

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 Agreement.

Article 1.2

Relation to Other International Agreements

1. The Parties affirm their existing rights and obligations with respect to each other under existing international agreements to which both Parties are party, including the WTO Agreement. For greater certainty, an affirmation of rights or obligations under another international agreement, or of commitments to implement another international agreement or a provision thereof, does not in itself lead to incorporation of those rights, obligations or commitments into this Agreement.
2. If a Party considers that a provision of this Agreement is inconsistent with a provision of another international agreement to which both Parties are party, the Parties shall, on request, consult with a view to reaching a mutually satisfactory solution.¹
3. If any international agreement, or a provision therein, that has been referred to in this Agreement or incorporated into this Agreement is amended after entry into force of this Agreement, the Parties shall, at the request of either Party, consult on whether to amend this Agreement.
4. For as long as the Windsor Framework² is in force,³ nothing in this Agreement shall preclude the United Kingdom from adopting or maintaining measures, or refraining from doing so, further to the Windsor Framework, and amendments thereto and subsequent agreements replacing parts thereof, provided that such measures, or the absence of such measures, are not used as a means of arbitrary

¹ For the purposes of the application of this Agreement, the Parties agree that the fact that a trade agreement provides more favourable treatment of goods, services, or persons than that provided for under this Agreement does not mean that there is an inconsistency within the meaning of this paragraph.

² The “Windsor Framework” has the same meaning as set out in Joint Declaration No 1/2023 of the Union and the United Kingdom in the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023.

³ The Parties note in particular that arrangements for democratic consent specified at Article 18 of the Windsor Framework may result in Articles 5 through 10, and other provisions of the Windsor Framework dependent on the same Articles for their application, ceasing to apply to the United Kingdom in accordance with the arrangements specified at Article 18.

or unjustified discrimination against the other Party or as a disguised restriction on trade.

5. On request of either Party, the Parties shall hold consultations, in relation to the effects of a measure described in paragraph 4 the United Kingdom has adopted, or absence thereof,⁴ on this Agreement and seek a mutually acceptable solution.⁵

Article 1.3

Laws and Regulations and their Amendments

Where reference is made in this Agreement to laws or regulations of a Party, those laws or regulations shall be understood to include amendments thereto and successor laws or regulations, unless otherwise provided in this Agreement.

Article 1.4

General Definitions

For the purposes of this Agreement, unless otherwise provided in this Agreement:

“Agreement” means the Comprehensive Economic and Trade Agreement between the Government of the Republic of India and the Government of the United Kingdom of Great Britain and Northern Ireland;

“Agreement on Safeguards” means the *Agreement on Safeguards*, set out in Annex 1A to the WTO Agreement;

“Anti-Dumping Agreement” means the *Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994*, set out in Annex 1A to the WTO Agreement;

“central level of government” means:

- (a) for India, the Government of the Union of India; and
- (b) for the United Kingdom, His Majesty’s Government of the United Kingdom of Great Britain and Northern Ireland;

“customs authority” means:

- (a) for India, the Central Board of Indirect Taxes and Customs or its successor; and
- (b) for the United Kingdom, His Majesty’s Revenue and Customs or its successor and any other authority responsible for customs matters within

⁴ For greater certainty, this refers to a measure described in paragraph 4 which is adopted after entry into force of this Agreement or the absence of such measure.

⁵ This paragraph is without prejudice to Article 25.5 (Provision of Information - Transparency).

its territory. For greater certainty, with respect to the provisions of this Agreement which apply to the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man, “customs authority” shall also mean:

- (i) with respect to the Bailiwick of Jersey, the Jersey Customs & Immigration Service or its successor;
- (ii) with respect to the Bailiwick of Guernsey, Guernsey Customs & Excise or its successor; and
- (iii) with respect to the Isle of Man, the Customs and Excise Division, Isle of Man Treasury or its successor;

“**customs duty**” includes any duty or charge of equivalent effect imposed on or in connection with the importation of goods, including any form of cess, surtax or surcharge in connection with such importation, but does not include:

- (a) a charge equivalent to an internal tax imposed consistently with Article III:2 of GATT 1994;
- (b) a measure applied in accordance with the provisions of Articles VI or XIX of GATT 1994, the Anti-Dumping Agreement, the SCM Agreement or the Agreement on Safeguards, or a measure imposed in accordance with Article 22 of the Dispute Settlement Understanding by the WTO Dispute Settlement Body; or
- (c) a fee or other charge in connection with importation commensurate with the cost of services rendered in conformity with Article VIII of GATT 1994;

“**Customs Valuation Agreement**” means the *Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994*, set out in Annex 1A to the WTO Agreement;

“**days**” means calendar days, including weekends and holidays;

“**Dispute Settlement Understanding**” means the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, set out in Annex 2 to the WTO Agreement;

“**existing**” means in effect on the date of entry into force of this Agreement;

“**GATS**” means the *General Agreement on Trade in Services*, set out in Annex 1B to the WTO Agreement;

“**GATT 1994**” means the *General Agreement on Tariffs and Trade 1994*, set out in Annex 1A to the WTO Agreement. For greater certainty, references in this Agreement to articles in GATT 1994 include the interpretative notes;

“**good**” means any merchandise, product, article, or material;

“goods of a Party” means domestic products as these are understood under GATT 1994 or such goods as the Parties may decide, and includes originating goods;

“government procurement” means the process by which a government obtains the use of or acquires goods or services, or any combination thereof, for governmental purposes and not with a view to commercial sale or resale or use in the production or supply of goods or services for commercial sale or resale;

“Harmonized System” or “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, as adopted and implemented by the Parties in their respective laws;

“Joint Committee” means the Joint Committee established pursuant to Article 27.1 (Establishment of the Joint Committee – Administrative and Institutional Provisions);

“juridical person” means any entity duly constituted or otherwise organised under applicable law, whether for profit or otherwise, and whether privately-owned or government-owned, including any corporation, trust, partnership, joint venture, sole proprietorship, or association;

“measure” means any measure by a Party, whether in the form of law, regulation, rule, procedure, decision, administrative action or any other form;

“national” means:

- (a) for India, natural persons having citizenship in India in accordance with its laws and regulations;
- (b) for the United Kingdom, a British citizen in accordance with its applicable laws and regulations, or a permanent resident;

“originating” means qualifying as originating under the rules of origin in Chapter 3 (Rules of Origin);

“person” means a natural person or a juridical person;

“person of a Party” means a national or a juridical person of a Party;

“regional level of government” means:

- (a) for India, the state and the Union Territories of India;
- (b) for the United Kingdom:
 - (i) England, Northern Ireland, Scotland or Wales; or
 - (ii) His Majesty’s Government of the United Kingdom of Great Britain and Northern Ireland in respect of England, Northern Ireland, Scotland or Wales but not the United Kingdom as a whole;

“SCM Agreement” means the *Agreement on Subsidies and Countervailing Measures*, set out in Annex 1A to the WTO Agreement;

“SME” means a small or medium-sized enterprise, including a micro-sized enterprise, and may be further defined, where applicable, according to laws, regulations or national policies of each Party;

“SPS Agreement” means the *Agreement on the Application of Sanitary and Phytosanitary Measures*, set out in Annex 1A to the WTO Agreement;

“Subcommittee on Trade in Goods” or **“Goods Subcommittee”** means the Subcommittee on Trade in Goods established pursuant to Article 2.17 (Subcommittee on Trade in Goods – Trade in Goods);

“Subcommittee on Trade in Services” means the Subcommittee on Trade in Services established pursuant to Article 8.19 (Subcommittee on Trade in Services – Trade in Services);

“Subcommittee on Sustainability” or **“Sustainability Subcommittee”** means the Subcommittee on Sustainability established pursuant to Article 27.7 (Subcommittee on Sustainability – Administrative and Institutional Provisions);

“TBT Agreement” means the *Agreement on Technical Barriers to Trade*, set out in Annex 1A to the WTO Agreement;

“territory” means:

- (a) for India, the territory of the Republic of India, including its territorial sea, 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, or exclusive jurisdiction, in accordance with both its laws and regulations in force and international law, including the United Nations Convention on the Law of the Sea, 1982;
- (b) for the United Kingdom:
 - (i) the territory of the United Kingdom, including its territorial sea, and the airspace above it;
 - (ii) all the areas beyond the territorial sea of the United Kingdom, including the sea-bed and subsoil of those areas, over which the United Kingdom may exercise sovereign rights or jurisdiction in accordance with international law;
 - (iii) the Bailiwicks of Guernsey and Jersey and the Isle of Man (including their airspace and the territorial sea adjacent to them), territories for whose international relations the United Kingdom is responsible, as regards:
 - (A) Chapter 2 (Trade in Goods);

- (B) Chapter 3 (Rules of Origin);
 - (C) Chapter 5 (Customs and Trade Facilitation), except for Article 5.9 (Authorised Economic Operator - Customs and Trade Facilitation) in respect of the Bailiwicks of Guernsey and Jersey, and Article 5.13 (Single Window - Customs and Trade Facilitation) in respect of the Isle of Man;
 - (D) Chapter 6 (Sanitary and Phytosanitary Measures); and
 - (E) Chapter 7 (Technical Barriers to Trade); and
- (iv) any territory for whose international relations the United Kingdom is responsible and to which this Agreement is extended in accordance with Article 30.3 (Territorial Extension – Final Provisions);

“Trade Facilitation Agreement” means the *Agreement on Trade Facilitation*, set out in Annex 1A to the WTO Agreement;

“TRIPS Agreement” means the *Agreement on Trade-Related Aspects of Intellectual Property Rights*, set out in Annex 1C to the WTO Agreement, as amended from time to time by an amendment made under Article X of the WTO Agreement that has taken effect for the Parties, and as read together with any decision of the Ministerial Conference of the WTO under paragraph 3 of Article IX of the WTO Agreement (whether made before or after the entry into force of this Agreement);

“WTO” means the World Trade Organization; and

“WTO Agreement” means the *Marrakesh Agreement Establishing the World Trade Organization*, done at Marrakesh on 15 April 1994.