

ABSTRACT

Thesis Title : Legal Measure to Incentive Fair Trade Competition in Service
Business: Comparative Study to analyze impact on The
Maritime Business

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The purpose of this thesis is to study/analyze the problems relating to the Fair Trade Competition Act, which has affected the solving solution to the economical Problems in maritime business. Such problems were raised from the acquisition of foreign shipping companies as the conference/Rate Agreement/Consortium or any similar names. Then monopolizing its business, setting its own freight charges and other surcharges such as Terminal Handling Charge (THC), Bill of Lading (B/L), Delivery Order (D/O). The above mentioned acquisition are considered to be unreasonable and unfair business which may affect the exporter/importer as well as the serviced balance and the current account balance of our country.

As Thailand does not yet have the Maritime Law on carriers acquisition. The government, therefore, try to apply the existing law, which is relating to the trade competition such as of the Competition Act, B.E. 2542, to promote the fair trade. From the study on the structural problems of maritime business and effects from the enforcement of the Competition Act, B.E. 2542, as well as Foreign Law using to

control the Maritime Business, it can be concluded that such the Competition Act, B.E. 2542, is irrelevant to control the Maritime Business. This is because the size of Thai Common Carriers is very small, old and is not very modernized; in addition, the reliability on foreign carriers is still required. Thus, the enforcement of the Competition Act, B.E. 2542 may cause more negative effects to our country.

Thus, it is important to study to find the suitable legal measurement to promote fair trade, protect exporter and importer, worldwide acceptable and harmonious to the domestic economy.