

## **PART I – RECOGNITION AND ENFORCEMENT OF A FOREIGN COURT DECISION**

NOTE: If your State has a non-unified legal system (i.e., two or more system of law which apply in different territorial units, and the information is available, please indicate the jurisdiction/s referred to in your answer.

1. Is your State a party to any bilateral and/or multilateral treaties and/or agreements that govern the recognition and enforcement of foreign judgment?

YES

NO

If yes, please specify.

2. Does your State have rules of national law that govern the recognition and enforcement of foreign court judgments in your State? (i.e., legislation or case law)

YES

NO

If yes, please specify.

**Remark:**

In Thailand, foreign judgments are unenforceable in court and are not binding. Thailand is not a party to any agreements for enforcement of judgment obtained in any foreign countries. Nonetheless, a foreign judgment is served as evidence before Thai courts. Before a foreign judgment can be equally considered as persuasive, the following basic requirements shall be met.

1. The foreign court shall be cloaked with jurisdiction;

2. The foreign judgment shall be final and conclusive;

3. The foreign judgment shall not be contrary to Thailand's public policy;

4. The foreign judgment shall be for an action in personam, hence the judgment shall be for a definite sum of money.

In addition, foreign judgments are generally enforced by bringing a new legal action in Thai courts.

Therefore, questions from No. 3 – 10 are not applicable.

3. Which courts in your State hear applications for the recognition and enforcement of foreign judgment?

Please specify.

4. Are there specific conditions that need to be met in order for a judgment to be recognized and enforced by a court in your State?

YES

NO

If yes, under what circumstances (e.g., the jurisdiction of the foreign court must be recognized, the respondent to the application for recognition and enforcement

must have assets in your State, the judgment must be a monetary judgment that is final and conclusive)?

5. Can a court in your State refuse to recognize and enforce a foreign court judgment that otherwise meets the specific conditions identified in Part I question 4?

YES

NO

If yes, under what conditions (e.g., procedural fairness, lack of proper notice to the defendant, an inconsistent foreign or domestic judgment, parallel domestic proceedings)? In addition, are those grounds for refusal raised on the court's own motion or by the party opposing the recognition and enforcement application?

6. If recognition and enforcement of a foreign judgment subject to a special procedure before a court in your State?

YES

NO

If yes, please describe the procedure.

7. What types of judgments are entitled to recognition and enforcement in your State?

Judgments entered in default  
Comments.

Provisional and protective measures  
Comments.

Non-money judgments  
Comments.

Judgment awarding non-compensatory damages  
Comments.

Other.

If other, please specify.

8. In your State is it possible to appeal a court decision to recognize and enforce a foreign judgment?

YES

NO

If yes, under what circumstances.

9. What is the frequency of applications for recognition and enforcement of foreign court decisions per year? It is appreciated that this information may not be readily available in your Ministry however; such information may possibly be obtainable from the courts in your State.

- 0 – 5
  - 5 – 10
  - 10 – 20
  - more than 20
- Any comments.

10. How many applications for recognition and enforcement of a foreign court decision are granted in your State?

- 0 – 5
  - 5 – 10
  - 10 – 20
  - more than 20
- Any comments.

## **PART II – JURISDICTIONAL REQUIREMENTS**

1. Is your State a party to any bilateral and/or multilateral treaties and/or agreements that govern issues of jurisdiction in international litigation?

- YES
- NO

If yes, please specify.

2. Does your State have rules of national law that govern issues of jurisdiction in international litigation? (i.e., legislation or case law)

- YES
- NO

If yes, please specify.

### **Remark:**

Since Thailand does not recognize and enforce foreign judgments, the terms of "jurisdiction in international litigation" in Thai law implies to disputes arising out of cross-border matters between parties in different countries and will not be related to "jurisdiction clauses" in the Hague Convention on Choice of Court Agreement of 30 June 2005. At present, Thailand cannot comply with the basic rules of the Convention, especially, Article 6 providing that any court not chosen by parties in dispute shall decline to hear the case as well as Articles 8 and 9 providing that any judgment rendered by the chosen court shall be recognized and enforced in other Contracting States, except where a ground for refusal applies.

3. Have the rules of international jurisdiction in your State recently been reviewed in your State? (e.g., by the legislators, law reform bodies, other professional bodies).

- YES
- NO

Comments

4. In which of the following situations would the courts in your State have jurisdiction:

where the defendant voluntarily submits to the jurisdiction

Comments

where the defendant is domiciled or resides in your State

Comments

The Civil Procedure Code of Thailand, section 4 provides that except otherwise provided by law, the plaintiff shall be submitted to the court in which the defendant is domiciled within its territorial jurisdiction.

where the defendant carries out regular commercial activity in your State

Comments

The Civil Procedure Code of Thailand, section 3 provides that for the purpose of filing the plaintiff and in the case where the defendant is not domiciled within the Kingdom of Thailand, if the defendant operates or used to operate either in whole or in part of commercial activity within the Kingdom of Thailand by himself or his agent or his contact person carrying out such commercial activities in the Kingdom of Thailand, it shall be regarded that the place used by himself, his agent, and his contact person for operating commercial activities or the place of residence of his agent or his contact person on the date of submitting the plaintiff or prior to the period of two years, is a domicile of the defendant.

where the contract is performed or there is a breach of contract in your State

Comments

The Civil Procedure Code of Thailand, section 4 provides that the plaintiff can also be submitted to the court in which the cause of action occurs within its territorial jurisdiction whether the defendant is domiciled in the Kingdom of Thailand.

where the contract is concluded or executed between parties in your State

Comments

The Civil Procedure Code of Thailand, section 4 provides that the plaintiff can also be submitted to the court in which the cause of action occurs within its territorial jurisdiction whether the defendant is domiciled in the Kingdom of Thailand.

where the parties to the dispute have designated the courts of your State for the purposes of deciding disputes between them?

Comments

where an injury occurs to a person as the result of a tortious act occurring in your State

Comments

The Civil Procedure Code of Thailand, section 4 provides that the plaintiff can also be submitted to the court in which the cause of action occurs within its territorial jurisdiction whether the defendant is domiciled in the Kingdom of Thailand.

where an damage occurs to a person as the result of a tortuous act occurring in your State

Comments

The Civil Procedure Code of Thailand, section 4 provides that the plaint can also submitted to the court in which the cause of action occurs within its territorial jurisdiction whether the defendant is domiciled in the Kingdom of Thailand.

where the defendant does not reside in your State, but the defendant's immovable property is held in your State

Comments

The Civil Procedure Code of Thailand, section 4 *bis* provides that the plaint concerning any immovable property, right or benefits relating to immovable property shall be submitted to the court where such immovable property is located within territorial jurisdiction whether the defendant is domiciled in the Kingdom of Thailand.

Other

Please specify

5. If the nature of the above-mentioned grounds such that without these present a court is not entitled to hear a case?

YES

NO

Comments

6. In which of the following situations would a court, otherwise having jurisdiction as described in part II question 4, decline to exercise its jurisdiction in your State:

where there are identical proceedings (proceedings involving the same parties and the same cause of action) occurring in another State's courts

Please indicate the relevant source of law and any comments.

where there are related proceedings (those proceedings that do not have identical parties and causes of action but have related causes of action and parties)

Please indicate the relevant source of law and any comments.

where the court determines that it is an inappropriate forum

Please indicate the relevant source of law and any comments.

where it is in the interests of justice to do so

Please provide any comments.

other

Please indicate.