

กลุ่มศึกษาข้อตกลงเขตการค้าเสรีภาคประชาชน

125/356 ม. 3 หมู่บ้านนราธิป ซ.1 ถ.รัตนวิบูลย์ อ.เมือง จ.นนทบุรี 11000 โทร 02-985-3837 ถึง 8 โทรสาร 02-985-3836

email: info@ftawatch.org www.ftawatch.org

January 23, 2026

To: The Trade Sustainability Impact Assessment (SIA) Team, EU–Thailand Free Trade Agreement

Cc: Directorate-General for Trade and Economic Security (DG TRADE)
European Commission

Subject: Thai Civil Society Comments on the Draft Inception Report of the EU–Thailand Trade Sustainability Impact Assessment (SIA)

Dear Sir/Madam,

We, the undersigned civil society organizations and networks, welcome the opportunity to provide comments on the Draft Inception Report of the Trade Sustainability Impact Assessment (SIA) for the proposed EU–Thailand Free Trade Agreement (FTA).

We acknowledge that an inception report is primarily intended to define the scope of work, analytical framework, methodologies, indicators, and consultation processes, rather than to present final findings. For this very reason, we consider this stage to be critical to ensuring that the SIA is capable of identifying and preventing adverse impacts on public health, food sovereignty, consumer protection, environmental sustainability, and human rights.

Our comments therefore focus on identified gaps in scope and methodology, and on areas where potential negative impacts must be explicitly examined in subsequent phases of the SIA. These concerns reflect long-standing positions of Thai civil society regarding the EU–Thailand FTA negotiations.

1. Cross-cutting Concern: Loss of Policy Space, Irreversible Impacts, and a Holistic Human-rights Approach

While the Draft Inception Report aims to set out a comprehensive framework, we do not consider the current approach to be sufficiently sound. In particular, the analytical framework appears imbalanced, placing a strong emphasis on trade expansion and efficiency, while failing to adequately analyse the potential loss of regulatory, fiscal, and policy space, especially in areas related to public health, agriculture, digital governance, and environmental protection.

Certain demands in the ongoing EU–Thailand FTA negotiations—such as TRIPS-plus intellectual property rules, government procurement disciplines, plant variety protection aligned with UPOV 1991, binding digital trade obligations, and tariff liberalisation on harmful products—may generate long-term and potentially irreversible impacts. These

risks should be explicitly recognised and rigorously assessed, rather than treated as neutral “adjustment costs.”

We also wish to clarify that, for the purposes of this SIA, human rights should not be interpreted narrowly or limited to mainstream civil and political rights. Human rights impacts arising from trade agreements also encompass the right to health, the right to food, the right to an adequate standard of living, the right to livelihood, and the right to a healthy environment, as recognised under international human rights law.

Provisions affecting access to medicines, seed systems and food sovereignty, public health regulation, environmental protection, labour conditions, and digital governance may therefore have both direct and indirect human rights implications. We urge the SIA to adopt this holistic and rights-based understanding when designing indicators, selecting case studies, and assessing adverse impacts.

2. Intellectual property and government procurement: access to medicines and public-interest R&D

We are concerned that the current framing of intellectual property (IP) and government procurement does not yet clearly articulate how these chapters may affect access to affordable medicines and medical devices, the sustainability of Thailand’s Universal Health Coverage scheme, generic competition and medicine security, or the government’s ability to adopt laws and policies to promote public-interest pharmaceutical and medical innovation, including R&D, technology transfer, and the development of domestic production capacity.

In particular, the SIA should assess how TRIPS-plus IP measures—including data exclusivity, market exclusivity, patent term extensions, and related regulatory practices—may interact with government procurement disciplines to delay generic market entry, increase prices, and limit policy space for public-health-oriented purchasing.

We urge the SIA team to include a dedicated analytical pathway on access to medicines, assessing the combined effects of TRIPS-plus IP measures and procurement commitments on medicine pricing, market entry, accessibility, and public pharmaceutical expenditure. The assessment should incorporate indicators reflecting health-sector procurement practices, supply security, and the capacity for effective generic competition, and should ensure that patients’ groups and health advocates are explicitly recognised as key stakeholders in the consultation process.

3. Agriculture: Food Sovereignty, Policy Space, and TRIPS-plus Constraints

While agriculture is identified as a priority sector, we are concerned that the SIA may underestimate the combined and compounding risks arising from TRIPS-plus plant variety protection, tariff liberalisation, and market access commitments, particularly those related to alignment with UPOV 1991.

3.1 Seed Systems, UPOV 1991, and Long-Term Food Sovereignty

We remain deeply concerned that the SIA may underestimate the long-term and structural impacts of TRIPS-plus plant variety protection, particularly alignment with UPOV 1991.

Such obligations may restrict farmers' rights to save, exchange, and reuse seeds; increase seed prices and production costs; concentrate control over seeds in the hands of a limited number of multinational companies; erode agricultural biodiversity; and weaken national and community-level food sovereignty.

These impacts cannot be adequately captured through tariff or commodity analysis alone. We therefore urge the SIA to explicitly assess the combined effects of seed-related IP rules on small-scale farmers, traditional seed systems, biodiversity, and long-term food security, and to treat these issues as high-risk areas in the sustainability heat map.

3.2 Market Access, Tariff Liberalisation, and Risks to Small-Scale Producers and Food Safety

Trade liberalization in the agricultural sector should not proceed in ways that undermine small- and medium-scale producers or jeopardize public health and food security. Particular concern arises from tariff reductions on sensitive products such as pork, animal offal, maize, soybeans, and other livestock and feed products, which may expose Thai farmers to intensified competition from imports produced at lower cost, at larger scale, and under different regulatory standards.

Rapid or deep tariff reductions may lead to the loss of livelihoods among small-scale farmers, increased market concentration, and rising rural-to-urban migration, while also increasing Thailand's dependence on imported agricultural products and production inputs. At the same time, imports of meat and offal produced using high levels of chemical inputs in animal husbandry or production processes pose serious risks to consumer health and consumer protection, particularly in a context where regulatory and enforcement capacity is limited.

In this context, risks to food safety and consumer health are not confined to the products themselves, but are also directly linked to the trade and use of hazardous chemicals in agriculture. Of particular concern is the trade in Highly Hazardous Pesticides (HHPs) that have been banned for use within the European Union but continue to be exported to and sold in Thailand. This practice reflects unequal safety standards across countries. Trade that claims to be free and sustainable should not be based on double standards, especially where the protection of human life, public health, and the environment is at stake.

The SIA should therefore explicitly assess distributional impacts on small-scale farmers and rural communities, rather than relying solely on aggregate welfare or trade-volume indicators. Crucially, Thailand must retain full policy space to enforce sanitary, public-health, and consumer-protection measures in a strict and timely manner, without being constrained by trade commitments.

4. Digital trade, consumer protection, and regulatory capacity

We welcome the inclusion of privacy and freedom of expression within the human-rights framework. However, these rights must be meaningfully linked to the analysis of digital trade rules, including cross-border data flows, data localisation, platform regulation, cybersecurity, and consumer protection.

We are concerned that binding digital trade commitments may constrain Thailand's regulatory autonomy and enforcement capacity, particularly given existing institutional and resource limitations, and the asymmetric regulatory capacity between the EU and Thailand. The SIA should therefore assess not only legal commitments, but also real-world enforcement capacity, consumer harms, and risks to democratic oversight.

5. Alcohol tariff liberalisation, public health, and small-scale producers

Thai civil society has consistently warned that tariff liberalisation on alcoholic beverages poses serious risks to public health and to small- and medium-scale domestic producers. Alcohol is not an ordinary commodity, and increased availability and marketing have predictable and well-documented social and health costs.

We urge the SIA to ensure that tariff analysis in this sector incorporates public-health impact assessment and SME displacement risks, and to examine safeguard and regulatory options as part of mitigation analysis.

6. Environment, carbon-related measures, and risks of Thailand being used as a dumping ground for plastic and electronic waste

While the Draft Inception Report proposes an environmental framework, we remain concerned that the current approach is insufficient to address the risk that Thailand may become a destination for the dumping of plastic waste, electronic waste, hazardous materials, and remanufactured goods as a result of trade liberalisation under the EU–Thailand FTA. The SIA does not adequately assess how increased trade flows, regulatory asymmetries, and enforcement gaps could facilitate waste exports to Thailand, nor does it sufficiently consider existing capacity constraints in waste management systems and environmental law enforcement.

We are also concerned that climate- or carbon-related measures may impose disproportionate compliance costs on small producers, while failing to prevent environmentally harmful trade practices that shift environmental burdens to countries with more limited regulatory and enforcement capacity.

We urge the SIA team to make these risks explicit, sector-specific, and enforceability-focused, including through analysis of waste trade pathways, regulatory loopholes, and monitoring capacity, rather than relying primarily on qualitative analysis or voluntary mitigation approaches.

7. Stakeholder consultation and transparency

We welcome the planned stakeholder engagement activities. To ensure meaningful and balanced participation, we recommend that consultations explicitly include patients'

groups, small-scale farmers' networks, consumer organisations, labour unions, environmental justice groups, and digital rights advocates, and that consultation questions directly address the concerns outlined above.

We reiterate that our comments are offered in the spirit of constructive engagement at the inception stage. Addressing these gaps now will strengthen the credibility, relevance, and public-interest value of the SIA, and help ensure that subsequent interim and final reports can meaningfully assess and prevent adverse impacts.

We reiterate that these comments are offered in the spirit of constructive engagement at the inception stage of the assessment process. Addressing the identified gaps at this early stage will strengthen the credibility and public-interest value of the SIA, and help ensure that subsequent reports can meaningfully assess and prevent adverse impacts on human rights and other fundamental rights, including the rights to health, food, livelihood, a healthy environment, and democratic participation. A rights-based SIA is essential to ensuring that the EU–Thailand FTA supports sustainable and inclusive development and is consistent with international human rights obligations.

We thank the SIA team and the European Commission for the opportunity to provide input and look forward to continued engagement throughout the assessment process.

Yours sincerely,

Kannikar Kijtiwatchakul
Vice-chairperson
FTA Watch

On behalf of:
Biodiversity and Community Right Action Thailand, (Biothai)
FTA Watch
Thai Network of People Living with HIV/AIDS
Thailand Consumers Council

For further information, please contact:
Chalerm Sak Kittitrakul
Coordinator, FTA Watch
jockey.a2m@gmail.com