



**THE COORDINATING COMMITTEE ON THE IMPLEMENTATION OF THE ATIGA  
SUBMISSION FORM FOR CASES OF THE 'MATRIX OF ACTUAL CASES'  
ON TRADE BARRIERS**

<b>CASE REFERENCE ID</b> <i>(For Secretariat's use)</i>	<b>REPORTING COUNTRY</b>	<b>INVOLVING COUNTRY</b>
8319LA	Laos	Thailand
<b>DATE OF REPORT SUBMISSION</b>	<b>HS CODE AND PRODUCT DESCRIPTION</b> <i>(where applicable)</i>	
19 June 2019	0901.11.10, 0901.11.90, 0901.12.10, 0901.12.90, 0901.21.10, 0901.21.20, 0901.22.10, 0901.22.20, 0901.90.10, 0901.90.20, 2101.11.10, 2101.11.90, 2101.12.10, 2101.12.91, 2101.12.92, 2101.12.99,	
<b>DESCRIPTION OF TRADE BARRIER FACED</b> <i>Please provide a description of the situation</i>		
<ul style="list-style-type: none"> <li>▪ Lao PDR has received a complaint from our private sectors, along with the Association of Lao Coffee Federation that they have difficulty exporting coffee beans into Thailand via AFTA form D, so Lao coffee producers cannot export their coffee product into Thailand utilising the tariff privilege of 5% under ATIGA but they have to subject to 90% under WTO instead.</li> <li>▪ Lao Producers alone cannot perform an export procedure to export coffee by themselves, because of the criteria is too complicated and unable to get approval by the authority of Thailand. Hence, they must have the partners from Thailand in order to help bring coffee into Thailand. Without Thai partners Lao exporters cannot meet the criteria, and therefore cannot make the exportation.</li> <li>▪ Although, some part of coffee can be sold via Thai importer, but if Thai authority not approve and suspense the further quantity then we also cannot export any further.</li> <li>▪ The main regulation has been due to the so called "The notice from Department of International Trade, Ministry of Commerce of Thailand regarding Principles, Methods, and Criteria in order to seek request and issuing letter demonstrating the granting of rights to get the tariff exemption by whole tariff or partial tariff for coffee, tea, milk importing into Thailand under AFTA".</li> <li>▪ Right After this complaint, some investigation and several meetings has been conducted with business community, authorities, and the actual border checkpoint and found out that the issue is actually existed and things are very burdensome to Lao producers.</li> <li>▪ In order to seek more clarification, the ministry of Industry of commerce of Lao PDR has been in consultation with the Thai economic counsellor at the Thailand embassy to Lao PDR. However, the result was not productive.</li> <li>▪ Laos has sent also the official the letter to ministry of commerce of Thailand with a set of questions asking whether this kind of practice is doable or whether this kind of measure have been informed to ASEAN secretariat yet or not, since it will affect not only Laos but the rest of ASEAN member states. In the letter, the content is asking whether this regulation is tariff rate quota or not, and why the regulation specify only to one agency who can make a proposal to grant the right for importers, and why the regulation said only subject to approval by the Committee of Plants and</li> </ul>		

Garden, Ministry of Agriculture of Thailand approval to be the one who decide that the coffee can import or not. Most importantly, why one of the criteria limited the period of export only from 1 April to 30 November of each year.

- Once, the Ministry of Industry and Commerce of Lao PDR has got a response from Department of International Trade, Ministry of Commerce of Thailand, the answer was not addressing at all these questions. So this why Lao decide to propose issue here to solve as soon as possible.

**REFERENCE TO ATIGA PROVISION**

*Please provide a reference to the ATIGA provision to support your case, where applicable*

Article 20, Article 40, Article 41, Article 42, Article 44,

**LIST OF SUPPORTING DOCUMENTS PROVIDED (where applicable)**