

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

认识到东盟成员国经济发展阶段不同以及灵活性的需要, 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）日益增加地参与印度-东盟经济合作以及扩大其出口的需要, 其中, 通过加强其国内能力、效率和竞争力等措施;

重申各当事方在世界贸易组织（WTO）以及其他多边、区域和双边协定和安排下的权利、义务和承诺; 和

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

Have agreed as follows:

ARTICLE 1

Objectives

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;

探索新的领域并制定适当的措施, 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。

ARTICLE 2

经济合作措施

各方同意进行谈判, 以建立印度-东盟区域贸易和投资区（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) 在主要部门范围内逐步自由化服务贸易;

(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谈判中为各方提供灵活性, 以解决其在货物、服务和投资部门敏感领域的关切, 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相互承认安排的制定;

在双方可能相互同意的领域扩大经济合作, 以补充双方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

为有效实施本协定而建立适当的机制。

第三条
货物贸易

为加速货物贸易的扩展，双方同意进行
进入谈判，在谈判中，关税和其他贸易限制性法规（在不必要时，根据世界贸易组织关税及贸易总协定（GATT）第XXIV条第（8）（b）款允许的除外）应予消除，涉及双方之间几乎所有货物贸易。(2) 就本协定而言，除非上下文另有要求，否则应适用以下定义：(a) “适用最惠国（MFN）关税率”应指各缔约方截至2004年7月1日的适用税率；以及“非关税措施”应包括非关税壁垒。(3) 本协定签署后，各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；以及(e) 贸易政策。(4) 各缔约方的关税减让或消除计划应要求列名产品的关税根据本协定逐步降低，并在适用的情况下予以消除。(5) 根据本协定规定适用关税减让或消除计划的产品应包括本协定第7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：一方自行列名的常规轨道产品，其各自适用最惠国（MFN）关税率应根据指定的时间表和税率（由双方共同商定）在以下期间内逐步降低或消除：(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；以及 (iii) 对于印度，自2006年1月1日至2011年12月31日，对于新东盟成员国，自2006年1月1日至2016年12月31日。对于已降低但尚未消除的关税，应在双方共同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双方共同商定的最高上限限制。(ii) 一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）关税率应逐步