

**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 (Amendments) 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 Bangkok, this *24<sup>th</sup>* day of *April*, two thousand and eighteen, in duplicate, in the English language.

For the Government of  
the Kingdom of Thailand

*N. Sakuntanaga*

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Mrs. Nuntawan Sakuntanaga  
Permanent Secretary  
Ministry of Commerce

For the Government of  
Australia

*Paul Robilliard*

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Mr. Paul Robilliard  
Australian Ambassador  
to the Kingdom of Thailand

Appendix 1

Revised Tariff Quotas for HS: 040210 Specified in the Attachment to Annex 2 of the Agreement

HS Code	Description	Measures	2017	2018	2019	2020	2021	2022	2023	2024	2025
040210	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%	Quotas	3,312.74	3,312.74	3,312.74	3,875.90	3,875.90	3,875.90	3,875.90	3,875.90	Free
		In-quota tariffs*	8	7	6	5	4	3	2	1	0
		Out-quota tariffs**	W	W	W	W	W	W	W	W	W

\* The actual applied in-quota tariff rate at any time shall be no higher than the in-quota rate applied at that time under the MFN quota.

\*\* W means WTO rate with MOP 10%.

Appendix 2

Revised Volume Trigger Levels for Certain Sensitive Agricultural Products Listed in Annex 5 of the Agreement

Unit: Metric Ton

HS Code	Description	2017	2018	2019	2020
0404101	Whey and modified whey, whether or not concentrated or containing added sugar or other sweetening matter, in liquid, including condensed form	21.55	25.86	31.03	37.24
0405909ex	Anhydrous milk fat	345.70	380.27	418.30	460.13
040610	Fresh cheese, including whey cheese and curd	98.77	108.65	119.51	131.47
040620	Grated or powdered cheese, of all kinds				
040630	Processed cheese, not grated or powdered	1,085.49	1,195.14	1,314.66	1,446.12
040690	Other cheese, including cream cheese, not processed	711.16	782.28	860.50	946.55



## FULL POWERS

I, the Undersigned, Don Pramudwinai, Minister of Foreign Affairs of the Kingdom of Thailand, do hereby state that Mrs. Nuntawan Sakuntanaga, Permanent Secretary of the Ministry of Commerce of the Kingdom of Thailand, is authorised and empowered to sign the Protocol to Amend Annex 2 and Annex 5 of the Thailand-Australia Free Trade Agreement.

Given at the Ministry of Foreign Affairs, Sri Ayudhya Road, Bangkok, this 3<sup>rd</sup> Day of April in the Year Two thousand Five hundred and Sixty-one of the Buddhist Era, corresponding to the Year Two thousand and Eighteen of the Christian Era.

A handwritten signature in black ink, consisting of a long horizontal stroke followed by a large, stylized flourish that loops back to the left.

(Don Pramudwinai)  
Minister of Foreign Affairs  
of the Kingdom of Thailand

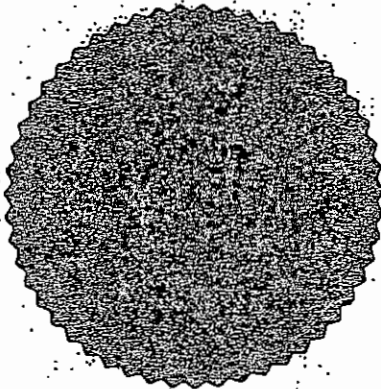


WHEREAS the Government of Australia wishes to sign the *Protocol to Amend Annex 2 and Annex 5 of the Thailand-Australia Free Trade Agreement* (the Protocol);

NOW THEREFORE THESE PRESENTS CERTIFY that  
HE Mr Paul Robilliard, Australian Ambassador to Thailand, has been duly named, constituted and appointed by the Government of Australia as its plenipotentiary and representative having full power and authority to sign the Protocol;

IN WITNESS WHEREOF I, Julie Isabel Bishop, have hereunto set my hand and affixed my seal.

DONE at *Sydney*, this *second* day of *March*  
Two Thousand and Eighteen.



*Julie Bishop*  
Minister for Foreign Affairs