Agreement ID : JAPAN-THAILAND
Short Name : Japan-Thailand FTA&EIA

Member Countries

Japan
Thailand

Total: 2 countries

Agreement between Japan and the Kingdom of Thailand for an Economic Partnership

Status : Signed in **2007**. In force since 2007
Scope : Bilateral
Type : FTA & EIA
WTO Notification : GATT Art XXIV, GATS Art V 2007
Agreement text :
http://www.mofa.go.jp/region/asia-paci/thailand/epa0704/agreement.pdf
Other links :
http://www.mofa.go.jp/policy/economy/fta/thailand.html
WTO consideration process :
http://docsonline.wto.org/imrd/gen_redirectsearchdirect.asp?RN=0&searchtype=browse&query=@meta_Symbol%22WT/REG235/1/Rev.1%22&language=1&ct=DDFEnglish

GOODS

Tariffs
Positive list
Schedule at http://www.mofa.go.jp/region/asia-paci/thailand/epa0704/annex1.pdf
Electric products http://www.mofa.go.jp/region/asia-paci/thailand/epa0704/annex4.pdf

Rules of Origin
Product specific RoO http://www.mofa.go.jp/region/asia-paci/thailand/epa0704/annex2.pdf

Contingency Measures
Anti - Dumping : Follows WTO and Gatt commitments, see Article 15, sec 2
Countervailing Duties : Follows WTO and Gatt commitments, see Article 15, sec 2
Safeguards : Follows WTO and Gatt commitments, see Article 22

Standards :

Notes :

SERVICES

WTO Notification (GATS Art. V) : Notified
Date of notification : 25/10/2007
Consideration Process : Under Consideration

Liberalization Approach : Positive Lists

Modes Covered
Cross - Border Supply : **Yes**
Consumption Abroad : **Yes**
Commercial Presence Abroad : **Yes**
Movement of Natural Persons : **Yes**

Specific Chapters on
Movement of natural persons :**Yes**

Specific Sectors Excluded
Air transport : **Yes**
Other : **Yes**
This Chapter does not apply to Cabotage in maritime transport services.

Public Sectors carve-out : GATS-like (Article I:3(b))

Most Favoured Nation : Non-binding

National Treatment : Binding

Market Access : Binding

Domestic Regulation : Binding but subject to legitimate expectations (GATS-like)

Subsidies covered by services disciplines : Not covered

Denial of benefits for commercial presence : Article 87 Denial of Benefits

Notes :

Link to schedules :
http://www.mofa.go.jp/region/asia-paci/thailand/epa0704/annex5.pdf

INVESTMENT

Scheduling Approach : Positive Lists

Definition of investment : Covers portfolio investment

Most Favoured Nation : Binding
Economic integration exception to MFN : **Yes**

National Treatment : Binding
NT provision applies to entry and establishment rights : **Yes**

Fair and Equitable Treatment : Binding

Expropriation : Binding

Board of Directors and executive personnel : Not Featured

Invester - State arbitration : Yes

Denial of Benefits :
Article 112 Denial of Benefits 1. A Party may deny the benefits of this Chapter to an investor of the other Party that is an enterprise of that other Party and to investments of such investor where the Party establishes that the enterprise is owned or controlled by persons of a non-Party and the denying Party: (a) does not maintain diplomatic relations with the non-Party; or (b) adopts or maintains measures with respect to the non-Party that prohibit transactions with the enterprise or that would be violated or circumvented if the benefits of this Chapter were accorded to the enterprise or to its investments.2. A Party may deny the benefits of this Chapter to an investor of the other Party that is an enterprise of that other Party and to investments of such investor where the Party establishes that the enterprise is owned or controlled by persons of a non-Party and the enterprise has no substantive business operations in the Area of that other Party.

Additional BIT exists between the parties : No

BIT list I :

Status:

BIT list II :

Status:

Notes :

According to Article 91 Definitions, the term “investments” means: (i) the following assets owned by a direct investor: (AA) shares, stocks or other forms of equity interest in a direct investment enterprise, including rights derived therefrom; (BB) reinvested earnings in a direct investment enterprise; or (CC) bonds, debentures, other debt instruments and loans between a direct investor and its direct investment enterprise, including rights derived therefrom; (ii) the following assets owned by a direct investment enterprise or its direct investor, arising out of transactions between the direct investor and the direct investment enterprise: (AA) claims to money and claims to any performance under contracts having a financial value; ...

Link to schedules :

Annex 6: http://www.mofa.go.jp/region/asia-paci/thailand/epa0704/annex6.pdf

TRADE FACILITATION

Customs procedures : **Yes** Article 18, Article 21, Article 50, Article 53, Article 56

Customs valuation : **Yes** Article 19

Trade regulations publication and administration : **Yes** Article 3, Article 52, Article 55

Use of ICT : **Yes** Article 57, Article 58, Article 59

Mobility of business people : **No**

Freedom of transit : **No**

Transport and logistics : **No**

Trade finance : **No** Article 54

OTHER AREAS

Government Procurement : **No**

Investment : **Yes** http://www.mofa.go.jp/region/asia-paci/thailand/epa0704/annex6.pdf

Competition Policy : **Yes** Chapter 12

Intellectual Property : **Yes** Chapter 10

Dispute Settlement : **Yes** Chapter 14

Labor Mobility : **Yes**

Labor and Environmental Standards : **Yes** Article 111 refers to environmental measures. Parties shall not lower environmental standards to attr

Technical cooperation : **No**

Institutional mechanism : **No**

Notes :

End of negotiations is expected in early 2006.

RULES OF ORIGIN

Cumulation

Article 29; Bilateral

Specific Process

Heading Change

De Minimis

Article 30

Minimum Content

Article 28 (4): Qualifying value Content calculated must meet criteria for product specific rules in Annex 2.

Drawback

HTTP Link

Minimum requirements for certificate of origin at http://www.mofa.go.jp/region/asia-paci/thailand/epa0704/annex3.pdf

Notes :

Chapter 3 of the Agreement. Product specific rules http://www.mofa.go.jp/region/asia-paci/thailand/epa0704/annex2.pdf