

Unofficial Translation

**Notification of the National Broadcasting and Telecommunications Commission
on the Criteria for Free Television Broadcasting**

Whereas it is expedient to prescribe the criteria for free television broadcasting for the purpose of promoting a universal and fair distribution of a basic television service to the public;

By virtue of Section 27 paragraph one (6) and (24) of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) being an Act which contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which Section 29, in conjunction with Section 35, Section 36, Section 41, Section 43, Section 45, Section 46, Section 47, Section 61 and Section 64 of the Constitution of the Kingdom of Thailand so permit by virtue of law, the National Broadcasting and Telecommunications Commission hereby prescribes the Notification as follows:

Clause 1 This Notification shall come into force as from the day following the date of its publication in the Government Gazette.

Clause 2 In this Notification:

“Television broadcasting business operations” means a service which provides public information or programs for viewing and listening by means of receiving apparatus, either through any of radio frequency, wire, optical, electromagnetic, or any other means, or a combination thereof;

“Television broadcasting business using radio frequency” means a television broadcasting business that is subject to radio frequency assignment under the law on organization to assign radio frequency and to regulate the broadcasting and telecommunications services;

“Free television service” means a television service transmitted by radio waves for reception by the public freely, and in no case attached with any services conditions;

“Subscription television service” means a television broadcasting service to which customers subscribe under terms and conditions set out by the operator whereas such the operator has no intention to provide free broadcasting services irrespective of whether fee is applied;

“Public television service” means a television broadcasting service designated as public service type under the law on broadcasting business;

“Commercial television service” means a television broadcasting service intended for business purpose under the law on broadcasting business;

Unofficial Translation

“Television service provider” means a person permitted or granted a license to operate television business under the law on broadcasting business;

“Television network provider” means a person permitted or granted a license to operate television business for providing network services under the law on broadcasting business;

“Commission” means the Broadcasting Commission.

Clause 3 Free television services shall consist of public television services, commercial television services, or any other television services as prescribed by the Commission.

Clause 4 The free television service provider shall distribute programs in accordance with the schedule with the same contents broadcasted continually on all platforms, either by terrestrial or satellite system, and shall not act in any manner of restriction of the access to the service, either in whole or in part.

The service provider under paragraph one shall be prohibited from collecting service charges, remunerations, operational expenses, or any other expenses from the service users.

Clause 5 The television network provider who provides services to the free television service provider shall have the duties to ensure that the public is able to directly receive continued free television services without any change, remaking and alteration to the schedule or contents of the programs, both terrestrial and satellite system.

The network provider under paragraph one may collect service charges for network access or interconnection. The charges shall be reasonable, fair and non-discriminatory, or in accordance with the criteria prescribed by the Commission.

Clause 6 The television network provider who provides services to a subscription television operator, or a subscription television operator who owns network shall have the duties to ensure that the subscribers are able to directly receive continued free television services without any change, remaking and alteration to the schedule or contents of the programs.

With respect to free television services for commercial purpose, the television network providers and subscription television operators under paragraph one may choose to provide such the service in order for subscribers’ reception of any programming categories or classification, or a combination thereof. Such the choice shall be made in accordance with the order and methods as set out by the Commission without any change to the schedule, contents and orders of programming channels.

The operations under paragraph two shall obtain prior approval from the Commission upon which such providers and operators shall provide the services that have been granted an approval for at least one year. Changes to the categories or classification of the programs shall obtain prior approval from the Commission at least sixty days before the changes.

Unofficial Translation

Clause 7 The provision of television services in accordance with this Notification is under relevant legislation.

Transitory Provisions

Clause 8 All licensees under the transitory provisions of the Broadcasting Business Act B.E. 2551 (2008) using radio frequency to operate lawful business on the date this Notification comes into force shall be deemed as the free television operators and shall have the obligations as set forth in Clause 4 and Clause 5 until the Commission shall otherwise issue further ordinance or notification.

Clause 9 Licensees who operate television network who provide services to subscription television services, or the licensees who operate subscription television services who have their own network, or persons who launch experimental broadcasting who have their own network shall be obliged to ensure that the subscribers are able to receive television services provided by the free television operators. The provisions of Clause 6 shall apply *mutatis mutandis* until the Commission shall otherwise issue further ordinance or notification.

Announced on the 23rd day of July B.E. 2555 (2012)

Colonel Natee Sukonrat

Chairman of the Broadcasting Commission

For Chairman of the National Broadcasting and Telecommunications Commission

This English Translation is prepared with the sole purpose of facilitating the comprehension of foreign participants in the broadcasting rules and regulations and shall not in any event be construed or interpreted as having effect in substitution for or supplementary to the Thai version thereof.

Please note that the translation has not been subjected to an official review by the Office of the National Broadcasting and Telecommunications Commission (The Office of the NBTC). The Office of the NBTC, accordingly, cannot undertake any responsibility for its accuracy, nor be held liable for any loss or damages arising out of or in connection with its use.