

# QUESTIONNAIRE ON A FREE TRADE AGREEMENT WITH THAILAND

## FISH AND FISHERY PRODUCTS

FEBRUARY 2013

### **Introduction**

On 28 February 2013, the European Commission received the endorsement from the Council to open negotiations for a Free Trade Agreement (FTA) with Thailand. This will include agreements on market access for fishery products and services and investment as well as trade rules/regulatory cooperation on issues such as intellectual property rights, public procurement, competition and sustainable development. The first round of negotiations could still be held in the first half 2013.

The following questionnaire has been prepared to give the fisheries sector the opportunity to provide us with information that will help the Commission establish priorities and take decisions throughout the negotiating process.

The Commission, subject to the application of the EU's rules on access to documents (Regulation 1049/2001 of 30 May 2001, OJ L 145 of 31/05/2001 p.43.), will treat the information that you provide as confidential. EU rules on access to documents allow the Commission to withhold access to a document where disclosure would undermine the commercial interests of a natural or legal person or harm the EU's relations with third countries, unless there is an overriding public interest in disclosure. Please indicate clearly in your reply if this is the case.

Please answer each question that is relevant to your interests.

In addition, where possible, please indicate the extent of your interest (high, medium, low), the level of priority within sectors and suggestions for solutions if you identify a specific problem.

The questionnaire will be included on **Directorate-General Trade's web page** for consultations of civil society [<http://trade.ec.europa.eu/consultations/>]. You are invited to reply to the questionnaire by **13 May 2013**.

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## **Background information**

Thailand is a founding member of the Association of Southeast Asian Nations (ASEAN), established in 1967. In recent years, Thailand has as an ASEAN member, concluded five FTAs: ASEAN–China, ASEAN–India, ASEAN–Korea, ASEAN– Japan and ASEAN–Australia–New Zealand and has bilateral FTAs with Japan, Australia, New Zealand, India, Peru and Chile. The negotiations with ASEAN + 6 (China, Japan, South Korea, India, Australia and New Zealand) are soon to be launched and Thailand has expressed an interest in becoming a negotiating party to the Trans Pacific Partnership. The EU and Thailand are in negotiations on a Partnership and Cooperation Agreement (PCA) which will extend the areas of cooperation.

## **Trade**

Thailand is the EU's third individual trade partner in ASEAN, with bilateral trade in goods reaching €29.4 billion in 2011. The EU exported goods worth €12.3 billion and imported goods worth €17.5 billion. From 2007-2011, EU exports grew by 11.7% on average per year. The EU exported commercial services worth €2.4 billion and imported commercial services valued at €4.8 billion in 2010.

Fisheries is a key export sector for Thailand. The EU is the third biggest export market for the Thai fisheries industry, after the US and Japan. Fishery product exports to the EU represent 5.2 % of total Thai exports to the EU.

During the period 2009-2011, the EU exported an average of 53 553 tonnes per year of fish and fishery products worth € 52 million to Thailand. During the same period, Thailand exported on average 230 000 tonnes of fish and fishery products worth €809 million to the EU. Thailand's exports represent 4.1 % of the total EU imports of fishery products in terms of quantity and 4.7 % in terms of value. The trade balance in fisheries is in favor of Thailand and amounts to €756.5 million, av. 2009-11.

Thailand's main fish exports to the EU consist of frozen and prepared shrimps (0306 13 – 21% in value of all EU fish imports from Thailand, av. 2009-2011; 1605 20 – 20%), prepared or preserved tuna (1604 14 + 1604 20 70, 28% - out of which 6% tuna loins), and frozen squid (0307 49 38, 10%). Other Thai fish exports to the EU are frozen and prepared surimi and molluscs.

The EU's fish exports to Thailand were mainly frozen fish (skipjack and yellowfin tunas, sardines, trout).

*(Source: Eurostat)*

## **TRADE IN FISH AND FISHERY PRODUCTS**

**(Please note that the following questions also apply to aquaculture products and/or the aquaculture industry, where appropriate)**

### **1) General**

- a) Please indicate your area of business (ship-owner, fisherman, importer, exporter, processor, etc.).
- b) What is your interest or potential interest in trade in the fisheries sector between Thailand and the EU?
- c) How do you assess Thailand's export potential for fish and fishery products?
- d) Please specify your overall **offensive** interest, i.e. what kind of fish and fishery products would you like to export to Thailand<sup>1</sup>?
- e) What is your **defensive** interest, i.e. what kind of fish and fishery products are sensitive for EU stakeholders<sup>1</sup> in our trade relations with Thailand?
- f) Have you encountered any non-tariff barriers, such as sanitary requirements, to the export of fish and fishery products to Thailand? If so, please specify.
- g) Please indicate the priorities (ranked) for your business sector in Thailand? Indicate the criteria you apply to determining priorities: Import duties as well as non-tariff barriers and measures? Trade volume to Thailand? Trade volume to comparable countries within and outside ASEAN? Economic cost of a barrier?
- h) Do you have a commercial presence in the fisheries sector in Thailand? Are you interested in establishing a commercial presence in the fisheries sector in Thailand? Have you experienced any barriers in establishing a commercial presence in the fisheries in the past? If so, please specify.

### **2) Questions related to tariffs**

- a) Please describe your interests with respect to tariff dismantling in Thailand:
  1. Priorities per tariff line for frontloading (i.e. early tariff elimination);
  2. Backloading (tariff elimination over a transitional period); and
  3. Links with other trade areas (e.g. rules of origin; safeguards; removal of non-tariff barriers).
- b) When exporting to Thailand do you have problems of tariff classification [product classification for the purpose of application of tariffs]? If so, please specify.

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<sup>1</sup> If possible, please indicate the tariff line of the Combined Nomenclature (Official Journal of the European Union, L 304, 31 October 2012, available at: <http://eur-lex.europa.eu>)

### **3) Questions related to rules of origin**

a) Are you aware of the significance of rules of origin in trade in fish and fishery products? Which preferential rules of origin would you like to see applied for fish and fishery products in a trade agreement with Thailand?

### **4) Questions related to sustainable fisheries**

- a) How important is it in your sector to be able to give assurances about the sustainability (especially social and environmental) of conditions throughout the supply chain?
- b) Would you like to raise any questions regarding sustainable fisheries in relation with Thailand (e.g. participation in Regional Fisheries Management Organizations, fisheries international agreements, fight against IUU, commitments to global fisheries governance, etc)? Please indicate your area(s) of concern.

### **5) Trade facilitation (import, export, transit procedures and internal market in Thailand)**

Please respond to the following with **yes/no** and, where possible, provide details

- a) Have you experienced general problems with import, export, transit procedures and requirements in Thailand, including when landing fish products in Thai ports?
- b) Have you experienced problems when marketing fish products inside Thailand (e.g. across Provinces)?
- c) Have you experienced specific problems related to:
- transparency/publication of and access to trade regulations
  - documentary requirements
  - data requirements
  - fees and charges
  - inspections and controls during clearance
  - other customs procedures
  - discriminatory treatment
  - lack of uniformity in application of procedures
  - customs valuation
  - co-ordination between different border agencies or between Provincial authorities
  - use or non-use of information technology
  - application or non-application of relevant international standards
  - procedures for legal recourse/appeal

**6) Questions related to investment in the fisheries sector**

- a) Do you have you an interest in investment in the fisheries sector in Thailand? If so, please specify.
- b) Please give your assessment of the situation for EU operators or investors in relation to investment in the fisheries sector in Thailand. Please specify whether you have encountered difficulties in relation with:
- formal restrictions on foreign equity or foreign ownership limitations;
  - limitations as regards access to fishing licenses;
  - limitations on the movement of personnel;
  - residency requirements for members of boards/senior management;
  - non-transparent ownership and control conditions;
  - Thai competition legislation as it relates to investment.

**7) Questions related to services**

- a) Do you have you an interest in services in the fisheries sector in Thailand? If so, please specify.
- b) Have you experienced any difficulties in accessing and/or providing services in Thailand? What kind of difficulties and how do you think the agreement with Thailand should address these?

**8) Other issues**

Are there any other issues that are not mentioned in this questionnaire that you would like to address?

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