



ASEAN India Free Trade Agreement Understanding on Article 4 of the Agreement on Trade in Goods

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DEZAN SHIRA & ASSOCIATES

Corporate Establishment, Tax, Accounting & Payroll Throughout Asia

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UNDERSTANDING ON ARTICLE 4 OF THE AGREEMENT ON TRADE IN GOODS UNDER THE FRAMEWORK AGREEMENT ON COMPREHENSIVE ECONOMIC COOPERATION BETWEEN THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE REPUBLIC OF INDIA

The Governments of 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) and the Socialist Republic of Viet Nam (Viet Nam), Member States of the Association of Southeast Asian Nations (collectively, "ASEAN" or "ASEAN Member States", or individually, "ASEAN Member State") and the Government of the Republic of India (India) refer to the Agreement on Trade in Goods under the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the Republic of India (as amended), and set out below their common understanding:

The Parties affirm their understanding that the commitments under Article 4 of the Agreement on Trade in Goods do not prevent a Party from taking measures in conformity with Article 12 of the Agreement on Trade in Goods.

The Parties further note their understanding that such measures may include measures based on domestic laws and regulations taken in accordance with the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal*, adopted in Basel, Switzerland on 22 March 1989 or other agreements as provided for in Article 16 of the Agreement on Trade in Goods.

DONE at Bangkok, Thailand this thirteenth day of August 2009 and at Ha Noi, Viet Nam on the _____ day of _____ 2009, in two (2) originals in the English language.

For the Government of Brunei
Darussalam:

For the Government of the Republic of
India:

LIM JOCK SENG
Second Minister for Foreign Affairs and
Trade

ANAND SHARMA
Minister of Commerce and Industry

For the Royal Government of Cambodia:

CHAM PRASIDH
Senior Minister and Minister of
Commerce

For the Government of the Republic of
Indonesia:

MARI ELKA PANGESTU
Minister of Trade

For the Government of the Lao People's
Democratic Republic:

NAM VIYAKETH
Minister of Industry and Commerce

For the Government of Malaysia:

MUSTAPA MOHAMED
Minister of International Trade and
Industry

For the Government of the Union of
Myanmar:

U SOE THA
Minister for National Planning and
Economic Development

For the Government of the Republic of
the Philippines:

PETER B. FAVILA
Secretary of Trade and Industry

For the Government of the Republic of
Singapore:

LIM HNG KIANG
Minister for Trade and Industry

For the Government of the Kingdom of
Thailand:

PORNTIVA NAKASAI
Minister of Commerce

For the Government of the Socialist
Republic of Viet Nam:

VU HUY HOANG
Minister of Industry and Trade