



Report of the 3rd round of negotiations on a Free Trade Agreement between the European Union and Thailand

17 to 21 June 2024, Brussels

The 3rd round of negotiations on an EU-Thailand Free Trade Agreement took place in the week of 17 June 2024 in Brussels. This round built upon the positive first two rounds (September 2023, January 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 (Ministry of Commerce of Thailand).

Negotiating groups engaged in text-based work across all chapters, on the basis of the draft proposals tabled by the EU. Progress was made in particular on consolidating text on Trade remedies, Technical Barriers to Trade, some of the Services sectoral texts, Small- and Medium-Sized Enterprises, as well as Trade and Sustainable Development. Text consolidation also started in areas which are newer to Thailand, such as Government Procurement, Sustainable Food Systems or Energy and Raw Materials. Discussions on market access will gradually start, as progress is being made on texts across the board.

The 4th round is planned to take place in the week of 25 November 2024 in Bangkok.

Details per negotiating area

Trade in Goods

The negotiating group continued to work on the text, making progress on most of the open provisions, including those concerning definitions, standstill, import and export licensing procedures, import and export monopolies, origin and marking.

The negotiating group also exchanged views on the updated information on bilateral trade and tariff data sent prior to the round.

Rules of origin

The negotiating group engaged in in-depth discussions on the text, reaching agreement on a number of provisions. Progress was made in the remaining areas, but some key principles remain outstanding. Both sides will further reflect on these points to prepare for further advancements in the discussions.

Customs and trade facilitation

The negotiating group further advanced in cleaning the text and was able to reach agreement or make substantial progress on several provisions, such as those concerning the release of goods, simplified customs procedures, advance rulings. Intersessional work will continue on the remaining open issues, including temporary admissions, transit and transshipment, or fees and charges.

Trade remedies

The negotiating group continued to make progress towards the finalisation of the text. Agreement was reached on some of the remaining open issues, such as the public interest test and the lesser duty rule in the anti-dumping/anti-subsidies section, as well as on the global safeguard section. The few outstanding issues, mainly in the bilateral safeguard section, will require further discussion.

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

The negotiating groups held in-depth discussions on the basis of the EU proposals and started to agree on some textual elements. Both sides identified issues that require further internal reflection, on which discussions will continue intersessionally or at the next round.

Technical Barriers to Trade

The negotiating group made significant progress, reaching agreement on several provisions, including on cooperation in the field of standards, smart technical regulations, or labelling and marking to facilitate the market access to each other's markets. Both sides will continue to discuss issues related to conformity assessment and to cooperation on market surveillance.

The negotiating group also held a first discussion on the proposal tabled by the EU for an annex on motor vehicles.

Sanitary and Phyto-sanitary (SPS) matters

Both sides reconfirmed their mutual agreement to include a comprehensive SPS chapter in the future FTA and held in-depth discussions on the basis of the EU text proposal. Most of the discussions focused on the articles related to trade facilitation and approval procedures, with some advancements. Progress was also made on articles related to objectives, definitions, transparency, and institutional arrangements.

Services and investment

The negotiating group was able to consolidate the texts further, and provisionally close the Sub-Sections on Domestic Regulation and International Maritime Transport Services. Progress was made in all remaining texts and both sides agreed to continue their work intersessionally, notably on Telecommunication Services and on Capital Movements.

Government Procurement

The negotiating group held in-depth text-based discussions, building on exchanges in the previous rounds and on intersessional work, and made good progress in agreeing on parts of the text. Both sides will exchange additional information and clarifications on issues that require further reflection, in order to prepare the ground for the discussions during the next round.

Intellectual Property (IP)

The negotiating group engaged in further discussions and made good progress. Both sides exchanged views and entered into textual discussions on selected items contained in the IP Chapter, and namely general and other provisions, copyright and related rights, trademarks, industrial designs, border enforcement of IP rights as well as geographical indications (GIs). A

number of provisions, particularly in the areas of trademarks and industrial designs were agreed.

Competition and subsidies

The negotiating group confirmed the substantial progress reached in the previous round on text consolidation for the section on anticompetitive conduct and merger control. With regards to the section on subsidies, the negotiating group had a comprehensive discussion on the respective positions and started to work on reaching agreement on some parts of the text.

State-owned enterprises (SOEs)

The negotiating group engaged in comprehensive discussions on the remaining open issues in the chapter, in particular on matters related to scope and definitions. The discussions allowed to further clarify respective legal frameworks and positions on these issues, on which further work is needed.

Energy and Raw Materials (ERM)

The negotiating group held constructive discussions and started to consolidate the text. Discussions focused on clarifying the main elements of the text proposal tabled by the EU, including import and export monopolies, export pricing, and environmental impact assessments. Both sides expressed interest with respect to further pursuing cooperation in the field of energy and raw materials.

Digital Trade

The negotiating group continued text-based negotiations on the basis of EU's text proposal, finalising notably the article on open government data. Discussions allowed both sides to have a better understanding of each other's positions also in areas where some divergences remain, and the negotiating group was able to work on concrete language proposals for articles such as online consumer protection, electronic contracts and unsolicited commercial communications.

Trade and Sustainable Development (TSD)

The negotiating group started to work on text consolidation, making very good progress across the board – and notably on provisions related to labour and to specific environmental matters, such as climate change, biological diversity, forestry and marine biological resources. Challenges remain on some other areas, notably non-regression, gender equality and on the implementation of multilateral environmental conventions. Both sides agreed to conduct internal consultations on pending issues, and to continue to work intersessionally.

Small and Medium-sized Enterprises (SMEs)

The negotiating group continued to work on the text, further advancing towards finalising the chapter. The remaining outstanding issues relate to information sharing commitments for certain customs information and the database searchable at product level, on which both sides will continue to exchange views intersessionally.

Sustainable Food Systems

The negotiating group had constructive discussions and made very good progress on provisions related to objectives, scope, general principles, cooperation on antimicrobial resistance and institutional arrangements. Both sides will undertake further internal consultations and exchange follow-up information on the open issues in order to prepare the ground for discussions in the next round.

Transparency and Good Regulatory Practices (GRP)

The negotiating group reached agreement on many elements in the chapters, focusing on the common aim of increasing the transparency and predictability of the regulatory environment, setting best practices for transparent and evidence-based policy-making, and providing the opportunity for stakeholders to give inputs into legislative processes in a non-discriminatory way.

Dispute Settlement

The negotiating group made good progress towards reaching agreement on the provisions on consultations and panel procedures. Proposals on mediation, the rules of procedure and the code of conduct will require further internal deliberations, while provisions related to TSD will be further discussed once further progress is made on the substantive provisions on the TSD chapter.

Final Provisions and Exceptions

Building on the exchanges held intersessionally, both sides continued their constructive and in-depth discussions. Substantial progress was made on the Exceptions chapter, which is now largely agreed. On the Final provisions, the negotiating group made good progress, advancing on some provisions and engaging in further clarifications on the respective positions on the remaining open issues.