

Disclaimer: *In view of the Commission and New Zealand's respective transparency policies, the Commission and New Zealand are publishing the texts of the Agreement following the announcement of conclusion of the negotiations on 30 June 2022 (Brussels time).*

The texts are published in view of the public interest in the negotiations for information purposes only and they may undergo further modifications, including as a result of the process of legal revision. These texts are without prejudice to the final outcome of the Agreement between the EU and New Zealand.

The texts will be final upon signature. The Agreement will become binding on the Parties under international law only after completion by each Party of its internal legal procedures necessary for the entry into force of the Agreement.

CHAPTER [XX]

INITIAL PROVISIONS

ARTICLE X.1

Objectives of the Agreement

The objectives of this Agreement are to liberalise and facilitate trade and investment, as well as to promote a closer economic relationship between the Parties.

ARTICLE X.2

Establishment of a free trade area

The Parties hereby establish a free trade area in conformity with Article XXIV of GATT 1994 and Article V of GATS.

ARTICLE X.3

General definitions

- (a) "Agricultural good" means a product listed in Annex 1 to the Agreement on Agriculture;
- (b) "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:
 - (i) charge equivalent to an internal tax imposed consistently with Article III:2 of the GATT 1994;
 - (ii) anti-dumping or countervailing duty applied in conformity with the GATT 1994, the Anti-dumping Agreement, and the Agreement on Subsidies and Countervailing Measures; and
 - (iii) fee or other charge imposed on or in connection with importation that is limited in amount to the approximate cost of the services rendered.
- (c) "CPC" means the Provisional Central Product Classification (Statistical Papers Series M No.77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991);
- (d) "Day" means a calendar day;
- (e) "Enterprise" means a juridical person or a branch or a representative office of a juridical person;
- (f) "Existing" means, unless otherwise specified in the Agreement, in effect on the date of entry into force of this Agreement;
- (g) "Good of a Party" means a domestic good as that is understood in the GATT 1994, and includes originating goods of that Party;

- (h) "Harmonized System" or "HS" means the Harmonized Commodity Description and Coding System, including its General Rules of Interpretation, Section Notes, Chapter Notes] and amendments thereto developed by the World Customs Organisation;
- (i) "Heading" means the first four digits in the tariff classification number under the Harmonized System;
- (j) "Juridical person" means any legal entity duly constituted or otherwise organised under a Party's applicable law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association;
- (k) "Measure" means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, requirement or practice, or any other form¹;
- (l) "Natural person of a Party" means:
 - (i) for the European Union, a national of one of the Member States of the European Union according to its law²; and
 - (ii) for New Zealand, a national of New Zealand, according to its law³.
- (m) "Originating" means qualifying as originating under the rules of origin set out in the Chapter on Rules of Origin XX;

¹ For greater certainty, the term "measure" includes failures to act.

² The definition of natural person also includes persons permanently residing in the Republic of Latvia who are not citizens of the Republic of Latvia or any other state but who are entitled, under the law of the Republic of Latvia, to receive a non-citizen's passport.

³ The EU reaffirms its obligations regarding permanent residents of New Zealand under the GATS. To that effect, the definition of natural person of a Party also includes persons who have the right of permanent residence in New Zealand who are not nationals of New Zealand, to the extent that those natural persons are beneficiaries of EU commitments under the GATS.

- (n) "Person" means a natural person or a juridical person;
- (o) "Preferential tariff treatment" means the rate of customs duty applicable to an originating good pursuant to the tariff elimination schedules in Annex X;
- (p) "Sanitary or phytosanitary measure" means any measure referred to in paragraph 1 of Annex A to the SPS Agreement;
- (q) "Service supplier" means a person that supplies or seeks to supply a service;
- (r) "Territory" means with respect to each Party the area where this Agreement applies in accordance with Article X.8 Chapter XX Final Provisions [Territorial application];
- (s) "Third country" means a country or territory outside the territorial scope of application of this Agreement;
- (t) "Vienna Convention on the Law of Treaties" means the Vienna Convention on the Law of Treaties done at Vienna on 23 May 1969; and
- (u) "WTO" means the World Trade Organization.

ARTICLE X.4

WTO Agreements

- (a) "Agreement on Agriculture" means the Agreement on Agriculture, contained in Annex 1A to the WTO Agreement;
- (b) "Anti-dumping Agreement" means the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, contained in Annex 1A to the WTO Agreement;

- (c) "Customs Valuation Agreement" means the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994, contained in Annex 1A to the WTO Agreement;
- (d) "DSU" means the Understanding on Rules and Procedures Governing the Settlement of Disputes, contained in Annex 2 to the WTO Agreement;
- (e) "GATS" means the General Agreement on Trade in Services, contained in Annex 1B to the WTO Agreement;
- (f) "GATT 1994" means the General Agreement on Tariffs and Trade 1994, contained in Annex 1A to the WTO Agreement;
- (g) "Safeguards Agreement" means the Agreement on Safeguards, contained in Annex 1A to the WTO Agreement;
- (h) "SCM Agreement" means the Agreement on Subsidies and Countervailing Measures, contained in Annex 1A to the WTO Agreement;
- (i) "SPS Agreement" means the Agreement on the Application of Sanitary and Phytosanitary Measures, contained in Annex 1A to the WTO Agreement;
- (j) "TBT Agreement" means the Agreement on Technical Barriers to Trade, contained in Annex 1A to the WTO Agreement;
- (k) "TRIPS Agreement" means the Agreement on Trade-Related Aspects of Intellectual Property Rights, contained in Annex 1C to the WTO Agreement; and
- (l) "WTO Agreement" means the Agreement Establishing the World Trade Organization, done at Marrakesh on 15 April 1994.