Agreement ID : MALAYSIA-PAKISTAN
Short Name : Malaysia-Pakistan FTA&EIA

Member Countries

Malaysia
Pakistan

Total: 2 countries

Agreement Between the Government of the Islamic Republic of Pakistan and the Government of Malaysia for a Closer Economic Partnership
Status : Signed in **2007**. In force since 2008
Scope : Bilateral
Type : FTA & EIA
WTO Notification : Enabling clause, GATS Art V 2008
Agreement text :
http://www.commerce.gov.pk/PMFTA/PAk-Malaysia-FTA(TXT).pdf
Other links :
http://www.miti.gov.my/cms/content.jsp?id=com.tms.cms.article.Article_2e1ea175-c0a81573-7c4c7c4c-488a9d57
WTO consideration process :
http://docsonline.wto.org/imrd/gen_redirectsearchdirect.asp?RN=0&searchtype=browse&query=@meta_Symbol%22WT/COMTD/RTA/3/1%22&language=1&ct=DDFEnglish

GOODS

Tariffs
Tariffs < 5% eliminated; those between 5 and 10 per cent receive 50% preferences

Malaysia offers 114 products, Pakistan 125

Rules of Origin
Interim rules apply during implementation of the early harvest programme

product specific rules on textile and clothing and jewellery

40% of the local content

Contingency Measures
Anti - Dumping : n.a.
Countervailing Duties : n.a.
Safeguards : n.a.

Standards : n.a.

Notes :
EHP Agreement shall expire upon the entry into force of the FTA or 31 march 2007, whichever is earlier (Article Six, #1)

SERVICES

WTO Notification (GATS Art. V) : Notified
Date of notification : 19/02/2008
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

Specific Sectors Excluded

Air transport : **Yes**

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

Most Favoured Nation : Binding

National Treatment : Binding

Market Access : Binding

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

Subsidies covered by services disciplines : Not covered

Denial of benefits for commercial presence : Article 84 Denial of Benefits

Notes :

Link to schedules :

INVESTMENT

Scheduling Approach : Negative Lists

Definition of investment : Covers portfolio investment

Most Favoured Nation : Binding

National Treatment : Binding

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

Fair and Equitable Treatment : Not Featured

Expropriation : Binding

Board of Directors and executive personnel : Binding

Invester - State arbitration : Yes

Denial of Benefits :

Article 101 Denial of Benefits2. Subject to prior notification and consultation, a Party may deny thebenefits of this Chapter to an investor of the other Party that is anenterprise of the other Party and to investments of such investor ifinvestors of a third State own or control the enterprise. A Party may alsodeny the benefits of this Chapter to an investor of the other Party if theinvestor has no substantial investment or business activities in the Partyunder whose laws it is constituted or organised.

Additional BIT exists between the parties : Yes

BIT list I : Malaysia - Pakistan BIT

Status: No data available

BIT list II :

Status:

Notes :

Link to schedules :

TRADE FACILITATION

Customs procedures : **No**
Customs valuation : **No**
Trade regulations publication and administration : **No**
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 : **No**
Competition Policy : **No**
Intellectual Property : **No**
Dispute Settlement : **No**
Labor Mobility : **No**
Labor and Environmental Standards : **Yes** Environmental consideration in Chapter 6 (Sanitary and Phytosanitary Measures)
Technical cooperation : **No**
Institutional mechanism : **No**

Notes :
Early Harvest Programme is under implementation since 1 january 2006. Negotiations on FTA, including services, are in progress.

RULES OF ORIGIN

Cumulation
Bilateral

Specific Process
Yes
Heading Change
n.a.
De Minimis
n.a.
Minimum Content
At least 40%

Drawback
n.a.
HTTP Link
http://www.miti.gov.my/ekpweb/application

Notes :
Annex III