

Royal Decree on the Establishment of the Agricultural Research Development Agency (Public Organization), B.E. 2546 (2003)

Translation

His Majesty the King Bhumibhol Adulyadej

Promulgated on 11 March B.E. 2546

His Majesty's 58th years in Reign

His Majesty the King Bhumibhol Adulyadej has graciously consent to proclaim;

The appropriateness on the establishment of the Agricultural Research Development Agency as a legitimate Public Organization;

By virtue of the power vested under Article 221 of the Constitution of the Kingdom of Thailand and under Article 5 of the Royal Decree on the Public Organization, B.E. 2542 graciously consenting the proclamation of the following under this Royal Decree;

Article 1

This Royal Decree shall be referred to as the "Royal Decree on the Establishment of the Agricultural Research Development Agency (Public Organization), B.E. 2546 (2003)"

Article 2

This Royal Decree shall be effective a day after the date of proclamation in the Royal Gazette henceforth.

Article 3

This Royal Decree shall refer to the following terms as;

"Agricultural Research" shall mean, research, experiment, survey or study in accordance to technical principles aimed to produce data information, knowledge, innovation, product development, and other processes that are applicable to agriculture and agro-industry, including commercial agriculture, also to develop research output for the benefit of the public, and the transfer of research output and technologies to the private sectors and farmers. Furthermore, are related research activities specified by the Executive Board.

"Agency" shall mean the Agricultural Research Development Agency (Public Organization).

"Executive Board" shall mean the Executive Board of the Agency.

"Board Member" shall mean the Executive Board Members of the Agency.

"Director" shall mean the Director of the Agency.

"Personnel" shall mean the employees of the Agency.

"Minister" shall mean the Minister who is responsible of this Royal Decree.

Article 4

The Minister of Agriculture and Cooperatives shall be responsible to this Royal Decree.

Section 1

Establishment, Objectives and Mandates

Article 5

Establish a Public Organization that shall be referred to as Agricultural Research Development Agency (Public Organization) with acronym in Thai language of "Sor Wor Kor" and shall be referred in English language as the "Agricultural Research Development Agency (Public Organization) with acronym of "ARDA"

Article 6

The Headquarters of the Agency shall be located in Bangkok area or in nearby provinces.

Article 7

The Agency shall have the following objectives;

- (1) Promote, support and develop agricultural research;
- (2) Promote, support and develop personnel in agricultural research;
- (3) Make available research, studies, development, information dissemination, and information technology in agriculture;
- (4) Establish technical cooperation with academic institutions or other related institutions both in the public and private sector for the production and development of research and agricultural researchers both local and abroad;
- (5) As Center for the provision of services in the form of information and information technologies in agriculture that are output of research, studies, and development, including, linkage with academic institutions and related agencies both local and abroad;
- (6) Promote the conduct of technical activities in order to disseminate knowledge through various media, such as publications, audio-visual, seminars, workshops, exhibitions, or other activities related to the dissemination of knowledge in agriculture.

Article 8

To ensure the attainment of the objectives outlined in Article 7, the Agency shall have the following mandates to execute the activities;

- (1) Reserves the rights to legal properties and assets.
- (2) Legitimate to undertake legal actions on all rights and properties of the Agency.
- (3) Establish an agreement and collaborate with organization or agencies both local and abroad in activities related to the implementation in accordance to the objectives of the Agency;
- (4) Explore and provide support for the conduct of agricultural research studies;
- (5) Establish a joint-venture with other legitimate individuals in any activities related to the objectives of the Agency;
- (6) Mobilize monetary resources for use in the implementation of activities and attainment of the objectives of the Agency;
- (7) Collect fees, maintenance costs, salaries, or service fees for the implementation;
- (8) Any other activity that is seen as necessary and needs to be continued to attain the objectives of the Agency.

Whereas, in getting into joint investment following Item (5) and loans following Item (6) shall be in accordance to the guidelines set by the Cabinet Ministers.

Section 2

Capital, Profits, Assets

Article 9

The capital and assets for the implementation of activities of the Agency shall comprise of the following;

- (1) Monetary assets or any other assets received by the Agency as specified in Article 40.

- (2) Annual monetary contributions allocated by the Government, however considered as appropriate.
- (3) Monetary contributions from the private sector or other organizations, including from other countries or international organizations, and monetary or any form of assets donated by individual(s).
- (4) Fees, maintenance costs, salaries, service fees, or profits generated from the implementation of activities.
- (5) Interests from money deposits or profits generated from the assets of the Agency.

Article 10

All revenues acquired by the Agency are not subject to submission to the Ministry of Finance, and shall not be required to comply with the financial rules and procedures of the Ministry of Finance.

Article 11

All real estates acquired by the Agency from donations or procurement using the Agency's profit shall remain the property of the Agency.

The Agency shall have the authority to secure, supervise, use, sell, and allocate benefits from the assets of the Agency.

Article 12

The payments of the Agency shall be intended for the payment for the activities of the Agency, especially for the maintenance, and withdrawal of Agency's monetary assets shall be in accordance to the guidelines set by the Executive Board.

Section 3

Management and Execution of Activities

Article 13

Establish one committee that shall be known as "Executive Board of the Agricultural Research Development Agency" comprising of the Permanent Secretary of the Ministry of Agriculture and Cooperatives, Permanent Secretary of the Ministry of Industry, Permanent Secretary of the Ministry of Finance, Permanent Secretary of the Ministry of Science and Technology, Permanent Secretary of the Ministry of Commerce, and Qualified Members who are appointed by the Cabinet Ministers, who are knowledgeable, experts, and specialists in agriculture, science, industry, management, commerce, or other related disciplines useful to the implementation of the Agency's activities, not exceeding to five (5) individuals. A Qualified Member shall not be connected with any government officer that are currently holding a government a civil service post or receives a regular monthly salary, or working in a government agency as member of committee.

The Executive Board referred to in paragraph 1 shall elect the President of the Executive Board.

The Director shall be appointed by position as Board Member and Secretary to the Executive Board. The Director shall appoint a staff to serve as Assistant Secretary.

Article 14

A Qualified Member shall have the following qualifications and shall not possess any of the specified restrictions;

- (1) Holds Thai Nationality.
- (2) With age at least 35 years old but not exceeding 70 years old.

- (3) Not in bankruptcy, incapable or other states comparable to incapability.
- (4) Has no records of jail detention resulted to criminal offenses found guilty by the supreme court, except for minor offenses resulting from negligence.
- (5) Should not hold any political positions, nor a member of the local council or acting as local Chief Executing Officer (CEO), a member of a committee or holding any position related to management of a political party, serving as a consultant to any political party, or a staff of any political party.
- (6) Should not be a personnel or staff of the Agency or a consultant or contracted expert of the Agency.

Note (1) the provisions shall not be applicable to foreign members, wherein the Agency has to appoint base on commitment or outstanding qualifications suitable to the work of the Agency.

Article 15

The President or Members of the Executive Board of the Agency shall not be involved in any business that is competitive in nature with the activities of the Agency, shall not perform any profit making activity with the Agency, both directly or indirectly, except in the case where the concerned individual was appointed by the Board as President or Member of a Company Limited or a Public Company that is a shareholder of the Agency.

Article 16

The Qualified Members shall have a term of service for three years per term.

Upon completion of the term specified in paragraph 1, and in the event that there has been no appointment of new Qualified Member, however, the Qualified Member that has completed the specified term, shall still serve as Qualified Member until such time that a new Qualified Member has been appointed.

A Qualified Member who has completed the term may be re-appointed, however, appointment shall not exceed two consecutive terms.

Article 17

Reasons aside from completion of term, a Qualified Member shall be disposed from duties, by the following reasons;

- (1) Death
- (2) Resignation
- (3) Impeachment by the Cabinet Minister for reasons of negligence in duties and responsibilities, with disgraceful attitudes, or is incapable of performing duties.
- (4) Unqualified or posses restricted characteristics in accordance to Article 14 or has acted against the regulations set up in Article 15.

Article 18

In the event that the Qualified Member has been disposed of duties prior to the completion of term, the Cabinet Minister shall appoint a successor in replacement, except in cases where the remaining period in the term is less than 90 days where there shall be no appointment for a successor shall be made. The appointed successor shall render services on the period remaining to the term of the disposed Qualified Member.

In the case where Qualified Member was disposed of duties before completion of the term, the Executive Board shall comprise of all the remaining Board Members until new appointment for Qualified Member in following paragraph 1 has been made.

Article 19

The Executive Board shall have the authority to supervise the Agency and shall execute the activities in accordance to the outlined objectives. The authority referred to shall include;

- (1) Formulation of management policies, mobilization of funds, and approves the action plan of the Agency;

- (2) Approves the investment plans, financial plans, and annual budget of the Agency;
- (3) Supervise the execution of the activities and general management, including the issuance of regulations, rules, notification, or conditions involving the Agency, in relation to the following matters;
 - (a) General management of the Agency, division of work within the Agency and the scope of duties and responsibilities for each work;
 - (b) Specification of positions, job description, monthly salary rates, hiring rates, and salary rates for personnel and staff;
 - (c) Selection, recruitment, appointment, and performance evaluation, enforcement of disciplinary measures, suspension, dispute settlements, appeals of the personnel and staff, including the formulation of criteria, modalities, and conditions for the recruitment of employees;
 - (d) Management of financial matters, supplies, and assets of the Agency, including the accounting and the liquidation of assets;
 - (e) Allocation of fringe and welfare benefits to the personnel and staff;
 - (f) Identification on the scope of duties, criteria, and modalities for the work of the Internal Auditors;
 - (g) Selection of the Director, job description of the Director, and the delegation of the officer-in-charge;
 - (h) Modalities and criteria for the provision of support for research or to agricultural researcher;
- (4) Approves the monetary rates for fees, maintenance costs, incentives, service fees for the execution of the activities of the Agency;
- (5) Any other action that is considered necessary or in continuation of the activities relevant to the attainment of the objectives specified by the Agency.

Rules regarding the sales of assets from the liquidated accounts in accordance to (3) and (d) should be executed in accordance to the conditions set by the Cabinet Ministers.

Article 20

The Meeting of the Executive Board shall be attended by Board Members, and at least half of the total number of Board Members shall be considered a quorum.

In the absence of the Meeting of the Executive Board President, or in case of the President's incapability to preside, the Meeting shall elect one of the Board Member to preside as Chairman of the Meeting.

For the execution of duties, in the event that the President or any Board Member has direct or indirect involvement in the agenda to be considered by the Executive Board, the President or Board Members concerned shall inform the meeting, and the meeting shall consider whether that individual concern shall be present in the meeting or a resolution may be made whether to consider the said matter in the meeting, however, shall be in accordance to the regulations specified by the Executive Board.

The final resolution at the meeting is met by the most number of votes. Each Board Member is entitled to one vote. In the event of a tie, the Chairman shall be entitled to one more vote to break the tie.

Article 21

The Executive Board has the authority to appoint the Qualified Member, who has an expertise to be Adviser to the Executive Board, and has the authority to appoint a Committee to consider or execute any activity as designated by the Executive Board.

Article 22

The President of the Executive Board, Board Members, Advisers, and Committee Members shall be granted with meeting honorarium, or other means of compensations, in accordance to the regulations specified by the Cabinet Ministers.

Article 23

The Agency shall have one Director.

The Executive Board shall be authorized for the recruitment, appointment, and suspension of the Director.

The regulations and methodologies for the recruitment of the Director shall be in accordance to the conditions set by the Executive Board.

Article 24

The Director should be capable to render full-time services to the Agency, and should be qualified and does not possess any of the specified restrictions as follows:

- (1) Thai nationality
- (2) With age not above 65 years old
- (3) A Qualified Member who is knowledgeable, capable, and well-experience suitable with the work of the Agency, in-line with the objectives and mandates of the Agency specified under Article 7 and Article 8.
- (4) Shall not possess any of the restrictions specified under Article 14 (3) (4) (5) or (6)
- (5) Who is not involved with any of the activities against the Agency.

Article 25

The Director has a term of service for four years, and has a chance to be re-appointed, however not to exceed two consecutive terms.

Article 26

Aside from the reason of completion of the term, the Director shall be disposed from duties by the following reasons:

- (1) Death
- (2) Resignation
- (3) Separation as per agreement made between the Executive Board and the Director.
- (4) The Executive Committee terminates services due to negligence, inappropriate behavior, or found incapable to perform duties and responsibilities.
- (5) Inadequacy of qualifications or possesses any one of the restrictions specified in Article 24.

As per resolution of the Executive Board to terminate the services of the Director in accordance to (4) should be supported by the votes of not less than 2/3 of the actual number of the Board Members excluding the Director.

Article 27

The Director has the duty to manage the activities of the Agency to be in accordance with the legislations, objectives, regulations, rules, conditions, policies, resolutions, and notifications of the Executive Board and to direct the personnel and staff in all positions level, excluding the Internal Auditors as specified in Article 35 paragraph 2, and shall have the following duties;

- (1) Submit targets, plans, and projects to the Executive Board, in order to attain the set objectives of the Agency.
- (2) Submit annual reports related to the accomplishments of the Agency, including the financial and accounting report, and the submission of financial plan, and

budget allocation for the succeeding years, however subject to the Executive Board's consideration.

- (3) Submit to the Executive Board, recommendations related to the improvement of the activities and implementation of the Agency to be more efficient and to ensure the attainment of the objectives to the Executive Board.

The Director shall be held responsible to the performance of the Agency.

Article 28

The Director has the following authorities:

- (1) Recruitment, appointment, promotion, demotion, cutting of salaries or incentives, execution of disciplinary measures for personnel and staff, including suspension of personnel and staff, however, in accordance to the regulations set by the Executive Board.
- (2) Set-up regulations related to the work implementation of the Agency, however, not jeopardizing regulations, rules, conditions, policies, resolutions, or notification set by the Executive Board.

Article 29

In activities related to individuals outside the Agency, the Director serves as the representative of the Agency, however the Director could delegate any individual to perform specific duties on his behalf, however, in accordance to the regulations specified by the Executive Board.

Article 30

The Executive Board shall specify the rate for monthly salary and other incentives of the Director, in accordance to regulations specified by the Cabinet Minister.

Section 4

Implementers of the Agency

Article 31

The implementers of the Agency could be classified into three types;

- (1) Personnel or staff, such as workers receiving monthly salary, or incentives from the budget of the Agency.
- (2) The Advisers or Experts, such as individuals that the Agency hired to provide services as contracted Advisers or Experts.
- (3) Government personnel that provide services to the Agency on a casual basis in accordance to Article 34.

Article 32

The Personnel should have the qualifications and does not possess any of the restrictions as follows:

- (1) Thai nationality
- (2) At least 18 years and not exceeding 60 years old.
- (3) Capable of providing full-time services to the Agency.
- (4) With qualifications or experience appropriate to the objectives and mandates of the Agency.
- (5) Is not a government officer or employee of a government agency or workers of an estate enterprise, or any other government agency, nor employees or staff of any local agency.
- (6) Does not possess any of the restrictions specified under Article 14 (3), (4) or (5)
- (7) Shall not be involved in any profit-making activity against the Agency.

Note (1) the provisions shall not be applicable to foreign employees, wherein the Agency shall appoint base on contract or in accordance to the activities of the Agency.

Article 33

The personnel shall be disposed from duties by the following reasons;

- (1) Death
- (2) Resignation
- (3) Disqualifications or possess any of the restrictions specified in Article 31.
- (4) Termination of services due to failure to pass the evaluation base on the criteria and methodology specified by the Executive Board.
- (5) Termination of services due to disciplinary reasons in accordance to the criteria and methodology specified by the Executive Board under the Regulations.

Article 34

In order to be useful for the management of the Agency, the Minister may allow government officers to work as personnel of the Agency on a casual basis, however, should have consent from his/her superior or employer, and there has to be agreement made.

Any government officer that receives approval to work as personnel of the Agency in accordance to paragraph 1 shall be considered having granted approval to resign from the government agency or other employment. The retirement payment is counted base on the actual number time of services rendered, or similar to the computations used by the government agency, or on a case-to-case basis.

Upon completion of the time frame as approved to render work services to the Agency, the government personnel in accordance to the paragraph 1 shall have the right to be recruited or appointed to a position and receive salary not less than the previous position level and salary, in accordance to the agreement made.

Section 5

Accounting, Auditing, and Evaluation on the Performance of the Agency

Article 35

The accounting of the Agency shall be made in accordance to the universal principles, and criteria specified by the Executive Committee, and shall be audited internally regarding to financial, accounting, and procurement of the Agency, including the submission of report on the result of auditing, to the Executive Board at least once a year.

For internal auditing, there shall be an employee of the Agency to serve exclusively as internal auditor, and shall be directly responsible to the Executive Board in accordance to the regulations as specified by the Executive Board.

Article 36

The Agency shall prepare the budget balance sheet, financial and account statements and shall be submitted to the Internal Auditor within 120 days after the end of each fiscal year.

Every fiscal year, the Office of the Auditor-General of Thailand or any independent third party as appointed by the Executive Board, and as approved by the Office of the Auditor-General of Thailand shall act as the budget inspector and evaluate the budget disbursement and assets of the Agency, and shall provide analytical views whether the budget were used in accordance to the objectives, in thrift manner, and extent on the attainment of the targets. An audit report shall then be submitted to the Agency.

In this regard, the auditor has the authority to inspect the book account and other documents of the Agency, and to investigate the Director, Internal Auditors, personnel and staff or any other individuals, and call for the submission of the accounting book and other related documents of the Agency as found to be necessary.

Article 37

The Agency shall submit an annual report to the Minister. This report shall include the accomplishments of the Agency during the past year, financial statements and the report of the auditors, including the explanations on the future policies of the Agency, projects, and plans.

Article 38

By virtue of Article 42 specified in the Royal Decree for Public Organization, B.E. 2542, which states that for the benefit of promotion on the efficiency and inspection on the implementation of the Agency to ensure the alignment to the objectives, projects, and plan as outlined, the Agency shall undertake the evaluation on the implementation of the Agency base on the timeframe specified by the Executive Board, however, shall not exceed to three years.

The evaluation as stated in paragraph 1, shall be prepared by the institutions or organization that is neutral and has expertise in the field of evaluation on the activities of the Agency, through the selection base on the methodologies specified by the Executive Board.

The evaluation on the implementation of the Agency shall show the effectiveness and efficiency, and in the development of the organization, and in other additional details as specified by the Agency.

In case of occurrence of special event, an evaluation following this Article shall also be applied on occasional basis.

Section 6 Supervision

Article 39

The Minister has the authority to supervise the implementation of the activities of the Agency to be in accordance to the law and in-line with the objectives on the establishment of the Agency, policies of the government, and resolutions of the Cabinet Minister related to the Agency. In this regard, the Minister has the power to call upon the Agency to explain, give views, report or suspend any undertakings of the Agency that jeopardizes the objectives on the establishment of the Agency, policies of the government and resolutions of the Minister related to the Agency, including the investigation or fact finding related to the implementation of the Agency.

Special Provisions

Article 40

Upon enforcement of this Royal Decree, the Fund for the Development of Agricultural Research and Human Resource Development of the Ministry of Agriculture and Cooperatives shall be dissolved, and the Minister shall submit to the Cabinet Minister to enforce in accordance to Article 9 of the Royal Decree on Public Organization, B.E. 2542, and shall approve the transfer of all activities, powers, responsibilities, properties, rights, credits, and monetary accounts of the Fund for the Development of Agricultural Research and Human Resource Development of the Ministry of Agriculture and Cooperatives, that is existing on the day that this Royal Decree has been enforced to be the property of the Agricultural Research Development Agency in accordance to this Royal Decree.

Article 41

During the first phase, there shall be a Committee to prepare the establishment of the Agricultural Research Development Agency comprising of the Permanent Secretary of the Ministry of Agriculture and Cooperatives as the President, and representatives of the

Ministry of Science and Technology, Office of the National Economic and Social Development Board, Civil Service Commission, Ministry of Agriculture and Cooperatives, and three Qualified Members who are appointed by the Minister, and Director who shall serve in accordance to Article 42 as Member and Secretary, to undertake duties until an Executive Board in accordance to this Royal Decree has been formed, in which shall not exceed 60 days after the enforcement of the Royal Decree.

Article 42

During the first phase, in the event that there is no appointment of a Director has been made in accordance to this Royal Decree, the Permanent Secretary of the Ministry of Agriculture and Cooperatives shall appoint an officer from the Ministry of Agriculture and Cooperatives to serve as the Director of the Agricultural Research Development Agency in accordance to this Royal Decree on a temporary basis, until such time that there has been appointment of Director made in accordance to this Royal Decree, wherein shall not exceed to 120 days after the enforcement of this Royal Decree.

Article 43

In the event that there are no existing regulations, rules, proclamations, or conditions of the Agricultural Research Development Agency, shall adopt the regulations, rules, proclamations, or conditions of the Fund for the Development of Agricultural Research and Human Resources of the Ministry of Agriculture and Cooperatives, in matters related to the implementation base on the objectives, authority, duties of the Agency in accordance to this Royal Decree that has been adopted prior to the enforcement of this Royal Decree as special provisions.

Countersigned by

Pol. Liet. Col. Taksin Shinawatr

Prime Minister

Note: The reason for the proclamation for the enforcement of this Royal Decree is in recognition to the importance of agriculture to the economy and society of Thailand. The efficient conduct of research and the application of the research result are important in the development of the economy, society, and technology of the country. However, at present, the research and the application of research results has not receive enough promotion and support in terms of budget, therefore, in order to promote, support, and develop research and researchers in agriculture and the improvement of the management system to enable an independent and more efficient implementation, to facilitate the use of the personnel and resources of the government to attain optimum efficiency and effectiveness, and to build the capacity, most especially research on commercial agriculture, therefore to legitimize the establishment of the Agricultural Research Development Agency as a Public Organization, hence the proclamation of this Royal Decree.

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