

**EMERGENCY DECREE
ON ELECTRONIC MEETINGS,
B.E. 2563 (2020)**

HIS MAJESTY KING MAHA VAJIRALONGKORN PHRA VAJIRAKLAOCHAOYUHUA

Given on the 18th Day of April B.E. 2563;

Being the 5th Year of the Present Reign.

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

Whereas it is expedient to revise the law on electronic meetings;

Be it, therefore, by virtue of the provisions of section 172 of the Constitution of the Kingdom of Thailand, enacted by the King, as follows.

Section 1. This Emergency Decree is called the “Emergency Decree on Electronic Meetings, B.E. 2563 (2020)”.

Section 2. This Emergency Decree shall come into force as from the date of its publication in the Government Gazette.¹

Section 3. The Announcement of the National Council for Peace and Order No. 74/2557, Re: Electronic Meetings, dated 27th June B.E. 2557 (2014) shall be repealed.

Section 4. In this Emergency Decree:
“electronic meeting” means a meeting that is required to be held by law and has been conducted through electronic means, in respect of which the attendees are not present at

* Translated by Pakawat Hemrachatanant, Legal Opinions and Translation Section, Foreign Law Division, Office of the Council of State. – Initial Version – pending review and approval by the Office of the Council of State.

¹ Published in the Government Gazette, Vol. 137, Part 30 a, page 20, dated 19th April B.E. 2563.

the same place and the consultation, discussion and expression of opinions among them are enabled through electronic means;

“attendee” means chairpersons, vice-chairpersons, members of a committee, members of a sub-committee, secretaries and assistant secretaries of a committee, a sub-committee or other group of persons as specified by law, and shall also include persons required to give explanation or opinions to such committee, sub-committee or group of persons.

Section 5. This Emergency Decree does not apply to:

- (1) meetings of the House of Representatives, the Senate and the National Assembly;
- (2) meetings for preparing a judgment or an order of the Court;
- (3) meetings for carrying out a procurement process of a government agency, a local government agency, a State enterprise, a public organisation and other State agencies;
- (4) other meetings as specified by Ministerial Regulations.

Section 6. With respect to a meeting required to be held by law, in addition to holding the meeting in accordance with the procedures provided by the respective law, the person presiding over the meeting may determine that the meeting be organised through electronic means. Such electronic meeting shall have the same effect as a meeting held in accordance with the procedures provided by the law.

An electronic meeting shall be prohibited with respect to matters prescribed by Ministerial Regulations.

Section 7. An electronic meeting shall be held in compliance with the standards for maintenance of security for electronic meetings prescribed by the Ministry of Digital Economy and Society and published in the Government Gazette.

Section 8. An invitation letter for meeting and documents related to the meeting may be sent by an electronic mail. In this regard, the person having the duty to organise the meeting shall maintain a copy of the invitation letter and related documents as evidence, which may be stored in the form of electronic data.

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Section 9. In an electronic meeting, the person having the duty to organise the meeting shall:

- (1) make an arrangement for attendees to identify themselves to join the meeting through electronic means prior to joining the meeting;
- (2) enable attendees to cast votes, both by open voting and secret voting;
- (3) prepare written minutes of the meeting;
- (4) arrange to make an audio record or an audiovisual record, as the case may be, of every attendee throughout the period of the meeting in the form of electronic data, except for a confidential meeting;
- (5) retain electronic traffic data of every attendee as evidence.

The data under (4) and (5) shall be deemed part of minutes of the meeting.

Section 10. In an electronic meeting, if there is a case where meeting allowance or remuneration called otherwise is to be paid to attendees, such meeting allowance or remuneration shall also be paid to attendees who identify themselves to join the meeting through electronic means.

Section 11. An electronic meeting under this Emergency Decree shall be deemed a lawful meeting, and the admissibility of electronic data under this Emergency Decree as evidence shall not be denied in legal proceedings, whether in a civil case, a criminal case or any other case, on the sole ground that it is electronic data.

Section 12. The standards for maintenance of security for electronic meetings issued under the Announcement of the National Council for Peace and Order No. 74/2557, Re: Electronic Meetings, dated 27th June B.E. 2557 (2014) which are in force on the day prior to the date this Emergency Decree comes into force, shall remain in force insofar as they are not contrary to or inconsistent with this Emergency Decree until the standards for maintenance of security for electronic meetings issued under this Emergency Decree comes into force.

Section 13. All electronic meetings already held under the Announcement of the National Council for Peace and Order No. 74/2557, Re: Electronic Meetings, dated 27th June B.E. 2557 (2014) shall be deemed lawful under this Emergency Decree.

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Section 14. The Minister of Digital Economy and Society shall have charge and control of the execution of this Emergency Decree.

Countersigned by

General Prayut Chan-o-cha

Prime Minister

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Remark: The grounds for the promulgation of this Emergency Decree are as follows. Whereas at present, there is an outbreak of coronavirus disease 2019 in many countries around the world, including Thailand, with a large number of infected people being admitted for medical treatment and died of such disease due to its high infectivity, the disease has thus been declared a pandemic by the World Health Organisation, and there is currently no clear guideline on how to cure the disease, the government has therefore adopted strict measures to control the outbreak of the disease in accordance with the recommendations of the World Health Organisation, in particular social distancing measures. As a result, meetings for regular consultation and discussion in the course of performance of work of public sector and private economic activities in almost every sector are conducted through electronic means. Even though the Announcement of the National Council for Peace and Order No. 74/2557, Re: Electronic Meetings, dated 27th June B.E. 2557 (2014), which is a general law on electronic meetings, has set out practical rules for electronic meetings, it requires at least one-third of the quorum to be present at the same place. It thus puts the people required to attend the meeting at such place at high risk of infection, and is incompatible with social distancing measures. Furthermore, the existing rules sets out the requirement that all attendees must be within the Kingdom, which is incompatible with the conditions of work in both public and private sectors, as well as evolving technologies. These seriously affect the efficiency and continuity of State administration, as well as private economic activities, as may be evidenced by the facts that various companies have to indefinitely postpone their shareholders' general meeting, while it is extremely necessary for private sectors to rapidly and promptly adapt to the situation in response to the sudden economic downturn. The said situation seriously affects national economic security, and constitutes an emergency of unavoidable necessity and urgency for the purpose of maintaining the national economic security. It is therefore necessary to enact this Emergency Decree.

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