

Emergency Decree on E-Meetings

On 18th April 2020, the Prime Minister of Thailand General Prayut Chan-o-cha issued an Emergency Decree on Electronic Meetings B. E. 2563 (“**ED on E-Meetings**”) effective from 19th April 2020.

Under ED on E-Meetings, the Annual General Meeting (AGM), the Extraordinary General Meeting (EGM), the Board of Directors (BoD) Meeting of companies can now be called and convened online and without any physical attendance of attending directors or shareholders. Previously for an online meeting, at least 1/3 of the attending directors or shareholders were required to be physically present at the same place in Thailand and all other attending directors or shareholders were required to be physically present in other places in Thailand.

An e-meeting can be convened under these major principles and requirements:

1. The Chairman of the Board has discretion to call an e-meeting. A notice calling the e-meeting and supporting documents can be sent electronically. Their copies must be kept electronically or as printed copies.
2. Attendees must join the e-meeting online before the start of the meeting time.
3. Voting can be made on a disclosure basis or a confidential basis.
4. Minutes of the e-meeting must be prepared in writing.
5. The e-meeting must be recorded in full electronically as audio and/or video records, except for the portion of the e-meeting which is confidential.
6. The electronic traffic data of every attendee must be kept and it cannot be rejected as evidence in any court proceedings.



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