



**UNDERSTANDING ON ARTICLE 4 OF THE AGREEMENT ON TRADE IN GOODS UNDER THE FRAMEWORK AGREEMENT ON COMPREHENSIVE ECONOMIC COOPERATION BETWEEN THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE REPUBLIC OF INDIA**

The Governments of Brunei Darussalam, the Kingdom of Cambodia (Cambodia), the Republic of Indonesia (Indonesia), the Lao People's Democratic Republic (Lao PDR), Malaysia, the Union of Myanmar (Myanmar), the Republic of the Philippines (the Philippines), the Republic of Singapore (Singapore), the Kingdom of Thailand (Thailand) and the Socialist Republic of Viet Nam (Viet Nam), Member States of the Association of Southeast Asian Nations (collectively, "ASEAN" or "ASEAN Member States", or individually, "ASEAN Member State") and the Government of the Republic of India (India) refer to the Agreement on Trade in Goods under the Framework Agreement on Comprehensive Economic Cooperation between the Association of Southeast Asian Nations and the Republic of India (as amended), and set out below their common understanding:

The Parties affirm their understanding that the commitments under Article 4 of the Agreement on Trade in Goods do not prevent a Party from taking measures in conformity with Article 12 of the Agreement on Trade in Goods.

The Parties further note their understanding that such measures may include measures based on domestic laws and regulations taken in accordance with the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal*, adopted in Basel, Switzerland on 22 March 1989 or other agreements as provided for in Article 16 of the Agreement on Trade in Goods.

**DONE** at Bangkok, Thailand this thirteenth day of August 2009 and at Ha Noi, Viet Nam on the \_\_\_\_\_ day of \_\_\_\_\_ 2009, in two (2) originals in the English language.

For the Government of Brunei  
Darussalam:

For the Government of the Republic of  
India:

**LIM JOCK SENG**  
Second Minister for Foreign Affairs and  
Trade

**ANAND SHARMA**  
Minister of Commerce and Industry

For the Royal Government of Cambodia:

**CHAM PRASIDH**  
Senior Minister and Minister of  
Commerce

For the Government of the Republic of  
Indonesia:

**MARI ELKA PANGESTU**  
Minister of Trade

For the Government of the Lao People's  
Democratic Republic:

**NAM VIYAKETH**  
Minister of Industry and Commerce

For the Government of Malaysia:

**MUSTAPA MOHAMED**  
Minister of International Trade and  
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For the Government of the Union of  
Myanmar:

**U SOE THA**  
Minister for National Planning and  
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For the Government of the Republic of  
the Philippines:

**PETER B. FAVILA**  
Secretary of Trade and Industry

For the Government of the Republic of  
Singapore:

**LIM HNG KIANG**  
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For the Government of the Kingdom of  
Thailand:

**PORNTIVA NAKASAI**  
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For the Government of the Socialist  
Republic of Viet Nam:

**VU HUY HOANG**  
Minister of Industry and Trade