

CHAPTER 2: GENERAL DEFINITIONS

Article 2.01 Definitions of General Application

For purposes of this Agreement, unless otherwise agreed, the following terms shall be understood as:

chapter: the first two digits of the Harmonized System;

Commission: the Administrative Commission of the Agreement established in accordance with Article 14.01 (Administrative Commission of the Agreement);

customs duty: any tax, tariff or duty on imports or any charge of any type collected in relation to the import of goods, including any type of surtax or surcharge on imports, except:

- (a) any charge equivalent to an established internal tax in accordance with Article III.2 of the GATT 1994;
- (b) any fee or other charge related to the import, proportional to the cost of services rendered;
- (c) premium offered or collected on an imported good arising out of any tendering system in respect to the administration of quantitative import restrictions, tariff rate quota or tariff preference quota; and
- (d) antidumping or countervailing duty that is applied pursuant to a Party's domestic law and applied consistently with Chapter 7 (Unfair Trade Practices);

Customs Valuation Agreement: the *WTO Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994*;

days: calendar days, including Saturdays, Sundays, and holidays;

enterprise: any legal 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, or other association;

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

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

GATS: the *WTO General Agreement on Trade in Services*;

GATT 1994: the *WTO General Agreement on Tariffs and Trade 1994*;

goods: any matter, material, product or part;

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

Harmonized System (HS): the Harmonized Commodity Description and Coding System, including its General Rules of Interpretation, Section Notes, and Chapter Notes, chapters, headings, subheadings, as adopted and implemented by the Parties in their respective tariff laws;

heading: the first four digits in the tariff classification number under the Harmonized System;

measure: any law, regulation, procedure, requirement, provision or practice, among others;

national: a natural person of a Party according to Annex 2.01;

originating goods: goods that qualify as originating according to the rules established in Chapter 4 (Rules of Origin);

Party: the Republic of China (Taiwan), the Republic of El Salvador or the Republic of Honduras, for which this Agreement is in force;

person: a natural person, or an enterprise;

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

producer: a person who manufactures, produces, processes or assembles a good, or who cultivates, grows, develops, raises, exploits a mine, extracts, harvests, fishes, hunts, collects, gathers, or captures a good;

Secretariat: "Secretariat" as established in accordance with Article 14.03 (Secretariat);

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

subheading: the first six digits in the tariff classification number under the Harmonized System;

tariff reduction schedule: "tariff reduction schedule", as established in Annex 3.04 (Tariff Reduction Schedule);

territory: the land, maritime and air space of each Party, including the exclusive economic zone and the continental shelf, within which each exercises sovereign rights and jurisdiction in accordance with international and domestic law;

TRIPS: the *WTO Agreement on Trade-Related Aspects of Intellectual Property Rights*;

Uniform Regulations: "Uniform Regulations", as established in Article 5.11 (Uniform Regulations); and

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

ANNEX 2.01

Country Specific Definitions

For purposes of this Agreement, unless otherwise agreed the term national shall be understood as:

- (a) with respect to the Republic of China (Taiwan): a person who has the nationality of the Republic of China (Taiwan) by birth or naturalization, according to Article 3 of the Constitution and Article 2 of the Nationality Law of the Republic of China (Taiwan);
- (b) with respect to the Republic of El Salvador: a *salvadoreño* as defined in Articles 90 and 92 of the *Constitución de la República de El Salvador*; and
- (c) with respect to the Republic of Honduras: a *hondureño* as defined in Articles 23 and 24 of the *Constitución Política de la República de Honduras*.