

## CHAPTER 2

### GENERAL DEFINITIONS AND INTERPRETATIONS

#### Article 2.1

##### **Definitions of General Application**

For the purposes of this Agreement, unless otherwise specified:

**Agreement** means the *Free Trade Agreement between Hong Kong, China and Chile*;

**APEC** means Asia-Pacific Economic Cooperation;

**Area** in respect of:

- (a) Chile means the land, maritime, and air space under its sovereignty, and the exclusive economic zone and the continental shelf within which it exercises sovereign rights and jurisdiction in accordance with international law and its domestic law; and
- (b) Hong Kong, China means the Hong Kong Special Administrative Region of the People's Republic of China, together with such other area(s) over which the Hong Kong Special Administrative Region may be authorised to exercise jurisdiction in accordance with laws of the Hong Kong Special Administrative Region;

**Commission** means the Free Trade Commission established under Article 16.1;

**Committee on Trade in Goods** means the Committee on Trade in Goods established under Article 3.11;

**customs authority** means the authority that, according to the legislation of each Party, is responsible for the administration and enforcement of its customs laws and regulations and:

- (a) in the case of Chile, means the Chile Customs Service; and
- (b) in the case of Hong Kong, China, means the Customs and Excise Department;

**customs duties** means duties or charges of any kind imposed in connection with the importation of goods but shall not include:

- (a) charges equivalent to internal taxes, including excise duties, sales tax, and goods and services taxes, imposed in accordance with Article III.2 of *GATT 1994*;
- (b) anti-dumping, countervailing or safeguards duty applied in accordance with Chapter 8 (Trade Remedies); or
- (c) fees or other charges that are covered by Article VIII of *GATT 1994*;

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

**GATS** mean the *General Agreement on Trade in Services*, which is part of the *WTO Agreement*;

**GATT 1994** means the *General Agreement on Tariffs and Trade 1994*, which is part of the *WTO Agreement*;

**Harmonized System or HS** means the Harmonized Commodity Description and Coding System governed by the *International Convention on the Harmonized Commodity Description and Coding System*, including its General Rules of Interpretation, Section Notes, and Chapter Notes, and their amendments, as applied by the Parties in their respective laws;

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

**juridical person of a Party** means a juridical person organised or constituted under the laws of a Party, and a branch located in the Area of a Party;

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

**natural person** means:

- (a) in the case of Chile, a natural person who has the Chilean nationality as defined in Article 10 of the *Constitución Política de la República de Chile* or a permanent resident of Chile; and
- (b) in the case of Hong Kong, China, a permanent resident of the Hong Kong Special Administrative Region of the People's Republic of China under its domestic law;

**originating** means qualifying under the rules of origin set out in Chapter 4 (Rules of Origin);

**SCM Agreement** means the *Agreement on Subsidies and Countervailing Measures*, which is part of the *WTO Agreement*;

**SPS Agreement** means the *Agreement on the Application of Sanitary and Phytosanitary Measures*, which is part of the *WTO Agreement*;

**state enterprise** means an enterprise that is owned or controlled through ownership interests by a Party;

**WTO** means the World Trade Organization;

**WTO Agreement** means the *Marrakesh Agreement Establishing the World Trade Organization*, done on April 15<sup>th</sup>, 1994; and

**WTO Dispute Settlement Understanding** means the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, which is part of the *WTO Agreement*.

## **Article 2.2**

### **Interpretations**

In this Agreement, unless the context otherwise requires:

- (a) in the case of Hong Kong, China, where an expression is qualified by the term “national”, such expression shall be interpreted as pertaining to Hong Kong, China; and

- (b) where anything under this Agreement is to be done within a number of days after, before or of a specified date or event, the specified date or the date on which the specified event occurs shall not be included in calculating that number of days.