

- (b) the *Montreal Protocol on Substances that Deplete the Ozone Layer*, done at Montreal on 16 September 1987, as amended 29 June 1990, as amended 25 November 1992, as amended 17 September 1997, as amended 3 December 1999;
- (c) the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal*, done at Basel on 22 March 1989;
- (d) the *Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade*, done at Rotterdam on 10 September 1998; or
- (e) the *Stockholm Convention on Persistent Organic Pollutants*, done at Stockholm on 22 May 2001,

the obligation in the agreements listed in sub-paragraphs (a) through (e) prevails. If, however, a Party has a choice among equally effective and reasonably available means of complying with that obligation, the Party shall choose the alternative that is the least inconsistent with the other provisions of this Agreement.

Article 1.5: Extent of Obligations

Each Party is fully responsible for the observance of all provisions of this Agreement and shall take reasonable measures available to it to ensure that the sub national governments and authorities within its territory observe the provisions of this Agreement.

Article 1.6: Reference to Other Agreements

When this Agreement refers to or incorporates by reference other agreements or legal instruments in whole or in part, those references include:

- (a) related footnotes, interpretative notes, and explanatory notes; and
- (b) successor agreements to which the Parties are party or amendments binding on the Parties, except when the reference affirms existing rights.

Chapter Two: General Definitions

Article 2.1: Definitions of General Application

1. For the purposes of this Agreement, unless otherwise specified:

Agreement on Safeguards means the *Agreement on Safeguards*, which is part of the WTO Agreement;

Commission means the Free Trade Commission established under Article 21.1 (Institutional Arrangements and Dispute Settlement Procedures—Free Trade Commission);

Coordinators means the Free Trade Coordinators established under Article 21.2(1) (Institutional Arrangements and Dispute Settlement Procedures—Free Trade Coordinators);

customs duty includes any customs or import duty and a charge of any kind imposed on or in connection with the importation of a good, including a form of surtax or surcharge in connection with that importation, but does not include any:

- (a) charge equivalent to an internal tax imposed consistently with Article III:2 of the GATT 1994, in respect of:
 - i. like, directly competitive, or substitutable goods of a Party, or
 - ii. goods from which the imported good has been manufactured or produced in whole or in part,
- (b) an anti-dumping or countervailing duty that is applied under a Party's domestic law,
- (c) a fee or other charge imposed in connection with importation commensurate with the cost of services rendered; and
- (d) a premium offered or collected on an imported good arising out of a tendering system in respect of the administration of a quantitative import restriction, a tariff rate quota, or a tariff preference level;

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

days means calendar days, including weekends and holidays;

Dispute Settlement Understanding (DSU) means the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, which is part of the WTO Agreement;

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

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

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

Harmonized System (HS) means the *Harmonized Commodity Description and Coding System*, including its General Rules of Interpretation, Section Notes, Chapter Notes, and subheading notes;

heading means a 4-digit number, or the 4 first digits of a number, used in the nomenclature of the Harmonized System;

measure includes a law, regulation, procedure, requirement, or practice;

national means a natural person according to Article 2.2, or a permanent resident of a Party;

originating means qualifying under the rules of origin set out in Chapter Four (Rules of Origin);

person means a natural person or an enterprise;

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

sanitary or phytosanitary measure means a measure referred to in Annex A, paragraph 1 of the SPS Agreement;

Secretariat means the Secretariat established under Article 21.3 (Institutional Arrangements and Dispute Settlement Procedures – Secretariat);

SPS Agreement means the *Agreement on the Application of Sanitary and Phytosanitary Measures*, which is part of the WTO Agreement;

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

subheading means a 6-digit number, or the first 6 digits of a number, used in the nomenclature of the Harmonized System;

tariff classification means the classification of a good or material under a chapter, heading, subheading, or tariff subheading;

tariff elimination schedule means Annex 3.4.1 (National Treatment and Market Access for Goods—Tariff Elimination Schedule);

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

Uniform Regulations means “Uniform Regulations” established under Article 5.12 (Customs Procedures—Uniform Regulations); and

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

2. For purposes of this Agreement, a word in the singular includes that word in the plural, except where otherwise indicated.

Article 2.2: Country-Specific Definitions

For the purposes of this Agreement:

national government means:

- (a) for Canada, the Government of Canada; and
- (b) for Honduras, the Government of the Republic of Honduras;

sub-national government means:

- (a) for Canada, provincial, territorial, or local governments; and
- (b) for Honduras, local governments;

natural person means:

- (a) for Canada, a natural person who is a citizen of Canada under the *Citizenship Act*, R.S.C. 1985, c. C-29, as amended from time to time or under any successor legislation; and
- (b) for Honduras, a Honduran as defined in Articles 23 and 24 of the Constitution of the Republic of Honduras;

territory means:

- (a) for Canada, (i) the land territory, internal waters and territorial sea, including the air space above these areas, of Canada; (ii) the exclusive economic zone of Canada, as determined by its domestic law, consistent with Part V of the *United Nations Convention on the Law of the Sea*, done at Montego Bay on 10 December 1982 (UNCLOS); and (iii) the continental shelf of Canada, as determined by its domestic law, consistent with Part VI of UNCLOS; and
- (b) for Honduras, the land, maritime, and air space under its sovereignty; its exclusive economic zone; and the continental shelf within which it exercises sovereign rights and jurisdiction in accordance with international law and its domestic law.

Chapter Three: National Treatment and Market Access for Goods

Article 3.1: Scope of Coverage