



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/B3/PS

Dear Ms Bermudez,

Thank you for the recommendations as regards our relations with Thailand and the ongoing negotiations on a Free Trade Agreement (FTA). I am particularly happy to see that the industry takes a common view on many aspects of our policies as regards Thailand.

Negotiations on this FTA resumed last year, with the joint objective for the EU and Thailand of reaching an ambitious, modern and balanced agreement, which should boost bilateral trade and investment and place sustainability at the heart of our economic partnership. More broadly, the resumption of negotiations with Thailand confirms the key importance of the Indo-Pacific region for the EU, paving the way for deeper trade ties with the second largest economy in South-East Asia and further strengthening the EU's strategic engagement with this key region.

The Commission will pursue the discussions with Thailand in transparency with all relevant EU stakeholders who will be regularly debriefed on the state of play and adequately involved in the consultation process. We take note of the MAC's view that the EU's interest is mostly defensive in the fisheries sector, in particular regarding tuna fishing and processing industries. Although it is difficult to exclude any specific sector from the broader ambition of the FTA negotiations, we believe that mutually acceptable solutions can be negotiated while preserving vital EU interests.

We also pursue a comprehensive scope for the agreement with Thailand, including robust and enforceable commitments on trade and sustainable development, supporting high levels of protection for workers' rights and for the environment, the achievement of ambitious climate goals, and the sustainable management of natural resources – including with respect to marine biological resources and IUU fishing.

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The Commission duly considers specific sensitivities in the negotiations. To this end, we have for example proposed to include in the FTA the EU standard rules of origin as regards vessels' conditions (flag register and ownership) and to exclude cumulation of origin with other third countries ⁽¹⁾. Market access negotiations on specific sectors will only start later in the process, once the texts establishing the normative framework are more stable.

As regards forced labour, we are working closely with DG TRADE and DG EMPL. We look at it from the perspective of the trade and sustainable development discussions which could be used to reinforce our cooperation. All EU's modern trade and investment agreements include provisions to ensure that our trading partners adhere to the internationally recognised core labour rights, including on the elimination of forced labour, and make continued and sustained effort to ratify outstanding ILO fundamental conventions. These provisions are also part of the trade and sustainable development chapter proposed by the EU to Thailand.

In addition, two legislative initiatives at EU level should further support the sustainable management of resources and the protection of labour rights, namely the regulation to prohibit products made using forced labour on the internal market of the EU and the directive on corporate sustainability due diligence to foster sustainable and responsible corporate behaviour and to anchor human, including labour, rights and environmental considerations in companies' operations and corporate governance.

We are also monitoring very closely ongoing legislative developments in Thailand in the fisheries sector. Regarding the fight against IUU fishing and the current reform of Thailand's fisheries legislation, we share your concerns about a potential rollback of the substantial progress achieved by this country over the past 9 years. In line with our zero-tolerance approach towards IUU fishing, the EU has the obligation to prevent IUU fishing products being imported or traded in our market. During the yellow card period (2015-2019), a substantive legislative work was achieved by Thailand in cooperation with the EU and any substantive relaxation of the current rules must therefore be prevented.

We have repeatedly voiced our concerns on this matter to the relevant Thai authorities and renewed our readiness to further engage in a dialogue with the Thai government. I personally had the opportunity to meet with the Thai authorities in Bangkok on 9th of May to discuss IUU fishing issues, and my services will be in Bangkok from 5 to 7 June for the 7th EU-Thailand IUU Working Group.

Policy consistency on the fight against IUU fishing and the ongoing negotiations for an EU-Thailand FTA needs indeed to be guaranteed. It remains however clear that the IUU Regulation and the FTA are two independent and complementary instruments, which run in parallel, and DG MARE will continue to implement the provisions of the IUU Regulation in its zero-tolerance approach in fighting IUU.

Finally, sanitary and traceability matters will also be discussed under relevant provisions of the SPS chapter.

⁽¹⁾ The EU proposal for the Rules of origin text is available at: <https://circabc.europa.eu/ui/group/09242a36-a438-40fd-a7af-fe32e36cbd0e/library/063378d3-d04d-478b-8829-177480abcf49/details?download=true>

In this context, I would like to inform you that during my recent visit to Thailand early May I discussed a wide range of issues with my Thai counterparts, such as IOTC, IUU fishing, trade and matters related to fisheries law amendments. I reiterated all our concerns in a frank and open discussion with the relevant decision makers in Thailand's government and National Assembly. I remain convinced that such a direct and honest dialogue is key to strengthen an effective cooperation between the EU and Thailand as regards fisheries policies.

I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Julia Rubeck, our Advisory Councils coordinator, via the functional mailbox MARE-AC@ec.europa.eu.

Yours sincerely,

Charlina VITCHEVA

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