

reduced/eliminated within timeframes to be mutually agreed between the Parties.

(6) The commitments undertaken by the Parties under this Article and Article 7 of this Agreement shall fulfil the WTO requirements to eliminate tariffs on substantially all the trade between the Parties.

(7) The specified tariff rates/tariff preferences to be mutually agreed between the Parties pursuant to this Article shall set out only the limits of the applicable tariff rates/preferences or range for the specified year of implementation by the Parties.

(8) The negotiations between the Parties to establish the India-ASEAN RTIA covering trade in goods shall also include, but not be limited to the following:

(a) modalities, including detailed rules governing the tariff reduction and/or elimination;

(b) Rules of Origin;

(c) treatment of out-of-quota rates;

(d) modification of a Party's commitments under the agreement on trade in goods based on WTO agreements;

(e) non-tariff measures/barriers, including, but not limited to, quantitative restrictions or prohibition on the importation of any product or on the export or sale for export of any product, as well as sanitary and phytosanitary measures and technical barriers to trade;

(f) safeguards based on the WTO agreements;

(g) disciplines on subsidies and countervailing measures and anti-dumping measures based on the existing WTO agreements; and

(h) facilitation and promotion of effective and adequate protection of trade-related aspects of intellectual property rights based on existing WTO, World Intellectual Property Organisation (WIPO) and other relevant agreements.

ARTICLE 4
Trade In Services

With a view to expediting the expansion of trade in services, the Parties agree to enter into negotiations to progressively liberalise trade in services on a preferential basis with substantial sectoral coverage. Such negotiations shall be directed to:

progressive elimination of substantially all discrimination between or among the Parties and/or prohibition of new or more discriminatory measures with respect to trade in services between the Parties, except for measures permitted under Article V(1)(b) of the WTO General Agreement on Trade in Services (GATS); expansion in the depth and scope of liberalisation of trade in services beyond those undertaken by India and ASEAN Member States under the GATS; and enhanced cooperation in services between the Parties in order to improve efficiency and competitiveness, as well as to diversify the supply and distribution of services of the respective service suppliers of the Parties.

ARTICLE 5
Investment

To promote investments and to create a liberal, facilitative, transparent and competitive investment regime, the Parties agree to:

enter into negotiations in order to progressively liberalise their investment regimes;

strengthen cooperation in investment, facilitate investment and improve transparency of investment rules and regulations; and

provide for the protection of investments.

ARTICLE 6

reduced/消除，具体时间由缔约方协商确定。

(6) 各缔约方根据本条和本协定第七条所做出的承诺应满足世界贸易组织关于消除缔约方之间实质上所有贸易关税的要求。 s

本协定应满足世界贸易组织关于消除缔约方之间实质上所有贸易关税的要求。

(7) 根据本条由缔约方协商确定的指定关税税率/关税优惠应仅列明适用于缔约方实施指定年份的适用关税税率/关税优惠的上限或范围。

(8) 各缔约方为建立印度-东盟自由贸易协定以涵盖商品贸易的谈判还应包括但不限于以下内容：

(a) 模式，包括管理关税减让和/或消除的详细规则； (b) 原产地规则；

(c) 配额外税率的处理；

(d) 根据世界贸易组织（WTO）协定，对商品贸易协定中一方承诺的修改；

(e) 非关税措施/壁垒，包括但不限于数量限制或禁止进口任何产品，或禁止出口或出口销售任何产品，以及卫生与植物卫生措施和技术性贸易壁垒； (f) 根据世界贸易组织（WTO）协定的保障措施；

(g) 根据现有世界贸易组织（WTO）协定对补贴、反补贴措施和反倾销措施的纪律；和

(h) 根据现有世界贸易组织（WTO）、世界知识产权组织（WIPO）和其他相关协定，促进有效和充分保护与贸易有关的知识产权方面。

ARTICLE 4

服务贸易

为加速服务贸易的扩展，缔约方同意进行谈判，以优惠方式逐步自由化服务贸易，并涵盖广泛的部门。此类谈判应旨在：

逐步消除缔约方之间或缔约方之间的实质性所有歧视，和/或禁止缔约方之间关于服务贸易的新或更歧视性措施，但世界贸易组织服务贸易总协定（GATS）第V(1)(b)条允许的措施除外；扩大服务贸易自由化的深度和范围，超出印度和东盟成员国在GATS项下所进行的自由化；以及加强缔约方之间的服务合作，以提高效率和竞争力，以及多样化缔约方各自的服务供应商的服务供应和分销。

ARTICLE 5

投资

为促进投资并创建自由、便利、透明和有竞争力的投资制度，缔约方同意：进行谈判以逐步自由化其投资制度；加强投资合作，促进投资并提高投资规则和法规的透明度；并提供投资保护。

ARTICLE 6

Areas of Economic Cooperation

(1) Where appropriate, the Parties agree to strengthen their cooperation in the following areas, including, but not limited to:

(a) Trade Facilitation:

- (i) Mutual Recognition Arrangements, conformity assessment, accreditation procedures, and standards and technical regulations;
- (ii) non-tariff measures;
- (iii) customs cooperation;
- (iv) trade financing; and
- (v) business visa and travel facilitation.

(b) Sectors of Cooperation:

- (i) agriculture, fisheries and forestry;
- (ii) services: media and entertainment, health, financial, tourism, construction, business process outsourcing, environmental;
- (iii) mining and energy: oil and natural gas, power generation and supply;
- (iv) science and technology: information and communications technology, electronic-commerce, biotechnology;
- (v) transport and infrastructure: transport and communication;
- (vi) manufacturing: automotive, drugs and pharmaceuticals, textiles, petrochemicals, garments, food processing, leather goods, light engineering goods, gems and jewellery processing;
- (vii) human resource development: capacity building, education, technology transfer; and
- (viii) others: handicrafts, small and medium enterprises, competition policy, Mekong Basin Development, intellectual property rights, government procurement.

(c) Trade and Investment Promotion:

- (i) fairs and exhibitions;
- (ii) India-ASEAN weblinks; and
- (iii) business sector dialogues.

(2) The Parties agree to implement capacity building programmes and technical assistance, particularly for the New ASEAN Member States, in order to adjust their economic structure and expand their trade and investment with India.

(3) Parties may establish other bodies as may be necessary to coordinate and implement any economic cooperation activities undertaken pursuant to this Agreement.

ARTICLE 7

Early Harvest Programme

(1) With a view to accelerating the implementation of this Agreement, the Parties agree to implement an EHP, which is an integral part of the India-ASEAN RTIA, for products covered under paragraph 3(a) below. The progressive tariff reduction under the EHP shall commence from 1 November 2004, and tariff elimination shall be completed by 31 October 2007 for India and ASEAN-6, and 31 October 2010 for the New ASEAN Member States.

(2) For the purposes of this Article, the following definitions shall apply unless the context otherwise requires:

- (a) "ASEAN 6" refers to Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore and Thailand; and
- (b) "applied MFN tariff rates" shall refer to the respective applied rates of the Parties as

经济合作领域

(1) 在适当情况下，缔约方同意加强其在以下方面的合作 g
领域，包括但不限于：（a）贸易便利化：（i）相互承认安排、合格评定、认证程序以及标准和技术法规；（ii）非关税措施；（iii）海关合作；（iv）贸易融资；（v）商务签证和旅行便利化。（b）合作领域：（i）农业、渔业和林业；（ii）服务业：媒体和娱乐、健康、金融、旅游业、建筑、业务流程外包、环境；（iii）矿产和能源：石油和天然气、发电和供电；（iv）科学技术：信息和通信技术、电子商务、生物技术；（v）交通和基础设施：交通和通信；（vi）制造业：汽车、药品和制药、纺织品、石化产品、服装、食品加工、皮革制品、轻工业产品、宝石和珠宝加工；（vii）人力资源开发：能力建设、教育、技术转让；

(viii) 其他：手工艺品、中小企业、竞争政策、湄公河盆地发展、知识产权、政府采购。 (c) 贸易和投资促进： (i) 展会； (ii) 印度-东盟网站链接； 以及 (iii) 商业部门对话。 (2) 缔约方同意实施能力建设计划和技术援助，特别是针对新东盟成员国，以调整其经济结构并扩大其与印度的贸易和投资。 (3) 缔约方可以设立其他机构，以协调和实施根据本协定进行的任何经济合作活动。 d

第七条

早期收获计划

(1) 为了加速本协定的实施，缔约方同意实施一个早期收获计划（EHP），它是印度-东盟自由贸易协定的一个组成部分，适用于下文第3(a)段所述的产品。早期收获计划下的逐步关税减让应从2004年11月1日开始，并且对于印度和东盟-6国，关税消除应在2007年10月31日完成，对于新东盟成员国，应在2010年10月31日完成。

(2) 为本条文的用途，除非上下文另有要求，下列定义应适用：

- (a) "东盟6国"指文莱达鲁萨兰国、印度尼西亚、马来西亚、菲律宾、新加坡和泰国；
- 和
- (b) "适用MFN关税税率"指缔约方的相应适用税率，如