

Chapter 2

Definitions of General Application

Article 5: Definitions

For purposes of this Agreement, unless otherwise specified:

Commission means the Free Trade Commission established under Article 135 (The Free Trade Commission);

customs administration means the competent authority that is responsible under the law of a Party for the administration of customs laws and regulations;

customs duty means any duty or charge of any kind imposed on or in connection with the importation of a good, but does not include any:

- (a) charge equivalent to an internal tax imposed consistently with Article III.2 of GATT 1994 and with Article 8 (National Treatment) of Chapter 3 (National Treatment and Market Access for Trade in Goods);
- (b) antidumping or countervailing duty imposed consistently with Article VI of GATT 1994, the WTO Agreement on Implementation of Article VI of GATT 1994, the WTO Agreement on Subsidies and Countervailing Measures and with Chapter 8 (Trade Remedies);
- (c) fee or other charge imposed consistently with Article 13 (Administrative Fees and Formalities) of Chapter 3 (National Treatment and Market Access for Trade in Goods);

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

days means calendar days;

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

GATS means the WTO General Agreement on Trade in Services;

GATT 1994 means the WTO General Agreement on Tariffs and Trade 1994;

goods of a Party means 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) means the Harmonized Commodity Description and Coding System, including its General Rules of Interpretation, Section Notes and Chapter Notes as adopted by the World Customs Organization;

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

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

national means a natural person who has the nationality of a Party according to Article 6 (Country Specific Definitions);

originating means qualifying under the rules of origin set out in Chapter 4 (Rules of Origin and Related Operational Procedures);

Party means any State for which this Agreement is in force;

person means a natural person or a juridical person;

person of a Party means a national 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 WTO Agreement on Safeguards;

SPS Agreement means the WTO Agreement on the Application of Sanitary and Phytosanitary Measures;

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

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

TBT Agreement means the WTO Agreement on Technical Barriers to Trade;

territory means for a Party the territory of that Party as set out in Article 6 (Country Specific Definitions);

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

WTO means the World Trade Organization; and

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

Article 6: Country Specific Definitions

For purposes of this Agreement, unless otherwise specified:

1. **national** means:

- (a) with respect to China, a natural person who has the nationality of China according to the laws of China; and
- (b) with respect to the Republic of Costa Rica, a Costa Rican as defined in Articles 13 and 14 of the Political Constitution of the Republic of Costa Rica (*Constitución Política de la República de Costa Rica*).

2. **territory** means:

- (a) with respect to China, the territory of the People's Republic of China, including its land territory, air space, internal waters and territorial sea, and any area beyond its territorial sea, within which it has sovereign rights or jurisdiction of exploration for and exploitation of the natural resources thereof in accordance with international law and its internal laws; and
- (b) with respect to the Republic of Costa Rica, the national territory including air and maritime space, where the State exercises complete and exclusive sovereignty or jurisdiction in accordance with its domestic legislation and international law.