



CHAPTER 2

GENERAL DEFINITIONS

Article 2.1: Definitions of General Application

For the purposes of this Agreement, unless otherwise specified:

Agreement means the Comprehensive Economic Partnership Agreement between Chile and Indonesia (IC-CEPA);

Commission means the IC-CEPA Joint Commission established pursuant to Article 11.1 (IC-CEPA Joint Commission);

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

- (a) for Chile, the National Customs Service, or its successor; and
- (b) for Indonesia, the Directorate General of Customs and Excise, Ministry of Finance, or its successor;

customs duty includes any import duty and a charge of any kind imposed in connection with the importation of a good, but does not include any:

- (a) charges equivalent to internal taxes, including excise duties, sales tax, and goods and services taxes imposed in accordance with a Party's commitments under paragraph 2 of Article III of GATT 1994;
- (b) antidumping or countervailing duty or safeguards duty applied in accordance with Chapter 8 (Trade Remedies); or
- (c) fees or other charges that are limited in amount to the approximate cost of services rendered, and do not represent a direct or indirect protection for domestic goods or a taxation of imports for fiscal purposes;

Customs Valuation Agreement means the *Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994*, contained in Annex 1A to the WTO Agreement;

days mean calendar days, including weekends and public holidays;

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



GATT 1994 means the *General Agreement on Tariffs and Trade 1994*, contained in Annex 1A to the WTO Agreement;

Harmonized System (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 adopted and implemented by the Parties in their respective tariff laws;

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

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

originating good means a good that qualifies as an originating good in accordance with the rules of origin set out in Chapter 4 (Rules of Origin);

person means a natural person or a juridical person;

person of a Party means a natural person or a juridical person of a Party;

preferential tariff treatment means the duty rate applicable under this Agreement to an originating good;

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

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

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; and
- (b) for Indonesia, the land territories, internal waters, archipelagic waters, territorial sea, including seabed and subsoil thereof, and airspace over



such territories and waters, as well as continental shelf and exclusive economic zone, over which Indonesia has sovereignty, sovereign rights, or jurisdiction as defined in its laws and in accordance with the United Nations Convention on the Law of the Sea, done at Montego Bay, December 10, 1982;

WTO means the World Trade Organization; and

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