

2. Nothing in this Agreement shall require a Party to provide confidential information, the disclosure of which would impede the enforcement of its laws and regulations, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private.

Article 10
Contact Points

Each Party shall designate a contact point to facilitate communications between the Parties on any matter covered by this Agreement.

Chapter 2
General Definitions

Article 11
General Definitions

For the purposes of this Agreement, unless otherwise specified:

- (a) the term "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;
- (b) the term "Area" means:
 - (i) with respect to Japan, the territory of Japan, and all the area beyond its territorial sea, including the sea-bed and subsoil thereof, over which Japan exercises sovereign rights or jurisdiction in accordance with international law and the laws and regulations of Japan; and
 - (ii) with respect to Chile, the land, maritime and air space under its sovereignty, and the exclusive economic zone and the continental shelf within which it exercises sovereign rights and jurisdiction in accordance with international law and its domestic law;

Note: Nothing in subparagraph (b) shall affect the rights and obligations of the Parties under international law, including those under the United Nations Convention on the Law of the Sea.

- (c) the term "Commission" means the Commission established under Article 189;
- (d) the term "customs authority" means the authority that, according to the legislation of each Party or non-Parties, is responsible for the administration and enforcement of customs laws and regulations:
 - (i) with respect to Japan, the Ministry of Finance; and
 - (ii) with respect to Chile, the National Customs Service (*Servicio Nacional de Aduanas*);
- (e) the term "days" means calendar days, including weekends and holidays;
- (f) the term "enterprise" means any corporation, company, association, partnership, trust, joint venture, sole-proprietorship or other entity constituted or organized under applicable law, whether for profit or otherwise, and whether privately-owned or controlled or governmentally-owned or controlled;
- (g) the term "enterprise of a Party" means an enterprise constituted or organized under the law of a Party;
- (h) the term "existing" means in effect on the date of entry into force of this Agreement;
- (i) the term "GATS" means the General Agreement on Trade in Services in Annex 1B to the WTO Agreement;
- (j) the term "GATT 1994" means the General Agreement on Tariffs and Trade 1994 in Annex 1A to the WTO Agreement. For the purposes of this Agreement, references to articles in the GATT 1994 include the interpretative notes;
- (k) the term "Harmonized System" or "HS" means the Harmonized Commodity Description and Coding System set out in the Annex to the International Convention on the Harmonized Commodity Description and Coding System, and adopted and implemented by the Parties in their respective laws;

- (l) the term "measure" means any measure by a Party, whether in the form of a law, regulation, rule, procedure, practice, decision, administrative action or any other form;
- (m) the term "natural person of a Party" means a natural person who, under the laws and regulations of a Party:
 - (i) with respect to Japan, is a national of Japan; and
 - (ii) with respect to Chile, is a national of Chile or a permanent resident in Chile;
- (n) the term "originating good" means a good which qualifies as an originating good under the provisions of Chapter 4;
- (o) the term "Parties" means Japan and Chile and the term "Party" means either Japan or Chile;
- (p) the term "person" means a natural person or an enterprise;
- (q) the term "SPS Agreement" means the Agreement on the Application of Sanitary and Phytosanitary Measures in Annex 1A to the WTO Agreement;
- (r) the term "state enterprise" means an enterprise owned or controlled by a Party;
- (s) the term "TRIPS Agreement" means the Agreement on Trade-Related Aspects of Intellectual Property Rights in Annex 1C to the WTO Agreement; and
- (t) the term "WTO Agreement" means the Marrakesh Agreement Establishing the World Trade Organization, done at Marrakesh, April 15, 1994.

Chapter 3
Trade in Goods

Section 1
General Rules

Article 12
Classification of Goods

The classification of goods in trade between the Parties shall be in conformity with the Harmonized System.