

MEMORANDUM OF UNDERSTANDING BETWEEN
THE GOVERNMENT OF AUSTRALIA
AND
THE GOVERNMENT OF THE KINGDOM OF THAILAND
ON THE STRATEGIC ECONOMIC COOPERATION ARRANGEMENT

The Government of Australia (“Australia”) and the Government of the Kingdom of Thailand (“Thailand”) (hereinafter referred to individually as a “Participant” and collectively as the “Participants”);

DESIRING to strengthen and advance two-way trade, investment and commercial linkages through government-to-government dialogue and cooperation and through promotion and collaboration with business and other key stakeholders;

IMPLEMENTING the Joint Declaration of the Strategic Partnership agreed between the Prime Ministers of the Kingdom of Thailand and Australia on 13 November 2020 which commits Participants to deepen existing economic cooperation;

RECOGNISING the opportunity to strengthen and diversify our economic links, drive inclusive and sustainable growth in both countries and support our respective economic resilience and recovery from the COVID-19 pandemic;

ACKNOWLEDGING our shared interest in supporting the region’s health and economic recovery, including through greater trade and investment linkages and through advancing regional priorities during Thailand’s APEC host year in 2022 and beyond;

REAFFIRMING our shared commitment to the full implementation of the Thailand-Australia Free Trade Agreement, the Agreement Establishing the ASEAN Australia-New Zealand Free Trade Area, and the Regional Comprehensive Economic Partnership;

UNDERLINING our shared longstanding commitment to the multilateral trading system and the importance of a well-functioning, transparent and rules-based World Trade Organization to facilitate global economic recovery, as well as our commitment to work together on the Indo-Pacific Economic Framework for Prosperity to support a free, inclusive, open, prosperous and resilient Indo-Pacific.

HAVE REACHED the following understandings:

Paragraph I: Purpose

1. This Memorandum of Understanding (hereinafter referred to as “this MOU”) has been developed under the auspices of the Joint Declaration of the Strategic Partnership agreed between the Prime Ministers of the Kingdom of Thailand and Australia on 13 November 2020. The Strategic Partnership’s objective is to strengthen bilateral relations for the continuing prosperity of our countries and to fully realise the potential of our cooperation.
2. The purpose of the MOU is to establish a Strategic Economic Cooperation Arrangement (SECA) between the Participants in accordance with the relevant domestic laws, policies, and procedures and international obligations of the Participants. The aim is to promote economic cooperation between the Participants building on existing strong trade and commercial links. The SECA is an opportunity to further develop and diversify the Participants’ economic links, including in new areas, to drive economic growth and recovery in both countries.
3. The Participants mutually consent to prioritise gender equality and women’s economic empowerment, and promote women’s full, equal, and meaningful participation and leadership in all areas.

Paragraph II: Context

4. This MOU is to be read in conjunction with the Thailand-Australia Free Trade Agreement, the Agreement to Establish the ASEAN-Australia-New Zealand Free Trade Area, and the Regional Comprehensive Economic Partnership. The SECA seeks to complement and build upon the opportunities presented by these agreements.

Paragraph III: Priority Sectors and Implementation Agenda

5. The Participants will develop an implementation agenda after this MOU comes into effect. The implementation agenda will form part of this MOU and set out priority sectors in which to drive deeper engagement and focus efforts on expanding trade and business opportunities.
6. The priority sectors will include, but are not limited to: agriculture, sustainable food systems and technology; tourism; healthcare; education; digital trade and digital economy; creative economy; two-way investment; and energy, green economy and decarbonisation.
7. The implementation agenda will be jointly determined by the Participants and approved by senior officials not later than six months after the date of signing of this MOU and progress will be reviewed annually as set out below.
8. The implementation agenda will set out a comprehensive list of activities jointly determined between the Participants to be completed in the three years after the signing of this MOU. The implementation agenda may include activities falling within the responsibility of a wide range of government departments and agencies.

Paragraph IV: Annual Ministerial and Senior Meetings

9. The Participants mutually consent to establish annual meetings (“Strategic Economic Dialogues”) between Ministers and / or senior officials to monitor and progress cooperation under the MOU.
10. Participation in annual Strategic Economic Dialogues will alternate between relevant Ministers in one year and senior economic and trade officials in the next.
11. The annual Strategic Economic Dialogues will provide an opportunity to discuss all aspects of our trade and economic agenda, including progress under TAFTA and regional agreements.

Paragraph V: Commencement, Duration, Amendment, Disputes and Termination

12. This MOU will come into effect on the date it is signed by both Participants.
13. This MOU will remain in effect for an initial period of three years, unless terminated by either Participant giving at least one month's written notice prior to the intended date of termination.
14. In the event that this MOU is terminated, such termination will not affect any decision or understanding concluded or entered into for the duration of this MOU, or implementation of activities that were decided upon, which will be fulfilled in accordance with the provisions of such decision, understanding or activity, unless otherwise jointly decided by the Participants.
15. This MOU may be extended and / or amended at any time within the period it remains in effect by the mutual written consent of the Participants.
16. An amendment to this MOU will come into effect on: (a) the date the amended MOU is signed by all Participants; or (b) the date the last Participant signs where the Participants do not sign the amended MOU on the same day; or (c) a date mutually determined by the Participants.
17. Any differences about the interpretation or application of the MOU will be resolved by consultations between the Participants, and will not be referred to any national or international tribunal or third party for settlement.

Paragraph VI: Funding and Resource Management

18. Funding arrangements for any activity under the MOU or implementation agenda will be defined and decided by entities engaged in the said activity on a case-by-case basis.
19. All costs incurred by a Participant in relation to the planning and implementation of this MOU will be self-funded by the Participant, unless otherwise jointly decided.
20. The Participants will endeavour to make available relevant personnel to support the implementation of this MOU.

Paragraph VII: Status of this MOU

21. This MOU only serves as a record of the Participants' intentions and does not constitute and is not intended to create any legally binding obligations under domestic or international law, and will not be deemed to constitute or create any legally binding or enforceable obligations, express or implied. It will be implemented subject to, and in accordance with, the Participants' respective laws, policies and international legal obligations.
22. Nothing in the MOU will alter or affect any existing agreements between the Participants.

Paragraph VIII: Treatment of Confidential Information

23. Each Participant undertakes to protect the confidentiality of information exchanged between the Participants against unauthorised disclosure and in accordance with the Participant's national laws, regulations, policies or directives. However, this will not apply to cases where the information is publicly available. The Participants have mutually decided that the provisions of this paragraph will continue to apply notwithstanding the expiration or termination of this MOU.

Signed in duplicate in Bangkok, on 17 November 2022, in the English language.

For the Government
of Australia

For the Government
of the Kingdom of Thailand

(The Honourable Timothy Graham Watts MP)
Assistant Foreign Minister
of Australia

(Dr. Sansern Samalapa)
Vice Minister for Commerce
of the Kingdom of Thailand