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REPORT

containing a motion for a non-legislative resolution on the draft Council decision on the conclusion, on behalf of the Union, of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Kingdom of Thailand, of the other part (11908/2022 – C9-0429/2022 – 2022/0252M(NLE))

Committee on Foreign Affairs

Rapporteur: Andrey Kovatchev

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MOTION FOR A EUROPEAN PARLIAMENT NON-LEGISLATIVE RESOLUTION

on the draft Council decision on the conclusion, on behalf of the Union, of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Kingdom of Thailand, of the other part

(11908/2022 - C9-0429/2022 - 2022/0252M(NLE))

The European Parliament,

- having regard to the draft Council decision (11908/2022),
- having regard to the request for consent submitted by the Council in accordance with Article 209 and Article 218(6), second subparagraph, point (a)(iii) of the Treaty on the Functioning of the European Union (C9-0429/2022),
- having regard to the draft Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Kingdom of Thailand, of the other part¹,
- having regard to the joint communications of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 16 September 2021 entitled 'The EU strategy for cooperation in the Indo-Pacific' (JOIN(2021)0024) and of 1 December 2021 entitled 'The Global Gateway' (JOIN(2021)0030),
- having regard to its resolutions of 7 June 2022 on the EU and the security challenges in the Indo-Pacific² and of 5 July 2022 on the Indo-Pacific strategy in the area of trade and investment³.
- having regard to the joint leaders' statement agreed at the EU-ASEAN commemorative summit held in Brussels on 14 December 2022,
- having regard to its resolution of 3 October 2017 on EU political relations with ASEAN⁴,
- having regard to the Cooperation Agreement between the European Economic Community and Indonesia, Malaysia, the Philippines, Singapore and Thailand – member countries of the Association of South-East Asian Nations, signed on 7 March 1980, which constitutes the legal framework for EU-ASEAN relations⁵,
- having regard to its resolutions of 8 October 2015 on the situation in Thailand⁶ and of

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¹ OJ L 330, 23. 12. 2022, p. 72.

² OJ C 493, 27.12.2022, p. 32.

³ OJ C 47, 7.2.2023, p. 15.

⁴ OJ C 346, 27.09.2018, p. 44.

⁵ OJ L 144, 10.6.1980, p. 2.

⁶ OJ C 349, 17.10.2017, p. 26.

- 6 October 2016 on Thailand, notably the situation of Andy Hall⁷,
- having regard to the Council conclusions of 14 October 2019 on Thailand,
- having regard to the 12th EU-Thailand interparliamentary meeting, held remotely on 8 December 2022,
- having regard to the 1951 UN Refugee Convention and its 1967 Protocol,
- having regard to the conventions of the International Labour Organization (ILO),
- having regard to the International Covenant on Civil and Political Rights of
 16 December 1966, to which Thailand is a state party,
- having regard to the Second Optional Protocol to the International Covenant on Civil and Political Rights of 15 December 1989, aiming at the abolition of the death penalty,
- having regard to the International Convention for the Protection of All Persons from Enforced Disappearance of 23 December 2010,
- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 and its Optional Protocol,
- having regard to the Convention on the Rights of the Child,
- having regard to the Rome Statute of the International Criminal Court of 17 July 1998,
- having regard to the Commission communication of 22 June 2022 entitled 'The power of trade partnerships: together for green and just economic growth' (COM(2022)0409),
- having regard to Rule 105(2) of its Rules of Procedure,
- having regard to the letter from the Committee on Agriculture and Rural Development,
- having regard to the report of the Committee on Foreign Affairs (A9-0193/2023),
- A. whereas the Indo-Pacific region is home to increasingly important political, trade and security partners for the EU, including Thailand; whereas a free, connected and stable Indo-Pacific region based on rules and respect for international law, in line with European principles and standards, is highly desirable for the EU's security and interests;
- B. whereas Thailand is a founding member of ASEAN; whereas the first-ever summit between the leaders of EU and ASEAN member states, which took place on 14 December 2022, marked 45 years of diplomatic relations between the EU and ASEAN and reconfirmed their mutual commitment to their strategic partnership;
- C. whereas EU-Thailand relations are built on long-standing political, economic and

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⁷ OJ C 215, 19.6.2018, p. 37.

cultural ties;

- D. whereas the EU and Thailand's current cooperation is based on the 1980 EU-ASEAN Cooperation Agreement;
- E. whereas in 2004, the Council authorised the Commission to negotiate an individual partnership and cooperation agreement (PCA) with Thailand;
- F. whereas the EU and Thailand completed negotiations on a PCA in March 2013, but the military coup in Thailand in 2014 halted the process and consequently delayed the election of a civilian government until 2019;
- G. whereas following the March 2019 elections in Thailand, the Council stated in its October 2019 conclusions that it was appropriate for the EU to take steps towards broadening its engagement with Thailand by preparing for the timely signature of the PCA;
- H. whereas the renewed negotiations on the PCA concluded on 11 June 2022;
- I. whereas Thailand is both highly vulnerable to climate change and a relatively major producer of global emissions; whereas at the 26th UN Climate Change Conference of the Parties (COP26), Thailand pledged to achieve carbon neutrality by 2050;
- J. whereas the EU and Thailand aim to establish a modern, broad and mutually beneficial partnership, based on shared interests and principles; whereas they reaffirm through the PCA their respect for democratic principles, human rights and fundamental freedoms, as laid down in the UN's Universal Declaration of Human Rights of 1948;
- K. whereas Thailand was among the first countries to sign the Universal Declaration of Human Rights, but its overall human rights record remains problematic;
- L. whereas Thailand ranked 79th in the 2021 Gender Inequality Index and Thai women continue to be strongly under-represented in employment and politics, although the country has seen a reverse gender gap in higher education, being ranked first in the world for the ratio of female-to-male students;
- M. whereas the UN Working Group on Enforced or Involuntary Disappearances has recorded 76 outstanding cases of enforced disappearances in Thailand;
- N. whereas the death penalty continues to be applied in Thailand, even though the country's fourth National Human Rights Plan (2019-2023) contains a commitment to moving towards the abolition of capital punishment; whereas Thailand is not a signatory to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- O. whereas Thailand is not a signatory to the 1951 UN Refugee Convention or its 1967 Protocol, and lacks a domestic legal framework to specifically recognise and provide protection to refugees, notably those from Myanmar, who are routinely either confined to camps or face arbitrary arrest, detention or forcible deportation back to their country of origin, in violation of the right to asylum and the principle of non-refoulement;

- P. whereas the Thai Government has recently restricted fundamental rights, particularly the rights to free expression and assembly, including by arbitrarily arresting prodemocracy activists and opposition leaders, and in 2022 it introduced a draft law to tightly control all civil society organisations;
- Q. whereas Thailand has not yet ratified fundamental ILO conventions, particularly the Freedom of Association and Protection of the Right to Organise Convention and the Right to Organise and Collective Bargaining Convention; whereas in practice, union leaders and workers often face criminal charges or are dismissed for their union activity; whereas the more than two million migrant workers in the country are discriminated against and do not enjoy the same labour rights as local workers, including the right to organise;
- R. whereas more than half of the world's fishing vessels operate in the South China Sea, which alone accounts for around 12 % of the world's fishing; whereas the EU is engaged in dialogue with Thailand and has set up a working group on illegal, unreported and unregulated (IUU) fishing in the country; whereas despite government-instituted reforms in the fishing industry, many migrant workers in Thailand continue to be subjected to forced labour;
- S. whereas Thailand is the world's leading producer of canned tuna and the EU's chief competitor in this sector; whereas a free trade agreement with Thailand could pose a serious threat to the EU canned fish and seafood industry, which is of crucial importance to a number of coastal regions because of its leading role in generating wealth and employment and in providing labour-intensive jobs for women;
- T. whereas the EU and the ASEAN region are each other's third-largest trading partners, whereas the EU is Thailand's fourth-largest trading partner and the second-largest investor in Thailand;
- U. whereas negotiations between the EU and Thailand on a bilateral free trade agreement (FTA) commenced in 2013, but the EU put the negotiations on hold in 2014; whereas the EU and Thailand relaunched the negotiations on 15 March 2023;

EU engagement in the Indo-Pacific region

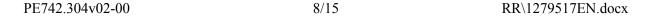
- 1. Highlights the fact that Thailand is an important partner in the Indo-Pacific region, which has become one of the EU's geopolitical priorities;
- 2. Underlines the EU's commitment to a free, open and rules-based Indo-Pacific region; reiterates that the EU's new Indo-Pacific strategy needs to be implemented swiftly to give the EU's partners in the region the opportunity to address common challenges together, to defend the rules-based international order and to stand up for shared EU-ASEAN values and principles; advocates for stronger cooperation with countries in the region, including in particular with ASEAN countries;
- 3. Reiterates the political significance of strong bilateral relations, based on shared values and principles, between ASEAN and the EU in general, and between Thailand and the EU in particular; welcomes the December 2022 EU-ASEAN summit and the commitment to further deepening this strategic partnership;

- 4. Reiterates its call for the swift implementation of the EU Global Gateway strategy in coordination with the Indo-Pacific strategy; emphasises the geopolitical centrality of this approach, which integrates sustainable development-oriented, transformational, resilience-enhancing and values-based dimensions into a Team Europe approach; welcomes the announcement of a EUR 10 billion financial package to accelerate infrastructure investments in ASEAN countries with the aim of building a new, economically sustainable partnership, in particular with regard to the green transition and sustainable connectivity;
- 5. Notes that the ASEAN region is one of the most vulnerable to the impacts of climate change; highlights the Green Team Europe initiative to support the green transition in the ASEAN countries; highlights, furthermore, the importance of Thailand's role as the ASEAN Coordinator on Sustainable Development Cooperation;
- 6. Notes that the support of partners in the Indo-Pacific region has been and remains very valuable with regard to voting in the UN General Assembly relating to Russia's unjustified, unprovoked and illegal war on Ukraine; welcomes the fact that Thailand voted in favour of UN General Assembly resolutions condemning Russia's aggression against Ukraine and appreciates the humanitarian aid provided by Thailand to Ukraine; encourages Thailand to promote respect for international law, support Ukraine and take a clear stance against the Russian war of aggression also within the framework of ASEAN;

EU-Thailand PCA

- 7. Reaffirms the importance that the EU attaches to relations with Thailand; welcomes the conclusion of the PCA, which will provide a legal framework for enhancing long-standing, bilateral political and economic relations and collaboration on issues of global concern and represents an important step towards strengthening the EU's role in the Indo-Pacific region;
- 8. Notes that the PCA is a comprehensive and modern agreement and will make it possible to move towards new models of sustainable growth and development and better respond to current challenges in a wide number of policy areas, including the environment, energy, climate change, transport, science and technology, trade, employment and social affairs, human rights, education, agriculture, migration, culture, nuclear non-proliferation, counterterrorism, and the fight against corruption and organised crime;
- 9. Expresses hope that the conclusion of the PCA will provide a strong impetus for greater cooperation between the EU and Thailand for the benefit of all EU and Thailand for all EU citizens, residents, businesses and other stakeholders; calls for visa-free travel to Thailand for all EU citizens; supports working towards a visa-free regime for travel to the EU for Thailand citizens;
- 10. Welcomes Thailand's adoption of a National Action Plan on Business and Human Rights, which made it the first country in the Asia-Pacific region to incorporate such a plan, and calls for its effective implementation;
- 11. Calls on the parties to commit to supporting the implementation and enforcement of domestic legislation on corporate due diligence and corporate accountability, to agree

- on more specific obligations in light of sustainable impact assessments, to exchange relevant information, such as on the number of investigations, checks and enforcement actions, and to provide training or technical assistance to companies on corporate due diligence and corporate accountability;
- 12. Highlights the fact that the parties agree to cooperate in areas of mutual interest in all fields of science, technology and innovation; welcomes the signing of an administrative arrangement on 9 September 2022 for collaboration between the EU and Thailand on frontier research;
- 13. Stresses the parties' common objective of strengthening the global response to climate change and its impact and enhancing cooperation on policies to help mitigate climate change in accordance with the Paris Agreement; highlights the parties' commitments to effectively implementing the UN Framework Convention on Climate Change and the Paris Agreement;
- 14. Highlights that Thailand is the world's ninth most affected country with regard to climate change; welcomes the fact that, at COP26, Thailand pledged to enhance its nationally determined contribution with the aim of decreasing its greenhouse gas emissions by 30 % by 2030; welcomes, in this regard, the country's adoption in 2022 of a revised long-term low greenhouse gas emission development strategy;
- 15. Emphasises the parties' endeavour to enhance cooperation in the energy sector, including on access to affordable and sustainable energy services, developing sustainable and renewable forms of energy and promoting low-carbon power generation that contributes to a clean energy transition; encourages both parties to step up efforts to tackle the effects of climate change by adopting and implementing more effective climate policies on the energy transition and decarbonisation;
- 16. Highlights that Thailand faces increasing environmental degradation in many regions, including the loss of biodiversity and declining wildlife populations, deforestation, desertification, water scarcity, and air and water pollution; urges the parties to cooperate to address these challenges;
- 17. Welcomes the inclusion in the PCA of provisions on cooperation on sustainable food systems; stresses that the agriculture sector has important sensitivities for both Thailand and the EU;
- 18. Considers that the EU should maintain its commitment to sustainable fishing in the Indo-Pacific and strengthen its cooperation with Thailand on combating overfishing, overcapacity and IUU fishing in the Indo-Pacific;
- 19. Urges the Commission once again to bear in mind that a bilateral free trade agreement between the EU and Thailand must be preceded by rigorous sustainability impact studies and a detailed analysis of the potential economic, social and environmental repercussions;
- 20. Urges the Commission once again to include canned fish and seafood as 'sensitive products' for the purposes of possible trade negotiations with Thailand;



- 21. Welcomes the fact that the PCA supports people-to-people exchanges, such as academic mobility under the Erasmus+ programme, and exchanges of best practice in youth policies and youth work;
- 22. Welcomes the fact that the PCA supports cooperation on promoting gender equality and women's empowerment; welcomes Thailand's legislation for the advancement of women's rights, including the adoption of the 2015 Gender Equality Act; calls on the Thai authorities to step up their implementation efforts, as well as efforts to combat gender-based violence and empower women and girls, particularly migrant women, women from rural areas and women belonging to minorities, in line with Article 21 of the PCA;
- 23. Stresses that Article 1(1) of the PCA provides that human rights and respect for democratic principles, the rule of law and good governance constitute essential elements of the PCA;
- 24. Expresses its concerns about the violent crackdowns against peaceful protesters in Thailand in 2020 and 2021; calls on the Thai authorities to investigate the human rights abuses committed against the protesters; urges the Thai authorities to release those prisoners who have been arbitrarily detained for exercising their right to peaceful assembly;
- 25. Calls on the Thai Government to respect the role of civil society organisations, human rights defenders, democracy defenders, civil society activists, journalists and others, to ensure freedom of expression and assembly, to review the country's lese-majesty law and promptly release all individuals arrested under this law, and to review its Draft Act on the Operation of Not-for-Profit Organisations of 2021, its computer crime law and its criminal defamation law, in line with the International Covenant on Civil and Political Rights, which Thailand has signed and ratified;
- 26. Notes the increased protection that the 2015 Gender Equality Act affords to the LGBTI community; calls on Thailand to work on promoting and protecting the LGBTI community's rights in full;
- 27. Is strongly concerned about the unprecedented targeting of children under the lese-majesty law and calls on Thailand to abide by its international obligations under the Convention on the Rights of the Child, which the country has ratified;
- 28. Welcomes Thailand's passing in 2022 of the Prevention and Suppression of Torture and Enforced Disappearance Act as a critical milestone in combating torture, ill treatment and enforced disappearances in Thailand; regrets the fact that, on 14 February 2023, the Thai Government approved a decree postponing the enforcement of parts of the act from February to October 2023; calls for its swift entry into force and its full and effective implementation; urges Thailand to swiftly ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
- 29. Reiterates its calls urging Thailand to take concrete steps towards the abolition of the death penalty, including by signing and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; stresses the importance of the joint declaration on Article 23 of the PCA in

- terms of ensuring that no death sentences are handed down or carried out in the future;
- 30. Calls on Thailand to sign and ratify the 1951 Refugee Convention and its 1967 Protocol; urges the Thai authorities to immediately put a halt to the deportations of ethnic Rohingya and Uyghurs and other asylum seekers, which are in blatant violation of fundamental international obligations that are binding on Thailand, particularly the principle of non-refoulement; welcomes the EU humanitarian aid programmes providing protection services and healthcare assistance to Rohingya refugees living in refugee camps in the country;
- 31. Acknowledges the efforts made by the Thai Government to tackle human rights abuses relating to trafficking and forced labour; remains, however, concerned about the labour conditions of migrant workers;
- 32. Welcomes the parties' agreement to cooperate and provide technical assistance with a view to working towards the ratification and implementation of the fundamental ILO conventions; calls on Thailand to ratify ILO Conventions Nos 87, 98 and 155, to effectively guarantee workers' rights to organise and strike and to recognise the same rights for all workers, regardless of their country of origin, as well as to cooperate with the EU on promoting the ratification and implementation of other more recent ILO conventions:
- 33. Encourages Thailand to ratify the Rome Statute of the International Criminal Court in line with Article 5 of the PCA and the joint declaration regarding that article;
- 34. Recalls that if either party considers that the other has failed to fulfil any of its obligations under the PCA, notably with regard to its essential elements, it may take appropriate measures, including suspending the PCA;
- 35. Notes that in the relaunched FTA negotiations, the Commission aims to boost trade and investment by addressing market access for goods, services, investment and government procurement; swift and effective sanitary and phytosanitary procedures; the protection of intellectual property rights; and the removal of obstacles to digital trade and trade in energy and raw materials, while supporting high levels of protection for workers' rights, the environment and the achievement of ambitious climate goals;
- 36. Recalls that Article 1(2) of the PCA confirms the parties' commitment to promoting sustainable development in all its dimensions, to cooperating in addressing challenges of climate change and globalisation, and to contributing to the 2030 Agenda for Sustainable Development; highlights the EU's new approach in this regard, as outlined in the Commission communication of 22 June 2022 entitled 'The power of trade partnerships: together for green and just economic growth';
- 37. Stresses that human rights concerns are to be considered during any negotiations with Thailand;
- 38. Stresses that EU FTAs include the so-called non-execution clause, providing for the suspension of trade preferences in the event of violations of PCAs' essential elements;

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39. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, and the Government and Parliament of Thailand.

LETTER OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

Mr David McAllister Chair Committee on Foreign Affairs BRUSSELS

Subject: Opinion on the Framework Agreement on Comprehensive Partnership and

Cooperation between the European Union and its Member States, of the one part,

and the Kingdom of Thailand, of the other part (2022/0252M(NLE))

Dear Mr Chair,

I refer to the consent procedure relating to the Framework Agreements on Partnership and Cooperation with Malaysia [2022/0221(NLE)] and Thailand [2022/0252(NLE)].

AGRI Coordinators considered the matter at their meeting of 29 November 2022 and agreed with the conclusion on behalf of the EU of the above agreements. This opinion was conveyed to you pursuant to Rule 56.

Coordinators also decided that AGRI would contribute under the same Rule to the accompanying resolutions that are to be drawn up by AFET according to Rule 105(2).

Consequently, I would like to bring to your attention the following essential points concerning the relations with these two trading partners in agri-food. I would be most grateful if you would incorporate them appropriately into your motions for a resolution.

Yours sincerely,

Norbert Lins

SUGGESTIONS

The Committee on Agriculture and Rural Development wishes to stress the following essential

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points concerning agri-food trade relations with Malaysia and Thailand.

- We note that the European Union's agri-food trade with both Malaysia and Thailand is in constant deficit. Therefore, we would wish to point out that possible new commercial agreements with these countries should improve the agricultural trade balance by facilitating the access of European producers to their markets. In our opinion, any new agreement should also provide legal protection of EU geographical indications.
- We would like to stress that agri-food products imported from Malaysia and Thailand should meet EU economic, environmental, health, safety and quality standards, including those relating to the use of hormones, antibiotics, pesticides and genetically modified organisms. It would also seem essential to us that the Union pay particular attention to social standards in these countries, including the condition of workers in the agricultural sector.
- We would therefore want to point out that any new trade agreement concluded with Malaysia and Thailand should include provisions on sustainability, labour rights and gender equality similar to those contained in the commercial agreement concluded with New Zealand in June 2022.

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	24.5.2023
Result of final vote	+: 55 -: 3 0: 1
Members present for the final vote	Alviina Alametsä, Alexander Alexandrov Yordanov, François Alfonsi, Petras Auštrevičius, Traian Băsescu, Susanna Ceccardi, Włodzimierz Cimoszewicz, Katalin Cseh, Michael Gahler, Kinga Gál, Giorgos Georgiou, Sunčana Glavak, Raphaël Glucksmann, Klemen Grošelj, Sandra Kalniete, Dietmar Köster, Andrius Kubilius, Ilhan Kyuchyuk, David Lega, Miriam Lexmann, Nathalie Loiseau, Antonio López-Istúriz White, Pedro Marques, David McAllister, Vangelis Meimarakis, Sven Mikser, Francisco José Millán Mon, Matjaž Nemec, Gheorghe-Vlad Nistor, Demetris Papadakis, Kostas Papadakis, Giuliano Pisapia, Nacho Sánchez Amor, Isabel Santos, Jacek Saryusz-Wolski, Mounir Satouri, Andreas Schieder, Jordi Solé, Sergei Stanishev, Dominik Tarczyński, Hermann Tertsch, Anders Vistisen, Charlie Weimers, Isabel Wiseler-Lima, Salima Yenbou, Tomáš Zdechovský, Bernhard Zimniok, Željana Zovko
Substitutes present for the final vote	Katarina Barley, Adam Bielan, Vladimír Bilčík, Mercedes Bresso, Pierrette Herzberger-Fofana, Arba Kokalari, Andrey Kovatchev, Georgios Kyrtsos, Karsten Lucke, Ramona Strugariu
Substitutes under Rule 209(7) present for the final vote	Javier Moreno Sánchez

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FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

55	+
ECR	Adam Bielan, Jacek Saryusz-Wolski, Dominik Tarczyński, Hermann Tertsch, Charlie Weimers
ID	Susanna Ceccardi
NI	Kinga Gál
PPE	Alexander Alexandrov Yordanov, Traian Băsescu, Vladimír Bilčík, Michael Gahler, Sunčana Glavak, Sandra Kalniete, Arba Kokalari, Andrey Kovatchev, Andrius Kubilius, David Lega, Miriam Lexmann, Antonio López-Istúriz White, David McAllister, Vangelis Meimarakis, Francisco José Millán Mon, Gheorghe-Vlad Nistor, Isabel Wiseler-Lima, Tomáš Zdechovský, Željana Zovko
Renew	Petras Auštrevičius, Katalin Cseh, Klemen Grošelj, Georgios Kyrtsos, Ilhan Kyuchyuk, Nathalie Loiseau, Ramona Strugariu, Salima Yenbou
S&D	Katarina Barley, Mercedes Bresso, Włodzimierz Cimoszewicz, Raphaël Glucksmann, Dietmar Köster, Karsten Lucke, Pedro Marques, Sven Mikser, Javier Moreno Sánchez, Matjaž Nemec, Demetris Papadakis, Giuliano Pisapia, Nacho Sánchez Amor, Isabel Santos, Andreas Schieder, Sergei Stanishev
Verts/ALE	Alviina Alametsä, François Alfonsi, Pierrette Herzberger-Fofana, Mounir Satouri, Jordi Solé

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ID	Anders Vistisen, Bernhard Zimniok
NI	Kostas Papadakis

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The Left	Giorgos Georgiou

Key to symbols: + : in favour - : against 0 : abstention