**ANZ proposal for Initial Provisions and General Definitions Chapter**

**CHAPTER [X]**

**INITIAL PROVISIONS AND GENERAL DEFINITIONS**

**Article 1: Objectives**

[Text for this Article to be tabled at a later stage of the negotiations]

**Article 2: Establishment of the [PACER Plus Free Trade Area]**

1. Consistent with Article XXIV of GATT 1994 and Article V of GATS, the Parties hereby establish a free trade area in accordance with the provisions of this Agreement.

**Article 3: General Definitions**

For the purposes of this Agreement, unless the context otherwise requires:

1. **Agreement** means the *Agreement Establishing the [PACER Plus Free Trade Area]*;
2. **Agreement on Agriculture** means the *Agreement on Agriculture*, in Annex 1A to the WTO Agreement;
3. **Agreement on Customs Valuation** means the *Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994*,in Annex 1A to the WTO Agreement;
4. **Anti-Dumping Agreement** means the *Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994*, in Annex 1A to the WTO Agreement;
5. **Customs duty** means any duty or a charge of any kind, including any tax or surcharge, imposed in connection with the importation of a good, but does not include any:
6. charge equivalent to an internal tax imposed consistently with paragraph 2 of Article III of GATT 1994, in respect of the like domestic product or in respect of an article from which the imported product has been manufactured or produced in whole or in part;
7. any anti-dumping or countervailing duty applied consistently with the provisions of 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 in Annex 1A to the WTO Agreement; or
8. fee or any charge commensurate with the cost of services rendered;
9. **days** means calendar days, including weekends and holidays;
10. **Forum Island Countries** means the Pacific Island country Parties to this Agreement which are Members of the Pacific Islands Forum, referred to in this Agreement collectively as the Forum Island Countries and individually as a Forum Island Country;
11. **GATS** means the *General Agreement on Trade in Services*, in Annex 1B to the WTO Agreement;
12. **GATT 1994** means the *General Agreement on Tariffs and Trade 1994*, in Annex 1A to the WTO Agreement;
13. **HS Code** means the Harmonized Commodity Description and Coding System established by the *International Convention on the Harmonized Description and Coding System* signed at Brussels on 14 June 1983, as amended;
14. **IMF Articles of Agreement** means the *Articles of Agreement of the International Monetary Fund*;
15. **Joint Committee** means the [PACER Plus Free Trade Area] Joint Committee established pursuant to Article X (PACER Plus Joint Committee) of Chapter X (Institutional Provisions);
16. **Measure** includes any law, regulation, requirement, or practice;
17. **Negotiating Parties** means [list by name the Parties involved in the negotiations at the conclusion of negotiations], referred to in this Agreement collectively as the Negotiating Parties or individually as a Negotiating Party.
18. **Pacific Islands Forum** means the Pacific Islands Forum, as referred to in the *Agreement Establishing the Pacific Islands Forum Secretariat*;
19. **Party** means any State or separate customs territory for which this Agreement is in force;
20. **SPS Agreement** means the *Agreement on the Application of Sanitary and Phytosanitary Measures*, in Annex 1A to the WTO Agreement;
21. **TBT Agreement** means the *Agreement on Technical Barriers to Trade*, in Annex 1A of the WTO Agreement;
22. **WTO Agreement** means the *Marrakesh Agreement Establishing the World Trade Organization*, done on 15 April 1994; and
23. **WTO** means the World Trade Organization.