



Report of the 4th round of negotiations on a Free Trade Agreement between the European Union and Thailand

25 to 29 November 2024, Brussels

The 4th round of negotiations on an EU-Thailand Free Trade Agreement took place in the week of 25 November 2024 in Bangkok. This round built upon the positive dynamics of the previous round (June 2024), with constructive discussions on the full range of areas under the scope of the future agreement. The respective negotiating teams were led by Mr Christophe Kiener (Directorate General for Trade of the European Commission) and Ms Chotima Iemsawasdikul

Negotiating teams continued to engage in text-based work across all chapters, making progress in terms of consolidation of texts. The chapters on Good Regulatory Practices and on Transparency were closed. Good progress was also achieved in several other chapters, including in particular on Technical Barriers to Trade, Customs and Trade Facilitation, State-Owned Enterprises, Competition, and Trade and Sustainable Development. Advancements were made also in areas which are newer to Thailand, such as Subsidies, Sustainable Food Systems, or Energy and Raw Materials.

Constructive preliminary discussions took place on the approach and expectations for the first market access offers, to prepare the ground for a future exchange of offers in the coming months.

The 5th round is preliminary planned for the week of 31 March 2025 in Brussels.

Details per negotiating area

Trade in Goods

The negotiating group made progress on all open issues in the text, including with respect to provisions on export duties, import restrictions, import and export monopolies, repaired goods. Discussions also allowed to better understand respective positions with regard to the treatment of remanufactured goods.

Constructive technical discussions also took place on the formatting for the trade in goods offers, as part of the preparatory work towards a future first exchange.

Rules of origin

The negotiating group continued constructive discussions on the text, reaching agreement on a number of provisions, including some of the key principles. The group also started discussions on product-specific rules, in particular those concerning agricultural and fishery products, processed agricultural products, textiles and industrial goods. Agreement was reached on several tariff headings and some Chapters for agricultural goods. Discussions contributed to further clarifying the proposed rules for other Chapters.

Customs and trade facilitation

The negotiating group made further progress in cleaning the text, reaching agreement on articles related to objectives, transit and transshipment publication of information and temporary

admission. Discussions also allowed to clarify respective positions on the remaining open articles, which will be further discussed intersessionally.

Trade remedies

The negotiating group continued to engage in constructive discussions, making progress on some of the remaining open issues. The few outstanding issues, mainly in the bilateral safeguard section, such as the transition period, the outermost regions clause and the agricultural safeguard clause will require further discussion, including in an intersessional format.

Specific measures concerning the management of preferential treatment and Mutual Administrative Assistance (MAA)

The negotiating teams continued to engage in text-based work, making progress on certain provisions of the MAA Protocol, such as on exchange of information, exceptions, and relations to other agreements, and further clarifying respective positions as a basis for further internal consultations.

Technical Barriers to Trade

The negotiating group made very good progress and reached agreement on most of the chapter. Discussions will continue in the next round on issues related to conformity assessment and to the annexes to the chapter – including the annex on motor vehicles.

Sanitary and Phyto-sanitary (SPS) matters

The negotiating group continued to engage in text-based discussions, making good progress on articles concerning relations to the WTO SPS Agreement and on transparency and exchange of information. Detailed discussions also took place on provisions related to trade facilitation, procedures for listing of establishments, and implementation and resources. Furthermore, additional clarifications were provided on issues related to regionalisation and to the concept of “EU as a single entity”.

Services and investment

The negotiating group continued to make steady progress. Further text consolidation took place, notably on regulatory provisions such as delivery services, telecommunication and financial services. Progress was slower on cross-cutting issues such as mode 4 where both sides have different approaches. On investment, more limited progress was made, due to differences in the respective approaches and particular sensitivities with regard to performance requirements. On Capital Movements, good discussions took place on the open provisions, with no major divergence identified on the remaining outstanding issues.

As part of the preparatory work towards a future first exchange of market access offers, technical discussions also took place on the approach to be followed for the services and investment offers, with both sides converging on the use of a negative list format.

Government Procurement

The negotiating group was able to further progress on consolidation of certain provisions in the text, such as offsets, anti-corruption measures, use of electronic means, definitions. More work and internal consultations are needed on several open issues, including non-discrimination. The round also provided the opportunity to exchange further information and clarifications on relevant domestic measures.

Technical discussions took place on the formatting for the government procurement offers, as part of the preparatory work towards a future first exchange of offers.

Intellectual Property (IP)

The negotiating group continued to make progress in consolidating the text. Notably, the round provided the opportunity for a first textual discussion on enforcement of IP rights (General Provisions and Civil and Administrative Enforcement), and continued to have textual discussions and exchange of views on other provisions of the IP Chapter, including general provisions, copyright and related rights, trade marks, border enforcement of IP rights as well as geographical indications (GIs). Both sides continued providing explanations on their respective IP systems as well as explored possible bridging proposals.

Competition and subsidies

The negotiating group made substantial progress, reaching almost full agreement on the section on anticompetitive conduct and merger control, and advancing on most issues in the section on subsidies, including on WTO-plus elements of the chapter.

State-owned enterprises (SOEs)

The negotiating group made very good progress, cleaning most of the provisions in the chapter. Further discussions are needed on the remaining open issues, which primarily relate to the scope of the entities to be covered.

Energy and Raw Materials (ERM)

Good progress was made regarding the understanding of the issues and intentions pursued by both sides, allowing to advance in text consolidation on several articles. The negotiating group also identified issues that require internal consultations on both sides, to prepare the ground for further progress in intersessional discussions.

Digital Trade

The negotiating group continued text-based negotiations, further agreeing language in a number of articles, including on the right to regulate, electronic contracts, online consumer trust and unsolicited direct marketing communications. Discussions continued on language proposals for provisions related to source code, electronic invoicing, no prior authorisation, and cooperation on regulatory issues. Further discussions will be needed in areas where the two sides have different perspectives, such as on the scope of the chapter and on customs duties on electronic transmissions.

Trade and Sustainable Development (TSD)

The negotiating group continued to make good progress in consolidating the text, notably on provisions related to context and objectives, non-regression, trade and gender equality, trade and biological diversity, trade and responsible business conduct. Challenges remain on some other areas, notably language related to the implementation of some multilateral environmental agreements and gender conventions. Both sides agreed to conduct internal consultations on pending issues, and to continue to work intersessionally.

Small and Medium-sized Enterprises (SMEs)

The working group further advanced in cleaning the chapter. The only outstanding issue relates to the provision of market access information searchable at tariff nomenclature level, on which discussions will continue following further internal consultations.

Sustainable Food Systems

The negotiating group had constructive exchanges and made very good progress on further cleaning articles concerning the objectives, scope, and general principles of the chapter. Positive discussions also took place on provisions related to several areas for cooperation (food systems sustainability, fraud in the agri-food chain, animal welfare, antimicrobial resistance and institutional arrangements), on which however further work is needed.

Transparency and Good Regulatory Practices (GRP)

The working group finalised discussions on the remaining open issues, reaching agreement on both chapters.

Dispute Settlement

The negotiating group continued to have constructive discussions, reaching agreement on the annex concerning the code of conduct for panellists and mediators and making substantive progress towards finalisation of the provisions on mediation and on rules of procedure. In-depth exchanges allowed for a better understanding of the respective positions on the provisions concerning procedures related to TSD, temporary remedies in case of non-compliance and transparency, on which further discussions are needed.

Final Provisions and Exceptions

Building on the exchanges held intersessionally, the negotiating group further engaged in constructive discussions. On the Exceptions chapter, issues related to security exceptions and to tax exceptions remain open and will be further discussed intersessionally. On Final provisions, discussions focused on reaching an in-depth understanding on the respective positions on the remaining issues, notably with regard to territorial application, private rights, and fulfilment of obligations, as a basis for further work to bridge the remaining gaps.