

## **CHAPTER ONE GENERAL PROVISIONS**

### **Article 1.1: General Definitions**

For purposes of this Agreement, unless otherwise specified,

**Agreement on Agriculture** means the *Agreement on Agriculture*, in Annex 1A to the WTO Agreement;

**Anti-Dumping Agreement** means the *Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994*, in Annex 1A to the WTO Agreement;

**customs administration** means authority that is responsible under the law of each Party for the administration and enforcement of its customs laws and regulations:

- (a) for Korea, the Ministry of Economy and Finance, or the Korea Customs Service, or their respective successors; and
- (b) for Cambodia, the General Department of Customs and Excise of Cambodia;

**customs duties** means any customs or import duty and a charge of any kind imposed in connection with the importation of a good, but does not include any:

- (a) charge equivalent to an internal tax imposed consistently with Article III:2 of the GATT 1994, in respect of like, directly competitive, or substitutable goods of a Party, or in respect of goods from which the imported good has been manufactured or produced in whole or in part;
- (b) duty imposed pursuant to a Party's laws and regulations consistently with Chapter Five (Trade Remedies);
- (c) fee or other charge in connection with importation commensurate with the cost of services rendered;
- (d) duty imposed pursuant to Article 5 of the *Agreement on Agriculture*, contained in Annex 1A to the WTO Agreement; or

- (e) premiums offered or collected on an imported good arising out of any tendering system in respect of the administration of quantitative import restrictions or tariff rate quotas;

**customs laws and regulations** means the statutory and regulatory provisions relating to the importation, exportation, movement, or storage of goods, the administration and enforcement of which are specifically charged to the customs administration, and any regulations made by the customs administration, under its statutory powers;

**Customs Valuation Agreement** means the *Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994*, in Annex 1A to the WTO Agreement;

**days** means calendar days, including weekends and holidays;

**existing** means in effect on the date of entry into force of this Agreement;

**GATS** means the *General Agreement on Trade in Services*, in Annex 1B to the WTO Agreement;

**GATT 1994** means the *General Agreement on Tariffs and Trade 1994*, including its notes and supplementary provisions, which is a part of the WTO Agreement;

**goods** means any merchandise, product, article, or material;

**Harmonized System (HS)** means the nomenclature of the Harmonized Commodity Description and Coding System defined in the *International Convention on the Harmonized Commodity Description and Coding System*, including all legal notes thereto, as in force and as amended from time to time;

**Joint Committee** means the Korea-Cambodia Free Trade Agreement Joint Committee established under Article 10.1 (Joint Committee);

**juridical person** means any legal entity duly constituted or otherwise organized under applicable laws and regulations, whether for profit or otherwise, and whether private-owned or government-owned, including any corporation, trust, partnership, joint venture, sole proprietorship, or association;

**Korea-ASEAN FTA** means the *Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Republic of Korea and the Member Countries of the Association of Southeast Asian Nations* and other relevant agreements stipulated in paragraph 1 of Article 1.4 of the Framework Agreement;

**measure** means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form;

**measures adopted or maintained by a Party** means measures adopted or maintained by:

- (a) central or local governments and authorities; and
- (b) non-governmental bodies in the exercise of power delegated by central or local governments and authorities;

**national** means:

- (a) for Korea, a Korean national within the meaning of the *Nationality Act*, as amended; and
- (b) for Cambodia, any person who is a Khmer citizen within the meaning of the *Constitution of the Kingdom of Cambodia* and the *Royal Kram No. NS/RKM/0618/008*, dated 21 June 2018, promulgating the *Law on Nationality*, or as may be amended;

**originating goods** means products or materials that qualify as originating under Chapter Three (Rules of Origin);

**person** means a natural person or a juridical person;

**Safeguards Agreement** means the *Agreement on Safeguards*, in Annex 1A to the WTO Agreement;

**SCM Agreement** means the *Agreement on Subsidies and Countervailing Measures*, in Annex 1A to the WTO Agreement;

**technical regulations, standards, and conformity assessment procedures** shall have the meanings assigned to those terms in Annex 1 of the *Agreement on Technical Barriers to Trade*, contained in Annex 1 to the WTO Agreement (hereinafter referred to as the “TBT Agreement”).

**territory** means:

- (a) for Korea, the land, maritime, and airspace under its sovereignty, and those maritime areas, including the seabed and subsoil adjacent to and beyond the outer limit of the territorial seas over which it exercises sovereign rights or jurisdiction in accordance with international law and its domestic law; and

- (b) for Cambodia, the territory of the Kingdom of Cambodia, as well as those maritime areas, including the seabed and subsoil adjacent to the outer limits of the territorial sea and airspace over which the Kingdom of Cambodia exercises, in accordance with international law, sovereign rights or jurisdiction;

**WTO** means the World Trade Organization; and

**WTO Agreement** means the *Marrakesh Agreement Establishing the World Trade Organization*, done on 15 April 1994.

### **Article 1.2: 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 1.3: Objectives**

The objectives of this Agreement are to:

- (a) achieve the substantial liberalization of trade in goods between the Parties, in conformity with Article XXIV of GATT 1994;
- (b) achieve the substantial liberalization of trade in services between the Parties, in conformity with Article V of GATS;
- (c) promote competition in their economies, particularly as it relates to economic relations between the Parties;
- (d) enhance transparency of trade and investment related measures of the Parties by sharing best regulatory practices and promoting innovation in areas of mutual interest; and
- (e) establish a framework for furthering cooperation to expand and enhance the benefits of this Agreement.

### **Article 1.4: Relations to Other Agreements**

1. The Parties reaffirm their rights and obligations under existing bilateral and multilateral agreements to which both Parties are party, including the WTO Agreement and the Korea-ASEAN FTA.

2. For greater certainty, this Agreement shall not be construed to derogate from any international legal obligation between the Parties that provides for more favorable treatment of goods, services, investments, or persons than that provided for under this Agreement.

3. Unless otherwise provided in this Agreement, in the event of any inconsistency between this Agreement and any agreement to which both Parties are party, the Parties shall consult with each other with a view to finding a mutually satisfactory solution taking into consideration the general principles of international law.

### **Article 1.5: Extent of Obligations**

Each Party shall, subject to the provisions of this Agreement, ensure the observance of all obligations and commitments under this Agreement by its local governments and authorities, and by non-governmental bodies in the exercise of governmental powers delegated to them by central, and local governments or authorities.