

## CHAPTER 2 GENERAL DEFINITIONS

### Article 2.1 General Definitions

For the purposes of this Agreement, unless otherwise specified:

- (a) **Agreement** means the Free Trade Agreement between the Government of Malaysia and the Government of the Republic of Turkey;
- (b) **Agreement on Customs Valuation** means the *Agreement on Implementation of Article VII of the GATT 1994*, contained in Annex 1A to the WTO Agreement;
- (c) **chapters, headings and subheadings** means the chapters (two-digit codes), headings (four-digit codes) and the sub-headings (six-digit codes) used in the nomenclature which makes up the Harmonized Commodity Description and Coding System, referred to in this Chapter as "the Harmonized System" or "HS";
- (d) **customs duty** includes any duty or charge of any kind imposed on, or in connection with, the importation of a good, including any form of surtax or surcharge imposed on, or in connection with, such importation. A customs duty does not include any:
  - (i) charges equivalent to an internal tax imposed consistently with Article III of GATT 1994;
  - (ii) duties imposed consistently with Chapter 8 (Trade Remedies);
  - (iii) fees or other charges imposed consistently with Article 3.6 (Administrative Fees and Charges);
- (e) **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 Malaysia, the Royal Malaysian Customs Department, or its successor; and
  - (ii) in the case of Turkey, the Ministry of Customs and Trade, or its successor;
- (f) **days** means calendar days, including weekends and holidays;
- (g) **GATT 1994** means the *General Agreement on Tariffs and Trade 1994*, contained in Annex 1A to the WTO Agreement;
- (h) **goods** means both materials and products;
- (i) **Harmonized System (HS)** means the Harmonized Commodity Description and Coding System governed by *the International Convention on the*

*Harmonized Commodity Description and Coding System*, done at Brussels on 14 June 1983, 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;

- (j) **Joint Economic and Trade Council** means the Joint Economic and Trade Council established under Article 11.1 (Joint Economic and Trade Council);
- (k) **Joint Committee means** the Joint Committee established under Article 11.4 (Joint Committee);
- (l) **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;
- (m) **originating goods** means the goods that qualify as originating in accordance with Chapter 4 (Rules of Origin);
- (n) **person** means both natural and legal persons;
- (o) **publish** includes publication in written form or on the internet;
- (p) **territory**<sup>1</sup> means:
  - (i) with respect to Malaysia,
    - (AA) the territories of the Federation of Malaysia;
    - (BB) 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
    - (CC) 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;
  - (ii) with respect to Turkey, the land territory, internal waters, the territorial sea and the airspace above them, as well as the maritime areas beyond the territorial sea over which it has jurisdiction or sovereign rights for the purpose of exploration, exploitation and preservation of natural resources, pursuant to international law;
- (q) **WTO** means the World Trade Organization; and

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<sup>1</sup> Nothing in this Agreement, nor any cooperation, act or activity carried out in pursuant to this Agreement shall prejudice the political and legal position of the Parties with regard to any unsettled dispute concerning sovereignty or other rights over the territory and jurisdiction areas.

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