

CHAPTER 2

GENERAL DEFINITIONS

Article 2.1: Definitions of General Application

For the purposes of this Agreement, unless otherwise specified:

- (a) **Agreement on Customs Valuation** means the *Agreement on Implementation of Article VII of the General Agreement on Tariff and Trade 1994*, contained in Annex 1A to the WTO Agreement;
- (b) **Customs Authority** means the authority that, according to the legislation of each Party, is responsible for the administration and enforcement of its customs laws:
 - (i) in the case of Chile, the Chile Customs Service, and
 - (ii) in the case of Malaysia, the Royal Malaysian Customs;
- (c) **customs duties** means duties imposed in connection with the importation of a good provided that such customs duties shall not include:
 - (i) 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 the GATT 1994;
 - (ii) anti-dumping or countervailing duty or safeguards duty applied in accordance with Chapter 8 (Trade Remedies); or
 - (iii) 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;
- (d) **days** means calendar days, including weekends and holidays;
- (e) **GATT 1994** means the *General Agreement on Tariffs and Trade 1994*, contained in Annex 1A of the WTO Agreement;
- (f) **Harmonised 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;
- (g) **heading** means the first four digits in the tariff classification number under the Harmonised System (HS);
- (h) **measure** means any measure by a Party, whether in the form of a law, regulation, rule, procedure, practice, decision, administrative action or any other form;



- (i) **originating goods** means the goods that qualify as originating goods in accordance with Chapter 4 (Rules of Origin);
- (j) **person** means both natural and legal persons;
- (k) **publish** includes publication in written form or on the internet;
- (l) **subheading** means the first six digits in the tariff classification number under the Harmonised System (HS);
- (m) **territory** means:
 - (i) 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;
 - (ii) with respect to Malaysia,
 - (A) the territories of the Federation of Malaysia;
 - (B) the territorial waters of Malaysia and the seabed and subsoil of the territorial waters, and the air space above such areas over which Malaysia has sovereignty; and
 - (C) any area extending beyond the limits of the territorial waters of Malaysia, and the seabed and subsoil of any such area, which has been or may hereafter be designated under the laws of Malaysia and in accordance with international law as an area over which Malaysia has sovereign rights or jurisdiction for the purposes of exploring and exploiting the natural resources, whether living or non-living;
- (n) **TRIPS Agreement** means the *Agreement on Trade-Related Aspects of Intellectual Property Rights*, contained in Annex 1C of the WTO Agreement;
- (o) **WTO** means the World Trade Organization, and
- (p) **WTO Agreement** means the *Marrakesh Agreement Establishing the World Trade Organization*, done on April 15, 1994.

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