

CHAPTER 1

INITIAL PROVISIONS AND GENERAL DEFINITIONS

Article 1.1 Establishment of a Free Trade Area

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

Article 1.2 General Definitions

For the purposes of this Agreement, unless otherwise specified:

- (a) **“Agreement”** means the Free Trade Agreement between India and New Zealand;
- (b) **“Anti-Dumping Agreement”** means the *Agreement on Implementation of Article VI of General Agreement on Tariffs and Trade 1994*, set out in Annex 1A to the WTO Agreement;
- (c) **“Agreement on Agriculture”** means the *Agreement on Agriculture*, set out in Annex 1A to the WTO Agreement;
- (d) **“Customs Valuation Agreement”** means the *Agreement on Implementation of Article VII of General Agreement on Tariffs and Trade 1994*, set out in Annex 1A to the WTO Agreement;
- (e) **“days”** means calendar days, including weekends and holidays;
- (f) **“GATS”** means the *General Agreement on Trade in Services*, set out in Annex 1B to the WTO Agreement;
- (g) **“GATT 1994”** means the *General Agreement on Tariffs and Trade 1994*, set out in Annex 1A to the WTO Agreement;
- (h) **“goods”** means any merchandise, product, article or material;
- (i) **“Harmonized System” or “HS”** means the *Harmonized Commodity Description and Coding System* defined in the International Convention on the Harmonized Commodity Description and Coding System, including its General Rules of Interpretation, and legal notes, which includes Section Notes, Chapter Notes, and Subheading Notes, as adopted and implemented by the Parties in their respective laws;

- (j) **“Joint Commission”** means the Joint Commission established pursuant to Article 17.1 (Establishment of the Joint Commission);
- (k) **“measure”** means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form;
- (l) **“originating goods”** means goods that qualify as originating in accordance with Chapter 3 (Rules of Origin);
- (m) **“perishable goods”** means goods that rapidly decay due to their natural characteristics, in particular in the absence of appropriate storage conditions;
- (n) **“Safeguards Agreement”** means the *Agreement on Safeguards*, set out in Annex 1A to the WTO Agreement;
- (o) **“SCM Agreement”** means the *Agreement on Subsidies and Countervailing Measures*, set out in Annex 1A to the WTO Agreement;
- (p) **“SME”** means a small and medium-sized enterprise, including a micro-sized enterprise, and may be further defined, where applicable, according to the respective laws, regulations, or national policies of each Party;
- (q) **“territory”** means:
 - (i) in respect of India, the territory of the Republic of India in accordance with the Constitution of India, including its territorial waters and the airspace above it and other maritime zones including the Exclusive Economic Zone and continental shelf over which the Republic of India has sovereignty, sovereign rights, or exclusive jurisdiction in accordance with its law and the *United Nations Convention on the Law of the Sea*, done at Montego Bay on 10 December 1982 and international law;
 - (ii) in respect of New Zealand, 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;
- (r) **“TRIPS Agreement”** means the *Agreement on Trade-Related Aspects of Intellectual Property Rights*, set out in Annex 1C to the WTO Agreement;
- (s) **“WTO”** means the World Trade Organization; and
- (t) **“WTO Agreement”** means the *Marrakesh Agreement Establishing the World Trade Organization*, done at Marrakesh on 15 April 1994.