

CHAPTER 2

GENERAL DEFINITIONS

Article 2.1: General Definitions

For the purposes of this Agreement, unless otherwise provided:

Anti-dumping Agreement means the *Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994* set out in Annex 1A to the WTO Agreement;

central level of government means:

- (a) for Chile, the national level of government;
- (b) for Colombia, the national level of government;
- (c) for Mexico, the federal level of government;
- (d) for Peru, the national level of government; and
- (e) for Singapore, the national level of government.

customs administration means the competent authority that is responsible under the laws and regulations of a Party for the administration of customs laws, regulations and, where applicable, policies, and has for each Party to the Pacific Alliance and Singapore the following meaning:

- (a) for Chile: the National Customs Service (Servicio Nacional de Aduanas);
- (b) for Colombia: the Customs and Taxes National Directorate (Dirección de Impuestos y Aduanas Nacionales DIAN);
- (c) for Mexico: the Ministry of Finance and Public Credit (Secretaría de Hacienda y Crédito Público);
- (d) for Peru: the National Superintendence of Customs and Tax Administration (Superintendencia Nacional de Aduanas y de Administración Tributaria – SUNAT); and
- (e) for Singapore: the Singapore Customs,

or their respective successors.

customs duty includes a duty or charge of any kind imposed on or in connection with the importation of a good, and any surtax or surcharge imposed in connection with such importation, but does not include any:

- (a) charge equivalent to an internal tax imposed consistently with Article III:2 of the GATT 1994;
- (b) anti-dumping or countervailing duty; or
- (c) fee or other charge in connection with the importation commensurate with the cost of services rendered.

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;

days means calendar days;

enterprise means any entity constituted or organised under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association, or similar organisation;

existing means in effect on the date of entry into force of this Agreement;

Free Trade Commission means the Free Trade Commission established in accordance with Article 22.1 (Free Trade Commission);

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;

goods means any merchandise, product, article or material;

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;

government procurement means the process by which a government obtains the use of or acquires goods or services, or any other combination thereof, for governmental purposes, and not with a view to commercial sale or resale or use in the production or supply of goods or services for commercial sale or resale;

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

heading means the first four digits in the tariff classification number under the Harmonized System (HS);

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

national means a “natural person who has the nationality of a Party” according to Article 2.2 or a permanent resident of a Party;

OECD means the Organisation for Economic Co-operation and Development;

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

Pacific Alliance Framework Agreement means the *Agreement between the Republic of Colombia, the Republic of Chile, the United Mexican States and the Republic of Peru*, done at Paranal, Antofagasta, Republic of Chile, on 6th June 2012;

Parties means a Party to the Pacific Alliance, of the one part, and the Republic of Singapore, of the other part, for which this Agreement is in force;

Parties to the Pacific Alliance means parties to the Pacific Alliance Framework Agreement;

Party means any State for which this Agreement is in force;

Party to the Pacific Alliance means, individually, the Republic of Chile, the Republic of Colombia, the United Mexican States or the Republic of Peru, as party to the Pacific Alliance Framework Agreement;

person means a natural person or an enterprise;

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

preferential tariff treatment means the customs duty rate applicable to an originating good pursuant to each Party’s Tariff Schedule set out in Annex 3-B (Elimination of Customs Duties);

regional level of government means:

- (a) for Chile as a unitary Republic, the term regional level of government is not applicable;
- (b) for Colombia as a unitary Republic, the term regional level of government is not applicable;
- (c) for Mexico, a state of the United Mexican States;

- (d) for Peru, regional government in accordance with the Political Constitution of Peru (*Constitución Política del Perú*) and other applicable legislation; and
- (e) for Singapore, the term regional level of government is not applicable;

Safeguards Agreement means the *Agreement on Safeguards*, set out in Annex 1A to the WTO Agreement;

SCM Agreement means the *Agreement on Subsidies and Countervailing Measures*, set out in Annex 1A to the WTO Agreement;

SME means a small and medium-sized enterprise, including a micro-sized enterprise;

SPS Agreement means the *Agreement on the Application of Sanitary and Phytosanitary Measures*, set out in Annex 1A to the WTO Agreement;

subheading means the first six digits in the tariff classification number under the Harmonized System (HS);

TBT Agreement means the *Agreement on Technical Barriers to Trade*, set out in Annex 1A of the WTO Agreement;

WTO means the World Trade Organization, and

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

Article 2.2: Party-Specific Definitions

natural person who has the nationality of a Party means:

- (a) for Chile, a Chilean as defined in the Political Constitution of the Republic of Chile (*Constitución Política de la República de Chile*);
- (b) for Colombia, Colombians by birth or naturalization, in accordance with Article 96 of the Political Constitution of Colombia (*Constitución Política de Colombia*);
- (c) for Mexico, a national or a citizen in accordance with Articles 30 and 34, respectively, of the Political Constitution of Mexico (*Constitución Política de los Estados Unidos Mexicanos*);
- (d) for Peru, a natural person who has the nationality of Peru by birth, naturalisation or option in accordance with the Political Constitution of Peru (*Constitución Política del Perú*) and other relevant domestic legislation; and

- (e) for Singapore, a person who is a citizen of Singapore within the meaning of its Constitution and its domestic laws;

territory means:

- (a) for 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) for Colombia, besides the continental territory, the Archipelago of San Andrés, Providencia, Santa Catalina and Malpelo are part of Colombia, in addition to the islands, islets, keys, headlands and banks that belong to it. Also part of Colombia is the subsoil, the territorial sea, the contiguous zone, the continental shelf, the exclusive economic zone, the airspace, the segment of the geostationary orbit, the electromagnetic spectrum and the space in which it operates, in accordance with its Constitution and international law;
- (c) for Mexico:
 - (i) the states of the Federation and Mexico City;
 - (ii) the islands, including the reefs and keys, in the adjacent seas;
 - (iii) the islands of Guadalupe and of Revillagigedo, situated in the Pacific Ocean;
 - (iv) the continental shelf and the submarine shelf of such islands, keys and reefs;
 - (v) the waters of the territorial seas, with the extent and terms established by international law, and its interior maritime waters;
 - (vi) the space located above the national territory, with the extent and modalities in accordance with the rules established by international law, and
 - (vii) any areas beyond the territorial seas of Mexico over which Mexico may exercise rights on the seafloor and the sea subsoil, and on the natural resources they contain, in accordance with international law, including the United Nations Convention on the Law of the Sea, as well as its national legislation;
- (d) for Peru, the mainland territory, the islands, the maritime areas and the air space above them, under sovereignty or sovereignty rights and jurisdiction of Peru, in accordance with the provisions of the Political Constitution of Peru (*Constitución Política del Perú*) and other relevant domestic law and international law; and

- (e) for Singapore, its land territory, internal waters and territorial sea, including the airspace above them, as well as any maritime area situated beyond the territorial sea which has been or might in the future be designated under its national law, in accordance with international law, as an area within which Singapore may exercise rights with regards to the sea, the sea-bed, the subsoil and the natural resources.