

CHAPTER 1 : INITIAL PROVISIONS AND GENERAL DEFINITIONS

SECTION A : INITIAL PROVISIONS

ARTICLE 1.1: ESTABLISHMENT OF A FREE TRADE AREA

The Parties to this Agreement, 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: RIGHTS AND OBLIGATIONS UNDER OTHER AGREEMENTS

1. The Parties reaffirm their existing rights and obligations with respect to each other under the WTO Agreement and other existing Agreements to which both Parties are party.

2. Unless otherwise provided for in any Chapter of this Agreement, this Agreement shall not be construed to derogate from any international legal obligation between the Parties that entitles goods or services, or suppliers of goods or services, to treatment more favorable than that accorded by this Agreement.

SECTION B : GENERAL DEFINITIONS

ARTICLE 1.3: DEFINITIONS OF GENERAL APPLICATION

For purposes of this Agreement, unless otherwise specified:

Agreement means the Peru-Singapore Free Trade Agreement;

APEC means Asia-Pacific Economic Cooperation;

central level of government means:

- (a) for Peru, the national level of government; and
- (b) for Singapore, the national level of government;

Commission means the Free Trade Commission established under Article 16.1 (The Free Trade Commission);

customs authority means the competent authority that is responsible under the law of a Party for the administration of customs laws and regulations

Customs Valuation Agreement means the WTO Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994;

days means calendar days including weekends and holidays, but for the calculation of time periods, where the last day falls on a non-working day, the last day will be extended to the next working day;

enterprise means an entity constituted or organized under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including a corporation, trust, partnership, sole proprietorship, joint venture, association, or similar organization, and a branch of an enterprise;

GATS means the WTO General Agreement on Trade in Services;

GATT 1994 means the WTO General Agreement on Tariffs and Trade 1994;

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 means the Harmonized Commodity Description and Coding System, including all legal notes and amendments thereto;

identical goods means goods that are the same in all respects relevant to the particular rule of origin that qualifies the goods as originating;

local level of government means:

- (a) for Peru, the provincial and local municipalities; and
- (b) for Singapore, entities with sub-national legislative or executive powers under domestic law, including Town Councils and Community Development Councils;

measure means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form, and includes measures taken by:

- (a) central, regional or local governments and authorities; and

(b) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities;

national of a Party means a natural person who resides in the territory of the Party or elsewhere and who under the law of that Party:

(a) is a natural person who has the nationality of that Party according to Article 1.4 (Country-Specific Definitions); or

(b) has the right of permanent residence in that Party;

person means a natural person or an enterprise;

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

preferential tariff treatment means the duty rate applicable under this Agreement to an originating good

territory means for a Party the territory of that Party as set out in Article 1.4 (Country-Specific Definitions);

WTO means the World Trade Organization; and

WTO Agreement means the Marrakesh Agreement establishing the World Trade Organization; and

WTO Agreement on Safeguards means the Agreement on Safeguards 1994, which is part of the WTO Agreement.

ARTICLE 1.4 : COUNTRY-SPECIFIC DEFINITIONS

For purposes of this Agreement, unless otherwise specified:

natural person who has the nationality of a Party means:

(a) with respect to Peru, Peruvians by birth, naturalization or by option as stated in articles 52 and 53 of its Constitution; and

(b) with respect to Singapore, any person who is a citizen within the meaning of its Constitution and domestic laws;

territory means:

(a) with respect to Peru, the continental territory, the islands, the maritime area and the airspace above them, in which Peru exercises

sovereignty and jurisdiction or sovereign rights in accordance with its domestic law and international law;

(b) with respect to Singapore, its land territory, internal waters and territorial sea as well as the maritime zones beyond the territorial sea, including the seabed and subsoil, over which the Republic of Singapore exercises sovereign rights or jurisdiction under its national laws and international law for the purpose of exploration and exploitation of the natural resources of such areas.