

वतः कूर्यावयान्यस्य व्याक्षात्र्याक्षात्र्याः व्याक्षात्र्याः व्याकष्णात्र्याः व्याकष्णात्र्याः व्याकष्णात्र्याः व्याकष्णात्र्याः व्याकष्णात्र्याः विष्णात्र्याः विष्णात्रः विष्णात्र्याः विष्णात्रः विष्णात्यः विष्णात्रः विष्णात्रः विष्णात्रः विष्णात्रः विष्णात्रः विष्णात

NATIONAL INTEREST ANALYSIS ON FREE TRADE AGREEMENT BETWEEN THE KINGDOM OF THAILAND AND THE ROYAL GOVERNMENT OF BHUTAN

I. SUBJECT MATTER OF THE AGREEMENT

a) Background and Rationale for Signing the Free Trade Agreement with the Kingdom of Thailand

Bhutan and Thailand formally established diplomatic relations in November 1989. Since then, business ties have strengthened, and trade activities have steadily grown, even in the absence of a formal trade agreement between the two nations. In July 2004, the two countries signed a Comprehensive Framework Agreement for Cooperation, with Article 1 of the agreement encouraging efforts towards a bilateral trade agreement aimed at fostering and expanding trade between them.

Despite efforts in the subsequent years to establish a bilateral trade agreement, Thailand preferred a broader Trade and Economic Cooperation Agreement (TECA), which was eventually signed in November 2013. With its wide-ranging objectives and extensive sectoral coverage, TECA offered limited scope for either country to extend favorable or preferential treatment to each other's imports.

Bhutan has consistently experienced a trade deficit with Thailand, with no significant improvement even after the implementation of TECA in 2013. While Thailand remains one of Bhutan's top ten trading partners, exports to Thailand have accounted for less than 3% of total trade over the past decade. In 2024, total trade with Thailand was Nu. 2,751 million, with imports again making up 97% of the total trade.

Considering the limited scope of TECA, the Department of Trade (DoT), Ministry of Industry, Commerce and Employment (MoICE) proposed a Preferential Trade Agreement in 2022 and shared a draft text with Thailand. Despite technical limitations, this marked the first instance of Bhutan presenting a draft trade agreement to a potential trade partner. Thailand proposed an exploratory meeting to discuss the possibility of having a PTA and the meeting was convened in Bhutan in November 2022. After the exploratory meeting, Thailand then conducted a feasibility study to have a PTA following which they proposed for a Free Trade Agreement in 2023-2024.

१. तम्बद्धःमी'म्बद्दःर्देबा

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इ.सर्य क्री-रिजारी, घरु, णुर्य प्राम्या स्थाय, स्थाय, स्था, क्रूय, स्थाय, स्था, स्या, स्था, स्या, स्था, स्य

During the 5th Joint Trade Committee Meeting convened in Thimphu in May 2024, Bhutan and Thailand signed the Terms of Reference (ToR) for Negotiations of a Free Trade Agreement (FTA) with a completion timeline of two years. Hon'ble Prime Minister in various meetings with the Thai side conveyed his intent and directives for both sides to complete the negotiations in one year. The DoT/MoICE has completed all negotiations in a record nine months and no free trade agreement has ever been negotiated in nine months. The current FTA covers only trade in goods and not trade in services. However, the ToR has an evolutionary clause allowing both parties to expand the scope of the agreement in the future to cover additional areas such as trade in services and investment, beyond trade in goods. The first FTA negotiation meeting was also convened in Bhutan following the signing of the ToR.

Given the technical nature of the negotiations, eight technical working groups were established comprising representatives from relevant agencies such as Department of Trade, Department of Industry, Legal Division of the Ministry, Bhutan Food and Drug Authority, Department of Revenue & Customs, Department of Agriculture and Marketing Cooperatives, Bhutan Standard Bureau and the Ministry of Foreign Affairs and External Trade. These working groups worked on specific chapters in the FTA encompassing trade in goods, rules of origin, customs procedures and trade facilitation, trade remedies, sanitary and phyto sanitary measures, technical barriers to trade, dispute settlement, economic cooperation, institutional provisions and initial provisions and definitions. The overall negotiations were coordinated and spearheaded by the Department of Trade.

To date, four rounds of FTA negotiations have been convened with the fourth round marking the conclusion of the Thailand-Bhutan FTA negotiations. During the fourth meeting, the Thai side proposed signing the agreement during the 6th BIMSTEC Summit in Bangkok, scheduled for April 2–4, 2025. This was also communicated through diplomatic channels. Following approval received from the Hon'ble PM, it has been conveyed through diplomatic channels that Bhutan agrees to signing the FTA at the 6th BIMSTEC Summit by the MoICE Minister in the presence of the two Hon'ble Prime Ministers.

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न्मूर्डी विषर््यत्ते, क्ष्रीयवृण्जूर्म्यक्ष्या, प्रमुत्त्विण्यत्वर्णी शुःह, धूँष्कृष्ण्या, प्रमुत्त्विण्यत्वर्णी शुःह, धूँष्कृष्ण्या, प्रमुत्त्विण्यत्वर्ण्या, प्रमुत्त्विण्यत्वर्ण्या, प्रमुत्त्वर्ण्या, प्रमुत्त्वर्ण्यः, प्रमुत्त्वर्ण्या, प्रमुत्त्वर्ण्यः, प्रमुत्त्वर्ण्यः, प्रमुत्त्वर्ण्यः, प्रमुत्त्वर्ण्यः, प्रमुत्त्वर्ण्यः, प्रमुत्त्वर्ण्यः, प्रमुत्त्वर्ण्यः, प्रमुत्त्वर्णः, प्रमुत्त्वर्णा, प्रमुत्त्वर्णः, प्रमुत्वर्यः, प्रमुत्त्वर्णः, प्रमुत्त्वर्णः, प्रमुत्त्वर्णः, प्रमुत्वर्यः, प्रमुत्त्वर्यः, प

b) Salient Features of the Agreement

The FTA consist of 11 Chapters, namely Preamble, Trade in Goods, Customs Procedures and Trade Facilitation, Technical Barriers to Trade, Sanitary and Phytosanitary Measures, Trade Remedies, Economic Cooperation, Dispute Settlement, and Institutional and Final Provisions.

The following are the salient features of the Agreement;

- 1. Annex 2A-Schedule of tariff commitments-Thailand
- 2. Annex 2B-Schedule of tariff commitments-Bhutan
- 3. Annex 3A-Product Specific Rules
- 4. Annex 3B-Minimum Information Requirements for the Certificate of origin

II. Main Obligation, If Applicable

The main obligation of a Free Trade Agreement (FTA) is to reduce or eliminate trade barriers between Bhutan and Thailand, ensuring the free flow of goods with provisions to include services in the future. This involves eliminating or reducing tariffs, easing restrictions like quotas and creating greater market opportunities for businesses in both countries. By fostering fair competition, the agreement would ensure that trade remains free from distortions caused by subsidies and dumping. Moreover, it streamlines customs procedures and regulatory frameworks, making trade more efficient and cost-effective. With a well-defined dispute resolution mechanism in place, the agreement provides a stable and predictable trade environment, encouraging long-term economic cooperation and mutual growth.

III. Ministerial Responsibility

The FTA will be implemented once ratified by Parliament. The sooner the agreement can be tabled in Parliament, the sooner it can be deliberated and ratified for imple

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- १ बुरःश्वम् रायः वरे ये दर्गे उप्यापायम् ये द्वर्गे ।
- ४ बुर-ब्रुग्रथः तयः तबुग्राची उःष्वयः तग्रवादायेदा बुरः चर्गित्।
- द बुर-ब्रुग्रयः गायः ५ श्रेग्रयः नर्ययः व्रेत्रः सेतः प्रेत्रा
- ८ बुरःश्वेगमान् वायः उन्देसावबुदावुदमार्देमार्श्वेरायमाख्वेराखीर्देमासी दर्गमानामान्यात्राप्तात्राप्तात्राप्ता

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ख्यः ट्रेज्यः खिट्ट्यं त्याया क्रें क्र्यं ट्याड्रमा जयः ख्या त्याया व्याया व्यायाया व्यायाया व्यायाया व्याया व्याया व्यायाया व्यायाया व्यायाया व्याया व्याया व्याया व्या

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मी. यम्बर्धिरायम्बाद्धालुमी हैं।कूबानामिनः कूरङ्किराटम्सिनानामान्यस्थालम्बर्धानान्यस्थान्यस्थान्यस्थान्यस्थान्य चत्रुः मी. यमबर्धिरायमान्त्रालुमी हैं।कूबानामिनः कूरङ्किराटम्सिनानामान्यस्थानम्बर्धानान्यस्थान्यस्थान्यस्थान्य mentation. It will largely be implemented by the Department of Revenue and Customs (DRC) and, Ministry of Finance (MoF). Further, other relevant stakeholders such as the Department of Trade, Department of Industry, Legal Division of the Ministry, Bhutan Food and Drug Authority, Department of Agriculture and Marketing Cooperatives and Bhutan Standard Bureau will be involved in the implementation of the respective chapters of the FTA pertaining to their mandates.

IV. Advantages and Disadvantages

The following are the advantages and disadvantages of the Free Trade Agreement with Thailand, among others:

a) Advantages

- □ In addition to the analysis presented in the background section, Bhutan graduated from the Least Developed Country (LDC) category in December 2023, losing its entitlement to the time bound Duty-Free and Quota-Free market access that Thailand previously extended to certain goods originating from LDCs, including Bhutan. As a result, all exports after this date became subject to tariffs (customs duties and other related charges). This would make upcoming and potential Bhutanese exports less competitive in the Thai market as they would have been subject to tariffs and other charges resulting in a further widening of the trade deficit with Thailand.
- On the other hand, customs duty in Bhutan has been reduced over the years to a flat 10% or 0% on several thousand products. Bhutan was therefore offering a better market access for products from Thailand but not receiving the same market access in Thailand who still applied an average tariff rate of 31.2% for agricultural products and 8.4% on non agricultural products. It was even higher on some products that were of immediate export interest to Bhutan.
- ☐ Further, at present, around 90% of Bhutan's total trade is with India and Bangladesh, making it highly vulnerable to any policy changes, trade restrictions

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गा.) स्वस्य

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or external shocks in these countries. Such changes could significantly impact Bhutan's exports and imports, disrupting trade flows, supply chain and economic stability. The FTA with Thailand will help strengthen economic resilience, reduce over-reliance on a few markets, diversify Bhutan's export destinations, enhance overall market diversification and provide access for Bhutanese consumers to a wider range of goods at competitive prices and quality.

☐ Through the FTA, exports from Bhutan will receive preferential treatment in the Thai market through reduced tariffs. Following negotiations, Thailand has agreed to eliminate tariffs on 94% of their total tariff lines (10,731 tariff lines) while Bhutan has agreed to eliminate tariffs on all of its 5,867 tariff lines, effective from the date the FTA comes into force. This means that nearly all Bhutanese goods entering Thailand will be exempted from import duties, making them more competitive in the Thai market. Bhutan will be able to export key potential products to Thailand at zero tariff after the FTA comes into force, which otherwise would have been applied from 5% to 60% (such as 5% for Essential oils, yathra; 10% for juices, areca nut, apples, cordyceps, cement; 20% for Spices such as ginger, turmeric, and cardamom; 30% for Honey, pickles, jams; 40% for Oranges, Matsutake mushrooms, coffee; and 60% for Potatoes, tea, alcoholic beverages etc). It may be noted that 6% of the tariff lines that Thailand protected and for which Thailand did not offer full market access were those that do not have export potential or currently being manufactured or found in Bhutan such as automobiles, several varieties of ocean fish etc.

□ Thailand has also allocated a Country Specific Quota for Bhutan covering 11 agricultural products despite these being listed in Thai Tariff Rate Quota (sensitive list) of Thailand. This ensures that Bhutan can still export these commodities but up to a certain quantitative limit at zero tariff. These are also subject to negotiations in the future if additional quota is required. The quota covers 77 tariff lines

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Potatoes - 20,000 MT; Garlic - 130 MT; Coffee - 10 MT; Tea - 250 MT; Pepper -2 MT; Maize - 300 MT; Rice - 500 MT; Palm oil - 20 MT; Instant Coffee - 1MT and Trout - 25 MT. Upon the request of the Ministry of Agriculture and Livestock, given the sufficient domestic production, products such as eggs, potatoes and green tea has been maintained under Bhutan's sensitive list. ☐ Furthermore, the FTA will facilitate easier access to Thailand's market and boost trade opportunities for Bhutan through simplified rules of origin procedures and relaxed import restrictions. For instance, under the FTA, 138 out of 165 requested products qualify for tariff-free access to Thailand with a 30% local content requirement, making it easier for Bhutanese goods to meet the Rules of Origin criteria. Additionally, Thailand granted a special concession for 7 priority iron and steel products, lowering the usual threshold from 40% to 30%, that will benefit Bhutan's ferroalloy industries both in operation and those in the pipeline. ☐ Also, all 131 export potential products requested by the private sector will receive full market access in Thailand with zero tariffs. This means Bhutanese businesses will have the opportunity to expand the market for their products without facing tariff barriers and increase their competitiveness in the Thai market. ☐ There is also a chapter in the FTA on economic and technical cooperation that provides a framework for strengthening bilateral engagements and collaborations across key sectors such as renewable energy, education, investments, intellectual property, tourism among others as these are also broadly covered in the agreement. ☐ The implementation of an FTA could bring about improvements in Bhutan's negative balance of trade with Thailand, contributing to a reduction in the overall current account deficit and helping earn foreign currency. ☐ A FTA with Thailand provides access into the regional markets of the nine other Association of South East Asian Nations (ASEAN) member countries through Thailand, who is a member.

at the HS 8 digit level and includes: Milk and Cream - 300 Metric Ton (MT);

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- चिनकेट्याङ्गे. र्व्हर्-देण्र्री

 □ रमणायङ्ग्राद्धर्म्याः व्रियायायायायाः महिंग्रायाः व्रियायाः व्रियायः व्रियायाः व्रियायः व्रियायाः व्रियायः व्रियायाः व्रियायाः व्रियायः व्रियायः व्रियायः व्रियायः व्रियायः व्रियायः व्रियायः व्रियायः व्यव्यायः व्रियायः व्यव्यव्यायः विष्यायः विष्यायः विष्यायः विष्यायः विष्यायः विषयः व
- □ र्क्टरङ्क्षुर-दर्ग्दश्याप्यस्थातम्बद्धम् में। चक्षर-र्क्षेट्-त्वच्-क्षे-मेशः प्रत्येत्रक्षे चित्रः क्षे-त्वेत्रः कष्टेत्रः कष्टे-त्वेत्रः कष्टे-त्वेत्रः कष्टे-त्वेत्रः कष्टे-त्वेत्रः कष्टेत्रः कष्टे
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	There is a dispute settlement mechanism built into the agreement.
	The agreement does not have a renewal/validity time period but can still be amended as and when required.
	There is an evolutionary clause built into the ToR of the agreement which allows for other areas to be inserted into the agreement such as services, investment etc
	Consumer goods and industrial goods including raw materials from Thailand will enter Bhutan at much lower rates giving the general public options of quality goods at relatively competitive prices.
b)	Disadvantages
	The FTA may enhance imports from Thailand in the short term but may exceed growth of exports as majority of the imports would come duty free leading to outflow of foreign currency.
	Bhutan's current export portfolio is relatively limited, highlighting the need for all stakeholders including the private sector in Bhutan to be ready with the necessary goods for export. This may take time.
	The private sector may face challenges in adhering with Thailand's product/certification standards and Rules of Origin (ROO) requirements and would require targeted support.
	May bring about trade diversion from conventional trading partners resulting in "ruffled feathers" on some fronts.

V. Tentative Cost Analysis of Entering into the Treaty

A total of Nu.1.257 M was incurred during the first FTA negotiations. Likewise for the second, third and fourth FTA negotiations, Nu.0.747 M, Nu.0.934 M and Nu.1.067 M were utilized respectively. Additionally, the department may require approximately Nu. 0.900 million budget to sign the agreement on the sidelines of the 6th BIMSTEC summit scheduled from 2-4th April 2024 and also Nu. 0.300 million to translate it into dzongkha and print the agreement for submission to cabinet members.

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- □ तम्बर्क्चित्र्री, पन्ध्रीराम्ब्र्स्टि लट्षे क्ष्मियाक्ष्र्येट लट्षे क्ष्मियाक्ष्ये क्ष्मियाक्ष्ये क्ष्मियाक्ष्ये विष्
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u. कैरश्राधिमान्दरायर्ह्याल्यम्शः र्द्ध्वर्वेदः यीः चदः र्येदः रेट्डिश्

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Senior officials from the DRC, MoF were part of the negotiating team and attended all four rounds of negotiations including the stakeholder consultation meetings prior to each negotiating round.

They have also provided the following inputs for this section and informed during the consultation process that the Ministry of Finance had accorded approval to provide full duty exemptions on all imports from Thailand despite the potential revenue loss.

As per the customs duty statistics 2023, the elimination of Customs Duty (CD) will cause a revenue loss of approximately Nu.132 million annually. However, the DRC has also reported that the following factors will help offset this revenue loss;

- a) Increased Trade Volume: Tariff removal would enable unrestricted trade, possibly elevating overall sales tax or GST collection which would still be applicable.
- b) Market Expansion: Elimination of tariffs promotes access to new markets, enhancing export opportunities and economic diversification for Bhutan.
- c) Lower Prices for Consumers: The reduction of tariffs would result in cheaper imported goods, benefiting consumers reliant on imports for everyday products.
- d) Investment Impact: Free trade could attract foreign investment, particularly in sectors benefiting from lower import costs, stimulating production and exports.

There will also be annual financial implications in terms of implementation of the agreement. For example, there will be recurring expenses to attend/convene the annual Joint Trade Committee meeting that will need to be convened to monitor the implementation of the agreement and to address challenges that arise. There will also be recurring expenses for technical agencies like Bhutan Food and Drug Authority, DRC etc to meet their counterparts when required as part of knowledge sharing, technical assistance etc. The budget required for such activities however will be minimal and will form part of the recurrent expenses of respective agencies. There will also be some

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तिरकालाक्ष्मकाना चेकाल्याक्षिणाद्ये देतः विराद्यमाक्ष्मकाली क्षान्याक्ष्मकान्यात्ये स्वाप्तात्यक्ष्मकाली चित्र विराद्यमान्यात्रक्ष्मकान्यात्रक्ष्मित्रक्ष्मकान्यात्ये विराद्यम् विराद्यम्यम् विराद्यम् विराद budgetary requirement to update/amend the existing IT systems (eCMS, BTFN) to integrate some aspects of the FTA such as the certificate of origin among others. These will also not be substantive and have already been budgeted in the FY 2025-26 budget of respective agencies.

VI. Social, Economic, Cultural, Environmental and Political Implications

- 1. The FTA provides a framework for duty free access to all requested goods from both the countries, the provisions of which are mutually agreed upon, for the benefit of the people of both the countries.
- 2. The Agreement is expected to further strengthen economic and political ties with Thailand through expansion of trade relations as Thailand is among Bhutan's top ten trading partner in terms. With the FTA, economic and technical cooperation is also expected to enhance in other areas identified in the agreement.
- 3. The Agreement is expected to further strengthen economic and political ties with Thailand through expansion of trade relations as Thailand continues to remain Bhutan's close trading partner in terms of import and export to some extent.
- 4. No environmental or cultural implications foreseen from this FTA.

VII. Possible Effect on Domestic Laws

The Offtg Chief, Legal Division of MoICE was part of the negotiating team and attended all negotiation meetings and stakeholder meetings. The FTA and its attachments have also been legally vetted by the legal division of MoICE. Since this is a FTA with the technical inputs being negotiated by respective technical agencies, there may not be a need for OAG vetting. However, the FTA has also been shared with the Office of Attorney General (OAG) for legal opinion, if any.

Respective agencies such as the Ministry of Agriculture and Livestock may have to issue notifications upon implementation of the FTA on products that they did not want to

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८. शु.म्रे.८८. रत्ततायक्त्र. तथासूता. अवयायक्त्राचिकाक्षेटका. र्रातका. शुर्र्र्यतीयव्र्रिश्रीयी

- ग्रियायनाम्बर्धिंशकान्त्रत्वेश्वेन्त्रत्वे त्या स्वर्धिम्बर्धिं त्या स्वर्धिम्बर्धिं त्यायनाम्बर्धिं त्यायनामित्रिं त्यायनामित्रिं त्यायनामित्रिं त्यायनामित्रिं त्यायनामित्रिं त्यायनामित्रे त्यायनामित्रिं त्यायनामित्रे त्यायनामित्रे त्यायन्यम्बर्धिं त्यायनामित्रे त्यायनामित्रे त्यायन्यम्बर्धिं त्यायन्यम्बर्धिः त्यायन्यम्बर्धिः त्यायन्यम्बर्धिः त्यायन्यम्बर्धिः त्यायन्यम्बर्धिः त्यायन्यम्बर्धिः त्यायम्बर्धिः त्यायम्बर्धेः त्यायम्यस्ययम्यस्ययम्बर्धेः त्यायम्बर्यम्यस्ययम्यस्ययम्यस्यस्
- द. क्रैंट्यच्चेयार्गे प्पेंट्यायम् मुप्दि मीया अवतायर्गें राम्यस्थान्त्र स्थान्यस्थान्त्र म्यूं प्राप्ते प्रवेद
- क्ष्मश्रा मीशः नःत्रश्रास्त्रः श्चीरायम्नाद्धः मीशः श्चीशः श्चीशः श्चीशः व्यापः श्चीः मीशः नःत्रश्चाः सः स्थितः वर्ष्यः है मीशः नःत्रश्चार्यः वर्ष्च्याः वर्ष्च्याः वर्षः मीशः श्चीशः वर्ष्यः स्थितः स्थितः मीशः वर्ष्वयः स्थितः वर्ष्यः स्थितः वर्ष्यः स्थितः वर्ष्यः स्थितः वर्ष्यः स्थितः वर्ष्यः स्थितः वर्ष्यः स्थितः स्थितः वर्ष्यः स्थितः स्यतः स्थितः स्थितः

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be allowed for import from Thailand like eggs, potatoes etc. Likewise agencies like the MoICE and DRC will need to issue Notifications on the implementation of the FTA.

VIII. Any Other Associated Instrument on the same Subject

In July 2004, Bhutan and Thailand signed the Comprehensive Framework Agreement for Cooperation aimed at fostering and expanding trade. Further in November 2013, Bhutan and Thailand signed an Economic Cooperation Agreement (TECA). There are aspirations set out in those broad agreements with regard to a FTA.

IX. Report of the Multi-stakeholder Consultation

The FTA negotiations have been pursued after several stakeholder consultations with private sectors and relevant government agencies. For instance, the private sector was consulted on April 19, 2022, and a list of potential exportable products list of interest was compiled. Additional export potential product list from the private sector was received on 7 January 2024. On 15 January 2025, a dedicated session was held wherein BCCI and representatives from the private sector were sensitized and consulted on the FTA. Their additional export request list was received and negotiated with Thailand. To date, four stakeholder consultation meetings have been conducted on 08 May 2024 (private sector also attended), 04 September 2024, 02 December 2024 and 11 February 2025 with all the relevant government agencies.

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४. हॅर्ने द्वा मुडेमा स्रित्र स्रोधा स्प्रेन स्रम्य स्था मान्य मान्य रा

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