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## **New Electronic Meeting Law**

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The government of Thailand recently announced an Emergency Decree on Electronic Media Conference, B.E. 2563 (2020) (the “**Emergency Decree**”) which came into effect on 18 April 2020. The Emergency Decree establishes laws relating to meetings held over electronic media and sets out requirements for governmental and public organizations to follow during these meetings. It also establishes requirements on recording sound and media.

The Emergency Decree replaces the previous Announcement of the National Council for Peace and Order No. 74/2557 on Electronic Media Conference, B.E. 2557 (2014) (“**Order 74/2557**”) and removes the main requirements of Order 74/2557 for all attendees of a teleconference to be located in Thailand and one-third of the attendees to be located in the same place for a valid quorum. These requirements were removed because they are impractical and inconsistent with the current physical-distancing measure invoked due to the Coronavirus (COVID-19) situation in Thailand.

From now on, a company is able to hold its board of directors’ and shareholdings meetings by way of teleconferences through an electronic device from anywhere unless explicitly restricted by a company’s Articles of Association.

In order to conduct teleconference calls or video conferences through an electronic device under the Emergency Decree, the following criteria must be taken into account:

1. An electronic meeting must be held in accordance with the Announcement of the Ministry of Information and Communication Technology on Security Standards for Electronic Media Conference, B.E. 2557 (2014) issued by virtue of Order 74/2557 as long as such Announcement is not contrary to or inconsistent with the Emergency Decree until the new security standards are enacted;
2. Meeting invitations and meeting documents can be sent to attendees by e-mail; and
3. The meeting organizer is required to:
  - a. arrange for all attendees of the electronic meeting to present themselves before participating in such meeting
  - b. arrange for a resolution to be passed by a show of hands or a poll
  - c. have the minutes of the electronic meeting prepared in writing
  - d. arrange for audio or visual video recordings of every attendee during the electronic meeting unless it is a confidential meeting; and
  - e. collect all electronic traffic data (i.e., voice or video traffic data) as evidence.

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