

SEC Thailand's public hearing on the proposed principles for amending the Emergency Decree on Digital Asset Businesses B.E. 2561 (2018)

The Securities and Exchange Commission, Thailand (“SEC”) is seeking public comments on the proposed amendments to the Emergency Decree on Digital Asset Businesses B.E. 2561 (2018) (“Emergency Decree”). The amendments to the Emergency Decree aim to supervise digital assets that are appropriate in accordance with the characteristics and risks of each type of digital asset based on the ‘same risk, same supervision outcome’ principle, and to comply with international regulatory standards.

Under this proposal, the principal’s points are as follows:

(1) The amendment to the definition of digital asset by adjusting the definition to be crypto asset that are created using cryptography method in a decentralized ledger network (Distributed Ledger Technology – DLTs) or similar technology instead of being defined as cryptocurrency and digital token. Additionally, the SEC board will be empowered to prescribe the list of digital assets that falls under the supervision (positively listed).

(2) The amendments to the regulatory principles for the issuance and offering of digital assets in the primary market. Under the proposed principles related to primary market, the issuance and offering must be registered with the SEC on a disclosure-based basis instead of being approved by the SEC, and the requirement of offering that must previously be done through the ICO portal will be removed. However, regarding the supervision of digital asset business operators, the SEC remains in accordance with the principles set forth in the Emergency Decree by regulating through the granting of licenses and prescribing business conduct rules.

(3) The revision of principles in other related matters such as amending to supervision of persons with managing power and major shareholders, penalty provisions and statute of limitations in litigation, etc.

For further details of this public hearing, please visit www.sec.or.th/hearing or <https://law.go.th/>. Stakeholders and interested parties are also welcomed to submit comments and recommendations via the SEC Thailand’s website or email: pinyapat@sec.or.th or phireeyaphon@sec.or.th.

The public hearing ends on 23 October 2023.