

## **Announcement of the Contract Farming Promotion and Development Commission**

Regulations and Methods for settlement of disputes and preparation of a compromise  
agreement

---

By virtue of the provisions of Section 29 paragraph three, Section 33 and Section 37 paragraph five Of Contract Farming Promotion and Development, B.E. 2560 (2017), The Contract Farming Promotion and Development Commission, therefore issued the following announcements

Clause 1 This announcement is called "Announcement of the Contract Farming Promotion and Development Commission about Regulations and Methods for settlement of disputes and preparation of a compromise agreement"

Clause 2 This Notification shall come into force from the date of its publication in the Government Gazette.

Clause 3 of this announcement

"Petition" means a request to use a dispute settlement process.

"Office" means the Office of the Permanent Secretary for Ministry of Agriculture and Cooperatives or Provincial Agriculture and Cooperatives Office where such disputes are in the jurisdiction

### **Chapter 1**

#### **Getting into the dispute resolution process**

Clause 4 When there is a dispute over the performance of a contract in Contract Farming Promotion. The parties who wish will request to use the dispute mediation process. Submitting a complaint to the chairman of the Dispute Mediation Committee as follows.

- (1) In case the disputed area is located in Bangkok. To submit to the chairman of the Dispute Mediation Committee (Bangkok) at the Office of the Permanent Secretary for Ministry of Agriculture and Cooperatives.
- (2) In the event that the disputed area is located in another province. To submit to the chairman of the Dispute Mediation Committee at Provincial Agriculture and Cooperatives Office.

In the event, the area for producing agricultural products or services under the contract in the contracted agricultural promotions with disputes covering two or more provinces. The Dispute Mediation Committee in the provinces in the area in the disputed agricultural produce or service, the vast majority of dispute mediation operators are located. Unless the parties agree to the Dispute Mediation Committee in any province in which the dispute is located that the person who mediates the dispute.

In the event, the parties request to include a mediation process. The Dispute Mediation Committee in provinces where the majority of contract farmers live as mediation authorities. Dispute, the consolidation of the dispute resolution process, take into account the speed and fairness in the process of resolving disputes is essential.

Clause 5 When the office has received the request according to Clause 4, the officer shall examine the request that Is the dispute in the jurisdiction of the mediation committee in that province? In case of dispute in the jurisdiction, to accept the request to proceed. However, if the dispute is not within the jurisdiction. Let the officer notify the petitioner knows and send the petition to Provincial Agriculture and Cooperatives Office has the power to consider the petition for further action.

Clause 6 The office that receives the petition to submit a petition to the working group to collect facts. The Chairman of the Dispute Mediation Committee was appointed the working group. The working group was the operator to collect facts and issues completed disputes within 10 days from the date of receipt of the petition. The working group submit a petition and report the facts of the dispute to the chairman of the Dispute Mediation Committee to consider accepting the petition.

In the event, the petition is closely terminate. The petitioner informed the officer who has duty acknowledgment. The officer must hustle to deliver the petition to the chairman of the Dispute Mediation Committee to consider accepting the petition as soon as possible.

Clause 7 Submitting a petition, the petitioner may be in writing and submit it in person, send it via registered mail or notify verbally at the office with attached documents and evidences as specified in Clause 8.

In the event of a verbal request, The Office shall arrange for a record of the words of the petitioner regarding the petition and let the petitioner sign to certify that it is true.

Clause 8 The petition must at least contain details and attach the following documents and evidences.

- (1) Name, address, Telephone number and fax number or electronic mailing address Of the petitioner (if any).
- (2) Facts or agreements about dispute issues and the demands of the petitioner.
- (3) A copy of the contract causing the dispute along with relevant documents and evidence.
- (4) Copy of the identity card of the petitioner.
- (5) In the case of authorizing another person to submit a petition, a power of attorney is required. With a copy of the card Identification of the identity of the grantor and the attorney.

## Chapter 2

### Conciliation action

Clause 9 When the chairman of the Dispute Mediation Committee has received a petition to proceed. The Office shall send a notice of appointment to the parties to meet for the first time mediation within 15 days from the date of receiving the petition, provided that the parties have the opportunity to know the appointment date at least 3 days.

The Notice of appointment under paragraph one, the party to whom the request is made contains a message to clarify facts or contracts about the issue of the dispute in writing or prepare an oral statement and documents or relevant evidence to provide

information for the Dispute Mediation Committee to consider. Including to notify the right to bring the dispute to the arbitration proceedings or to bring the case to the court.

In the case of the next appointment, The Dispute Mediation Committee shall notify the date of an appointment on the date of mediation. Dispute by the parties to sign to acknowledge the appointment date as well. Including the duration of every meeting must not exceed 20 days from the date the chairman of the Dispute Mediation Committee receives the petition under paragraph one. Except, there is a necessity that may not be considered to be completed within the said period. To extend the processing time Mediate disputes for no more than 10 days from the due date.

Clause 10 In resolving disputes, the parties can act on their own or they can authorize a lawyer or a person who can decide on behalf to act on their behalf.

Clause 11 In resolving disputes, The Dispute Mediation Committee shall proceed as it deems appropriate with neutral, be independent, taking into account the rights and duties of the parties or related trade customs, the circumstances of the parties according to the dispute Including treating each other of the past parties and to expedite the mediation of the dispute to reach a resolution as soon as possible.

Clause 12 The benefit of resolving disputes, the Dispute Mediation Committee may prescribe that one or all parties are in the mediation meeting or not at the mediation meeting. The Dispute Mediation Committee must inform the essence of the settlement proceedings to the parties who are not present at the meeting.

In the first paragraph, It shall apply to an agent, lawyer, consultant of the contracting party or any person that the Dispute Mediation Committee allows to enter into a settlement process as well.

Any facts used by the parties in the dispute resolution process. They cannot be used as references in judicial or arbitration proceedings.

Clause 13 The Dispute Mediation Committee may disclose material facts obtained from one party to the other party. Unless, the parties giving the facts has explicitly stated in writing that such facts shall not be disclosed.

### Chapter 3

### Preparation of a compromise agreement

Clause 14 When the parties have reached an agreement. The Dispute Mediation Committee shall arrange for making a compromise agreement as the parties agree. The agreement or compromise must not violate the provisions of the law or contrary to public order or the good morals of the people.

Making a compromise agreement, the parties must sign the compromise agreement in front of the Dispute Mediation Committee. Then the chairman of the Dispute Mediation Committee and The secretary of the Dispute Mediation Committee signed as a witness.

Clause 15 In the event that the parties may not reach an agreement or the mediation of the dispute is not completed within the time specified in Clause 9. The Dispute Mediation Committee shall terminate the mediation and order the disputes to be disposed of from the Dispute List.

Clause 16 In resolving disputes, the Dispute Mediation Committee must make a report of the dispute resolution process as evidence.

Announced on 13<sup>th</sup> February B.E. 2561

Luck Wajananawat

Deputy Minister of Agriculture and Cooperatives Act on behalf of

Minister of Agriculture and Cooperatives

Chairman of the Contract Farming Promotion and Development Commission<sup>1</sup>

---

<sup>1</sup>**Disclaimer:** This translation is provided by the Ministry of Agriculture and Cooperatives as the competent authority for information purpose only. Whilst the Ministry of Agriculture and Cooperatives has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formerly adopted and published shall in all events remain the sole authoritative text having the force of law.