

CHAPTER 1

INITIAL PROVISIONS AND GENERAL DEFINITIONS

Article 1.1

Establishment of a Free Trade Area

The Parties, in conformity with the Decision of 28 November 1979 on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries (Enabling Clause), and Article V of GATS, hereby establish a free trade area in accordance with the provisions of this Agreement.

Article 1.2

Objectives

1. The objectives of this Agreement are:
 - (a) to strengthen and enhance trade and economic cooperation in the fields agreed between the Parties;
 - (b) to liberalise and facilitate trade between the Parties in accordance with the provisions of this Agreement;
 - (c) to improve the efficiency and competitiveness of the Parties' manufacturing and services sectors and to expand trade between the Parties, including joint exploitation of commercial and economic opportunities in non-Parties;
 - (d) to facilitate and enhance regional economic cooperation and integration; and
 - (e) to build upon the Parties' commitments at the WTO.

Article 1.3

General Definitions

For the purposes of this Agreement:

"Agreement" means the Comprehensive Economic Partnership Agreement between the Government of the Republic of India and the Government of the Sultanate of Oman;

“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;

“CTG” means the Committee on Trade in Goods established pursuant to Article 2.20 (Committee on Trade in Goods – Trade in Goods);

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

“direct taxes” comprise all taxes on total income, on total capital or on elements of income or of capital, including taxes on gains from the alienation of property, taxes on estates, inheritances and gifts, and taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation; and also include the taxes covered under the Agreement between the Republic of India and the Sultanate of Oman for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, as amended by the Protocols thereto;

“DSU” means the Understanding on Rules and Procedures Governing the Settlement of Disputes, set out in Annex 2 to the WTO 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, and includes its notes and supplementary provisions;

“Harmonised System (HS)” means the Harmonised Commodity Description and Coding System, defined in the International Convention on the Harmonised 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;

“Import Licensing Agreement” means the Agreement on Import Licensing Procedures, set out in Annex 1A to the WTO Agreement;

“Joint Committee” means the Joint Committee established pursuant to Article 15.1 (Joint Committee – Administration of the Agreement) of this Agreement;

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

"perishable goods" means goods that rapidly decay due to their natural characteristics, in particular in the absence of appropriate storage conditions;

"person" means either a natural person or a juridical person;

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

"SME" means small and medium-sized enterprises, including micro enterprises, and may be further defined, where applicable, according to the respective laws, regulations, or national policies of each Party;

"territory" means

- (a) with respect to India, the territory of the Republic of India, in accordance with the Constitution of India, including its land territory, 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 its laws and regulations in force and international law, including the United Nations Convention on the Law of the Sea, 1982.
- (b) with respect to Oman, the territory of the Sultanate of Oman, the land, internal waters, territorial sea, air space under its sovereignty, and maritime areas, namely, the exclusive economic zone and the continental shelf, where the Sultanate of Oman exercises sovereign rights or jurisdiction in accordance with its domestic laws and the provisions of international law.

"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.

Article 1.4

Geographical Scope

Unless otherwise provided, this Agreement shall apply to the territory of the Parties.

Article 1.5
Relation to Other Agreements

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

Article 1.6
Transparency

1. Without prejudice to Article 1.7 (Confidential Information), each Party shall publish or otherwise make publicly available their laws, regulations, judicial decisions and administrative rulings of general application, as well as their respective international agreements which may affect the operation of this Agreement.
2. Each Party shall, within a reasonable period of time, respond to specific questions and provide, upon request, information to each other on matters referred to in paragraph 1.
3. Each Party shall make available to the public the names and addresses of the competent authorities responsible for laws, regulations, administrative procedures, and administrative rulings.
4. The Parties shall endeavour to facilitate the provision of all information, published or otherwise, under paragraphs 1 through 3 in the English language, if a request is made by a person before the competent authority, within a reasonable period of time.

Article 1.7
Confidential Information

1. Each Party shall, in accordance with its laws and regulations, maintain the confidentiality of information designated as confidential by the other Party.
2. Information provided in confidence pursuant to this Agreement shall be used only for the purposes specified by the Party providing the information and shall not be disclosed without the prior written permission of the Party providing the information, except to the extent

that it may be required to be disclosed in the context of judicial or quasi-judicial proceedings. In such situations, the Party that has received the information shall notify in writing the other Party of the disclosure.

3. Notwithstanding paragraph 1, confidential information provided pursuant to this Agreement may be transmitted to a third party subject to the prior written consent of the Party providing the information.
4. Nothing in this Agreement shall be construed to require a Party to disclose, furnish, or allow access to confidential information, the disclosure of which would impede law enforcement of the Party, or otherwise be contrary to the public interest, or which would prejudice the legitimate commercial interests of any economic operator.