

## **Abstract**

This thesis objectives is aim to the study and analyze various law subjects such as the act of legislation of retail and wholesale B.C.... the legislation of competition in commerce B.C 2542 and the regulation of the competition committee in commerce taken into account of trade practices between retail/ wholesale entrepreneurs and manufacturer or dealer B.C 2549 relied on the authority in clause 18(2) of legislation of competition in commerce B.C 2542 objected to analyze the original and outline laws whether is efficient to control the injustice competition in commerce as suitably, protect the trade monopolization, proceed to protect the original retail market, any task defects occurred.

The study found that the legislation of competition in commerce B.C 2542 and the regulation of the competition committee in commerce is provided more protective to the supplier and retail business as positively as shown in the guideline for review to the trading practices to the modern retail entrepreneurs which are suspected to the implementation on the injustice competition in freedom trade on clause 29 of the legislation of competition in commerce B.C 2542 including the un-faired practices in commerce of discounted store to supplier for example the charges for fee to supplier unreasonably, un-faired return products to supplier, compelling the supplier to buy or pay services, unreasonably refusing the orders by private brand or house brand. Accordingly any person violating any of the provisions of this section on clause 52 shall, upon conviction thereof, be fined not more than six million baht or imprisoned not more than three years, or both. Moreover, any person who is repeat same cases thereof be fined double. These are herby to be established for avoiding the creation to the advantage behavior of discounted store to supplier and resisting the increase of making the discounted products efficiently. In addition, the legislation in retail and wholesale B.C...., proposed by the office of commerce and proceeded to beyond the consideration from the office of royal decree thereof, is a regulation directly restricted to the unlimited number of discounted store, thus the referred law is a protection tool to protect the trading monopolization in long terms of a level.

With reference some defects of the referred laws such as the miss-restriction in the extension of discounted store for example the specific location of discounted store, the reasonable time to close and open to discounted store, the accommodations in discounted store, the supportive regulation of the original retail markets in which lower technology without modern business management, including any supports to supplier who has low authority in bargains to treat any troubles from discounted store occurred such as traffic jam, environment problems, and so on. In addition, the control to the advantage of discounted store to supplier in some cases which is not clear in standards and fairness for example the regulation of the competition committee in commerce article 3 defined the meaning of “manufacturer or dealer” is protected and covered the important supplier who has higher powerful in bargains than discounted store protecting itself from the advantage from discounted store. This is affected to the small suppliers which are not under the protection tasks from un-faired implementations including the lack of any protection standards and treatments to suppliers impacted from discounted stores’ advantage behaviors. Finally, the standard to control the discounted product lower than pricing standard has still not appropriate, because the pricing procedure for product and service is so complicated and duplicated with the prohibition clauses of sell products and services lower than reasonable price according to the legislation referred to the pricing of products and services B.C. 2542 without taken into account into the injustice cases of discounted product as object. In addition, there is not specified the guilty of other suppliers who know the behavior to discount product lower than reasonable price.

Therefore, the author is intended to propose the amendments of the law based on the injustice competition in commerce and protection of trading monopolization by using the principles of international laws in United States of America and Japan to adapt as compromisingly as:-

1. The restriction of the unlimited number of discounted store expended: This is to be proposed in the draft of ministerial regulations, standards, procedure and clauses

related to the specific location, the date and time for open and close for business working, and the providing of accommodations in big retail store B.C.... under authority on clause 21 of the outline of legislation in the important retail and wholesale stores B.C.... benefited to the discounted store located in the different market location with local retails. The discounted store having area more than 10,000 m<sup>2</sup> shall be located out from the city excluded the committee announced regarding the specific location in each city as under or nearly area. In addition, the working hours of discounted store shall be specified as suitably and agreed by the committee. In addition, there must be an arrangement of the community and rental areas for local retails including the establishing of the funds for investment and support to the retail and wholesale trading especially the original local retail and supplier who has lower authority in bargain parallel with the improvement of original local retail as modern and more identity.

2. The control of entrepreneurs' advantage to supplier: This is to be proposed the amendment as clearly and fairly to the trade practices of the modern retail entrepreneurs which is suspected to the implementation on the injustice competition in freedom trade as the regulation of the competition committee in commerce. This is to be proposed the amendment in the case of the specification of selling price or agreement contract for buying the un-faired products suitably except the referred supplier acknowledged the case above having the writing evidences not less than 1 month. In addition, this is to be proposed the amendment to the definition "manufacturer or dealer" specified only the supplier who has lower authorize than discounted store. Moreover, this is to be proposed the amendment to the provisions of the treatment from the suppliers' damages as fairly and suitably by the competition committee in commerce as prosecutor within the specified time, as the time beyond thereof, the manufacturer or dealer shall be acted as the prosecutor itself. Finally, this is to be proposed the amendment to the case of using some supplier or dealer officers to work partially, accordingly the amendment is to be proposed to protect fairly the referred officers hired from other associations or any sections, and worked for any suppliers and modern retails.

3. The control of discounted product against pricing standard: This is to be proposed the addenda of the procedure of trading practices which is suspected to the implementation on the injustice competition in freedom trade as the regulation of the competition committee in commerce as more completely said that there is a prohibition to discounted the product everyday by product characteristic implemented as separately in interval time, and each interval is within one month or less, or the number of the distributing of discounted products is replaced circulatory. The stated practice is defined as an injustice implementation of product pricing, otherwise the case of sell product as necessary and capable to explain reasonably such as the expired products, seasonal products, or any products defined by the competition committee in commerce or internal commerce within specified time. In addition, this is to be proposed the amendment for the guideline to review the case of discounted the product under the capital clearly, and the legislation proposal to the guilty of customer and the third person who known or should be known the discounted stores' behavior by specifying the lower prices in any products against pricing standard.