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关税优惠的谈判将从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协定。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。协定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之间关于全面经济合作的框架协议

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、老挝人民民主共和国（老挝）、马来西亚、缅甸联邦、菲律宾共和国、新加坡共和国、泰国王国、越南社会主义共和国，东南亚国家联盟（东盟）成员国（统称，"东盟"或"东盟成员国"，或单独称，"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以建立印度-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"缔约方"）之间的全面经济合作框架协议（本协定），以面向未来，旨在21世纪建立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和贡献，以及进一步促进和便利其合作和利用印度-东盟全面经济合作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，以及通过加强其国内能力、效率和竞争力，扩大其出口，等等；

重申世界贸易组织（WTO）项下各缔约方的权利、义务和承诺，以及其他多边、区域和双边协定和安排；并

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

本协定的目标是：

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；以及

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

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

（a）在几乎所有商品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谈判中给予双方灵活性，以解决商品、服务和投资部门中的敏感领域，此类灵活性应根据互惠互利原则进行谈判和协商；

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建立；

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，并制定行动计划和项目，以实施约定的合作部门/领域；以及