

PROTOCOL TO AMEND ANNEX 2 AND ANNEX 5 OF THE THAILAND – AUSTRALIA FREE TRADE AGREEMENT

The Kingdom of Thailand and Australia, hereinafter referred to as the “Parties”,

RECALLING the Thailand-Australia Free Trade Agreement (hereinafter referred to as the “Agreement”) signed at Canberra, Australia, on 5 July 2004;

RECOGNISING that each Party may adopt or maintain import measures to allocate in-quota imports made pursuant to a tariff quota set out in its Schedule, provided that such measures do not have trade restrictive effects on imports additional to those caused by the imposition of the tariff quota under Paragraph 4 of Article 203 (Elimination of Customs Duties) of Chapter 2 (Trade in Goods) of the Agreement, including the administration by Thailand of its tariff rate quotas (TRQs) set out in the Attachment to Annex 2 of the Agreement;

RECOGNISING also the need to review the operation of Article 509 (Standards for a Special Safeguard Measure) of Chapter 5 (Safeguards) of the Agreement, including the appropriateness of the list and trigger levels, including the growth factors set down in Annex 5 of the Agreement;

SEEKING to revise the contents of the Attachment to Annex 2 and Annex 5 of the Agreement in order to promote the expansion of trade in certain goods specified therein between the Parties;

NOTING that Article 1903 (Amendment) of Chapter 19 (Final Provisions) of the Agreement provides for amendments thereto to be agreed upon in writing by the Parties;

HAVE AGREED as follows:

ARTICLE 1 Amendment of Annex 2 of the Agreement

The quotas for milk and cream, concentrated or containing added sugar or other sweetening matter, in powder, granules or other solid forms, of a fat content, by weight, not exceeding 1.5% for the year 2017 until 2025 specified in the Attachment to Annex 2 of the Agreement shall be

amended and replaced by the new tariff quotas as set out in **Appendix 1** of this Protocol.

ARTICLE 2
Amendment of Annex 5 of the Agreement

The volume trigger levels of the following products for the year 2017 until 2020 specified in **Annex 5** of the Agreement shall be amended and replaced by the new volume trigger levels as set out in **Appendix 2** of this Protocol:

- i) Whey and modified whey, whether or not concentrated or containing added sugar or other sweetening matter, in liquid, including condensed form;
- ii) Anhydrous milk fat; and
- iii) Cheese and related products

ARTICLE 3
Entry into Force

This Protocol shall form an integral part of the Agreement and shall enter into force on the date of the latter written notification by either Party to the other Party that it has completed its internal procedures necessary for the entry into force of this Protocol.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Protocol to Amend Annex 2 and Annex 5 of the Thailand - Australia Free Trade Agreement.

DONE at ...(city).....(country)~, this ...(day)...of ...(month).....(year)..., in duplicate in the English language.

For the Government of
the Kingdom of Thailand

For the Government of
Australia

.....

(Apiradi Tantraporn)
Minister of Commerce

.....

(Steven Ciobo)
Minister for Trade, Tourism and Investment