

CHAPTER 2

GENERAL DEFINITIONS

Article 2.01 General Application Definitions

For the purposes of this Agreement, unless otherwise agreed:

chapter means the first two digits of the Harmonized System;

Commission means the Administrative Commission of the Agreement established in accordance with Article 17.01 (Administrative Commission of the Agreement);

customs tariff means any tax, tariff or duty on imports or any charge of any type collected in relation to the import of goods, including any type of surtax or surcharge on imports, except:

- a) any charge equivalent to an established internal tax in accordance with Article III.2 of the GATT Agreement of 1994;
- b) any right or other charge related to the import, proportional to the cost of rendered services;
- c) any offered or collected prime on concerned goods derived from all auction system with respect to the administration of quantitative restrictions of the import or tariff-quota, or tariff preference quotas; and
- d) antidumping or countervailing duty that is applied pursuant to a Party's domestic law and applied consistently with Chapter 7 (Unfair Trade Practices);

Customs Valuation Agreement means the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994, including its interpretative notes, which forms part of the WTO Agreement;

days means calendar days, including Saturdays, Sundays and holidays;

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

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

GATT 1994 means the General Agreement on Tariffs and Trade 1994, which forms a part of the WTO Agreement;

goods means any material, substance, product or part;

goods of a Party means a national product as understood in GATT 1994, or good that the Parties have agreed to attribute such character, including an originating good of that Party. A good of a Party may contain materials from other countries;

Harmonized System (HS) means the Harmonized Commodity Description and Coding System, including its General Rules of Interpretation, Section Notes, and Chapter Notes, chapters, headings, subheadings, as adopted and implemented by the Parties in their respective tariff laws;

heading means the first four digits of the Harmonized System;

measure means any law, regulation, procedure, requirement, provision or practice, among others;

national means a natural person of a Party according to Annex 2.01;

originating goods means goods that qualify as originating according to the rules established in Chapter 4 (Rules of Origin);

Party means the Republic of Guatemala or the Republic of China (Taiwan);

person means a natural person, or an enterprise;

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

producer means a person who manufactures, produces, processes or assembles a good, or who cultivates, grows, develops, raises, exploits a mine, extracts, harvests, fishes, hunts, collects, gathers, or captures a good;

Secretariat means "Secretariat" as established in accordance with Article 17.03 (Secretariat);

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

subheading means the first six digits of the Harmonized System;

tariff reduction schedule means "tariff reduction schedule", as established in Annex 3.04 (Tariff Reduction Schedule);

territory means, the land, maritime and air space of each Party, including the exclusive economic zone and the continental shelf within which each exercises sovereign rights and jurisdiction in accordance with international and domestic law;

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

Uniform Regulations means "Uniform Regulations", as established in Article 5.11 (Uniform Regulations); and

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

ANNEX 2.01

SPECIFIC DEFINITIONS BY COUNTRY

For the purposes of this Agreement, except as otherwise agreed:

national means:

a) with respect to the Republic of Guatemala:

a guatemalan as defined in Articles 144, 145 and 146 of the Constitución Política de la República de Guatemala; and

b) with respect to the Republic of China (Taiwan):

a person who has the nationality of the Republic of China (Taiwan) by birth or naturalization according to Article 3 of the Constitution and Article 2 of the Nationality Law of the Republic of China (Taiwan).