

THAC Rules on Alternative Dispute Resolution Online Proceedings

On 17th July 2020, the Thailand Arbitration Center (“**THAC**”) issued its Rules on Alternative Dispute Resolution Online Proceedings B.E. 2563 (A.D. 2020) (“**Online ADR Rules**”) to replace its Rules on Electronic ADR Proceedings for Electronic Transactions B.E. 2558 (A.D. 2015) covering all the online proceedings (negotiation, mediation and arbitration) effective from 1st August 2020. Its major provisions are summarized as follows.

1. The ADR claim and response and their supporting documents can be filed online.
2. The examination of evidence documents by the arbitral tribunal can be made online and the arbitral tribunal has discretion to order the parties to submit additional evidence online. The arbitral tribunal can also exercise discretion to examine witnesses or witness statements online.
3. The arbitral tribunal and the mediator must be impartial and independent despite the fact that the ADR proceedings are conducted online. Any circumstances which are likely to raise an issue of their impartiality or independence must be disclosed to the THAC.
4. Except for a few exceptions, the parties, mediators and arbitral tribunal cannot disclose any information related to the negotiation, mediation and arbitration proceedings, the settlement agreement or the arbitral award to any third party.
5. The maximum fees for the online proceedings are THB5,000 for the negotiation proceeding, THB20,000 for the mediation proceeding and THB100,000 for the arbitration proceeding.
6. The documentation relating to the online proceedings will be kept in the THAC online system for at least 5 years from the completion date of the ADR proceedings. The settlement agreement, the mediation agreement and the arbitral award will be kept in the THAC online system for at least 10 years from the completion date of the ADR proceedings.

THAC will issue a practice manual to supplement these Online ADR Rules on 25th September 2020. We will keep our readers updated.



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AUTHOR



Kowit Somwaiya
Managing Partner | **Bangkok**
kowit.somwaiya@lawplusltd.com



Thatchaya Bunnithithanakit
Associate | **Bangkok**
thatchaya.bunnithithanakit@lawplusltd.com

LawPlus Ltd.
Unit 1401, 14th Floor, Abdulrahim Place 990
Rama IV Road, Bangkok 10500, Thailand
Tel: +662 636 0662
Fax: +662 636 0663

LawPlus Myanmar Ltd.
Unit No. 520, 5th Floor, Hledan Centre
Corner of Pyay Road and Hledan Road, Kamayut Township,
Yangon, Myanmar
Tel: +95 (0)92 6111 7006
and +95 (0)92 6098 9752