



EUROPEAN FREE TRADE ASSOCIATION

25 September 2023

EFTA-THAILAND 6th ROUND OF NEGOTIATIONS

Bangkok, 12-15 September 2023

PUBLIC REPORT

Context

EFTA and Thailand met for the 6th round of negotiations in Bangkok, Thailand. Delegates discussed Trade in Goods, Trade in Services, Sanitary and Phytosanitary Measures (SPS), Trade Remedies, Investment, Small and Medium Enterprises (SMEs), Intellectual Property Rights, Trade and Sustainable Development, Government Procurement, Cooperation & Capacity Building, Legal and Horizontal Issues and Dispute Settlement. The working groups on Rules of Origin and Trade facilitation will hold meetings on 3 – 5 October. Discussions on the chapter on Technical Barriers to Trade (TBT) were concluded in an intersessional meeting on 17 August. Based on the progress made during the round, EFTA and Thailand reiterated their objective to conclude a modern, comprehensive and ambitious Free Trade Agreement in 2024.

Trade in Goods

EFTA and Thailand continued discussions on the draft Chapter on trade in goods, including issues relating to trade restrictions and technical amendments. Both sides also continued discussing market access and respective interests and sensitivities ahead of a future exchange of revised offers. They continued to make progress on a steady pace.

Trade in Services

EFTA and Thailand pursued technical discussions on the Trade in Services Chapter and its annexes covering telecommunications services, maritime transport services, financial services, and tourism and travel services. For the latter annex, text-based negotiations were initiated based on Thailand's proposal. Discussions led to agreement on some provisions in the chapter and its annexes. The Parties also undertook a detailed review of revised market access offers.

SPS

Building on intersessional progress, the working group continued its work and was able to finalise its work in substance. Only one article with more horizontal implications remains open and will be revisited at a later stage when there is more clarity on the outcome in other areas.

Trade Remedies

The discussions on the relevant provisions (subsidies and countervailing measures, antidumping, global safeguard measures and bilateral safeguard measures) are already well advanced. Experts exchanged views and explored possible solutions for the pending technical issues. They further agreed on follow-up work to be exchanged before the next round.

Investment

Delegations progressed in the investment chapter, agreeing amongst others on several elements in the article on reservations to national treatment for foreign investors and on the review article in its entirety. They also held in-depth discussions on their reservation lists and subscribed to detailed follow-ups to advance on the investment track.

SME

EFTA presented its proposal for a chapter on small and medium-sized enterprises, which had been submitted to Thailand in advance of the round. Thailand offered preliminary feedback and undertook to follow up with comments in writing. EFTA additionally referred to its ongoing internal stakeholder consultations on the prospective SME chapter, which constitutes a novel feature in its free trade agreements.

Intellectual Property Rights

Experts on intellectual property rights continued to build upon earlier progress. This round facilitated progress in the area of Copyrights and Related Rights, Patents, Indications of Source and Country Names, Cooperation and on Enforcement. Experts discussed ways forward, including pursuing mutually acceptable solutions to advance progress on issues still outstanding.

Trade and Sustainable Development

Trade and sustainable development experts made very good progress and only a few open issues remain in the text. Experts agreed on articles Context, Objectives and Scope, Right to Regulate and Levels of Protection, Trade and Sustainable Management of Fisheries and Aquaculture, Promotion of Trade and Investment Favouring Sustainable Development and Sustainable Forest Management and Associated Trade. In addition, several paragraphs of the article on panel of experts were cleared.

Government Procurement

Government procurement experts from the EFTA States and Thailand noted that their respective positions had not changed and exchanged views on the way forward. Both sides agreed to continue discussions at the next round.

Cooperation and Capacity Building

Cooperation experts continued their work on the text of the chapter and agreed that the areas where the EFTA States and Thailand will cooperate should be aligned with the cooperation provisions contained in other chapters under the agreement.

Legal and Horizontal Issues and Dispute Settlement

Legal experts from the EFTA States and Thailand continued their negotiations on the preamble and the chapters on general, institutional and final provisions as well as dispute settlement. They exchanged views on text proposals on several articles and further consolidated the text. Legal experts also exchanged information and gained additional clarity on their respective positions regarding the pending issues, in particular in the dispute settlement chapter. They agreed on substantive follow-up work to be exchanged before the next round.