

## CHAPTER 2

### GENERAL DEFINITIONS

#### Article 2.1: Definitions of General Application

For the purposes of this Agreement, unless otherwise specified:

**Agreement** means the Trans-Pacific Strategic Economic Partnership Agreement;

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

**Commission** means the Trans-Pacific Strategic Economic Partnership Commission established under Article 17.1 (*Establishment of the Strategic Economic Partnership Commission*);

**customs administration** means the competent authority that is responsible under the laws of a Party for the administration of customs laws, regulations and policies, and

- (a) in relation to Brunei Darussalam means the Royal Customs and Excise Department;
- (b) in relation to Chile means the National Customs Service of Chile;
- (c) in relation to New Zealand means the New Zealand Customs Service; and
- (d) in relation to Singapore means the Singapore Customs;

**customs duty** includes any duty or charges of any kind imposed in connection with the importation of a good, and any surtaxes or surcharges imposed in connection with such importation, but does not include:

- (a) charges equivalent to an internal tax imposed consistently with GATT 1994, including excise duties and goods and services tax;
- (b) fees or other charges that
  - (i) are limited in amount to the approximate cost of services rendered, and
  - (ii) do not represent a direct or indirect protection for domestic goods or a taxation of imports for fiscal purposes; and

- (c) any anti-dumping or countervailing duty applied consistently with the provisions of Article VI of GATT 1994, the WTO *Agreement on the Implementation of Article VI of GATT 1994*, and the WTO *Agreement on Subsidies and Countervailing Measures*;

**Customs Valuation Agreement** means the *Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994*, which is part of the WTO Agreement;

**days** means calendar days;

**enterprise** means any corporation, company, association, partnership, trust, joint venture, sole-proprietorship or other entity constituted or organised under applicable law, regardless of whether or not the entity is organised for profit, privately or otherwise owned, or organised with limited or unlimited liability;

**enterprise of a Party** means an enterprise constituted or organised under the law of a Party;

**existing** means in effect on the date of entry into force of this Agreement for a Party;

**GATS** means 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;

**goods of a Party** means domestic products as these are understood in GATT 1994 or such goods as the Parties may agree and includes originating goods of a Party;

**goods** and **products** shall be understood to have the same meaning unless the context otherwise requires;

**Harmonized System (HS)** means the *Harmonized Commodity Description and Coding System* administered by the *World Customs Organisation*, including its General Rules of Interpretation, Section Notes and Chapter Notes, as adopted and implemented by the Parties in their respective tariff laws;

**heading** means the first four digits in the tariff classification under the Harmonized System;

**measure** includes any law, regulation, procedure, requirement or practice;

**national** means a natural person who has the nationality of a Party according to Annex 2.A or a permanent resident of a Party;

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

**person** means a natural person or an enterprise;

**person of a Party** means a national or an enterprise of a Party;

**producer** means a person who grows, raises, mines, harvests, fishes, captures, gathers, collects, breeds, extracts, hunts, manufactures, processes, assembles or disassembles a good;

**preferential tariff treatment** means the customs duty rate applicable to an originating good, pursuant to the Parties' respective Tariff Elimination Schedules set out in Annex I;

**Safeguards Agreement** means the *Agreement on Safeguards*, which is part of the WTO Agreement;

**subheading** means the first six digits in the tariff classification under the Harmonised System;

**territory** means for a Party the territory of that Party as set out in Annex 2.A;

**WTO** means the World Trade Organisation;

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

## **Annex 2.A**

### **Country-Specific Definitions**

For the purposes of this Agreement, unless otherwise specified:

**natural person who has the nationality of a Party** means:

- (a) with respect to Brunei Darussalam, a subject of His Majesty the Sultan and Yang Di-Pertuan in accordance with the *Laws of Brunei*;
- (b) with respect to Chile, a Chilean as defined in Article 10 of the *Constitución Política de la República de Chile*;
- (c) with respect to New Zealand, a citizen as defined in the Citizenship Act 1977, as amended from time to time, or any successor legislation; and
- (d) with respect to Singapore, any person who is a citizen within the meaning of its Constitution and domestic laws.

**territory** means:

- (a) with respect to Brunei Darussalam, the territory of Brunei Darussalam and the maritime areas adjacent to the coast of Brunei Darussalam to the extent to which Brunei Darussalam may exercise sovereign rights or jurisdiction in accordance with international law and its legislation;
- (b) with respect to Chile, 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;
- (b) with respect to New Zealand, the territory of New Zealand and the exclusive economic zone, seabed and subsoil over which it exercises sovereign rights with respect to natural resources in accordance with international law, but does not include Tokelau; and
- (c) with respect to Singapore, its land territory, internal waters and territorial sea as well as and any maritime area situated beyond the territorial sea which has been or might in future be designated under its domestic law, in accordance with international law, as an area within which Singapore may exercise sovereign rights or jurisdiction with regard to the sea, seabed, the subsoil and the natural resources.