

**SECOND PROTOCOL TO AMEND
THE FRAMEWORK AGREEMENT FOR
ESTABLISHING FREE TRADE AREA
BETWEEN
THE KINGDOM OF THAILAND
AND
THE REPUBLIC OF INDIA**

The Governments of the Kingdom of Thailand and the Republic of India hereinafter referred to in this Protocol individually as the “Party” and collectively as the “Parties”;

RECALLING the Framework Agreement for Establishing Free Trade Area between the Government of the Kingdom of Thailand and the Government of the Republic of India, done at Bangkok, Thailand on 9 October, 2003 (hereinafter referred to as “the Framework Agreement”) and the Protocol to Amend the Framework Agreement for Establishing Free Trade Area between the Government of the Kingdom of Thailand and the Government of the Republic of India, done at New Delhi, India on 30 August, 2004 (hereinafter referred to as the “Protocol”);

RECALLING that Article 7 to the Framework Agreement provides that Parties agree to an Early Harvest Scheme with a view to accelerating the realization of benefits from the Framework Agreement;

RECOGNISING the need to update Annexure-A and Annexure-B of the Interim Rules of Origin for Products Eligible for Preferential Tariff for the Early Harvest Scheme under the Framework Agreement for Establishing Free Trade Area between the Government of the Kingdom of Thailand and the Government of the Republic of India to the Protocol (hereinafter referred to as the “Interim Rules of Origin”) and make it more facilitative to encourage greater utilization of the Early Harvest Scheme under the Framework Agreement;

SEEKING to incorporate into the Interim Rules of Origin the amendments made to the Annexure-A and Annexure-B of the Interim Rules of Origin; and

NOTING that Article 12 (4) of the Framework Agreement provides that amendments thereto shall be mutually agreed upon in writing by the Parties;

HAVE AGREED AS FOLLOWS:

ARTICLE 1
Amendment to the Early Harvest Scheme

1. The following product shall be included in Annex-I of the Framework Agreement:

No.	HS.	Descriptions
85	841810	ex. Compression-type combined refrigerator-freezers, fitted with separate external doors, household type

2. The tariff rate of above product shall be eliminated as from the date of entry into force of the Second Protocol to Amend the Framework Agreement for Establishing Free Trade Area between the Kingdom of Thailand and the Republic of India (hereinafter referred to as the "Second Protocol").

ARTICLE 2
Amendment to the Interim Rules of Origin

1. The following product and criteria shall be included in Annexure-A of the Interim Rules of Origin:

Sl.No.	Tariff item (HS2002)	Description of products	Applicable Rule
	8418	Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading 84.15.	

	841810	- Combined refrigerator-freezers, fitted with separate external doors	
26.	841810	- ex. Compression-type combined refrigerator-freezers, fitted with separate external doors, household type	Change at 6-digit H.S level (Change to subheading 841810 from any other subheadings), provided that there is a Local Value Added Content not less than 40%

2. The following Rule shall be included in Annexure-B of the Interim Rules of Origin:

“ Rule 19A

(a) The Customs Authority in the importing Party shall accept a Certificate of Origin in cases where the sales invoice is issued by a business entity located in a third country or by an exporter for the account of the said business entity, provided that the product meets the requirements of the Interim Rules of Origin.

(b) The exporter of the product shall indicate “third country invoicing” and such information as name, address, and country of the business entity issuing the invoice in box 7 of the Certificate of Origin.”

3. Rule 19A shall not be applied retroactively.

**ARTICLE 3
Entry into Force**

1. Each Party shall notify the other Party in writing upon completion of its internal requirements necessary for the entry into force of this Second Protocol.

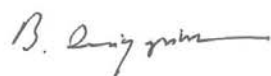
2. This Second Protocol shall enter into force on 1st April 2012. Where any Party is unable to complete its internal requirements necessary for the entry into force of this Second Protocol by 1st April 2012, this Second

Protocol shall enter into force for both Parties on the date of the latter of the two notifications.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed this Second Protocol to Amend the Framework Agreement for Establishing Free Trade Area between the Kingdom of Thailand and the Republic of India.

DONE at New Delhi on 25th day of January 2012 in two originals in the English language.

**FOR THE GOVERNMENT OF
THE KINGDOM OF THAILAND**



(Mr. Boonsong Teriyapirom)
Minister of Commerce

**FOR THE GOVERNMENT OF
THE REPUBLIC OF INDIA**



(Anand Sharma)
Minister of Commerce,
Industry & Textiles