

(Unofficial Translation)*

Emergency Decree

on

Digital Asset Businesses (No. 2)

B.E. 2568 (2025)

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun

Given this 11th day of April B.E. 2568 (2025),

Being the 10th year of the present Reign.

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

Whereas it is expedient to amend the law on the digital asset businesses;

Whereas this Emergency Decree contains certain provisions relating to the restriction of personal rights and liberty, which is permitted with the sanction of Article 26 together with Article 40 of the Constitution of the Kingdom of Thailand, provided that such is proceeded by virtue of the relevant provisions of law;

The reasons and necessity for restricting personal rights and liberty under this Emergency Decree are that the law is enacted to monitor digital asset businesses that operate outside the Kingdom but provide services to persons within the Kingdom, for the purpose of preventing and suppressing technological crimes. This constitutes an emergency of necessity and urgency which is unavoidable, in order to maintain national security, public safety, and national economic security. In this regard, the enactment of this Emergency Decree is

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consistent with the conditions prescribed under Article 26 of the Constitution of the Kingdom of Thailand;

His Majesty the King, by virtue of Article 172 of the Constitution of the Kingdom of Thailand, is therefore graciously pleased to direct the enactment of this Emergency Decree, as follows:

SECTION 1 This Emergency Decree shall be called “Emergency Decree on Digital Asset Businesses (No. 2) B.E. 2568”.

SECTION 2 This Emergency Decree shall come into force as from the day following the date of its publication in the Government Gazette.

SECTION 3 The following provision shall be added as the third paragraph of Section 26 of the Emergency Decree on Digital Asset Businesses B.E. 2561:

“A digital asset business operator under the first paragraph shall include a digital asset business operator who operates its business outside the Kingdom of Thailand but provides services to persons within the Kingdom of Thailand, except for services as specified in the notification of the SEC.”

SECTION 4 The following provision shall be added as Section 26/1 of the Emergency Decree on Digital Asset Businesses B.E. 2561:

“SECTION 26/1 A digital asset business operator under the third paragraph of Section 26 who possesses any of the following characteristics shall be deemed as providing services to persons within the Kingdom:

- (1) The digital asset business operator is displayed, in whole or in part, in Thai language;
- (2) The digital asset business operator is registered using a domain name with the extension “.th” or “.ไทย” or any other name that signifies Thailand, the Kingdom, or the Kingdom of Thailand, or using a domain name in the Thai language;
- (3) The digital asset business operator requires or allows users to make payments in the currency of Thai baht, or payments are made through bank accounts or electronic accounts in Thailand;
- (4) The digital asset business operator specifies the condition that Thai law governs the digital asset transactions or that legal proceedings are conducted in a Thai court;
- (5) The digital asset business operator pays a service fee to the provider of search engine for specifically facilitating access by users within the Kingdom of Thailand to the services of the digital asset business operator;
- (6) The digital asset business operator establishes an office or entity or hires personnel to support or assist users within the Kingdom of Thailand;
- (7) Any other characteristics as specified in the notification of the SEC.”

Countersigned by:

Paetongtarn Shinawatra

Prime Minister

Remark:-This Emergency Decree is promulgated on the grounds that digital asset exchanges locate outside the Kingdom but providing services to persons within the Kingdom are not yet subject to regulation under the Emergency Decree on Digital Asset Businesses, B.E. 2561 (2018). This has enabled proceeds from technological crimes to be used for trading digital assets through such digital asset exchanges. Thereby, affecting the enforcement of laws on the prevention and suppression of technological crimes, particularly in relation to the investigation and suspension of transactions, as well as to trace and return funds to victims. It is; therefore, appropriate to require that digital asset business operators who conduct business outside the Kingdom must obtain a licence in accordance with this Emergency Decree. Accordingly, there is an urgent and inevitable need to preserve the country's economic stability, and it is, therefore, necessary to enact this Emergency Decree.