minutes of January meeting and further notes in February meeting minutes. We are working with TRD about proposed processes and regulations due May with the law in force from September.

Digital Education / MoE engagement via OVEC

Date not confirmed.

NBTC – new Commissioners

Our long-standing recommendation is to bring external oversight into NBTC. Currently it is a fully executive board (cf. SET listed companies; other similar agencies in the region; other agencies in Thailand). The NBTC is in something of a hiatus

CAT and TOT merged = National Telecom NT

The new entity is in effect a larger state monopoly (in some respects). Our long standing recommendation is for real reform – focus on fixed backhaul, backbone, local fixed last mile and exit retail mobile for example. Thailand is almost unique in the world in not having evolved the SOE, merger to form NT is not reform. Finance Minister (as owner) concurs with our concerns. We will bring them to the attention of the new MDES Minister.

NT raised the idea of abandoning the 700-megahertz frequency range CAT won from last year's 5G spectrum auction by forgoing the licence payment following its concerns about the viability of moving into the 5G business," – possible stake in an existing operator in lieu?

Reported update is that the first instalment (THB 3.6bn is being paid, as well as a bank guarantee arranged for THB 33 bn covering the remaining payments.

EUD engagement

We held our third engagement with the new EUD head of Trade and Economic section on 18 Feb, objective to support a two-way information and developments flow for mutual advantage and following up on specific topics:

Telecoms in Myanmar

See report in PC minutes February about investments of Telenor, Ooredoo (Qatar) and KDDI (Japan). The situation in Myanmar has deteriorated.

IT in healthcare – pandemic applications

- i) Electronic 'Notarisation' of Digital PCR Test Certificate (a way of avoiding forgery) is in beta trials.
- ii) Vaccine passports – several issues still including whether such passports will be recognised if the drug has a low efficacy rating (eg less than 60% vs many with over 90%)



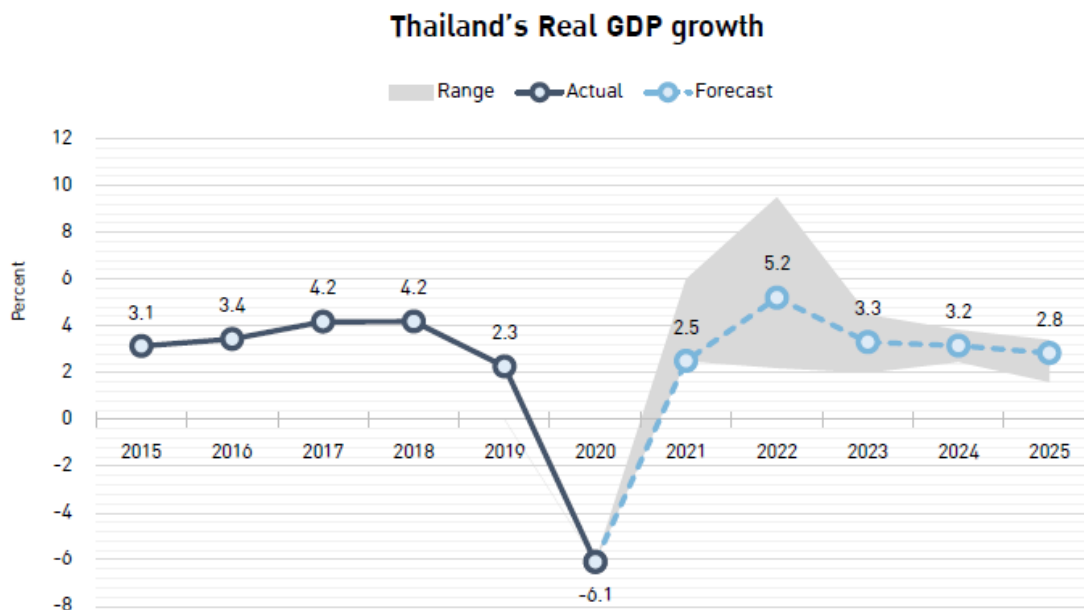
- iii) Health management tools can be useful.
- iv) Tracing apps, premises entry tools. Tracing apps (eg stripped down version of Morchana) may be useful as supplements to manual tracing, but need wide take up. Premises entry tools (eg ThaiChana) should also be theoretically but they are not widely used.
- v) Foreigner tracking – we have questioned the value. (eg Thailand Plus)

Let us never forget that user acceptance and experience is essential. We still have not got a good on line reporting tool for 90 day reporting. Unless the user fits base case A, it is clunky and often ends up with an in-person visit.

GENERAL TOPICS ECONOMY

TDRI·EIS

GDP GROWTH WILL BE 2-3% IN 2021, RECOVERING TO PRE-COVID LEVEL BY END-2022



*Note: Grey shaded area indicates the range of the forecasts for each year
Source: National Economic and Social Development Council and Consensus Economics Inc.*

Economy shrunk -6.1% in 2020 (better than expected), likely upturn 2021 only 2%-3%, assumes tourist arrivals 2m (more from Tourism Committee later). Means that pre COVID levels not likely until 2022 or 2023. Exports down 2020 over -7%.

OECD –IPR event on 24 Feb. Much relevant to services sector liberalisation



COVID 19 – compendium of government support updated as needed [on JFCCT website](#) – see first file.

COVID 19 Border Works – safe and structured opening of borders for short stays

JFCCT one pager and short supporting slide pack – [on JFCCT website](#) on COVID 19 page (see second and third file).

SHORTER ISOLATION?

The Public Health Ministry yesterday agreed to propose that the government cut the 14-day mandatory quarantine to seven to 10 days. The shorter quarantine period will be applied to different groups:



7-day-quarantine Non-Thai citizens/ Got Covid-19 vaccines between 14 days to three months before arriving in Thailand/ Have Covid-19-free certificates

7-day-quarantine Thai returnees/ Got Covid-19 vaccines between 14 days to three months before arriving in Thailand

10-day quarantine Non-Thai citizens/ Have Covid-19-free certificates

14-day quarantine Both Thai and non-Thai travellers from Africa

Source: Ministry of Public Health

BANGKOK POST GRAPHICS

Supporting Short Stays

See January minutes and on JFCCT website for supporting short stays, an economic recovery essential. It is surprising that the Ministry of Public Health and CCSA do not acknowledge other state practice in focusing on risk assessments of allowing safe quarantine-free entry from safe economies, subject to safeguards. Those policies are working elsewhere.

Work Permit and Visa

The various follow ups to the WP and V submission immediately after the 16 December BOI – JFCCT session continues. We have updated materials. New issues:

RCEP chapter 9 – Temporary Movement of Individuals. Relies on specific commitments; and implementation in domestic Thai law.



Purposes:

- (i) business visitors (BV) (like APEC concept) – 90 days max
- Goods seller/services provider
 - Set up investment
 - Negotiation / meetings
- (ii) Intra-corporate transferees (ICT) – one year max.

A member can still require immigration compliance; silent on need for WP. *Questions:*

- (a) Is a Non B visa needed for BV?
(b) Is a WP needed for BV? – likely needs amendment to Labour Decree (2017 as amended 2018) to make it easier. We will propose an RCEP pass a bit like an ABTC.

Other BOI issues: progressing those reported in February.

FBA

In parallel to the proposal to suspend List 3 for three years, development of specific areas progresses:

- Logistics
- Services generally including Item 21
- Education
- Engineering
- Agriculture

It was agreed that Accounting would not be pursued.

The strong message is that we need to work with those who may not agree with our proposals ('dialogue partners') and get support from local industry, thus engagement with not only Board of Trade but several other groups.

Shortly a summary of each area with specific requests should be ready for discussion with Board of Trade.

OECD IPR materials and WTO TPR materials were circulated to the presidents' group on 28 Jan. OECD event on 24 Feb had very relevant and useful materials – strong on service sector liberalisation.

Fast track regulatory reform.

See January minutes of time line of developments since September 2020. We are involved with two of the nine subcommittees so far and work with TDRI and others on both.



Our focus – engagement with two sub committees – TDRI people on both with home we work. – Guillotine (JFCCT Dr Charlie, Bob) – meetings in Feb and 4, 11 March to take in tourism, MICE and related areas, then focus on wider parts.

Refer to report from Dr Charlie who attends the Guillotine Sub Committee meetings (thanks Dr Charlie!).

JFCCT has sent a supportive letter to Dr Kobsak, noting a wide group of stakeholders, suggesting areas of focus, and some operational points:

- A plan for addressing all 1,092 if not, what is the focus?
- Easy access to all GU work
- WP &V
- Tourism licences including wellness licence
- Not an immigration app or ‘foreigner app’
- What additional support is needed?

Please refer to report of Dr Charlie, key issues generally:

- Finding a budget to support implementation
- An Omnibus law approach

Our suggestion would be a strong focus on implementing the work done by GU with any updated developments and focus.

Digitalisation

Track One : Existing main laws (Led by OPDC)

Solving the problem of existing main laws do not support digital usage

- E-payments - some
- E-Court
- E-service/E-License

Also - even existing laws where agencies rarely implement due to their own readiness or other unknown problems! The main law that the committee discussed was the Electronic Transaction Act. This working group works closely with ETDA and other related government agencies to collect pain points according to this law.

Baker McKenzie has reported on a kind of ‘digital enabling’ law.

Track Two : New laws (mainly for Platform economy and Smart contract) (Lead by Council of State)



New topic with understanding the platform economy and smart contracts – taking in global best practices

Issues/Challenges: sub committees are re-visiting. Pace of progress will be slow. Target to implement 85% of topics chosen (not the full list) in 2021; 100% in 2022. STO and OPDC supporting all sub committees. Budgets and capabilities needed for implementation, but also a change in mindset about the urgent need for implementation.

Chambers of Commerce Act review

Series of hearings, including on 12 March. The focus seems to be on operational tidy up with Board of Trade. However the suggested change will have consequences for all chambers, requiring in many cases amendment to constitution.

Missing are the old discussed issues about multi-national chambers (s. 22). The public hearing result and next steps are not clear.

Meetings: #1 19 Jan, #2/16 Feb; #3 11 March; #4 20 April. Participation is over 20; others welcome. See 'how to participate' one pager on JFCCT website – Digital Economy/ICT page.

Select Recent Events (since Presidents' Council 17 Feb)

- 15-18 Feb PDPA subsidiary legislation – 8 public hearings on concepts, attended afternoons 16 and 17 Feb
- 18 Feb Group discussion with EUD Bangkok office.
- 19 & 25 Feb – Guillotine Sub Committee meetings.
- 24 Feb – OECD Investment Policy Review seminar.
- 24 Feb 7pm – FCCT book launch “Praetorians, Profiteers or Professionals?”, Inside the Thai and Myanmar’s militaries”
- 25 Feb JFCCT – RCEP seminar.
- 25 Feb - Artificial Intelligence Standards and Trade in ASEAN; TRPC
- 1 March – special Cybersecurity group discussion
- 2 March – World Bank – country private sector diagnostic engagement
- 2 March – EUD briefing on PDPA developments
- 4 March – Guillotine Sub Committee meeting
- 11 March – Digital Economy/ICT meeting #3
- 12 March – public hearing on Chambers of Commerce Act
- 12 March – EU ASEAN Business Council regional Ambassadorial Dialogue – lunch, Fullerton Hotel.



Up coming Events

- BEING DIGITAL series – Privacy Summit – March/April date to confirm
- BEING DIGITAL series – Cybersecurity and On-line Confidence Summit – April
- (TBC) MoE (OVEC) / DEEP engagement
- NACC International group – informal dialogue
- Late March - DGA third meeting.
- 25 March Int'l Ass'n Privacy Professionals Bangkok Chapter webinar on PDPA regulations
- 13-16 July Regional Trade Fair AsiaTechX <https://asiatechxsg.com/>; covers <https://www.connectechasia.com/home/> includes CommunicAsia, Broadcast Asia SatelliteAsia, XLR8Asia. (No EUBA event).

COVID 19 page <http://www.jfcct.org/major-business-issues/covid-19/>

See Past Events 9, 14, 28 October, 5 Nov, 8 Dec, 16 Dec <http://www.jfcct.org/jfcct-past-events/>

Laws portal for members www.jfcct.org/information-for-digital-economy-committee-members/

please use common DE/ICT password to access.

Updated Glossary - Glossary [here](#)- updated four times.

How to join us: see one pager + longer backgrounder on Committee page of website.

<http://www.jfcct.org/jfcct-committees/digital-economy-ict-committee/>