

**FORMATION OF
AND
TERMS OF REFERENCE FOR
THE INDIA-UNITED STATES COMMERCIAL DIALOGUE**

WHEREAS the further development and strengthening of commercial, trade and investment ties between Indian and U.S. private sectors are shared objectives;

RECOGNISING that dialogue by the public and private sectors of India and the United States will promote mutual understanding and identification of ways to foster the growth of commercial ties between the Indian and U.S. private sectors;

RECOGNISING that India and the United States are actively encouraging and working to assist their respective private sectors to develop closer business relations and increase trade and investment between the two countries;

NOTING that this development and cooperation will be best enhanced through an organised and regular dialogue that engages both the public sector and private sector;

DESIRING to implement the India-U.S. Commercial Dialogue envisaged in the statement “India-U.S. Relations: A Vision for the 21st Century” made by the Prime Minister of India and the President of the United States of America on 21st March, 2000 at New Delhi;

BE IT RESOLVED that the India-United States Commercial Dialogue is hereby formed and organised pursuant to the Terms of Reference set forth below:

TERMS OF REFERENCE

These Terms of Reference are intended to provide a general framework to guide the development and maintenance of a public sector-private sector dialogue on commerce between India and the United States. This public-private sector dialogue is envisaged to be an element of a broader economic/commercial dialogue between the two governments.

I. Organisation of the Commercial Dialogue

- A. The Dialogue is a cooperative undertaking to facilitate regular discussion to deepen ties between the Indian and the American business communities. The Dialogue will encompass regular government-to-government meetings to be held in conjunction with private sector meetings. Its aim will be to (a) facilitate trade (b) maximise investment opportunities across a broad range of economic sectors, including information technology, infrastructure, biotechnology, and services.
- B. This will be a forum where emerging issues affecting bilateral trade may also be discussed. If a consensus emerges from these discussions that mutual interests warrant a more detailed discussion or study of any specific issue, the participants in these discussions may approve such activities, including the convening of sub-committees to pursue specific projects or sectoral interests of mutual concern. Information about any proposed endeavour will be widely disseminated and made available to interested business and non-governmental organisations and their members.
- C. To ensure regularity in the conduct of the Dialogue, the Indian Department of Commerce and the U.S. Department of Commerce will maintain close contact with their private sector enterprises and business associations that are engaged in relevant activities to bring Indian and U.S. business representatives together. This will enable the Indian Department of Commerce and the U.S. Department of Commerce to identify, at the beginning of each year, meetings and other events where a substantial number of Indian and U.S. business representatives are expected to participate and where India-U.S. commerce is likely to be a prominent part of the programme. The participation of small and medium-sized enterprises will be encouraged. Officials from other government agencies/departments also may participate in the Dialogue.

- D. The Indian Department of Commerce and the U.S. Department of Commerce will communicate at the beginning of each year about, and agree upon at least one venue for, conducting a public-private sector dialogue session. They reserve the option to hold sessions on other occasions such as state or official visits.
- E. The Indian Department of Commerce and the U.S. Department of Commerce will then consult with the organisers of the meeting/event regarding their interest in having a Dialogue session associated with their programme.
- F. In general, the commercial dialogue will take place through government-to-government meetings led by the Indian Minister of Commerce & Industry and the U.S. Secretary of Commerce or their designees and followed by joint government-private sector meetings.

II. Operational Provisions

- A. Within 90 days of the signing of these Terms of Reference, the Indian Department of Commerce and the U.S. Department of Commerce will consult and develop a plan and procedures to implement these Terms of Reference. At these organisational consultations, they may also agree to schedule an inaugural dialogue session with the private sector to be held at a future date and to authorise any other specific undertakings, including the convening of sub-committees to deal with specific projects or sectoral interests of mutual concern.
- B. When the discussions and any related activities warrant, the private sector participants in a specific meeting may assemble a report and/or recommendations to be provided to the Government of India and the United States Government through the Indian Department of Commerce and the U.S. Department of Commerce and to appropriate business organisations with interest in these discussions.

- C. The undertakings of either India or the United States pursuant to these Terms of Reference are contingent upon the availability of funds and subject to the laws and regulations of India and the United States.
- D. The Commercial Dialogue will be reviewed* after two years from the date of the signing of the Terms of Reference. At that time, the governments may consider whether the dialogue fostered by the Commercial Dialogue has been useful, whether its mandate should be renewed and if so, whether the Terms of Reference should be modified.

Done at New Delhi on this 23rd day of March, 2000 in English.

For the Department of
Commerce of the
Government of India

(Sd.)
(Murasoli Maran)
Minister of Commerce & Industry

For the Department of
Commerce of the Government
of the United States of America

(Sd.)
(William M. Daley)
Secretary of Commerce

* validity extended upto 23rd March, 2006.