**CHAPTER 1**

**INITIAL PROVISIONS AND GENERAL DEFINITIONS**

**Article 1.1
Establishment of a Free Trade Area**

The Parties, consistent with Article XXIV of the GATT 1994 and Article V of the 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 provided in this Agreement:

**Agreement** means the Comprehensive Economic Partnership Agreement between Australia and the United Arab Emirates;

**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;

**central level of government** means:

 (a) for Australia, the Commonwealth government; and

 (b) for the UAE, the Federal government;

**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;

**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*, in Annex 1A to the WTO Agreement;

**GPA** means the *Agreement on Government Procurement*, in Annex 4 to the WTO Agreement;

**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 and Chapter Notes, as adopted and implemented by the Parties in their respective laws;

**Import Licensing Agreement** means the *Agreement on Import Licensing Procedures*, in Annex 1A to the WTO Agreement;

**Joint Committee** means the Joint Committee established pursuant to Article 23.1 (Joint Committee) of this Agreement;

**level of government** means:

 (a) central level of government;

 (b) regional level of government; or

 (c) local level of government;

**local level of government** means:

 (a) for Australia, any government below a regional level of government; and

 (b) for the UAE, local government in accordance with the UAE Constitution;

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

**regional level of government** means:

(a) for Australia, a state of Australia, the Australian Capital Territory, or the Northern Territory; and

(b) for the UAE, each Emirate Members and in accordance with the UAE Constitution;

**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;

**SME** means a small and medium-sized enterprise, including a micro-sized enterprise.

**SPS Agreement** means the *Agreement on the Application of Sanitary and Phytosanitary Measures*, in Annex 1A to the WTO Agreement;

**TBT Agreement** means the *Agreement on Technical Barriers to Trade*, in Annex 1A to the WTO Agreement;

**territory** means:

(a) for the UAE, its land territories and internal waters, including its Free Zones, territorial sea, including the seabed, and subsoil thereof, and airspace over such territories and waters, as well as the contiguous zone, the continental shelf and exclusive economic zone, over which the UAE has sovereignty, sovereign rights or jurisdiction as defined in its laws, and in accordance with international law; and

(b) for Australia, the territory of Australia:

(i) excluding all external territories other than the Territory of Norfolk Island, the Territory of Christmas Island, the Territory of Cocos (Keeling) Islands, the Territory of Ashmore and Cartier Islands, the Territory of Heard Island and McDonald Islands, and the Coral Sea Islands Territory; and

(ii) including Australia’s territorial sea, contiguous zone, exclusive economic zone and continental shelf over which Australia exercises sovereignty, sovereign rights or jurisdiction in accordance with international law, particularly the *United Nations Convention on the Law of the Sea*, done at Montego Bay on 10 December 1982;

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

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

**Article 1.3**

**Relation to Other Agreements**

1. The Parties affirm their existing rights and obligations with respect to each other under international agreements to which the Parties are party, including the WTO Agreement.

2. In the event of any inconsistency between this Agreement and any other international agreement to which the Parties are party, the Parties shall immediately consult with each other with a view to finding a mutually satisfactory solution.

**Article 1.4**

**Regional and Local Government**

1. Each Party shall take such reasonable measures as may be available to it to ensure observance of the provisions of this Agreement by the regional and local governments and authorities and by non-governmental bodies in the exercise of governmental powers delegated by central, regional and local governments and authorities within its territories, except as otherwise provided in this Agreement.

2. This provision is to be interpreted and applied in accordance with the principles set out in paragraph 12 of Article XXIV of the GATT 1994 and paragraph 3 of Article I of the GATS.