

CHAPTER 1 **INITIAL PROVISIONS AND GENERAL DEFINITIONS**

Article 1.1 **Establishment of a Free Trade Area**

The Parties, consistent with Article XXIV of GATT 1994 and Article V of GATS, hereby establish a free trade area in accordance with the provisions of this India-Australia Economic Cooperation and Trade Agreement.

Article 1.2 **Objectives**

1. The objectives of this Agreement are to:
 - (a) establish a framework for strengthening and enhancing the economic, trade and investment relationship between the Parties;
 - (b) liberalise and promote trade in goods in accordance with Article XXIV of the GATT 1994;
 - (c) liberalise and promote trade in services in accordance with Article V of GATS;
 - (d) improve the efficiency and competitiveness of their manufacturing and services sectors and to expand trade and investment between the Parties; and
 - (e) facilitate, enhance and explore new areas of economic cooperation and develop appropriate measures for closer economic cooperation between the Parties.

Article 1.3 **General Definitions**

1. For the purposes of this Agreement, unless otherwise specified:
 - (a) **Agreement** means the India-Australia Economic Cooperation and Trade Agreement;
 - (b) **Anti-Dumping Agreement** means the *Agreement on Implementation of Article VI of GATT 1994*, set out in Annex 1A to the WTO Agreement;
 - (c) **Agreement on Agriculture** means the *Agreement on Agriculture*, set out in Annex 1A to the WTO Agreement;

- (d) **Customs Valuation Agreement** means the *Agreement on Implementation of Article VII of GATT 1994*, set out in Annex 1A of the WTO Agreement;
- (e) **days** means calendar days, including weekends and holidays;
- (f) **GATS** means the *General Agreement on Trade in Services*, set out in Annex 1B of the WTO Agreement;
- (g) **GATT 1994** means the *General Agreement on Tariffs and Trade 1994*, set out in Annex 1A of the WTO Agreement;
- (h) **goods** means any merchandise, product, article or material;
- (i) **Harmonized System** (“HS”) means the *Harmonized Commodity Description and Coding System* defined in the International Convention on the Harmonized Commodity Description and Coding System, including its General Rules of Interpretation, and legal notes which includes Section Notes and Chapter Notes, as adopted and implemented by the Parties in their respective laws;
- (j) **IMF Articles of Agreement** means the *Articles of Agreement of the International Monetary Fund* adopted at Bretton Woods on 22 July 1944;
- (k) **Joint Committee** means the Joint Committee established pursuant to Article 12.1 (Establishment of the Joint Committee – Administrative and Institutional Provisions);
- (l) **measure** means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form;
- (m) **originating goods** means goods that qualify as originating in accordance with Chapter 4 (Rules of Origin);
- (n) **perishable goods** means goods that rapidly decay due to their natural characteristics, in particular in the absence of appropriate storage conditions;
- (o) **Safeguards Agreement** means the *Agreement on Safeguards*, set out in Annex 1A to the WTO Agreement;
- (p) **SCM Agreement** means *Agreement on Subsidies and Countervailing Measures*, set out in Annex 1A to the WTO Agreement;
- (q) **Subcommittee on Trade in Goods** means the subcommittee established pursuant to Article 2.12 (Subcommittee on Trade in Goods – Trade in Goods);

- (r) **Subcommittee on Trade in Services** means subcommittee established pursuant to Article 8.24 (Subcommittee on Trade in Services – Trade in Services);
- (s) **territory** means:
 - (i) in respect of Australia, the territory of Australia:
 - (A) excluding all external territories other than the Territory of Norfolk Island, the Territory of Christmas Island, the Territory of Cocos (Keeling) Islands, the Territory of Ashmore and Cartier Islands, the Territory of Heard Island and McDonald Islands, and the Coral Sea Islands Territory; and
 - (B) including Australia's territorial sea, contiguous zone, exclusive economic zone and continental shelf over which Australia exercises sovereignty, sovereign rights or jurisdiction in accordance with international law including the *United Nations Convention on the Law of the Sea*, done at Montego Bay on 10 December 1982; and
 - (ii) in respect of India, the territory of the Republic of India, in accordance with the Constitution of India, including its land territory, its territorial waters, and the airspace above it and other maritime zones including the Exclusive Economic Zone and continental shelf over which the Republic of India has sovereignty, sovereign rights, and/or exclusive jurisdiction, in accordance with its laws and regulations in force, and international law, including the *United Nations Convention on the Law of the Sea*, done at Montego Bay, 10 December 1982.
- (t) **WTO** means the World Trade Organization; and
- (u) **WTO Agreement** means the *Marrakesh Agreement Establishing the World Trade Organization*, done at Marrakesh on 15 April 1994.

Article 1.4 Relation to Other Agreements

1. The Parties affirm their rights and obligations with respect to each other under the WTO Agreement and other existing agreements to which both the Parties are party.
2. In the event of any inconsistency between this Agreement and any other agreement to which the Parties are party, the Parties shall immediately consult with each other with a view to finding a mutually satisfactory solution.