

India-ASEAN Free Trade Agreement

As per the recent Indo-ASEAN pact, negotiations for free trade area in goods is slated to be finalised by June 30, 2005 and that for services and investments the negotiations are slated to begin in 2005 and conclude in 2007. Negotiations on exchange of tariff concessions under EHS will begin from November 1, 2004. A trade negotiating committee will begin framing the rules of origin, modalities for tariff reduction and FTA in January 2004. India has agreed to special and differential treatment to ASEAN group and align its peak tariff levels. India will reduce its tariff for Brunei, Cambodia, Laos, Indonesia, Malaysia, Myanmar, Singapore, Thailand and Vietnam in 2011. Correspondingly while Brunei, Indonesia, Malaysia, Singapore and Thailand will reduce their tariff for India in 2001, the new ASEAN members like Cambodia, Laos, Myanmar and Vietnam (CLMV) will do so in 2016. Phillipines which has expressed its reservations to the FTA has agreed to eliminate its tariff on reciprocal basis for India by 2016. India will unilaterally extend concessions on 11 tariff lines to CLMV. The agreement and the list of items under the Early Harvest Programme are being reproduced below:

FRAMEWORK AGREEMENT
ON COMPREHENSIVE ECONOMIC COOPERATION BETWEEN THE REPUBLIC OF INDIA
AND THE ASSOCIATION OF SOUTH EAST ASIAN NATIONS

Preamble

WE, the Heads of State/Government of the Republic of India (India), and Brunei Darussalam, the Kingdom of Cambodia (Cambodia), the Republic of Indonesia (Indonesia), the Lao People's Democratic Republic (Lao PDR), Malaysia, the Union of Myanmar (Myanmar), the Republic of the Philippines (the Philippines), the Republic of Singapore (Singapore), the Kingdom of Thailand (Thailand), the Socialist Republic of Viet Nam (Viet Nam), Member States of the Association of South East Asian Nations (collectively, "ASEAN" or "ASEAN Member States", or individually, "ASEAN Member State");
Recalling that in 2002, we had agreed on the importance of enhancing our close economic cooperation and to work towards an India-ASEAN Regional Trade and Investment Area (RTIA) as a long-term objective;
Desiring to adopt a Framework Agreement on Comprehensive Economic Cooperation (this Agreement) between India and ASEAN (collectively, "the Parties", or individually referring to India or to an ASEAN Member State as a "Party") that is forward-looking in order to forge a closer economic partnership in the 21st century;
Desiring to minimise barriers and deepen economic linkages between the Parties; lower costs; increase intra-regional trade and investment; increase economic efficiency; create a larger market with greater opportunities and larger economies of scale for the businesses of the Parties; and enhance the attractiveness of the Parties to capital and talent;
Recognising the important role and contribution of the business sector in enhancing trade and investment between the Parties and the need to further promote and facilitate their cooperation and utilisation of greater business opportunities provided by the India-ASEAN RTIA;

印度-东盟自由贸易协定

根据最近的印度-东盟协议，货物自由贸易区的谈判计划于2005年6月30日结束，而服务和投资的谈判计划于2005年开始，并于2007年结束。关于EHS关税减免的谈判将从2004年11月1日开始。一个贸易谈判委员会将于2004年1月开始制定原产地规则、关税减让方式和自由贸易区。印度已同意给予东盟集团特殊和差别待遇，并调整其高峰关税水平。印度将在2011年降低文莱、柬埔寨、老挝、印度尼西亚、马来西亚、缅甸、新加坡、泰国和越南的关税。相应地，文莱、印度尼西亚、马来西亚、新加坡和泰国将在2001年降低对印度的关税，而新的东盟成员国如柬埔寨、老挝、缅甸和越南（CLMV）将在2016年这样做。菲律宾对自由贸易表示保留，但已同意在2016年前以对等为基础取消对印度的关税。印度将单方面向CLMV提供11项关税线的优惠。协议和早期收获计划下的项目清单如下：

印度共和国与东南亚国家联盟全面经济合作框架协议

序言

我们，印度共和国（印度）的国家元首/政府首脑，以及文莱达鲁萨兰国、柬埔寨王国、印度尼西亚共和国、老挝人民共和国（老挝）、马来西亚、缅甸联邦、菲律宾共和国、新加坡共和国、泰国、越南社会主义共和国，东南亚国家联盟（东盟）成员国；

回顾我们在2002年就加强我们密切经济合作的重要性以及建立一个印度-东盟区域贸易与投资区（RTIA）作为长期目标达成共识；

期望缔结印度与东盟（以下统称"缔约方"，单独指印度或东盟成员国时简称"一方"）之间的全面经济合作框架协议（本协议），以面向未来，旨在建立21世纪更紧密的经济伙伴关系；

期望减少障碍，深化缔约方之间的经济联系；降低成本；增加区域内贸易和投资；提高经济效率；为缔约方企业创造更大的市场、更多机会和更大的规模经济；并增强缔约方对资本和人才的吸引力；

认识到商业部门在促进缔约方之间贸易和投资方面的重要作用 and 贡献，以及进一步促进和便利其合作和利用印度-东盟自由贸易协定提供的更大商业机会的必要性；

Recognising the different stages of economic development among ASEAN Member States and the need for flexibility, including the need to facilitate the increasing participation of Cambodia, Lao PDR, Myanmar and Viet Nam (the New ASEAN Member States) in the India-ASEAN economic co-operation and the expansion of their exports, inter alia, through the strengthening of their domestic capacity, efficiency and competitiveness;

Reaffirming the rights, obligations and undertakings of the respective parties under the World Trade Organisation (WTO), and other multilateral, regional and bilateral agreements and arrangements; and

Recognising that regional trade arrangements can contribute towards accelerating regional and global liberalisation and as building blocks in the framework of the multilateral trading system,

Have agreed as follows:

ARTICLE 1

Objectives

The objectives of this Agreement are to:

strengthen and enhance economic, trade and investment co-operation between the Parties;

progressively liberalise and promote trade in goods and services as well as create a transparent, liberal and facilitative investment regime;

explore new areas and develop appropriate measures for closer economic co-operation between the Parties; and

facilitate the more effective economic integration of the new ASEAN Member States and bridge the development gap among the Parties.

ARTICLE 2

Measures For Economic Cooperation

The Parties agree to enter into negotiations in order to establish an India-ASEAN Regional Trade and Investment Area (RTIA), which includes a Free Trade Area (FTA) in goods, services and investment, and to strengthen and enhance economic cooperation through the following:

progressive elimination of tariffs and non-tariff barriers in substantially all trade in goods;

(b) progressive liberalisation of trade in services with substantial sectoral coverage;

(c) establishment of a liberal and competitive investment regime that facilitates and promotes investment within the India-ASEAN RTIA;

(d) provision of special and differential treatment to the New ASEAN Member States;

provision of flexibility to the Parties in the India-ASEAN RTIA negotiations to address their sensitive areas in the goods, services and investment sectors with such flexibilities to be negotiated and mutually agreed based on the principle of reciprocity and mutual benefits;

establishment of effective trade and investment facilitation measures, including, but not limited to, simplification of customs procedures and development of mutual recognition arrangements;

expansion of economic cooperation in areas as may be mutually agreed between the Parties that will complement the deepening of trade and investment links between the Parties and formulation of action plans and programmes in order to implement the agreed sectors/areas of co-operation; and

认识到东盟成员国之间经济发展的不同阶段，以及灵活性的必要性，包括促进柬埔寨、老挝人民民主共和国、缅甸和越南（新东盟成员国）越来越多地参与印度-东盟经济合作和扩大其出口的必要性，特别是通过加强其国内能力、效率和竞争力；

重申各缔约方根据世界贸易组织（WTO）以及其他多边、区域和双边协议和安排所享有的权利、义务和承诺；以及

认识到区域贸易安排可以有助于加速区域和全球自由化，并作为多边贸易体制框架中的基石，

经同意如下：

第一条

目标

本协议的目标是：

加强和促进缔约方之间的经济、贸易和投资合作；

逐步自由化并促进货物和服务贸易，以及创建透明、自由和便利的投资制度；

探索新的领域和发展适当的措施，以加强缔约方之间的更紧密的经济合作；和

促进新东盟成员国更有效的经济一体化，并缩小缔约方之间的发展差距。

第二条第

经济合作措施

缔约方同意进行谈判，以建立印度-东盟区域贸易与投资区（RTIA），该区域包括货物、服务和投资的自由贸易区（FTA），并通过以下方式加强和促进经济合作：

在几乎所有货物贸易中逐步消除关税和非关税壁垒；(b) 在服务业中实现实质性部门覆盖的逐步自由化；

(c) 建立自由和竞争的投资制度，以促进和推动印度-东盟RTIA内的投资；

(d) 向新东盟成员国提供特殊和差别待遇；在印度-东盟RTIA谈判中为缔约方提供灵活性，以解决其在货物、服务和投资部门敏感领域的问题，此类灵活性应根据互惠互利原则进行谈判和相互同意；

建立有效的贸易和投资便利化措施，包括但不限于海关程序简化和发展相互承认安排；

在缔约方相互同意的领域扩大经济合作，以补充缔约方之间贸易和投资联系的深化，并制定行动计划和方案，以实施约定的合作部门/领域；以及

establishment of appropriate mechanisms for the purposes of effective implementation of this Agreement.

ARTICLE 3
Trade In Goods

(1) With a view to expediting the expansion of trade in goods, the Parties agree to enter into negotiations in which duties and other restrictive regulations of commerce (except, where necessary, those permitted under Article XXIV (8)(b) of the WTO General Agreement on Tariffs and Trade (GATT)) shall be eliminated on substantially all trade in goods between the Parties.

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

(a) "applied Most Favoured Nation (MFN) tariff rates" shall refer to the respective applied rates of the Parties as of 1 July 2004; and "non-tariff measures" shall include non-tariff barriers.

(3) Upon signing of this Agreement, the Parties shall commence consultations on each other's trade regime, including, but not limited to the following:

- (a) trade and tariff data;
- (b) customs procedures, rules and regulations;
- (c) non tariff measures including, but not limited to import licensing requirement and procedure, quantitative restrictions, technical barriers to trade, sanitary and phytosanitary;
- (d) intellectual property rights rules and regulations; and
- (e) trade policy.

(4) The tariff reduction or elimination programme of the Parties shall require tariffs on listed products to be gradually reduced and, where applicable, eliminated in accordance with this Article.

(5) The products which are subject to the tariff reduction or elimination programme under this Article shall include all products not covered by the Early Harvest Programme (EHP) under Article 7 of this Agreement, and such products shall be categorised into two tracks as follows:

(a) Normal Track: Products listed in the Normal Track by a Party on its own accord shall have their respective applied MFN tariff rates gradually reduced or eliminated in accordance with specified schedules and rates (to be mutually agreed by the Parties) over a period from:

- (i) 1 January 2006 to 31 December 2011 for India, and Brunei Darussalam, Indonesia, Malaysia, Singapore and Thailand;
- (ii) 1 January 2006 to 31 December 2016 for India and the Philippines; and
- (iii) 1 January 2006 to 31 December 2011 for India and 1 January 2006 to 31 December 2016 for the New ASEAN Member States.

In respect of those tariffs which have been reduced but have not been eliminated, they shall be progressively eliminated within timeframes to be mutually agreed between the Parties.

(b) Sensitive Track:

(i)The number of products listed in the Sensitive Track shall be subject to a maximum ceiling to be mutually agreed among the Parties.

(ii)Products listed in the Sensitive Track by a Party on its own accord shall, where applicable, have their respective applied MFN tariff rates progressively

为有效实施本协议建立适当的机制。

ARTICLE 3
货物贸易

(1) With a view to 加速 货物贸易的扩张, 缔约方同意进入 r
进入谈判, 在谈判中, 关税和其他贸易限制性法规 (除必要情况下, 根据世界贸易组织关税及贸易总协定 (GATT) 第二十四条第 (8) (b) 款允许的条款外) 应予消除, 适用于缔约方之间几乎所有货物贸易。

(2) 本条所述定义, 如无上下文另有规定, 应作如下解释: (a) "适用最惠国 (MFN) 关税税率"应指缔约方在2004年7月1日的各自适用税率; 而"非关税措施"应包括非关税壁垒。

(3) 本协议签署后, 缔约方应就彼此的贸易制度进行磋商, 包括但不限于以下内容: (a) 贸易和关税数据; (b) 海关程序、规则和法规; (c) 非关税措施, 包括但不限于进口许可证要求和程序、数量限制、贸易技术壁垒、卫生和植物卫生; (d) 知识产权规则和法规; (e) 贸易政策。

(4) 缔约方的关税减让或消除计划应根据本条规定, 要求列名产品的关税逐步降低, 并在适用的情况下予以消除。

(5) 根据本条规定, 适用关税减让或消除计划的产品应包括本协议第七条规定的早期收获计划 (EHP) 未涵盖的所有产品, 此类产品应分为两个轨道, 具体如下: (a) 常规轨道: 缔约方自行列名的常规轨道产品, 其各自适用最惠国 (MFN) 关税税率应根据指定的时间表和税率 (由缔约方相互商定) 逐步降低或消除, 期限为: (i) 对于印度、文莱达鲁萨兰国、印度尼西亚、马来西亚、新加坡和泰国, 自2006年1月1日至2011年12月31日; (ii) 对于印度和菲律宾, 自2006年1月1日至2016年12月31日;

(iii) 对于印度和新的东盟成员国, 自2006年1月1日至2011年12月31日, 以及自2006年1月1日至2016年12月31日。对于已降低但未消除的关税, 应在缔约方相互商定的期限内逐步消除。

(b) 敏感轨道: (i) 敏感轨道中列名的产品数量应受缔约方相互商定的最高上限限制。 (ii) 缔约方自行列名的敏感轨道产品, 在适用的情况下, 其各自适用最惠国 (MFN) 关税税率应逐步

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

降低 应于缔约方相互同意的时间框架内予以消除。

(6) 缔约方根据本条和本协议第七条所做出的承诺 S
本协议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) 根据本条由缔约方相互同意的指定关税税率/关税优惠应仅列明适用于缔约方指定实施年份的适用关税税率/优惠的范围或上限。

(8) 为建立涵盖货物贸易的印度-东盟自由贸易协定，缔约方之间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) 根据世界贸易组织协议，对一方在货物贸易协议项下的承诺进行修改；

(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贸易技术壁垒；(f) 根据世界贸易组织协议的保障措施；

(g) 根据现有世界贸易组织协议的补贴、反补贴措施和反倾销措施的纪律；以及

(h) 根据现有的世界贸易组织、世界知识产权组织（WIPO）和其他相关协议，促进有效和充分的与贸易有关的知识产权方面的保护。

第四条
服务贸易
为加速服务贸易的扩展，缔约方同意就逐步以优惠方式对具有广泛部门覆盖范围的服务贸易进行谈判。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的措施，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；在服务贸易自由化方面，扩大印度和东盟成员国在GATS项下所进行的自由化深度和范围；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配。

第五条
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，便利投资，并改进投资规则和法规的透明度；并提供对投资的保护。

第六条

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，缔约方同意加强他们在以下方面的合作
合作领域，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）缔约方可设立其他机构，以协调和实施根据本协议进行的任何经济合作活动。

第七条

早期收获计划

(1) 为了加速本协议的实施，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) 对于本条文的适用，下列定义应适用，除非上下文另有要求：

- (a) "东盟6国"是指文莱达鲁萨兰国、印度尼西亚、马来西亚、菲律宾、新加坡和泰国；和
- (b) "适用最惠国（MFN）关税率"应指缔约方各自的适用税率，

of 1 July 2004.

(3) The product coverage, tariff reduction and elimination, removal of non-tariff barriers, rules of origin, trade remedies and emergency measures applicable to the EHP shall be as follows:

(a) Product Coverage

Common products on which the Parties agree to exchange tariff concessions are listed in Annex A.

Products on which India accords concessions to the New ASEAN Member States are listed in Annex B.

(b) Modality for Tariff Reduction and Elimination

The modality for tariff reduction and elimination for the products covered by the EHP shall be finalised under Article 8(2) of this Agreement.

(c) Removal of non-tariff measures

In order to fully realise the potential benefits of the EHP, the parties shall promote and facilitate trade in all products listed in the EHP. The parties shall also endeavour to refrain from using non-tariff measures adversely affecting trade in Early Harvest products.

(d) Rules of Origin

Products covered by the EHP shall qualify for tariff preferences in accordance with the Rules of Origin to be agreed under Article 8(2) of this Agreement.

(e) Application of WTO provisions

The WTO provisions governing modification of commitments, safeguard actions, emergency measures and other trade remedies, including anti-dumping and subsidies and countervailing measures, shall, in the interim, be applicable to the products covered under the EHP and shall be superseded and replaced by the relevant disciplines negotiated and agreed to by the Parties under Article 3(8) of this Agreement once these disciplines are implemented.

(4) The Parties shall also explore the feasibility of cooperation in the areas listed in Annex C.

ARTICLE 8

Timeframes

(1) For trade in goods, negotiations on the agreement for tariff reduction/elimination and other matters as set out in Article 3 of this Agreement shall commence in January 2004 and be concluded by 30 June 2005 in order to establish the India-ASEAN FTA.

(2) The negotiations on Rules of Origin for trade in goods under Articles 3 and 7 and modality for tariff reduction and elimination under Article 7 shall be concluded no later than 31 July 2004.

(3) For trade in services and investments, the negotiations on the respective agreements shall commence in 2005 and be concluded by 2007. The identification, liberalisation, etc., of the sectors of services and investment shall be finalised for implementation subsequently in accordance with the timeframes to be mutually agreed:

(a) taking into account the sensitive sectors of the Parties; and (b) with special and differential treatment and flexibility for the New ASEAN Member States.

(4) For other areas of economic cooperation, the Parties shall continue to build upon existing or agreed programmes set out in Article 6 of this Agreement, develop new economic cooperation programmes and conclude agreements on the various areas of economic cooperation. The Parties shall do so expeditiously for early implementation in a

为2004年7月1日。

(3) EHP适用产品的范围、关税减让和消除、非关税壁垒的取消、原产地规则、贸易救济措施和紧急措施如下：

(a) 产品范围

缔约方同意相互提供关税减免的共同产品清单载于附件A。

印度向新东盟成员国提供关税减免的产品清单载于附件B。

(b) 关税减让和消除的方式

EHP适用产品的关税减让和消除的方式应依据本协议第8(2)条最终确定。

(c) 移除非关税措施

为了充分实现EHP的潜在利益，缔约方应促进和便利EHP中列名的所有产品的贸易。缔约方还应努力避免使用对早期收获产品贸易产生不利影响的非关税措施。

(d) 原产地规则

EHP涵盖的产品应根据本协议第8(2)条同意的原产地规则，获得关税优惠。

(e) WTO条款的适用

适用于承诺修改、保障措施、紧急措施和其他贸易救济措施（包括反倾销和补贴以及反补贴措施）的WTO条款，在过渡期内应适用于EHP涵盖的产品，一旦这些纪律得到实施，这些条款即应被第3(8)条中缔约方谈判和同意的相关纪律所取代和替代。

(4) 缔约方还应当探讨附件C中列出的领域的合作可行性。

第七条

时间框架

(1) 对于货物贸易，关于本协定第三条规定的关税减让/消除协议及其他事项的谈判应于2004年1月开始，并在2005年6月30日以前结束，以建立印度-东盟自由贸易协定。

(2) 关于第三条和第七条下货物贸易的原产地规则谈判，以及第七条下关税减让和消除的安排，应不迟于2004年7月31日结束。

(3) 对于服务和投资贸易，相关协议的谈判应于2005年开始，并在2007年结束。服务和投资领域的确定、自由化等，应根据双方同意的时间框架最终确定，以便随后实施：

(a) 考虑到缔约方的敏感行业；以及 (b) 对新东盟成员国给予特殊和差别待遇及灵活性。

(4) 对于其他经济合作领域，缔约方应继续基于本协议第六条规定的现有或约定的计划，制定新的经济合作计划并就各个经济合作领域达成协议。缔约方应迅速采取行动，以便尽早以所有有关缔约方均可接受的方式实施。

manner and at a pace acceptable to all the Parties concerned. The agreements shall include timeframes for the implementation of the commitments therein.

ARTICLE 9
Most-Favoured Nation Treatment

India shall continue to accord Most-Favoured Nation (MFN) Treatment consistent with WTO rules and disciplines to all the non-WTO ASEAN Member States upon the date of signature of this Agreement.

ARTICLE 10
General Exceptions

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between or among the Parties where the same conditions prevail, or a disguised restriction on trade within the India-ASEAN FTA, nothing in this Agreement shall prevent any Party from taking action and adopting measures for the protection of its national security or the protection of articles of artistic, historic and archaeological value, or such other measures which it deems necessary for the protection of public morals, or for the protection of human, animal or plant life, health and conservation of exhaustible natural resources.

ARTICLE 11
Dispute Settlement Mechanism

- (1) The Parties shall, within one (1) year after the date of entry into force of this Agreement, establish appropriate formal dispute settlement procedures and mechanism for the purposes of this Agreement.
- (2) Pending the establishment of the formal dispute settlement procedures and mechanism under paragraph 1 above, any disputes concerning the interpretation, implementation or application of this Agreement shall be settled amicably by mutual consultations.

ARTICLE 12
Institutional Arrangements for the Negotiations

- (1) There shall be established an ASEAN-India Trade Negotiating Committee (TNC) to carry out the programme of negotiations set out in this Agreement.
- (2) The ASEAN-India TNC may invite experts or establish any Working Group as may be necessary to assist in the negotiations of all sectors in the India-ASEAN RTIA.
- (3) The ASEAN-India TNC shall regularly report to the Minister of Commerce and Industry of India and the ASEAN Economic Ministers (AEM-India Consultations), through the meetings of the ASEAN Senior Economic Officials and India (SEOM-India Consultations), on the progress and outcome of its negotiations.
- (4) The Ministry of Commerce and Industry, Government of India, and the ASEAN Secretariat shall jointly provide the necessary secretariat support to the ASEAN-India Trade Negotiating Committee (TNC) whenever and wherever negotiations are held.

ARTICLE 13
Miscellaneous Provisions

- (1) This Agreement shall include the Annexes and the contents therein, and all future legal instruments agreed pursuant to this Agreement.

协议应包括其中承诺的实施时间框架。

第九条
最惠国待遇

印度应在本协议签署之日起，继续根据世界贸易组织（WTO）规则和纪律，向所有非世界贸易组织的东盟成员国提供最惠国（MFN）待遇。

第十条
一般例外

在要求此类措施不得以任何或不合理的歧视方式在缔约方之间或缔约方之间构成手段，或构成印度-东盟自由贸易协定内的伪装贸易限制的情况下，本协议的任何规定均不得阻止任何一方采取行动并采取保护其国家安全或保护具有艺术、历史和考古价值的物品，或其认为为保护公共道德所必需的其他措施，或为保护人类、动物或植物的生命、健康以及保护不可再生自然资源所必需的措施。

ARTICLE 11
争端解决机制

- (1) 缔约方应在本协议生效之日起一年内，建立适当的正式争端解决程序和机制，以用于本协议。
- (2) 在上述第1段所述正式争端解决程序和机制建立之前，与本协议的解释、实施或适用有关的任何争端应通过相互磋商友好解决。

ARTICLE 12
谈判机构安排

- (1) 应设立东盟-印度贸易谈判委员会（TNC），以执行本协议中规定的谈判计划。
- (2) 东盟-印度TNC可邀请专家或设立任何工作组，以协助印度-东盟自由贸易协定所有领域的谈判。
- (3) 东盟-印度TNC应定期通过东盟高级经济官员和印度（SEOM-印度磋商）会议，向印度商业和工业部长及东盟经济部长（AEM-印度磋商）报告其谈判的进展和结果。
- (4) 印度商业和工业部及东盟秘书处应随时在谈判举行地联合提供必要的秘书处支持给东盟-印度贸易谈判委员会（TNC）。

第13条
其他规定

- (1) 本协议应包括附件及其内容，以及根据本协议达成的所有未来法律文件。

(2) Except as otherwise provided in this Agreement, this Agreement or any action taken under it shall not affect or nullify the rights and obligations of a Party under existing agreements to which it is a party.

(3) The Parties shall endeavour to refrain from increasing restrictions or limitations that would affect the application of this Agreement.

(4) Any ASEAN Member State may defer its participation in the implementation of this Agreement provided that a notification is given to the other parties within twelve (12) months from the date of signing of this Agreement. Any extension of the negotiated concessions to such ASEAN Member State shall be voluntary on the part of the parties participating in such implementation. The ASEAN Member State concerned shall participate in the implementation of this Agreement at a later date on the same terms and conditions, including any further commitments that may have been undertaken by the other parties by the time of such participation.

ARTICLE 14
Amendments
The provisions of this Agreement may be modified through amendments mutually agreed upon in writing by the Parties.

ARTICLE 15
Depository
For the ASEAN Member States, this Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to India and each ASEAN Member State.

ARTICLE 16
Entry into Force
(1) This Agreement shall enter into force on 1 July 2004.

(2) The Parties undertake to complete their internal procedures for the entry into force of this Agreement prior to 1 July 2004.

(3) Where a Party is unable to complete its internal procedures for the entry into force of this Agreement by 1 July 2004, the Agreement shall come into force for that Party upon the date of notification of the completion of its internal procedures. The Party concerned, however, shall be bound by the same terms and conditions, including any further commitments that may have been undertaken by the other Parties under this Agreement by the time of such notification.

(4) A Party shall upon the completion of its internal procedures for the entry into force of this Agreement notify all the other parties in writing.

IN WITNESS WHEREOF, WE have signed this Framework Agreement on Comprehensive Economic Cooperation between the Republic of India and the Association of South East Asian Nations.

DONE at Bali, this 8th day of October, 2003 in duplicate copies in the English Language.

For the Republic of India

ATAL BIHARI VAJPAYEE
Prime Minister

(2) 除本协议另有规定外，本协议或根据本协议采取的任何行动不应影响或使任何一方根据其作为一方签署的现有协议所享有的权利和义务失效。

(3) 缔约方应努力避免增加可能影响本协议适用性的限制或限制。

(4) 任何东盟成员国可推迟其参与本协议的实施，但须在本协议签署之日起十二（12）个月内通知其他缔约方。对如此东盟成员国所做的谈判让步的任何延长，应由参与此类实施的其他缔约方自愿决定。有关东盟成员国应

在稍后的日期根据相同条款和条件参与本协议的实施，包括其他缔约方在此参与时可能已做出的任何进一步承诺。

ARTICLE 14
修正案
本协议的条款可通过缔约方书面共同同意的修正案进行修改。

ARTICLE 15
Depository
对于东盟成员国，本协议应存放于东盟秘书长处，该秘书长应迅速向印度和每个东盟成员国提供其认证副本。

ARTICLE 16
生效
(1) 本协议应于2004年7月1日生效。

(2) 缔约方应在2004年7月1日之前完成其关于本协议生效的内部程序。

(3) 如果一方未能于2004年7月1日之前完成其关于本协议生效的内部程序，该协议应自该方通知其内部程序完成之日起对该方生效。然而，有关方应受相同条款和条件的约束，包括在该通知发出时其他缔约方根据本协议可能已作出的任何进一步承诺。

(4) 一方应在其关于本协议生效的内部程序完成后，以书面形式通知所有其他缔约方。

为证明本协议，我们已签署印度共和国与东南亚国家联盟之间的全面经济合作框架协议。

东南亚国家联盟。
在巴厘岛完成，2003年10月8日，一式两份，英文。为印度共和国

阿塔尔·比哈里·瓦杰帕伊 总
理

For Brunei Darussalam

HAJI HASSANAL BOLKIAH
Sultan of Brunei Darussalam
For the Kingdom of Cambodia

SAMDECH HUN SEN
Prime Minister
For the Republic of Indonesia

MEGAWATI SOEKARNOPUTRI
President
For the Lao People’s Democratic Republic

BOUNNHANG VORACHITH
Prime Minister
For Malaysia

MAHATHIR BIN MOHAMAD
Prime Minister
For the Union of Myanmar

GENERAL KHIN NYUNT
Prime Minister
For the Republicof the Philippines

GLORIA MACAPAGAL-ARROYO
President
For the Republic of Singapore

GOH CHOK TONG
Prime Minister
For the Kingdom of Thailand

DR. THAKSIN SHINAWATRA
Prime Minister
For the Socialist Republic of Viet Nam

PHAN VAN KHAI
Prime Minister

ANNEX A
No. 6-digit HS
Code Description
1 160413 Sardines, sardinella and brisling or sprats, whole or in pieces
2 160414 Tunas, skipjack and atlantic bonito, prepared or preserved
3 180400 Cocoa butter, fat and oil
4 180500 Cocoa powder, not containing added sugar or other sweetening matter

For 文莱达鲁萨兰国

哈吉·哈桑奥尔·博尔基亚 文莱达
鲁萨兰苏丹 For 柬埔寨王国

桑德奇·洪森总理为印度尼西亚
共和国

梅加瓦蒂·苏加诺普特里 总统 For 老挝人民
民主共和国

本南·沃拉奇蒂 总理 For 马
来西亚

马哈蒂尔·宾·穆罕默德 总理
For 缅甸联邦

钦宁·吴尼 总理 For 菲律宾

格洛丽亚·马卡帕加尔-阿罗约 总
理 代表新加坡共和国

吴作栋 总理 代表泰国王国

他信·辛哈瓦塔纳 总理 代表越南社会主
义共和国

潘文凯 总理

附件A 编号 6位HS编码 描述 1 160413 沙丁鱼、鲱鱼和鲱鳅或鲱鱼，整只或切块 2
160414 金枪鱼、鲭鱼和北大西洋鲐鱼，加工或保存 3 180400 可可脂、脂肪和油 4
180500 可可粉，不含添加糖或其他甜味物质