

THE PROPOSED LEGAL FRAMEWORK FOR LIBERALIZATION OF THAI POSTAL SERVICE*

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ABSTRACT

This research aimed to explore the legal evolution concerning the postal regulation in Thailand, factors affecting the change, and legal limitations, as well as relevant laws of postal regulation in Thailand comparing to those in overseas. Hence, from the research, this author found that purpose to establish the postal business was generally aimed at providing public services, maintaining security of state, peace and order as well as social morality. Originally, postal business was set up as a government agency, i.e. a ministry or a department. However, this form of postal business had created a delay in operation, overlapping procedures, and the lack of business flow. Thailand had adopted this form in the beginning under the state operation by the Post and Telegraph Department under the Postal Act. Now, the Thai postal business is being operated by the Thailand Post Company as a monopoly in the state enterprise status.

At present, postal business is under the control of the state. With the increase in advanced technologies, e-commerce business and electronic post, this has resulted in the decline of the letter delivery business. On the other hand, certain demand in some postal business such as logistic has created certain competition such as the transport business. Moreover, there is a need to reduce the government workload by revising the laws that will enable free trade, allow independent operation, and promote fair competition.

Based on the analysis result, recommendations were provided. In order to solve mentioned problem support smooth postal business operation, promote neutrality, reduce power overlapping, and to encourage the private sector's engagement in postal service competition, Thailand Post and the government should reorganize a regulating agency as an independent agency and revise the authority of the postal commission, including its structure and qualification of commission members to facilitate the effectiveness of postal operation. In doing this, the power and duty of independent agency can be identified in similar to those of foreign countries. The power of service operator with legal benefit should be reduced, i.e.

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Thailand Post, the sole operator. Legal framework should be redefined to reduce the monopoly in postal business and stimulate the liberalization.

Keywords : Postal Service, Postal business

บทคัดย่อ

จากการศึกษาพบว่า โดยทั่วไปการจัดตั้งกิจการไปรษณีย์ เพื่อเป็นการให้บริการสาธารณะ รักษาความมั่นคงของรัฐ เพื่อความสงบเรียบร้อยหรือศีลธรรมอันดีของประชาชน โดยเดิมจัดตั้งในรูปของหน่วยงานราชการเป็นกระทรวงหรือกรม ซึ่งมีความล่าช้า ขั้นตอนการทำงานที่ซ้ำซ้อนและขาดความคล่องตัว ประเทศไทยเริ่มดำเนินการกิจการไปรษณีย์โดยภาครัฐ จัดตั้งเป็นกรมไปรษณีย์โทรเลข ภายใต้พระราชบัญญัติไปรษณีย์ พ.ศ. ๒๔๗๗ ซึ่งปัจจุบันกิจการไปรษณีย์ได้ถูกดำเนินการโดยบริษัท ไปรษณีย์ไทย จำกัด ซึ่งเป็นการผูกขาดโดยหน่วยงานภาครัฐ ในรูปรัฐวิสาหกิจ

ปัจจุบันกิจการไปรษณีย์มีลักษณะเป็นการจำกัดอำนาจอยู่ที่ภาครัฐ แต่เมื่อมีความเจริญก้าวหน้าและพัฒนาทางเทคโนโลยี ส่งผลให้เกิดธุรกิจประเภท e – commerce และการส่งจดหมายทางอิเล็กทรอนิกส์เพิ่มสูงขึ้น ส่งผลต่อจำนวน ปริมาณการส่งจดหมายมีแนวโน้มลดลง รวมถึงความนิยมในธุรกิจที่เกี่ยวข้องกับกิจการไปรษณีย์อย่างเช่น ธุรกิจโลจิสติกส์ ที่ได้รับความนิยม จนก่อให้เกิดการแข่งขันในกิจการ ประกอบกับเริ่มมีความต้องการลดภาระการดำเนินงานของรัฐ จึงเริ่มดำเนินการปรับปรุงกฎหมาย ให้ทันสมัย และมีอิสระในการบริหารและการบริการ และสร้างกลไกทางตลาดที่ก่อให้เกิดการแข่งขัน โดยสรุปกิจการไปรษณีย์ได้รับผลกระทบจากการพัฒนาดังกล่าว ผู้ศึกษาจึงสรุปปัญหาที่พบได้ 2 ประการสำคัญ คือ ปัญหาทางเศรษฐศาสตร์ และปัญหาทางโครงสร้างกฎหมาย

ผลของการศึกษาให้ข้อเสนอแนะว่า เพื่อให้สามารถแก้ไขปัญหาข้างต้นได้ และส่งเสริมให้ภาคเอกชนเข้ามาแข่งขันในการให้บริการไปรษณีย์ รัฐบาลควรปรับปรุงองค์กรที่ทำหน้าที่กำกับดูแลกิจการไปรษณีย์ที่อยู่ในรูปแบบองค์กรอิสระ และปรับปรุงอำนาจของคณะกรรมการดูแลกิจการ ปณท รวมถึงพิจารณาโครงสร้างคุณสมบัติของคณะกรรมการดังกล่าว เพื่อให้เกิดประสิทธิภาพในการดำเนินงานไปรษณีย์ โดยอาจกำหนดให้มีอำนาจหน้าที่ดังเช่น องค์กรอิสระในต่างประเทศ รวมถึงลดอำนาจของผู้ให้บริการที่ได้รับประโยชน์ทางกฎหมาย ซึ่งประเทศไทยมีเพียงรายเดียว คือ บริษัท ไปรษณีย์ไทย จำกัด รวมถึงการกำหนดกรอบของกฎหมาย เพื่อลดอำนาจการผูกขาดการดำเนินกิจการ ปณท เพื่อเปิดเสรีการดำเนินกิจการ ปณท

1. AN OVERVIEW OF THAI POSTAL BUSINESS AND RELATED THEORY¹

In the early days, postal service was provided by a government agency. However, technological advancement and industry liberalization in the telecommunication sector has changed the regulatory and market landscapes. Hence, to regulate and increase the capabilities and efficiency of postal operation, it is necessary to establish an independent regulatory body. The concept of a regulatory body is contained in the State Enterprises Privatization Master Plan²; however, the Plan does not include independent regulatory organizations in the postal business. Even though there is a Postal Committee, it does not have any duty to supervise or regulate the postal business. Therefore, the ‘regulatory body’ in the postal business is not acting like an actual regulatory body. In order to further investigate the postal regulatory scheme, the telecommunication regulatory regime will be used as the starting point since the postal business could be considered as part of the telecommunication sector. Hence, the regime to regulate this sector may be applicable to the postal sector as well. Moreover, nowadays the international telecommunication market has been greatly improved by new technology which extends the effectiveness of service network to the consumer and creates more competition. By the same token, the postal sector is experiencing a similar transformation.

The postal service in Thailand has been corporatized, i.e. transformed from a government agency into a company in which the government owns all of the shares. At the same time, the Postal Committee was established by Royal Decree to act as a regulator. Despite its transformation into a company, Thailand Post still maintains certain governmental powers and privileges.

The privileges or certain advantages that Thailand Post has over other service providers appear in section 78 of the Postal Act B.E. 2477. The Act empowers postal officers to search, arrest, or detain any individual who violates or there is probable cause that he violates the postal law. Furthermore, Thailand Post’s privileged status is also evident in the Postal Directive. Thailand Post can issue regulations, conditions as well as other details in relation to the exemption of service fees. Other sections of the Act also empower Thailand Post to formulate regulations or directives that appear to conflict with its other role as an operator.

¹ กระทรวงเทคโนโลยีสารสนเทศและการสื่อสาร ฐานข้อมูลกิจการไปรษณีย์ วิวัฒนาการกิจการไปรษณีย์ไทย สำนักนโยบายและยุทธศาสตร์กลุ่มงานกิจการไปรษณีย์กระทรวงเทคโนโลยีสารสนเทศและการสื่อสาร. *ข้ามขอบฟ้ากรมไปรษณีย์โทรเลข*.

<http://postact.mict.go.th/>. (The Ministry of Information and Communication Technology Postal Database, “The Revolution of Thai Postal Business, Office of Policy and Strategy, Postal Group, Ministry of Information and Communication Technology. *Across Skylines with Post & Telegraph Department*. <http://postact.mict.go.th>. N.d.)

² สำนักงานเลขาธิการคณะรัฐมนตรี. 2540. แผนแม่บทการพัฒนากิจการโทรคมนาคม. (The Secretariat of the Cabinet. B.E. 2540 (1997). *The Master Plan of the Development of the Telecommunication Sector*.

It can be concluded that Thailand Post has a privileged status over the private service providers in the same type of service. Its regulatory powers should belong to an independent regulatory organization acting as a central agency to regulate, establish service standards, and provide consumer protection.

2. LAW AND REGULATION ON THAILAND INTERNATIONAL POSTAL BUSINESS

From the history of Thai postal, there are 3 important postal laws and regulation for directing the postal business which are as follows;

2.1 Postal Act B.E. 2477

The Postal Act B.E 2477 (1934) is the successor of the first postal law enacted in Bangkok Era 116. Currently, the Minister of Information and Communication Technology is the competent authority under this Act. By virtue of sections 5 and 6 of the Act, absolute authority over the postal service is vested in the government postal agency. Furthermore, under section 7, the law also prohibits other operators, apart from a designated authority, to deliver, accept, collect and dispatch any postal items, which are letters, postcards, post parcels and EMS through the postal route. Moreover, the Act imposes punishment for those who violate sections 6, 7, 61, 62 and 63. The current Postal Act has therefore made Thailand Post, which is the only designated government agency to provide a postal service throughout the country, an absolute monopoly with the power to control postal services in Thailand.

2.2 The Royal Decree B.E. 2546 Determining the Authorities, Rights and Benefits of Thailand Post

This is the organic law of the State Enterprise Capital Act B.E 2542, section 26. This royal Decree sets up the Postal Affairs Committee to act as the regulator, but this objective has not yet been realized. The purpose of this royal decree also continues the operation of Thailand Post with being separated from the postal service and communication service.

The law defines the powers and duties of Thailand Post to operate postal business according to section 5 of the Postal Act B.E. 2477. Section 4 of the Decree states that in the operation of postal business and other postal- related businesses including businesses that are linked, similar or beneficial to postal business, Thailand Post is vested with the power, enjoys the privilege or protection under the law governing postal business as previously enjoyed by the Communication Authority of Thailand (CAT), or other laws enacted for CAT, except as stipulated in sections 6, 12, and 13.

2.3 The Postal Directive B.E. 2557³

The Postal Directive is a collection of rules, regulations, orders or announcements related to the provisions of postal service generally dealt with under the Postal Act B.E. 2477 and the Act of the Universal Postal Union (UPU) by which the UPU member countries must abide. The Directive is amended from time to time accord with the decisions made by the UPU Congress, which is held every 4 years and complied with the present UPU acts. This directive is focused on international postal service. Most of directive defines about the international postal regulation and the most important regulation relate to including part 1 to 9 such as payment of service charges, postal service, postal money order service etc.

3. THE OVERVIEW OF POSTAL LAW AND REGULATION IN OPERATION IN FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS

3.1 International postal regulation and organization

Universal Postal Union (UPU)⁴ is the postal organization which attempt to support the postal liberalization, but UPU does not directly address postal liberalization at all. Its Constitution, which contains general regulations, rules of procedure and legal statutes, with commentary by the UPU International Bureau, clearly states the intention of the UPU in postal operations in article 1, Section 1, Organic Provisions, Chapter 1, General. The scope and objective of the Union is to support a single postal territory and freedom of letter transit to allow the UPU's members to improve their postal service. The objective is to support the development and improvement of the worldwide postal network through the development of infrastructure, products and services, and through the use of information and communication technologies.

Meanwhile, exempt from the UPU's law and rule, there is other international policy of privatization and liberalization in the public service sector was set by the European Commission called, the EU Policy. The purpose of EU Policy is to make high – quality public service in the European social model affordable, with open and competitive internal markets and also set the policy area of liberalization to include the postal service since it provides vital communication throughout the EU market. Hence, the European Commission enacted the EU law that consists of three postal directives: Directive 97/67/EC of 1997, as amended by Directive 2002/39 and Directive 2008/6/EC, aiming to gradually liberalize postal services and

³ Ministry of Information and Communication Technology. B.E. 2557 (2014). "Postal directive B.E 2557." In *Executive summary*. Bangkok.

⁴ Universal Postal Union. 2015. "Status and structure of postal entities, Universal Postal Union, (UPU)" Accessed May 27. <http://www.upu.int/en/the-upu/forums-on-postal-regulation/about-forums-on-postal-regulation.html>.

to make clear to citizens that the postal services would remain accessible everywhere and to everyone under the same conditions as the universal service with high quality and low price provided by both the incumbent and alternative postal operators.

3.2 The foreign postal regulatory law and regulation

3.2.1 United States of America⁵

In the US, there are two regulations related to the postal operation, which are key to the development of effective US postal business.

First, the Postal Accountability and Enhancement Act of 2006 (PAEA) addresses postal regulation and the role of postal regulator, revising some sections in US Code relating to the postal service and its products.

Second, The US Code mainly addresses the postal regulation in the United States, and the regulation in PAEA which is also addressed under this US Code. The major postal regulation and organization are as follows:

In the US regulatory postal service, Postal Regulatory Commission (PRC)—formerly the Postal Rate Commission—the independent agency of the executive branch that has exercised regulatory power over the postal service since the initiation of Postal Reorganization Act of 1970. Their responsibilities were expanded under the Postal Accountability and Enhancement Act of 2006.

3.2.2 United Kingdom⁶

The UK postal business was established in 1635 and gradually developed including the establishment of the general post office and uniformed postmen. The post office maintained a monopoly, including one over the telegraph service, until 1969, when the business became a nationalized industry. In 1981, the telecommunication division was spilt off from the post office to create British Telecommunication.

Regarding regulation, in 2000 the Postal Services Act was enacted. This Act began the process of market liberalization and, along with the Postal Services Regulations 1999, ensured that the United Kingdom complied with European law on postal services. This Act initiated the new system of licensing and regulation for postal service operators, which brought them in line with the European Union's (EU) liberalization initiatives. Moreover, the law gave the established independent regulator, the Postal Services Commission (Postcomm), new powers and duties to protect the interests of postal service patrons.

⁵ United States Postal Service. 2012. "The postal service begins." In *The United States Postal Service: An America History 1775 – 2006*.

⁶ Binchata, Constantina. 2012. *Regulation of UK Postal Services 2002*. Thesis, University of Bath.

The Postal Services Act 2000 constituted the main legal framework introduced by the government to reform the UK Post Office. The Act neither privatized the post office nor removed its existing monopoly. It did, however, attempt to reform the post office in line with the European Union's liberalization initiatives. The Act introduced a new system of licensing and regulation for postal service operators and gave the established independent regulator, Postcomm, new powers and duties to protect the interests of users of postal services as a new and fully independent regulator.

There were regulatory reforms in 2011. The government passed the Postal Services Act 2011, declaring a major change in the regulatory framework that governs the one-price-goes-anywhere, six-days-a-week universal service. Moreover, as per part of the 2011 Act, POSTCOMM was incorporated as the communications regulator, the Office of Communications (Ofcom), on 1 October 2011. that was enacted the duties and responsibilities of Ofcom's focus on protecting the United Kingdom's Universal Service and set the price of royal mail regulation fee. Recently, the UK postal service provider is divided into two types, as follows: (1) The government designated Royal Mail as a designated operator for providing the universal postal service regulated by Postcomm. (2) Postal operators are the private companies that need to receive licences from the regulator, Postcomm. Licences are issued for a rolling ten-year period.

3.2.3 Sweden⁷

The Swedish postal system operates in one of the most liberalized mail markets in the world. The postal business in Sweden was established as The Royal Postal Agency in 1636 by the Swedish dynasty. The business was operated as a government agency into the 1990s. It was then transformed into a government-owned limited company. In 1993, the national post, called Posten at the time, lost its monopoly privileges on letter mail and began to transform into a private corporation. In 1994, the government officially privatized the business, and Posten became a new entity called Posten AB. This entity remains entirely owned by the Swedish government as of 2015. Moreover, this transformation triggered the liberalization of the postal market. After the transformation, the national Telecom Agency was given responsibility for postal matters and became the Swedish Post and Telecom Authority (PTS).

Postal service centres, run by Posten, were maintained for business clients only. The largest service for Posten AB distributors was regular mail, but it was under increasing competition from private companies. On 24 June 2009, Posten AB merged with Post Danmark and became a new holding company called PostNord AB. PostNord is owned by the

⁷ PostNord. 2015. "AB, Mission and Vision." Accessed August 1.
<http://www.postnord.com/en/about-us/mission-and-vision/>

Swedish (60 per cent) and Danish (40 per cent) governments. Sweden has The Swedish Post and Telecom Authority (PTS) as its regulator. PTS is a public authority which monitors the electronic communications and postal sectors in Sweden and reports to the Ministry of Enterprise, Energy and Communications. PTS is managed by a board appointed by the government.

3.2.4 Japan⁸

Japan's postal service was started in 1871 by Hisoka Maejima and the post boxes were set up while the service was made available to the public. Maejima also proposed related postal businesses including postal money orders and postal savings services. Starting in 1878 and before the Second World War, postal savings were used for social capital throughout Japan, and this became widely known among the Japanese people. In 2001, the new Postal Services Agency was established to expand the independent investment of postal savings. In 2003 the agency was reorganized as Japan Post under the ownership of the government. The Ministry of Public Management, Home Affairs, Post and Telecommunication (MPHPT) operated under the Japan Post law. The government also released the "basic policy on the privatization of the postal services" in September 2004. The basic policy imposed that Japan Post would be privatized in 2007 after a transitional period based on the following five principles on advancing the privatization of postal services: revitalization, consistency, convenience, resource utilization, and consideration.

In 2005, the Postal Service Privatization Act was enacted by the Japanese government. In 2006, Japan Post Holdings Co., Ltd was founded to plan for the privatization of postal services. In 2007, Japan Post's businesses were separated into four companies (a mail delivery company, an over-the-counter services network firm, a postal savings company, and an insurance services company) called Japan Post Network Co., Ltd, Japan Post Service Co., Ltd, Japan Post, Bank Co., Ltd and Japan Post Insurance Co., Ltd. The shares of these companies were 100 per cent-held by Japan Post Holdings, but it requires the JAPAN POST HOLDING⁹ as the parent company to list and sell the shares, but during the transition period, the shares are to be sold up to two – thirds of the shares of the parent company. Accordingly, the Japan Post Group would continue to provide customers with better postal, basic banking and insurance services at post offices nationwide. Following the earthquake at the end of 2012, the Japanese

⁸ Japan Post Bank. 2013. *Annual report, year ended march 31, 2013*. Accessed July 27, 2015. <https://www.japanpost.jp/en/group/disclosure/2013/>.

⁹ Japan Post holding Co., Ltd. 2007. "Overview of privatization." In *Annual report 2007.9*

government disclosed the plan to dilute the shares of the JAPAN POST HOLDING Co., Ltd within three years¹⁰.

4. THE PROBLEM AND ANALYSIS OF POSTAL BUSINESS IN THAILAND

4.1. Problem of monopolized service of Thailand Post

At present, the operation of postal services involves a number of agencies under the government and private sectors which include Thailand Post, DHL, FEDEX, and travel agencies that lawfully and unlawfully provide delivery service. However, the letters and postcards delivery business is under the sole operation of Thailand Post. Theoretically, monopoly is a crucial problem in economics.

4.1.1 Economic problems from the author's analysis found that in economic theory, this type of monopoly business of Thailand post will result negatively on postal service in the 2 aspects. First, there are impact on operators because lack of motive to improve the product design or increase service efficiency to compete with competitors. Second, there are impact on consumers because monopoly provides a direct impact on postal service consumers due to no other available alternative choices. This differs from the market with a large number of providers where consumers can turn to other providers if they are not satisfied with the service of a provider.

4.2 The problems of legal structure are as follows;

4.2.1 Irrelevance of existing laws to the current postal situation

Postal related law has long been in force but it appear not to be in accordance with the change in postal affairs at present such as the improvement of some postal service liked logistics business which is not defined or updated in existing Postal Act.

¹⁰ Campbell, James I. Jr., and Amelia Porges. 2008. "How much postal reform in Japanese Postal privatization?" In *Handbook of Worldwide Postal Reform*. Cornwall: MPG Books Ltd.

	Thai	US	UK	SWEDEN	JAPAN
Law	The Postal Act B.E 2477, the Royal Decree B.E. 2546 Determining the Authorities, Rights and Benefits of Thailand Post,the postal directive B.E 2557	US Code and Postal Accountability and Enhancement Act 2006	Postal Services Act 2000 and Postal Services Act 2011 etc.	Postal Service act 2010 and Postal Service Ordinance 2010	The Act for Partial Privatization of the Postal Service, the amended legislation on Postal Service Privatization Act, and the Law Concerning Correspondence Delivery provided by Private Operator
Government	Ministry of Information and Communication Technology	US Department of State Bureau of International Organization Affairs.	Secretary of State for Culture, Media and Sport	Ministry of Enterprise, Energy, and Telecommunications	The Ministry of Affairs and Communication
Regulatory	-	Government regulatory commission (Postal Regulatory Commission)	OFCOM (formerly Postcomm)	Swedish national post and telecom agency (Post-och telestyrelsen, PTS)	No independent regulatory organ (governed by M policies and JP h for operation)
Designated operator	Thailand Post Company Limited	USPS	Royal Mail Ltd under Part 1 Section 2 (6)	Posten Sverige AB	Japan Post Group
Monopoly/ reserved services	Under section 5 of Postal Act B.E 2477	There is a postal monopoly under the Private Express Statutes (PES) and the mailbox rule	Full competitive market in 2006	Full competitive market	There is a monopoly for correspondence, has been liberalized
License system	-	License system	Without license system in the postal sector under the Postal Service Act 2011	License system in private postal operator	License system

4.2.2 Postal regulatory structure

It seems that there is no governance structure of Thailand Post, as found in foreign countries. Even though there is the Postal affair committee, its role and responsibilities are ambiguous. Moreover, there is no clear and overlapping of governance power among Thailand Post, Postal Affairs committee and Ministry of information and communication technology.

4.3 The comparison of Thai and foreign legal structures

In reviewing the postal affairs in overseas countries, it is found that most of them were initially operated by the government and later developed, improved, and changed

into private sector operations. An independent agency is typically established to act as a regulatory body on service standard, price, consumer protection, and on the establishment of a fair and free competitive condition for consumer services. Any rules prescribed are typically in line with the government policies by which the policies and direction of business operation are identified. The evolution, role, and duty of concerned organizations in postal affairs are summarized as follows:

The table shows that postal principles are similar, even though some postal services are operated as government agencies while others operate with a public company structure. It depends on the development of technology, entry into the postal competition environment, the expansion of new business like e-commerce and also the continual decline of letter and post card delivery. Besides, the framework set by the European Commission states that postal operation should reduce monopoly power, and it encourages the revision of regulations to support competition. However, universal postal service still exists in all governments which designates an operator and sets up a universal service obligation. In most countries the government attempts to define the standards of private and public postal operation by creating licensing systems and independent regulatory authorities, as is the case in the United Kingdom and Sweden. The postal system in Japan, however, is directly controlled by the government as the shareholder of Japan Post Holding co., Ltd.

At present, the operation of postal services involves a number of agencies under the government and private sectors which include Thailand Post, DHL, FEDEX, and travel agencies that lawfully and unlawfully provide delivery service. However, the letters and postcards delivery business is under the sole operation of Thailand Post. Theoretically, monopoly is a crucial problem in economics

4.4 Analysis of problem solving approach

Now, there are several problems of postal service. It deals with legal structure such as irrelevance of existing laws, postal regulatory structure, and lack of clearness in the role and status. This is because the government policies in the past have imposed postal affairs under a monopoly system. In this respect, several problems occur in relation to existing postal laws. The author's investigation pointed out many problems regarding legal structure.

The author offers the ideas to solve the postal problem as follows;

4.4.1 Liberalization of letter collection and delivery service

The government should liberalize the service of letters collection and delivery by revising section 5 of postal act B.E 2477 because it will create more effective regulatory and liberalized system for good and effective service

4.4.2 Revision of relevant legal provisions

For the practical liberalized system, the government should establish the independent regulatory organization.

There should be the establishment of an independent agency adopting the concept of neutrality and standards of regulation upon separate operations between the government, providers and clients. The concept to support this proposal was introduced in international bodies such as EU and World trade organization. Most of the foreign countries studied followed this concept but some of them, such as, the US, did not employ an established regulatory agency. Instead a government designated Commission with the duty to provide the transparency and accountability of the United States Postal Service to support the universal mail system was established. The Commission also establishes and maintains an effective system of rate and product regulation. In the UK or Sweden, unlike the US, their postal development progresses through a complete independent agency on their own operational structure and program. The agency's Commission comprises knowledgeable and expert members from the private sector who were appointed by the minister of relevant ministry. Its role and duties are to oversee postal business, set the standards for services and business operation, define the scope and requirements for granting license, and to promote competitive atmosphere in postal business.

It is suggested to abolish certain provisions of existing law, particularly the Postal Act, section 5, that confers sole authority to Thailand Post which gives rise to several problems discussed earlier.

This agency should be intended to regulate postal business and provide definite operational direction in line with the government policies, and to set the standard criteria for client protection. As suggested by the investigation of the way in which an independent agency was set up in a standard characteristic in the UK, the operational structure of such agency should be implemented by an independent commission under the law that specifies its qualifications and guideline for practice.

4.4.3 Harmonizing with the liberalized concept,

The concept which the author agrees is to establish the licensing system. To establish a licensing system, the regulator should formulate rules and regulations to apply for a license as standard criteria to be fulfilled by all service operators for their license application. According to the country models examined in chapter 4, Sweden displayed an authentic licensing system in which standards were set for private operators who require license and Swedish post and telecom agency (PTS) was assigned to determine licensing rules. Sweden distinguished licensing rules and regulation between private operators and basic services

operator, with clear standards for determining the license. At present, there are as many as private operators showing their interest to engage in postal business. This has led to competitive standards, while people can access to quality service and coverage.

4.4.4 Establishment of Universal Service Obligation (USO) in postal service section.

Recently, there is no USO concept in postal service because it is under the monopoly of Thailand Post operation. The concept of universal service obligation came from the intention to serve the universal service. The framework of universal postal service is in “EU Directive 97/67/EC” which set up a new EU framework for the regulation of postal service. The provision was defined to ensure the universal postal service in each member state. This defined the minimum characteristics of this universal service as:

- one collection from appropriate access points every working day
- one delivery to all addresses every working day
- to include postal items and packages up to 20 kilograms; plus
- a service for registered items and insured items

This directive aims to all UPU’s member countries to guarantee that the customers will enjoy the right to a universal postal service involving the permanent provision of quality basic postal services at all points in their territory at affordable prices.

CONCLUSION

This study shows the gradual development of postal business since the establishment of state postal office as the national communication channel operated by the government. At that time the postal operation is in the monopoly system as public service. However, at present, the dramatic development of technology and transportation makes communication easier than before within country and between nations, which results in reducing the role of government in the operation of postal. Even though there are other communications channels, some of kind of business still has to rely on a mail delivery system. Currently some countries imply the liberalization of postal system in postal affairs businesses, especially developed countries. Hence, the author believes that the continuation of the current monopoly postal affairs system will prolong the problems in a regulatory system such as lack of enthusiasm to develop their business for supporting the service competition with the private sector. For this reason, the method to liberalize Thai postal services are; first, revising the related postal system, second, improving regulatory postal structures, third, establishing an independent organization separate from the government, and finally creating a regulatory system such as a licensing system and also USO system which allow the benefits and good effective postal service for people .

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