

**THE AGREED MINUTES OF  
THE THIRD MEETING OF THE FREE TRADE COMMISSION  
UNDER THAILAND – CHILE FREE TRADE AGREEMENT**

On 20<sup>th</sup> – 21<sup>st</sup> June 2019, the third meeting of the Free Trade Commission (FTC) under Thailand – Chile Free Trade Agreement (TCFTA) was held in Bangkok, in pursuant to Article 13.1 of the Agreement.

The Plenary session of the Commission was co-chaired by Mr. Rachavitch Piyapramote, Minister, Permanent Mission of Thailand to the WTO and WIPO, Ministry of Commerce, Thailand and Mr. Gaston Fernandez Schiaffino, Deputy Director of Bilateral Economic Affairs, Ministry of Foreign Affairs, Republic of Chile. The list of delegation appeared in **Annex I**.

At the opening remarks, both sides shared a mutual interest to hold the FTC under TCFTA, given the necessity to work in an effective manner the implementation of the FTA towards the improvement of trade between Thailand and Chile.

**I. Report of the 2<sup>nd</sup> Meeting of Free Trade Commission under TCFTA**

The Thai side briefed the status of the commitments at the 2<sup>nd</sup> meeting of the FTC which was held in Santiago between 23<sup>rd</sup> – 24<sup>th</sup> August 2018. The details of Thailand’s briefing appears in **Annex II**.

**II. Evaluation of the implementation of the Thailand - Chile FTA.**

Both sides exchanged information on bilateral trade and utilization rate of the TCFTA which shows a significant contribution to boost bilateral trade between Thailand and Chile since the entry into force of the Agreement in November 2015.

According to Thailand’s trade statistics, in 2018, total trade between Thailand and Chile has reached 1.23 Billion US Dollars, a 9.2% increase compared to 2017. Thailand’s total exports to Chile reached US\$ 748.3 million, and imports from Chile totalized US\$ 372.8 million.

Thai exports to Chile in 2018 had a utilization rate of preferential tariff treatment under TCFTA at 98.85% which has increased at 3.81% from the previous year. Chile is Thailand’s 3<sup>rd</sup> largest market for exports of goods in South America. The most important Thai products exported to Chile under TCFTA are trucks, canned tuna, washing machine and portland cement. These goods represent more than 80% of Thailand’s total exports to Chile.

In 2018, the utilization rate of preferential tariff treatment for imports from Chile accounted 74.55% of goods, increasing 12.5% in comparison to the previous year. Thailand’s major imports from Chile under this category include

grapes, fish oil, apricot, wine, cherries and processed tomato.

Chile indicated the above mentioned data based on Thai statistics slightly mismatched the figures collected, but still reflect the positive outcome of the bilateral trade. The main products exported by Chile are cathodes, salmon, chemical pulp and trout, among others.

### **III. Legal Issues: Code of Conduct for Dispute Settlement Proceedings**

Both sides agreed on the content of the Code of Conduct and Dispute Settlement Proceedings during the 2<sup>nd</sup> meeting of the FTC under TCFTA in Santiago. Subsequently, the Code of Conduct was agreed intersessionally.

Thailand informed the undertaking of their internal process to submit the Code of Conduct to the cabinet for approval and committed to inform Chile as soon as possible.

Both Parties agreed the Code of Conduct will be adopted by the exchange of Notes. Chile, in order to facilitate Thailand's internal procedure, committed to provide a Verbal Note draft by the end of July 2019.

### **IV. Exchange of Information on Current Negotiations or Implementation**

The Chilean side mentioned three on-going negotiations, including the upgrade of the Chile – Korea Free Trade Agreement, Pacific Alliance - Associated Member States and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). In relation to CPTPP, Chile updated the status of the ratification process at the national congress. Chile expects to receive parliamentary approval during the year, and confirmed their support to Thailand to join the Agreement after the fully ratification of the eleven members states.

Thailand informed that it has 13 FTAs with 18 nations. Currently, Thailand is negotiating both bilateral and regional FTAs which include the Regional Comprehensive Economic Partnership (RCEP), Turkey – Thailand FTA negotiations (TRTHFTA), Pakistan-Thailand FTA negotiations (PATHFTA), Sri Lanka – Thailand FTA (SLTFTA) and Bay of Bengal Initiative for Multi – Sectoral Technical and Economic Cooperation (BIMSTEC FTA) and updated in relation to the entry into force of ASEAN-Hong Kong FTA and ASEAN-Hong Kong Investment Agreement in June 2019.

Both sides updated contact points for all committees, and working groups under TCFTA. The list of updated contact points appears in **Annex III**.

### **V. Committee on Trade in Goods**

#### **1. Discussion of Acceleration of Tariff Reduction**

Thailand referred to the 2<sup>nd</sup> meeting of FTC under TCFTA which Chile submitted a request for acceleration of tariff reduction covering 22 tariff

lines. Both sides agreed that the acceleration of tariff reduction, if any, should be considered for tariff lines whose tariffs would be eliminated in 2023, thereby rendering the Chile's request to cover 12 tariff lines.

At this meeting, Thailand informed Chile that it is in the process of internal consultations with stakeholders to consider Chile's request. Chile proposed an updated request list for tariff reduction acceleration covering 27 tariff lines (**Annex IV**). Thailand submitted a request list for tariff reduction acceleration to Chile for consideration (**Annex V**).

The meeting agreed that the Committee on Trade in Goods shall work intersessionally to discuss the proposed tariff reduction acceleration by video conference or any other means.

## 2. The Transposition of Tariff Reduction Schedules (TRS) from HS 2012 to HS 2017

Thailand informed Chile that it completed the examination process of the transposition of TRSs submitted by Chile in 2018 and was ready to exchange a copy of notification with Chile via means of Note. Chile requested Thailand to resubmit Thailand's transposition of TRS from HS 2012 to HS 2017. Thailand informed at the meeting that it submitted the transposition table to Chile in 2018. However, Thailand will resubmit the TRSs and Correlation table to Chile as requested.

## **VI. Committee on Rules of Origin**

The meeting discussed the transposition of Product Specific Rules (PSRs) from HS 2012 to HS 2017. Also, the proposal from Chile to modify Articles 4.12, 4.15, and 4.27 under the ROO Chapter, and requested Thailand to implement a website to provide certain Certificate of Origin (C/O) information online.

### 1. The transposition of PSRs from HS 2012 to HS 2017

Chile submitted a working document to initiate the transposition process of the Product Specific Rules (PSRs) from HS 2012 to HS 2017 to Thailand in April 2019. Thailand examined the document and found that tariff classification heading for glazed ceramic tiles (HS 2012: 6908) was deleted and merged to those of unglazed products under tariff sub-headings 6907.21, 6907.22, 6907.23, 6907.30 and 6907.40 respectively. Therefore, it affected the original PSRs commitment which stipulated the change of tariff heading (CTH) of unglazed ceramic tile products, through the glazing process (changing heading from 6907 to 6908), to the glazed ceramic tile products as qualified for trade preferential treatment under TCFTA.

In this regard, Thailand submitted comments to add a specific rule to allow "the specific process (SP) for glazed goods of heading 6907 which is changed from goods that are not glazed of heading 6907" to be qualified under the PSRs in HS 2017 as to retain the original PSRs commitment and obligation (**Annex VI**). Chile agreed with Thailand's proposal to add the aforementioned

specific rule to the PSRs in HS 2017. Both sides agreed to exchange notes in order to implement the transposition of the PSRs in HS 2017. Chile will provide a draft exchange letter to facilitate Thailand in undertaking its internal procedures.

## 2. Chile's proposal to modify Articles 4.12, 4.15, and 4.27 under the ROO Chapter

Thailand informed that would be more appropriate to focus on concluding the transposition of the PSRs. Therefore, Thailand would like to retain the original commitment, and explained that the use of original C/O form would prevent usage of counterfeit C/O which had been found in other FTAs. Chile emphasized the benefit of the use of a certified copy of C/O, as it would facilitate trade. Chile will resubmit this proposal.

Chile proposed to modify Article 4.27, and Thailand explained that the C/O form provides a dedicated part for official use in Box 4, to state the reason why the authority deny the preferential tariff treatment to the importers. Both sides noted that their respective domestic laws and regulations require the concerned authority to state the reasons for denying trade preferential treatment to importers. Both sides agreed that at this stage there is no further requirement to add an additional obligation regarding this matter in the Article 4.27 since both countries are required by law to practice the proposed conduct.

On the request from Chile to access certain information of C/O form on the issuer website under Article 4.15.3, Thailand submitted a letter of invitation (**Annex VII**) to the National Director of the National Customs Service of Chile to use the Thailand Certificate Online Inquiry System (TCOIS) through <http://verify.dft.go.th>, organized by Department of Foreign Trade (DFT) in order to check the validation of C/O forms as well as access information such as, reference number, name of exporter, certificate place, date of issuance, status of the C/O, port of discharge, HS code description of goods and invoice numbers. Thailand also expressed difficulties on accessing the website provided by Chilean authorities responsible for issuing C/O. Chile noted the problems faced by Thailand and would inform its respective authorities to update the website as well as to provide Thailand with username/password to access Chile's websites.

## **VII. Committee on Sanitary and Phytosanitary Measures (SPS)**

The committee on SPS reported the results of the meeting held on 19<sup>th</sup> June 2019, which appears as **Annex VIII**. FTC acknowledges the results and will continue monitoring the progress every six months, in order to facilitate market access of agricultural and livestock products between both countries. The Committee on SPS should comprise of technical experts from both sides.

These Committees shall report the progress and results of its work to the FTC for consideration.

## **VIII. Other Matter: Information on Current Status of “PISCO CHILE” in Thailand**

Thailand provided an update on the status of “PISCO CHILE” Denomination of Origin registration process in which Peru filed a court complaint to appeal against the Committee on Geographical Indication’s decision to register “PISCO CHILE”. The Thai side informed that the case was under consideration of the Central Intellectual Property and the International Trade Court (CIPITC). Once the CIPITC reach the decision, the plaintiff or complainant may appeal the court’s decision to the Court of Appeal whose decision may be appealed to the Supreme Court. Thailand will update Chile once there is a progress on this matter.

## **IX. Possible Economic Cooperation Programmes**

### **1. Trade and Investment Promotion**

Regarding Thailand’s Proposal for Cooperation on Trade Promotion (**Annex IX**), ProChile on behalf of Chile, submitted a counter-proposal for signing a Memorandum of Understanding on Cooperation on Trade Promotion (**Annex X**). From the Chilean side, the contact point is Mr. Salvador Bonilla, Head of Asia and Oceania Sub-department of ProChile: ([jbonilla@prochile.gob.cl](mailto:jbonilla@prochile.gob.cl)).

Both sides submitted and updated proposals for trade promotion cooperation and they committed to explore a possible signing opportunity within this year.

Chile informed Thailand that, Investchile is the investment promotion agency. The contact points are Mr. Ian Frederick, Head of the Promotion Division ([ifrederick@investchile.gob.cl](mailto:ifrederick@investchile.gob.cl)) and Salvatore Di Giovanni, Head of the Promotion Division, ([sdigiovanni@investchile.gob.cl](mailto:sdigiovanni@investchile.gob.cl)), for any future coordination between both sides.

The Thai side informed that the Department of International Trade Promotion has organized their trade mission to Chile and other countries in South America in June this year.

### **2. E-commerce Cooperation**

Thai side confirmed its interest to cooperate with Chile on E-Commerce. Chile informed about its national e-market platform. Thailand provided Chile a new version of the proposal for cooperation on E-Commerce and Chile will revert back as soon as possible. The revised proposal from Thailand appears as **Annex XI**.

### **3. Environment**

Thailand shared information on its laws and regulations on environmental protection and conservation activities, in particular plastic waste and e-waste management (**Annex XII and Annex XIII**). Chile inquired about Thailand’s import policy on metal scrap.

Chile informed that it also places high importance on environmental protection, especially on marine debris, and shared information on its ban of plastic bag usage in retailing businesses, the above in line with Chile's priorities in APEC 2019, moreover, will host the UNFCCC COP25 in November this year, and encourages Thailand's participation in this event at the highest level possible.

Thailand expressed interest to cooperate with Chile on research and development, information sharing and networking, technology transfer, trade related environment issues such as e-waste, climate change, energy efficiency, and plastic waste.

#### **4. Gender and Trade**

Both sides exchanged contact points contained in **Annex III**. Thailand recognized the importance of this topic and would be willing to discuss further on this matter. Chile informed it has been incorporating a chapter on Gender in their latest FTA negotiations. Chile will share information on this topic with Thailand.

### **X. Other Matters:**

#### **Sharing Experiences**

##### **1. Government Procurement**

Thailand provided information on its new government procurement law, i.e. Government Procurement and Supplies Management Act B.E 2560 (2017), which provides efficiency, transparency, accountability and value for money. Information on Thailand's government procurement regime can be found on <http://www.gprocurement.go.th><sup>1</sup>. Thailand inquired whether Chile treated FTA partners differently in the case of countries with FTA provisions which provide for GP market access and those that do not. Chile will respond to Thailand's question in writing.

##### **2. Digital Economy**

Thailand shared information on ASEAN Smart City Network event and Digital Thailand Big Bang fair which will be held during 22-24 August 2019 and 28-31 October 2019 respectively in Bangkok and invited Chile to participate in both events. Chile will inform the relevant agencies about Thailand's invitation. The details of the events appear in **Annex XIV and Annex XV** respectively.

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<sup>1</sup>[http://www.gprocurement.go.th/wps/portal/egp/Regulation!/ut/p/z1/04\\_Sj9CPykssy0xPLMnMz0vMAfljo8zifQ3djQydnQ18\\_T3dzA0czU0NfANMLQ1MPIz1w8EKDHAARwP9KGL041EQhd\\_4cP0oNCvCjM2AJgT4OvsHehgYOBtCFeAxoyA3NMIg01ERAHhSDzY!/dz/d5/L0IDUmITUSEhL3dHa0FKRnNBLzROV3FpQSEhL3Ro/](http://www.gprocurement.go.th/wps/portal/egp/Regulation!/ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfljo8zifQ3djQydnQ18_T3dzA0czU0NfANMLQ1MPIz1w8EKDHAARwP9KGL041EQhd_4cP0oNCvCjM2AJgT4OvsHehgYOBtCFeAxoyA3NMIg01ERAHhSDzY!/dz/d5/L0IDUmITUSEhL3dHa0FKRnNBLzROV3FpQSEhL3Ro/)

**XI. Date and Venue of the next Free Trade Commission under TCFTA**

Both sides will coordinate on the dates of the 4<sup>th</sup> meeting of the FTC under TCFTA to be held in Santiago within 2020.

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## Annex I

### Thailand Delegation

No.	Name	Position
1	Mr. Rachavitch Piyapramote	Minister (Commercial), Permanent Representative of Thailand to the WTO and the World Intellectual Property Organization (Bangkok office)
2	Mrs. Piraporn Kijpaitoon	Director, Bureau of America, Pacific and International Organizations, Department of Trade Negotiations, Ministry of Commerce
3	Ms. Chanunya Bandhukul	Assistant Director – General, Department of Trade Negotiations, Ministry of Commerce
4	Ms. Methenee Sirisawat	Trade Officer, Senior Professional Level, Chief, South America and Pacific Section, Department of Trade Negotiations, Ministry of Commerce
5	Mr. Pornchai Prapavong	Trade Officer, Senior Professional Level, Chief, North America Section, Department of Trade Negotiations, Ministry of Commerce
6	Mr. Polpat Deeswasmongkol	Trade Officer, Senior Professional Level, Department of Trade Negotiations, Ministry of Commerce
7	Ms. Rutaichanok Jingjit	Trade Officer, Senior Professional Level, Department of Trade Negotiations, Ministry of Commerce
8	Mr. Decharpac Polpong	Trade Officer, Professional Level, Department of Trade Negotiations, Ministry of Commerce
9	Mr. Noppol Puchpradit	Trade Officer, Professional Level, Department of Trade Negotiations, Ministry of Commerce

No.	Name	Position
10	Ms. Chalermwan Janiyanapiwart	Trade Officer, Professional Level, Bureau of Trade in Goods, Department of Trade Negotiations, Ministry of Commerce
11	Ms. Pieng-or Puangpee	Trade Officer, Practitioner Level Department of Trade Negotiations, Ministry of Commerce
12	Mr. Sudkhet Boriboonsri	Trade Officer, Senior Professional Level, Department of Intellectual Property, Ministry of Commerce
13	Ms. Natchaya Ariyapuwong	Trade Officer, Practitioner Level, Department of Intellectual Property, Ministry of Commerce
14	Ms. Natruja Chaikongla	Trade Officer, Senior Professional Level, Department of Foreign Trade, Ministry of Commerce
15	Mr. Jesada Arromdee	Trade Officer, Practitioner Level, Department of Foreign Trade, Ministry of Commerce
16	Ms. Phavinee Chapanon	Trade Officer, Practitioner Level, Department of Foreign Trade, Ministry of Commerce
17	Ms. Noppawan Suwanagul	Diplomatic Service Officer, Department of American and South Pacific Affairs, Ministry of Foreign Affairs
18	Ms. Kanawan Waitayagitgumjon	Diplomatic Service Officer, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs
19	Ms. Bussarin Intasit	Chief of ROO Unit 1, Thai Customs Department, Ministry of Finance

No.	Name	Position
20	Ms. Sasikanya Ponien	Customs Technical Officer, Professional Level Thai Customs Department, Ministry of Finance
21	Ms. Supee Kongchinda	Customs Technical Officer, Professional Level Thai Customs Department, Ministry of Finance
22	Ms. Siriporn U-lao	Customs Technical Officer, Practitioner Level Thai Customs Department, Ministry of Finance
23	Ms. Piyanan Saengaroon	Customs Technical Officer, Practitioner Level Thai Customs Department, Ministry of Finance
24	Mr. Setthawut Chantrawattana	Chief of Customs Procedures Sub-Division 2, Thai Customs Department, Ministry of Finance
25	Ms. Pattaraporn Chamnankij	Customs Technical Officer, Practitioner Level Thai Customs Department, Ministry of Finance
26	Mr. Jakaphan Kongkaphasit	Fiscal Analyst, Professional Level, Comptroller General's Department, Ministry of Finance
27	Ms. Sansanee Tharnrevadee	Fiscal Analyst, Professional Level, Comptroller General's Department, Ministry of Finance
28	Ms. Ornsiri Rungruksirivorn	Director of International Fiscal Policy Section, Fiscal Policy Office, Ministry of Finance
29	Ms. Siritala Saengduang	Economist, Senior Professional Level, Fiscal Policy Office, Ministry of Finance

No.	Name	Position
30	Ms. Hatairat Sakolwitayanon	Plan and Policy Analyst, Senior Professional Level, Office of Agricultural Economics, Ministry of Agriculture and Cooperatives
31	Mr. Burassakorn Supasee	Economist, Practitioner Level, Office of Agricultural Economics, Ministry of Agriculture and Cooperatives
32	Ms. Saowaluck Supakamonsenee	Director, Division of Agricultural Commodity & Food Standard Policy, National Bureau of Agricultural Commodity and Food Standards, Ministry of Agriculture and Cooperatives
33	Mr. Chanawat Sittitool	Plan and Policy Analyst, Senior Professional Level, National Bureau of Agricultural Commodity and Food Standards, Ministry of Agriculture and Cooperatives
34	Ms. Parin Hongbutr	Foreign Relations Officer, Senior Professional Level, Ministry of Digital Economy and Society
35	Ms. Nanthiwa Kerdchuen	Environmentalist, Senior Professional Level, Pollution Control Department, Ministry of Natural Resources and Environment
36	Mrs. Apaporn Siripornprasarn	Environmentalist, Senior Professional Level, Pollution Control Department, Ministry of Natural Resources and Environment
37	Mr. Chaiya Boonchit	Environmentalist, Professional Level, Pollution Control Department, Ministry of Natural Resources and Environment
38	Ms. Narumon Oris	Environmentalist, Professional Level, Pollution Control Department, Ministry of Natural Resources and Environment
39	Ms. Keson Theppeang	Labor Specialist, Professional Level, Department of Labor Protection and Welfare, Ministry of Labor

## **Chile Delegation**

	<b>Name</b>	<b>Position</b>
1	Mr. Christian Rehren	Ambassador of Chile in Thailand
2	Mr. Gastón Fernández	Head of Regulatory Department on DIRECON, Ministry of Foreign Affairs (Head of Delegation)
3	Ms. Francisca Ortega	Head of Asia and Oceania Department on DIRECON, Ministry of Foreign Affairs
4	Mr. Diego Osses	Commercial Counsellor, Head of Economic and Trade Office–Prochile, Embassy of Chile in Thailand
5	Mr. Alex Chaparro	Advisor of the Regulatory Department on DIRECON, Ministry of Foreign Affairs
6	Mr. Rafael Marín	Advisor of the Market Access Department on DIRECON, Ministry of Foreign Affairs
7	Ms. María Ignacia Rojas	Advisor of Asia and Oceania Department on DIRECON, Ministry of Foreign Affairs

## Annex II

### Thailand's Briefing on the 2<sup>nd</sup> FTC meeting

The 2<sup>nd</sup> meeting of Free Trade Commission under Thailand - Chile FTA was held in Santiago during 23<sup>rd</sup> – 24<sup>th</sup> August 2018. The meeting adopted Rules and Procedures for the Free Trade Commission. Both sides had discussed the utilization of TCFTA preferential treatments and exchanged information on current FTA negotiations. The meeting also discussed issues on Trade in Goods, Rules of Origin, SPS, Economic Cooperation as well as other implementation issues under the FTA. The summary of the discussion is presented as follows;

#### 1. Trade in Goods

- Transposition of Tariff Reduction Schedule from HS2012 to HS 2017:  
Both sides had exchanged tables of Customs Codes transposition from HS2012 to HS2017. Thailand stated that the transposition has already been enforced at the beginning of 2017.

- Review of Acceleration of Tariff Elimination: Both side agreed, in principle, to accelerate the tariff eliminations of certain products (upon completing the negotiations). The acceleration should focus on products whose tariffs are due to be eliminated in 2023, taking into account of the relevant internal processes. In this regard, Chile has submitted a list of products interested for the acceleration.

#### 2. Rules of Origin

- Implementation of an Electronic Certification of Origin System:  
Chile shared experience of its uses of National Single Window system to issue Certificate of Origin for several trading partners. Thailand also shared that it had used the system in a similar manner in the sphere of ASEAN Single Window framework. Chile acknowledged and would send further details regarding its uses of National Single Window and certain inquiries relating to ASEAN Single Window to Thailand for its consideration.

- Proposal to amend agreement articles on ROO:  
Both sides also discussed proposals suggested by Chile to amend and update the following provisions:

a) Article 4.15: Certification of Origin. Paragraph 4 and 5;

b) Article 4.27: Determination of Origin and Preferential Tariff Treatment. An addition of a new paragraph 5; and

c) Possibility to update Article 4.12 Direct Consignment.

Thailand took note of the propositions and would consult internally before giving feedbacks to Chile.

- Transposition of PSR Schedule from HS 2012 to HS 2017:  
Chilean side agreed to send Thailand a first draft of working document to initiate the technical process of PSRs transposition from HS 2012 to HS 2017.

### **3. Legal Issues: Code of Conduct for the Dispute Settlement Proceedings**

Chile proposed the Code of Conduct for the Dispute Settlement Proceedings pursuant Article 14.7.5(d) (Composition of Arbitral Panels). Thailand expressed that in principle it has no objection to the draft Code of Conduct and the general principles contained therein, but Thailand has to undergo internal procedures in order to adopt the instrument. Regarding this matter, Thailand proposed to incorporate the Code of Conduct as an annex to the CTFTA. Both side would initiate the discussion on the process of notes to be exchanged once their relevant internal procedures were completed.

### **4. Discussion on Economic Cooperation:**

- Environment: Chile expressed its interest to cooperate with Thailand and would like to share its experience in certain fields, such as, Waste Management, the Ban from using plastic bags at retail businesses and Climate Change. Contact point had been exchanged for further discussion and Thailand would provide comments regarding the areas of interest offered by Chile.

- E-commerce Cooperation and Trade and Investment Cooperation: Thailand had proposed these proposals during the 1<sup>st</sup> FTC meeting in Bangkok in 2017. Chile had expressed its interests on both projects. However, Chile was still developing its national e-market platform and it would be launched in 2019.

- Government Procurement: Chile and Thailand agreed to exchange information regarding regulations and best practices on this issue.

### **5. Other Matters:**

- Investment: Both side agreed to exchange views regarding the possibility for a future bilateral negotiation on investment and would use the opportunity to explore elements of investment chapter under CPTPP and share negotiation experience on this matter.

- GI registration of “Pisco Chile” in Thailand: Thailand updated the status of “PISCO CHILE” registration case in Thailand which was appealed by Peru and under consideration of The Central Intellectual Property and International Trade Court. In this connection, Chile enquired the status of the appeal and hoped that the “PISCO CHILE” GI would be recognised in pursuant to TCFTA and relevant regulations. Thai side assured Chile that the registration of “PISCO CHILE” was in accordance with relevant laws and regulations as well as commitments under TCFTA and TRIPs agreement. Regarding the appeal case, Thailand would provide Chile with more information once there is an update on the matter.

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## Annex VIII



### **Summary of Discussion**

#### **The Third Meeting of the Committee on Sanitary and Phytosanitary Measures**

#### **Thailand – Chile Free Trade Agreement**

**Wednesday 19<sup>th</sup> June 2019**

**Bangkok, Thailand**

#### **INTRODUCTION**

1. The Third Meeting of the Committee on Sanitary and Phytosanitary Measures under the Free Trade Commission (FTC) of the Thailand- Chile Free Trade Agreement, was held on 19<sup>th</sup> June 2019 in Bangkok, Thailand. The Meeting was co-chaired by:

- (a) Mr.Prakarn Virakul, Advisor to the National Bureau of Agricultural Commodity and Food Standards, Ministry of Agriculture and Cooperatives
- (b) Mr.Gaston Fernandez, Head of Regulatory Department representing Bilateral Economic Affairs Direction, DIRECON, Ministry of Foreign Affairs

The list of delegates appeared in **ANNEX 1**.

#### **AGENDA ITEM 1: WELCOME**

2. Mr.Prakarn Virakul welcomed the Chilean delegation and both sides introduced themselves.

#### **AGENDA ITEM 2: ADOPTION OF AGENDA**

3. The Meeting considered and adopted the agenda as appeared in **ANNEX 2**.

#### **AGENDA ITEM 3: MARKET ACCESS FOLLOW-UP FROM 2<sup>nd</sup> FTC**

##### **3.1 Thailand's Interests**

##### **3.1.1 Progress of the Pest Risk Analysis for Mangosteen and Longan**

The Thai side followed up on the progress of pest risk analysis (PRA) for Thai longan and mangosteen which mentioned in the 2<sup>nd</sup> SPS Committee Meeting that it would be possible to provide the list of pests for both commodities by the end of December 2018. The Thai side also asked for clarification of PRA procedure. The Chilean side informed that the PRA for both commodities has been finalized and committed to provide the current status of PRA for longan and mangosteen to the Thai side within 2-3 weeks.

##### **3.1.2 Poultry and Poultry Products**

The Thai side informed that the Department of Livestock Development (DLD) is currently filling out the questionnaire and would be able to send it for consideration of the Chilean side within 2019. The Thai side also sought for clarification on the import procedure and timeline of market access for poultry and poultry products. The Chilean side committed to contact the responsible agency and would provide the information on market access procedure to the Thai side.

##### **3.1.3 Possible Market Access for Plants for Planting**

The Thai side withdrew rice and orchids from the list of new market access since both commodities have been traded between Thailand and Chile. However, the Thai side requested to remain the possible market access consideration for export various plants for planting to Chile and would submit the formal request to SAG later on.

## **3.2 Chile's Interests**

### **3.2.1 Progress of the PRA for Pear**

The Chilean side followed up on the progress of PRA for Pear (*Pyrus communis*). The Thai side informed that the Department of Agriculture is conducting the PRA for pear. After finished the process of pest categorization, the Thai side would send the list of quarantine pest(s) to Chilean side for consideration. The Chilean side expressed its concern regarding the timeframe of the process and asked Thailand to provide an estimated date for its finalization. Thai side explained the reason why it is not possible to provide the estimated timeframe. Both sides cannot be mutually agreed on this matter.

### **3.2.2 Progress of the PRA for Eggplant, Tomato and Capsicum (Chili) Seeds**

The Chilean side requested an update on the PRA for eggplant, tomato and capsicum (chili) seeds. The Thai side informed that the Department of Agriculture is working on the draft import condition of these commodities for any countries. After finalization, they would notify WTO within 2019. However, the Thai side informed that these commodities are currently allowed to be imported from Chile under the exemption of transitory provision.

### **3.2.3 Corn Seed for Research Purposes**

The Chilean side requested the Thai side to revise the import condition for corn seeds for research purposes. The Thai side clarified that the phytosanitary requirement would be determined and considered on the case by case basis when the importer applied for Permit of Import of Chilean corn seeds for research purposes. Since 2015, the Department of Agriculture has not received any request for importation of corn seeds for research purposes. The Chilean side asked for a copy of the regulation regarding the criteria, procedure, and condition for the importation of corn seeds for research purposes. The Thai side provided a copy of such legislation to the Chilean side in the meeting (ANNEX 3).

### **3.2.4 Pork Meat**

The Chilean side requested an update for market access consideration/progress on this issue. The Thai side informed that beta-agonist, including ractopamine is prohibited in swine raising according to Thai law. However, the Department of Livestock Development would send the formal reply on the current status or situation of pork to Chilean side after the next IRA (Import Risk Analysis) Committee meeting. Moreover, both sides exchanged information on the situation of African Swine Fever and control measures to prevent the introduction of African Swine Fever.

### **3.2.5 Salted Hides**

The Chilean side inquired for the current progress for importation of salted hides to Thailand. The Thai side informed that the Department of Livestock Development already finished revising the import requirement for salted hides. The Chilean side informed that the Chilean Embassy submitted the note V008/19 dated June 13th, 2019 with proposed zoosanitary certificate for export and also submitted the printed copy to the Thai side at the meeting. The Department of Livestock Development also submitted the import requirement for salted hides to the Chilean side at the meeting (ANNEX 4).

### **3.2.6 Bovine and Ovine Meat and Their Products**

The Chilean side already received the questionnaire for bovine meat and products, and they would submit the response on the questionnaire for the Thai side's consideration. Regarding the questionnaire for ovine meat and products, the Department of Livestock Development would send the questionnaire to the Chilean side after finished revising, which planned to finish by the end of 2019, in accordance with the new Animal Epidemic Act (B.E. 2558).

### **32.7 Milk and Dairy Products**

The Thai Food and Drug Administration (FDA) already sent the information on import procedure and laws for the importation of milk and dairy products as well as the comment on Chilean's template of Zoosanitary Certificate. The Chilean side informed that they are currently revising the template of Zoosanitary Certificate according to the comments from Thai FDA. The Chilean side also clarified that dairy products of their interest for export to Thailand, for example: milk powder, cheese and condensed milk.

### **3.2.8 Bovine Plasma and Hemoglobin**

The Chilean side requested market access for Bovine Plasma and Hemoglobin as ingredient for animal feeding to Thailand by Servicio Agrícola y Ganadero letter No.1884 dated March 29th, 2019 and submitted the detailed information to the Thai side at the meeting (**ANNEX 5**).

#### **AGENDA ITEM 4: UPDATE CONTACT POINTS**

4. Both sides provided the updated list of Contact Points for SPS and related issues as appeared in **ANNEX 6**. The Chilean side also informed that they would provide the update information to the Thai side after the reorganization from DIRECON to Under Secretariat Foreign International Economic Affairs on 1st July 2019.

#### **AGENDA ITEM 5: OTHER MATTERS**

5. The Chilean side sought the possibility of the Thai side to accept the e-Certification for the fishery products. The Thai side informed that they are currently working on the e-certification which has not been finalized.

#### **AGENDA ITEM 6: DATE AND VENUE OF THE NEXT MEETING**

6. The next meeting of Committee on Sanitary and Phytosanitary Measures under the FTC of Thailand – Chile Free Trade Agreement will be held in Santiago, Chile in 2020. The meeting date shall be coordinated through the contact points.