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Thailand

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Lex Mundi Global Arbitration Institutions Guide	
Name of Arbitral Institution; with abbreviation, if any.	Thailand has three arbitration institutions: (1) Thai Arbitration Institute (" TAI "); (2) Thai Commercial Arbitration Committee of the Board of Trade of Thailand (" TCAC "); and (3) the Thai Arbitration Center (" THAC ")
Where is the seat of the Arbitral Institution?	Bangkok
Is there an umbrella organization for the Arbitral Institution?	TAI is under the Alternative Dispute Resolution Office, Office of the Judiciary. THAC is a non-profit organization established under the Arbitration Act of Thailand. It is an independent organization subsidized by the Thai government.
How is the Arbitral Institution structured?	TAI is run by a Board of Directors with separate sections based on type of dispute; THAC is run by a Managing Director, with an Arbitration and Mediation Department separated from an Administration Dept. and Business Development Dept.

Is there a compulsory list of arbitrators that parties are required to choose from?	No. There is no closed list system for appointments and parties are free to agree on whoever they choose to be their arbitrators.
Can the place of arbitration freely be chosen by the parties? Is there a default place of arbitration?	Parties are free to choose the place of arbitration. However, if there is no agreement, the arbitral tribunal will determine the place.
What is the amount of the registration fee?	<p>For TAI arbitrations, parties must deposit expenses in the amount of THB 15,000 when submitting a Statement of Claim or Statement of Defense.</p> <p>For THAC arbitrations, the claimant must pay THB 50,000 after submitting a request to commence arbitration to THAC; and the respondent must pay THB 50,000 after submitting an answer and a counterclaim to THAC.</p>
What is the average cost of an arbitration in the following cases? 1 arbitrator, amount in dispute = \$1 million	<p>For TAI arbitrations, average costs would be in the area of THB 250,000 (approx. USD 7,500) (excluding legal fees).</p> <p>For THAC arbitrations, average costs would be in the area of THB 1.5 million (approx. USD 45,000) (excluding legal fees).</p>
What is the average cost of an arbitration in the following cases? 3 arbitrators, amount in dispute = \$10 million	<p>For TAI arbitrations, average costs would be in the area of THB 840,000 (approx. USD 25,000) (excluding legal fees).</p> <p>For THAC arbitrations, average costs would be in the area of THB 11.8 million (approx. USD 355,000) (excluding legal fees).</p>
What is the average cost of an arbitration in the following cases? 3 arbitrators, amount in dispute = \$100 million	<p>For TAI arbitrations, average costs would be in the area of THB 2.5 million (approx. USD 75,000) (excluding legal fees).</p> <p>For THAC arbitrations, average costs would be in the area of THB 22.7 million (approx. USD 684,000) (excluding legal fees).</p>
Who pays advances on costs? What happens in the event of default?	<p>For TAI arbitrations, the claimant must pay the first installment of its share of the advance costs payment upon the filing of the statement of claim, but both parties must pay advance payments before the proceeding.</p> <p>THAC requires that each party pays half of the deposit that constitutes</p>

	<p>the arbitrator's fee unless otherwise stipulated by the THAC registrar.</p> <p>If there is a default, the proceedings may be suspended and the case disposed of. For TAI arbitrations, the institute may dispose of the dispute from its docket, except where there is any issue that should be decided, and the tribunal deems appropriate to do so.</p>
Does the Arbitral Institution have formalistic procedures (e.g. terms of reference) that must be complied with? If so, which ones?	Yes - each of the arbitral institutions have their own rules.
Which languages can be used for communication with the Arbitral Institution?	There are no formal restrictions, but Thai and English the main languages used for communication with the arbitral institutions.
Who is the main point of contact for the parties within the Arbitral Institution?	Administrative Personnel
Are there restrictions on the language that the arbitration may be conducted in?	No - the parties may agree on the language to be used, though Thai and English are the most common.
Who appoints substitute arbitrators?	Under TAI rules, parties can appoint a substitute arbitrator in accordance with the procedure of the appointment of the original arbitrators. Under THAC rules, a substitute arbitrator is appointed in accordance with appointing rules for regular arbitrators.
Are there specific regulations for multi-party arbitrations or joinders to the proceedings?	No
Are oral hearings compulsory?	No. Unless otherwise agreed by the parties, the arbitral tribunal has the discretion to determine whether to conduct the hearings orally or to conduct the hearings fully on a document-basis.
What are common evidence-taking practices?	The parties may submit relevant documents or lists of evidence referring to the documents or other evidence they intend to cite as evidence within the period agreed upon by the parties or as determined by the arbitral tribunal.

	<p>All statements, defenses, requests, documents, or information submitted to the arbitral tribunal by one party must be delivered to the other party(ies). Any expert reports or evidence on which the arbitral tribunal may rely upon in making its award should also be delivered to the parties.</p> <p>The arbitral tribunal may appoint experts to make a report on specific issues or require parties to give an expert examination for a dispute.</p>
What is the average duration of arbitration proceedings?	While the TAI's arbitration rules state that an award must be made within 180 days of the tribunal being constituted, in practice arbitral proceedings take on average of around 18 months (not including enforcement actions).
What is the timeframe for rendering the award?	Under TAI rules, the arbitral tribunal is required to make an award within 180 days from the appointment of the last arbitrator; and that final awards are made within 30 days of the closure of pleadings, unless otherwise stated by the TAI upon request by the arbitral tribunal.
Are extensions to time limits permissible?	Under TAI rules, time limits can be extended due to necessity or reasonable cause.
Can the arbitral tribunal impose interim measures? Is there a competing competency of the ordinary courts with regard to interim measures?	<p>The Arbitration Act does not expressly grant arbitrators the authority to order interim measures or other forms of preliminary relief. Under the Act, parties may apply to the court for any required provisional measures before or during arbitral proceedings.</p> <p>With that in mind, recently amended TAI rules do enable the arbitral tribunal to grant interim measures as it deems appropriate. But because there are no formal laws or guidance on this issue, it is uncertain if an interim measures would be enforced by a Thai court.</p>
Do the institutional rules provide for an emergency arbitrator?	No.
Are there any specific regulations for expedited proceedings? If so, is there a deadline for rendering such an award?	Under THAC rules, a party may submit a request for expedited proceedings. The request may be granted in certain circumstances, including if the parties agree; in cases of emergency; and if the claimed amount does not exceed THB 100 million.

Are arbitral awards submitted for scrutiny? If so, to whom?	Yes, a party may challenge an award by filing a motion with the competent court within 90 days after receiving the award.
Do costs necessarily follow the event?	Costs do not necessarily follow the event. Tribunals may use their own discretion when allocating costs. Unless the parties agree otherwise, arbitration costs (excluding attorney's fees) are stipulated in the arbitral award.
Can an arbitral award be annulled in your jurisdiction? If yes, do the reasons for annulment in principle correspond to the reasons for denial of enforcement according to the New York Convention?	An arbitral award can be annulled in Thailand. The reasons for annulment do correspond to the reasons under the New York Convention.
Link to institutional rules	TAI rules: http://www.tai.coj.go.th/doc/data/tai/tai_1490949032.pdf THAC rules (in Thai): http://thac.or.th/en/services/international-arbitration-center/arbitration-rules/
Link to model clause	TAI model clause: http://www.tai-en.coj.go.th/doc/data/tai-en/tai-en_1510131212.jpg THAC model clause: http://thac.or.th/en/services/international-arbitration-center/arbitration-clause/

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