

Chapter II: General Definitions

Article II.1 Definitions of General Application

1. For purposes of this Agreement, unless otherwise specified:

citizen means a citizen as defined in Annex II.1.1 for the Party specified in that Annex;

Commission means the Free Trade Commission established under Article XIII.1 (The Free Trade Commission);

Coordinators means the Free Trade Coordinators established under Article XIII.2.1 (The Free Trade Coordinators);

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 is part of the WTO Agreement;

days means calendar days, including weekends and holidays;

Dispute Settlement Understanding (DSU) means the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, which is part of the WTO Agreement;

enterprise means any 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 is part of the WTO Agreement;

goods of a Party means domestic products as these are understood in the *GATT 1994* or such goods as the Parties may agree, and includes originating goods of that Party;

Harmonized System (HS) means the *Harmonized Commodity Description and Coding System*, including its General Rules of Interpretation, Section Notes and Chapter Notes;

heading means the four first digits in the tariff classification number under the Harmonized System;

measure includes any law, regulation, procedure, requirement or practice;

national means a natural person who is a citizen or permanent resident of a Party;

originating means qualifying under the rules of origin set out in Chapter IV (Rules of Origin);

person means a natural person or an enterprise;

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

province means a province of Canada, and includes the Yukon Territory and the Northwest Territories and Nunavut and their successors;

Secretariat means the Secretariat established under Article XIII.3.1 (The Secretariat);

subheading means the first six digits in the tariff classification number under the Harmonized System;

tariff classification means the classification of a good or material under a chapter, heading or subheading or tariff subheading;

tariff elimination schedule means the provisions of Annex III.2.2 (Tariff Elimination Schedule);

territory means for a Party the territory of that Party as set out in Annex II.1.1 (Country-Specific Definitions); and

WTO Agreement means the *Marrakesh Agreement Establishing the World Trade Organization*, done on April 15, 1994, or any successor agreement to which both Parties are a party.

2. For purposes of this Agreement, unless otherwise specified, a reference to a province includes local governments of that province.

3. Country-specific definitions of **national government** are set out in Annex II.1.1 (Country-Specific Definitions).

Annex II.1.1

Country-Specific Definitions

For purposes of this Agreement, unless otherwise specified:

citizen means:

- (a) with respect to Canada, a natural person who is a citizen of Canada under the *Citizenship Act*, R.S.C. 1985, c. C-29, as amended from time to time or under any successor legislation; and
- (b) with respect to Costa Rica, the Costa Ricans by birth, according to Article 13 of the Political Constitution of the Republic of Costa Rica and the Costa Ricans by naturalization, according to Article 14 of the Political Constitution of the Republic of Costa Rica;

national government means:

- (a) with respect to Canada, the Government of Canada; and
- (b) with respect to Costa Rica, the Government of the Republic of Costa Rica; and

territory means:

- (a) with respect to Canada, the territory to which its customs laws apply, including any areas beyond the territorial seas of Canada within which, in accordance with international law and its domestic law, Canada may exercise rights with respect to the seabed and subsoil and their natural resources; and
- (b) with respect to Costa Rica, the territory and air space, and the maritime areas, including the seabed and subsoil adjacent to the outer limit of the territorial sea, over which it exercises, in accordance with international law and its domestic law, sovereign rights with respect to the natural resources of such areas.