

## **CHAPTER 2** **GENERAL DEFINITIONS**

### **Article 2.1: Definitions of General Application**

For purposes of this Agreement, unless otherwise specified:

**Agreement** means the free trade agreement between the Parties;

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

**citizen** means a citizen as defined in Annex 2.1 for the Party specified in that Annex;

**Commission** means the Free Trade Commission established under Article 18.1;

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

**days** means calendar days;

**enterprise** means any entity constituted or organized under applicable law, whether or not for profit, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, sole proprietorship, joint venture and other association;

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

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

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

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

**Generally Accepted Accounting Principles** means the recognized consensus or substantial authoritative support in the territory of a Party with respect to the recording of revenues, expenses, costs, assets and liabilities, disclosure of information and preparation of financial statements. These standards may be broad guidelines of general application as well as detailed standards, practices and procedures;

**goods of a Party** means domestic products as these are understood in the GATT or such goods as the Parties may agree upon, including originating goods of that Party. The goods of the Parties may incorporate materials of other countries;

**Harmonized System (HS)** means the Harmonized Commodity Description and Coding System, 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 a code of tariff classification of the Harmonized System at the level of four digits;

**measure** means, *inter alia*, any law, regulation, procedure or administrative action, requirement or practice;

**national** means a natural person who is a citizen or permanent resident of a Party;

**originating good** means a good qualifying under the rules of origin set out in Chapter 4;

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

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

**Secretariat** means the Secretariat established under Article 18.2;

**standards-related measures** means a standard, technical regulation or conformity assessment procedure;

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

**subheading** means a code of tariff classification of the Harmonized System at the level of six digits;

**Tariff Elimination Schedule** means the Tariff Elimination Schedule referred to in Article 3.4;

**territory** means for a Party, the territory of that Party as set out in Annex 2.1;

**TBT Agreement** means the Agreement on Technical Barriers to Trade, which is part of the WTO Agreement;

**TRIPS Agreement** means the Agreement on Trade Related Aspects of Intellectual Property Rights, which is part of the WTO Agreement;

**Uniform Regulations** means the regulations established under Article 5.12; and

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

## **Annex 2.1** **Country-Specific Definitions**

For purposes of this Agreement, unless otherwise specified:

**citizen** means:

(a) with respect to Chile, a Chilean as defined in Article 13 of the Political Constitution of the Republic of Chile ("Constitucion Politica de la Republica de Chile); and

(b) with respect to Korea, a Korean as defined in Article 2 of the

Constitution of the Republic of Korea and its relevant law.

**territory** means:

- (a) with respect to Chile, the land, maritime, and air space under its sovereignty, and the exclusive economic zone and the continental shelf over which it exercises sovereign rights and jurisdiction in accordance with international law and its domestic law; and
- (b) with respect to Korea, the land, maritime, and air space under its sovereignty, and those maritime areas, including the seabed and subsoil adjacent to the outer limit of the territorial sea over which it exercises sovereign rights or jurisdiction in accordance with international law and its domestic law.