

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, in accordance with Article XXIV of the *WTO General Agreement on Tariffs and Trade* 1994 and Article V of the *WTO General Agreement on Trade in Services*, hereby establish a free trade area.

ARTICLE 1.2: RELATION TO OTHER AGREEMENTS

The Parties affirm their existing rights and obligations with respect to each other in accordance with the *Marrakesh Agreement Establishing the World Trade Organization* and its successors agreements and other agreements to which both Parties are party.

ARTICLE 1.3: OBJECTIVES OF THE AGREEMENT

The objectives of this Agreement, as elaborated more specifically in its provisions are to:

1. Eliminate barriers to trade in goods and services, and facilitate the movement of goods between the Parties;
2. Promote conditions of competition relating to economic relations between the Parties;
3. Substantially increase investment opportunities, as well as cooperation in areas which are of mutual interest to the Parties;
4. Create effective procedures for the application and compliance with this Agreement, and its joint administration; and
5. Promote further bilateral and multilateral cooperation to expand and enhance the benefits of this Agreement.

ARTICLE 1.4: EXTENT OF OBLIGATIONS

Each Party shall ensure that necessary measures are taken in order to give effect to the provisions of this Agreement, including their observance by its regional, municipal and local governments and authorities.

SECTION B: GENERAL DEFINITIONS

ARTICLE 1.5: GENERAL DEFINITIONS

For purposes of this Agreement, unless otherwise specified:

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

Antidumping Agreement means the *Agreement on Implementation of Article VI of the GATT 1994* and its Interpretative Notes, contained in Annex 1A to the WTO Agreement;

Customs Authorities means Customs Authorities as defined in Annex A;

customs duty means any customs or import duty and a charge of any kind imposed in connection with the importation of a good, including any form of surtax or surcharge in connection with such importation, but does not include any:

- (a) charge equivalent to an internal tax imposed in accordance with Article III:2 of the GATT 1994 and its Interpretative Notes, in respect of like, directly competitive, or substitutable goods of the Party, or in respect of goods from which the imported good has been manufactured or produced in whole or in part;
- (b) antidumping or countervailing or safeguard duties that are applied pursuant to Chapter 8 (Trade Remedies) and each Party's law; or
- (c) fee or other charge in connection with importation commensurate with the cost of services rendered;

Customs Valuation Agreement means the *Agreement on implementation of Article VII of the GATT 1994* contained in Annex 1A to the WTO Agreement;

days means calendar days;

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

GATT 1994 means the *WTO General Agreement on Tariffs and Trade 1994* contained in Annex 1A to the WTO Agreement;

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

government procurement means the process by which a government obtains the use of or acquires goods or services, or any combination thereof, for governmental purposes and not with a view to commercial sale or resale or with a view to use in the production or supply of goods or services for commercial sale or resale;

Harmonized System (HS) means the Harmonized Commodity Description and Coding System, including its General Rules of Interpretation, Section Notes and Chapter Notes, and its subsequent amendments, as adopted and implemented by the Parties in their respective tariff laws;

IMF Agreement means *Articles of Agreement of the International Monetary Fund*;

Joint Committee means the Joint Committee established under Article 13.1 (Institutional Provisions);

juridical person means any entity constituted or organized under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association or similar organization;

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

national means:

- (a) with respect to Colombia, Colombians by birth or naturalization, in accordance with Article 96 of the *Constitución Política de Colombia*; and
- (b) with respect to Israel, as provided for, in accordance with its national law;

person means a natural person or a juridical person;

personal data means any information relating to an identified or identifiable natural person. An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity.

preferential treatment or preferential tariff treatment means the duty rate applicable under this Agreement to an originating good as defined in Chapter 3 (Rules of Origin) or under Annex 3-A (Product Specific Rules);

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

sanitary or phytosanitary measure means any measure referred to in Annex A, paragraph 1 of the SPS Agreement;

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

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

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

territory means:

- (a) with respect to the Republic of Colombia, its continental and insular territory, internal waters, the territorial sea and the air space and maritime areas over which it exercises sovereignty or sovereign rights or jurisdiction in accordance to its domestic law and international law, including applicable international treaties;
- (b) with respect to Israel, for the purposes of trade in goods, the territory where its custom laws are applied;

TRIPS Agreement means the *Agreement on Trade-Related Aspects of Intellectual Property Rights*, contained in Annex 1C to the WTO Agreement¹;

WTO means the *World Trade Organization*; and

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

¹ For greater certainty, “TRIPS Agreement” includes any waiver in force between the Parties of any provision of the TRIPS Agreement granted by WTO Members in accordance with the WTO Agreement.