

CHAPTER 2

GENERAL DEFINITIONS AND INTERPRETATIONS

Article 1

Definitions of General Application

For the purposes of this Agreement, unless otherwise specified:

- (a) **Agreement** means the *Hong Kong, China - New Zealand Closer Economic Partnership Agreement*;
- (b) **APEC** means Asia-Pacific Economic Cooperation;
- (c) **Area** in respect of:
 - (i) New Zealand means the territory of New Zealand and the exclusive economic zone, seabed and subsoil over which it exercises sovereign rights with respect to natural resources in accordance with international law, but does not include Tokelau; and
 - (ii) Hong Kong, China means the Hong Kong Special Administrative Region of the People's Republic of China, together with the Shenzhen Bay Port Hong Kong Port Area;
- (d) **customs duty** includes any duty or charges of any kind imposed in connection with the importation of a good, and any surtaxes or surcharges imposed in connection with such importation, but does not include:
 - (i) charges equivalent to an internal tax imposed consistently with *GATT 1994*, including excise duties and goods and services tax;

- (ii) any anti-dumping or countervailing duty applied consistently with Article VI of *GATT 1994*, the *WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994*, and the *WTO Agreement on Subsidies and Countervailing Measures*; and
- (iii) fees or other charges that:
 - (1) are limited in amount to the approximate cost of services rendered; and
 - (2) do not represent a direct or indirect protection for domestic goods or a taxation of imports for fiscal purposes;
- (e) **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*;
- (f) **days** means calendar days;
- (g) **GATS** means the *General Agreement on Trade in Services*, which is part of the *WTO Agreement*;
- (h) **GATT 1994** means the *General Agreement on Tariffs and Trade 1994*, which is part of the *WTO Agreement*;
- (i) **Harmonized System, HS Code, or HS** means the Harmonized Commodity Description and Coding System established by the *International Convention on the Harmonized Commodity Description and Coding System*, signed at Brussels on 14 June 1983, as amended;

- (j) **Joint Commission** means the Joint Commission established under Article 1 (Establishment of the Joint Commission) of Chapter 17 (Administrative and Institutional Provisions);
- (k) **measure** includes any law, regulation, procedure, requirement or practice;
- (l) **WTO** means the World Trade Organization;
- (m) **WTO Agreement** means the *Marrakesh Agreement Establishing the World Trade Organization*, done on 15 April 1994; and
- (n) **WTO Dispute Settlement Understanding** means the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, which is part of the *WTO Agreement*.

Article 2 Interpretations

In this Agreement, unless the context otherwise requires:

- (a) in the case of Hong Kong, China;
 - (i) where an expression is qualified by the term “national”, such expression shall be interpreted as pertaining to Hong Kong, China; and
 - (ii) the term “international agreement” shall include an agreement or arrangement entered into by Hong Kong, China with other parts of the People’s Republic of China. For the purposes of Chapter 13 (Trade in Services), Hong Kong, China shall ensure that such agreements or arrangements which are referred to in Paragraph 4 of Article 12 (Most Favoured Nation Treatment) are published or otherwise

made available through the internet or in print form to New Zealand promptly after these agreements or arrangements have come into force or effect; and

- (b) where anything under this Agreement is to be done within a number of days after, before or of a specified date or event, the specified date or the date on which the specified event occurs shall not be included in calculating that number of days.