

CHAPTER 1 INITIAL PROVISIONS AND GENERAL DEFINITIONS

Article 1.1 Objectives

The objectives of this Agreement are:

- (a) to strengthen and enhance the economic, trade and investment cooperation between the Parties;
- (b) to liberalise and promote trade in goods in accordance with Article XXIV of the WTO General Agreement on Trade and Tariffs 1994;
- (c) to liberalise and promote trade in services in accordance with Article V of the WTO General Agreement on Trade in Services, including promotion of mutual recognition of professions;
- (d) to establish a transparent, predictable and facilitative investment regime;
- (e) to improve the efficiency and competitiveness of their manufacturing and services sectors and to expand trade and investment between the Parties;
- (f) to explore new areas of economic cooperation and develop appropriate measures for closer economic cooperation between the Parties;
- (g) to facilitate and enhance regional economic cooperation and integration; and
- (h) to build upon their commitments at the World Trade Organization.

Article 1.2 General Application

For the purposes of Chapters 2 through 11 (Trade in Goods, Rules of Origin, Customs Cooperation, Trade Remedies, Sanitary and Phytosanitary Measures, Technical Barriers to Trade, Trade in Services, Movement of Natural Persons, Investment and Economic Cooperation) and the Annexes thereto, all Chapters of general application shall apply, unless otherwise provided.

Article 1.3 Non-Discrimination

Each Party shall ensure that any changes to domestic laws, procedures or regulations, *et cetera*, undertaken as a result of that Party's international agreement or treaty with a non-Party in which the other Party is not a party to such international agreement or treaty, do not adversely affect the exports of the other Party.

Article 1.4

General Definitions

1. For the purposes of this Agreement, unless otherwise specified:
 - (a) **days** means calendar days, including weekends and holidays;
 - (b) **GATT 1994** means the WTO General Agreement on Tariffs and Trade 1994;
 - (c) **GATS** means the WTO General Agreement on Trade in Services;
 - (d) **goods** means any merchandise, product, article or material;
 - (e) **Harmonized System** ("HS") means the Harmonized Commodity Description and Coding System defined in the International Convention on the Harmonized Commodity Description and Coding System, including all legal notes thereto, as may be amended, adopted and implemented by the Parties in their respective laws;
 - (f) **measure** means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form;
 - (g) **measures by Parties** means measures taken by:
 - (i) central, regional, or local governments and authorities; and
 - (ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities;
 - (h) **originating goods** means goods that qualify as originating in accordance with Article 3.2 (Origin Criteria);
 - (i) **Parties** means the Governments of the Republic of India and Malaysia collectively;
 - (j) **Party** means the Governments of the Republic of India or Malaysia respectively;
 - (k) **territory** means:
 - (i) in respect of Malaysia,
 - (AA) the territories of the Federation of Malaysia;
 - (BB) the territorial waters of Malaysia and the seabed and subsoil of the territorial waters, and the air space above such areas over which Malaysia has sovereignty; and

- (CC) any area extending beyond the limits of the territorial waters of Malaysia, and the seabed and subsoil of any such area, in accordance with the laws of Malaysia and international law as an area over which Malaysia has sovereign rights for the purposes of exploring and exploiting the natural resources, whether living or non-living, as well as jurisdiction with regard to the establishment and use of artificial islands, installations and structures, marine scientific research and the protection and preservation of the marine environment;
- (ii) in respect of India, the territory of the Republic of India including its territorial waters and the airspace above it and other maritime zones including the Exclusive Economic Zone and continental shelf over which Republic of India has sovereignty, sovereign rights or exclusive jurisdiction in accordance with its laws in force, the United Nations Convention on the Law of the Sea, 1982 and international law;
- (l) **WTO** means the World Trade Organization; and
- (m) **WTO Agreement** means the Marrakesh Agreement Establishing the World Trade Organization, done on 15 April 1994.

2. In this Agreement, all words in the singular shall include the plural and all words in the plural shall include the singular, unless otherwise indicated in the context.