

The Act
The Establishment of the Consumer Organization Council
B.E. 2562 (2019)

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua

Given on the 19th Day of May B.E.2562;

Being the 4th Year of the Present Reign

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua is graciously pleased to proclaim that:

Whereas it is deemed appropriate to have a law concerning the establishment of the consumer organization council,

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

Section 1. This Act is called the “Establishment of the Consumer Organization Council Act B.E.2562 (2019)”.

Section 2. This Act shall come into force after the expiration of sixty days from the date of its publication in the Government Gazette.

Section 3. In this Act

“Consumer Organization Council” means the consumer organization council established according to this Act.

“Consumer organization” means an organization where ten or more ordinary person consumers have gathered to establish with the objectives in consumer protection being non-profit no matter the form of the establishment, and whether it is a juristic person. It shall include a juristic person with said objectives as well.

“Business operator” means the entrepreneur according to the law concerning consumer protection.

“Registrar” means the Registrar General and Provincial Registrar.

“Registrar General” means the Permanent Secretary of the Office of the Prime Minister, or the one appointed by said Permanent Secretary.

“Provincial Registrar” means the Provincial Governor or the one appointed by said governor.

Section 4. Consumer organization has a right to gather to establish the Consumer Organization Council according to this Act.

Section 5. Consumer organization that will gather to establish the Consumer Organization Council or to join as a member of the Consumer Organization Council must have the following characteristics:

1. The consumer organization must not be established, whether directly or indirectly, dominated by Entrepreneurs as a juristic person, committee members or executive of said Entrepreneurs, or by state agencies, officials or political parties.
2. The consumer organization must not be financially supported, whether directly or indirectly, by a person from (1) unless it was the financial support from state agencies, officials, or support according to this Act
3. The consumer organization must declare its status according to Section 6.

Section 6. Any consumer organization that has the characteristics according to Section 5(1) and (2) wishing to join the establishment or become members of the Consumer Organization Council must declare its status as consumer organization to the Registrar General or the Provincial Registrar of the declarant’s domicile.

The consumer organization declaring its status according to Paragraph 1 must have provide proper evidence of its operation concerning consumer protection for no less than two years before the date of declaration.

The declaration shall be conducted through the form and process set by the Registrar General, which can also be a declaration via an information technology system or any other system or process that the declarant can proceed conveniently.

The form and process set according to Paragraph 3 must not generate any unnecessary step and takes into account comments from consumer organization.

Upon receiving the declaration and finding that the consumer organization has fulfilled the characteristics according to Section 5, the Registrar General or the Provincial Registrar who received the declaration shall provide a proof of declaration to the declarant. The Registrar General shall announce the declaration to general public via the information technology system or any other system or method that the general public can access with convenience.

Section 7. The Permanent Secretary of the Office of the Prime Minister or the person appointed by said Permanent Secretary shall act as the Registrar General with duty to receive the declaration of the consumer organization status throughout the Kingdom along with other duties according to this Act.

The Provincial Governor or the person appointed by said governor shall act as Provincial Registrar with duty to receive the declaration of the consumer organization status within that province, and when the declaration is received, the name of the consumer organization must be submitted to the Registrar General without delay so that the announcement can be made to general public according to Section 6 Paragraph 5.

Section 8. Any person finding that the consumer organization declarant according to Section 6 has not fulfilled characteristics according to Section 5 has the right to submit objections with evidence to the Registrar General.

Upon receiving the objections according to Paragraph 1, the Registrar General shall investigate and decide without delay. In the case where the Registrar General finds that the consumer organization has not fulfilled characteristics according to Section 5, the Registrar General shall revoke the declaration and inform the complainant and the related consumer organization.

The decision of the Registrar General shall be final.

Section 9. The consumer organizations having fulfilled characteristics according to Section 5, numbering no less than 150 organizations, have the right to submit a joint letter to the Registrar General and declare themselves as founder of the establishment of the Consumer Organization Council.

After the declaration according Paragraph 1, the founder shall gather the consumer organizations that agree to join the establishment of the Consumer Organization Council, numbering no less than half of the consumer organizations that the Registrar General has announced the declaration according to Section 6 Paragraph 5, for the last time before the date of declaration according to Paragraph 1. The gathering must be concluded within ninety days since the date of declaration according to Paragraph 1.

In the operation according to Paragraph 2, the founder may request the Registrar General to announce an invitation for the consumer organizations to present their agreement to join to the Registrar General in place of the founder.

When the founder gathers all necessary consumer organizations within the time set according to Paragraph 2, they shall notify the Registrar General with the evidence of agreement to join from the consumer organizations. When the Registrar General has received the notification and has verified all authenticity, the Registrar General shall announce the establishment of the Consumer Organization Council in the Government Gazette and via the information technology system.

In the case where the Registrar General has announced the invitation according to Paragraph 2, the Registrar General shall verify the authenticity and announce the establishment of the Consumer Organization Council according to Paragraph 4.

The Registrar General shall conclude the announcement of the establishment of the Consumer Organization Council within thirty days since the notification of the date of declaration or the day all necessary consumer organizations were gathered according to Paragraph 5.

The consumer organizations having submitted the joint letter according to Paragraph 1 or agree to join according to Paragraph 2 may not remove their name and submit a joint letter with other founders or agree to join the establishment of other consumer organization councils, unless the establishment of the Consumer Organization Council does not take place within the timeframe set at the beginning.

Section 10. The Consumer Organization Council established according to Section 9 shall be a juristic person with objectives in consumer protection in every aspect and other missions according to the provision of this Act. It shall be deemed that the consumer organizations as founder and those that submitted their names in agreement to join the establishment of the Consumer Organization Council according to Section 9 ~~be~~ are ~~the~~ members of the Consumer Organization Council since the announcement date of the establishment of the Consumer Organization Council.

The consumer organization council shall be independent, not under the mandate or dominance or order, whether directly or indirectly, from state agencies, officials, political parties, Business operator, or the staff or employees of the Business operator.

Section 11. When there is an establishment of the Consumer Organization Council according to Section 9, the founder shall draft the statute of the Consumer Organization Council and call for a meeting of the members within thirty days since the announcement date of the establishment in the Government Gazette to proceed with the following activities:

1. Set the statute of the Consumer Organization Council
2. Elect a president and a policy committee of the Consumer Organization Council
3. Set up the policy, guidelines, or plans concerning consumer protection
4. Other activities deemed fit by the founder

Section 12. The statute of the Consumer Organization Council has to include at least the following:

1. objectives of the Consumer Organization Council
2. guidelines in maintaining the independence according to Section 10
3. structure of the administration, which must at least have the policy committee comprising of a chairperson, vice chairpersons, and policy committee members as specified, and the qualities, forbidden characteristics, term of office and termination of office, and recruiting process of the policy committee, where the policy committee members have to at least consist of experts from various fields according to Section 13 and representatives of the consumer organization from different areas. An administrative committee may or may not be created in this regard.
4. structure of the organization, which must at least have the Consumer Organization Council office and provincial office, which can be founded in every province or some as deemed appropriate, as well as the administration process of the Consumer Organization Council, which must include at least a Consumer Organization Council office secretary as head of the office and the administration process for the provincial office as well as the authorized representatives of the Consumer Organization Council
5. Regulations and process in accepting consumer organizations as members and the rights, duties, and benefits of members. The regulations and process in accepting members must not obstruct consumer organizations with the complete qualifications from becoming members.
6. The ethics and control of the operation to be ethical, and punishment in the case where there is a violation of ethics
7. The registration fees, dues, and service charges that shall be collected from members or outsiders
8. Accounting and finances, audit, and assessment of performance of the Consumer Organization Council
9. Hiring and appointing of staff, revokement and the specification of positions, rate of salary, remuneration and bonus, as well as staff rules, discipline, punishments and procedure of complaint

The statute of the Consumer Organization Council must be submitted to the Registrar General and announced via electronic media, information technology systems, or other systems and methods that the general public can access conveniently.

Section 13. The Consumer Organization Council policy committee has to at least consist of experts in the following fields:

- (1) Finance and banking
- (2) Transportation and vehicles
- (3) Real estate and residences
- (4) Food, medicine, and health products
- (5) Health services
- (6) General goods and services
- (7) Communication and telecommunication
- (8) Public services

Section 14. The Consumer Organization Council, other than ~~having~~ the authority to operate according to the objectives established, as the representatives of consumers, also has the authority to operate on the following:

- (1) Protect and defend the rights of consumers as well as presenting policies concerning consumer protection to the Council of Ministers or related state agencies.
- (2) Support and proceed to examine, keep track, and monitor problems with goods and services; report or advertise information or alert of danger concerning goods or services that may affect the rights of consumers or may cause damage or detriment to the consumers. The names of the goods and services or the Entrepreneur may also be disclosed.
- (3) Report the actions or lack of actions that affect the rights of the consumers to the State agencies or other responsible organizations and inform the public.
- (4) Support and assist consumer organizations in protecting the interests of the consumers to be efficient and trustworthy as well as supporting the gathering of consumer organizations at the provincial or regional level, in accordance with the statute of the Consumer Organization Council.
- (5) Support education and research for the benefit of the operation to protect and defend the rights of consumers
- (6) Support and assist members in the mediation or compromise of the dispute concerning the violation of consumer rights, before and during the court case
- (7) Prosecute in cases concerning the violation of consumer rights as deemed appropriate or when request or assist in a litigation where a consumer or a consumer organization is being sued for exercising their rights as a consumer, or in place of the consumer as the case may be, and in this regard shall have the authority to compromise as well.
- (8) Arrange or gather and publish information concerning the goods or services that may be useful for the consumers to decide on the purchase of the goods or services in the way that the public can access conveniently

The operation according to (1), (2), (3), (7) or (8), if committed in good faith, the Consumer Organization Council shall be acquitted.

In the case where a state agency receives the report according to (3), the results shall be notified to the Consumer Organization Council within sixty days from the receiving date.

In the operation according to (7), the Consumer Organization Council shall have the authority to prosecute in the civil case, criminal case, administrative case, and consumer case in the same manner as the victim, according to the law on the civil procedure, criminal procedure, administrative case procedure, and consumer case procedure, as well as the party, according to the administrative procedure. When the court has ruled that the Business operator has violated or breached the contract of the consumer, the court shall order the Business operator to pay the expense and the compensation to the Consumer Organization Council in an amount no less than 25% but no more than half of the damages and compensation the court has fixed for the Business operator to pay to the consumer, unless the Consumer Organization Council can prove that the expense is greater than that. In that case, the court shall order the Entrepreneur to pay according to said amount.

Section 15. It shall be a duty of The Consumer Organization Council to arrange for a meeting of members and interested general consumers at least once a year in order to report the performance of the Consumer Organization Council and to take in comments and suggestions that will be beneficial to consumer protection and improvement of the performance of the Consumer Organization Council.

Section 16. It shall be a duty of The Office of the Permanent Secretary of the Office of the Prime Minister to present to the Council of Ministers for consideration of the allocation of the annual subsidy as a payoff to the Consumer Organization Council, as suggested by the Consumer Organization Council.

In allocating the subsidy according to Paragraph 1, the Council of Ministers shall allocate it sufficiently for the independent operation of the Consumer Organization Council.

In the case where the Consumer Organization Council is of the opinion that the amount allocated by the Council of Ministers is not enough for the operation according to Paragraph 2, the Consumer Organization Council may submit a letter requesting that the Council of Ministers review the matter in order to be allocated the sufficient amount.

Section 17. For the benefit of promoting the efficiency and the inspection of the Consumer Organization Council operation to be in accordance with the objectives, the Consumer Organization Council shall hold a performance assessment of the Consumer Organization Council within the period set by the Consumer Organization Council but not exceeding three years.

The performance assessment according to Paragraph 1 shall be done by an institute or organization that is neutral and proficient in the performance assessment, using the selection according to the modalities set by the Consumer Organization Council.

The performance assessment of the Consumer Organization Council shall present the facts in effectiveness, efficiency, the development of the Consumer Organization Council, and the support from the general public or other aspects as additionally set by the Consumer Organization Council.

Section 18. The Consumer Organization Council shall report the results of the annual performance as well as the problems and obstacles to the general public and present said matters to the Council of Ministers, the House of Representatives, and the Senate for known within six months of the last day of the calendar year.

The Prime Minister, the House of Representatives, and the Senate may request that the Chairperson of the policy committee of the Consumer Organization Council explains any operations in letters, or in person.

Section 19. When there is an announcement of the establishment of the Consumer Organization Council according to Section 9 Paragraph 4, for the first time after the date the Act is enforced, the government shall allocate the subsidy to the Office of the Permanent Secretary of the Office of the Prime Minister as a payoff to be the initial capital to said established Consumer Organization Council, in the amount no less than 350 million baht as the initial expense in the gathering of the consumer organizations thoroughly to create a true power according to the intent of the Constitution. This shall be done within sixty days since the date of announcement of the establishment of the Consumer Organization Council. The payment of the subsidy to the Consumer Organization Council shall be done according to the rules set by the Office of the Permanent Secretary of the of the Office of the Prime Minister.

Section 20. The Prime Minister shall have charge and control of the execution of this Act

Countersigned by

General Prayuth Chan-O-Cha

Prime Minister

Note: The reason for the announcement of this Act is that Section 46 of the Thai Constitution stipulates that the rights of consumers must be protected, a person has a right to gather and establish a consumer organization to protect and defend the rights of consumers, and said consumer organization has the right to gather to establish an independent organization to create a power to protect and defend the rights of consumers with support from the government. The rules and regulations and methods of establishment, the power to represent the consumers, and the financial support from the government shall be as the law legislated. And there should be a law concerning the establishment of the Consumer Organization Council according to the provision of the Thai constitution, thus the necessity of this Act.