Agreement ID : INDIA-MALAYSIA
Short Name : India-Malaysia FTA&EIA

Member Countries

India
Malaysia

Total: 2 countries

Comprehensive Economic Cooperation Agreement between the Government of the Republic of India and the Government of Malaysia
Status : Signed in **2011**. In force since 2011
Scope : Bilateral
Type : FTA & EIA
WTO Notification : Enabling clause, GATS Art V 2011
Agreement text :
http://www.commerce.nic.in/trade/IMCECA/title.pdf
Other links :
WTO consideration process :
Factual presentation not distributed

GOODS

Tariffs
Malaysia eliminates tariffs inmediately, in 2, 3 5 or 10 years. Partial reductions of tariffs and TRQs.
India eliminates tariffs inmediately, in 2 or 5 years.

Rules of Origin
Product Specific Rules

Contingency Measures
Anti - Dumping : Article VI of GATT and Antidumping Agreement. WTO plus (lesser duty rule and prohibition of zeroing)
Countervailing Duties : Article VI of GATT and Agreement on Subsidies and Countervailing Measures
Safeguards : Article XIX of GATT and Safeguards Agreement. Transitional Bilateral Safeguard Measure

Standards : WTO Plus (TBT, SPS)

Notes :

SERVICES

WTO Notification (GATS Art. V) : Notified
Date of notification : 06/09/2011
Consideration Process : Under Consideration

Liberalization Approach : Positive Lists

Modes Covered
Cross - Border Supply : **Yes**
Consumption Abroad : **Yes**
Commercial Presence Abroad : **Yes**
Movement of Natural Persons : **Yes**

Specific Chapters on
Telecommunications : **Yes**
Movement of natural persons : **Yes**

Specific Sectors Excluded

Air transport : **Yes**

Cabotage in maritime transport : **Yes**

Public Sectors carve-out : GATS-like (Article I:3(b))

Most Favoured Nation : Not featured

National Treatment : Binding

Market Access : Binding

Domestic Regulation : Binding but subject to legitimate expectations (GATS-like)

Subsidies covered by services disciplines : Covered

Denial of benefits for commercial presence : 1.a Party may deny the benefits of this Chapter: (a) to the supply of a service, if it

Notes :

Link to schedules :
http://www.commerce.nic.in/trade/IMCECA/title.pdf

INVESTMENT

Scheduling Approach : Positive Lists

Definition of investment : Covers portfolio investment

Most Favoured Nation : Not Featured

National Treatment : Binding

NT provision applies to entry and establishment rights : **Yes**

Fair and Equitable Treatment : Binding

Expropriation : Binding

Board of Directors and executive personnel : Not Featured

Invester - State arbitration : Yes

Denial of Benefits :
1. A Party may deny the benefits of this Chapter to an investor of the other Party that is an enterprise of the other Party and to an investment of such investor if investor of a non-Party own or control the enterprise, and the denying Party: (a) does not maintain diplomatic relations with the non-Party; or (b) adopts or maintains measures with respect to the non-Party that prohibits transactions with the enterprise or that would be violated or circumvented if the benefits of this Chapter were accorded to the enterprise or to its investments. 2. a Party may also deny the benefits of this Chapter to an investor of the other Party that is an enterprise of the other Party when (a) the enterprise has no substantial business activities in the territory of the other Party; or (b) the enterprise is owned or controlled by investors of a non-Party or of the denying Party

Additional BIT exists between the parties : No

BIT list I :

Status:

BIT list II :

Status:

Notes :

Link to schedules :
http://www.commerce.nic.in/trade/IMCECA/title.pdf

TRADE FACILITATION

Customs procedures : **Yes** Chapter 4
Customs valuation : **Yes** Article 2.6
Trade regulations publication and administration : **Yes** Article 4.4
Use of ICT : **No**
Mobility of business people : **No**
Freedom of transit : **No**
Transport and logistics : **No**
Trade finance : **No**

OTHER AREAS

Government Procurement : **No**
Investment : **Yes** Chapter 10
Competition Policy : **No**
Intellectual Property : **No**
Dispute Settlement : **Yes** Chapter 14
Labor Mobility : **No**
Labor and Environmental Standards : **No**
Technical cooperation : **Yes** Chapter 11
Institutional mechanism : **Yes** Chapter a15

Notes :

RULES OF ORIGIN

Cumulation
Bilateral

Specific Process

Heading Change
Chapter, Heading and Subheading
De Minimis
10% except for Chapters 1-14 and 50-63. 8% for Chapters 50-63
Minimum Content
35% or 40%

Drawback
No
HTTP Link
http://www.commerce.nic.in/trade/IMCECA/title.pdf

Notes :