
Chapter Two

General Definitions

Article 200: Definitions of General Application

In this Agreement, except as otherwise provided:

Committee means the Committee established under Article 1600 (Committee on Internal Trade);

cultural industries means persons engaged in any of the following activities:

- (a) the publication, distribution, or sale of books, magazines, periodicals or newspapers in print or machine readable form but not including the sole activity of printing or typesetting any of the foregoing;
- (b) the production, distribution, sale or exhibition of film or video recordings;
- (c) the production, distribution, sale or exhibition of audio or video music recordings;
- (d) the publication, distribution or sale of music in print or machine readable form; or
- (e) radiocommunications in which the transmissions are intended for direct reception by the general public, and all radio, television and cable broadcasting undertakings and all satellite programming and broadcast network services;

date of execution of this Agreement means July 18, 1994;

days means calendar days, including weekends and holidays;

enterprise means an entity constituted, established or organized under applicable laws, whether or not for profit and whether privately-owned or governmentally-owned;

enterprise of a Party means an enterprise constituted, established or organized under the law of a Party;

environment means the components of the Earth and includes, but is not limited to:

- (a) land, water and air, including all layers of the atmosphere;
- (b) organic and inorganic matter and living organisms; and
- (c) the interacting natural systems that include components referred to in paragraphs (a) and (b);

environmental measure means a measure the primary purpose of which is to protect the environment or to prevent danger to human, animal or plant life or health;

existing measure means a measure adopted before the date of entry into force of this Agreement, being July 1, 1995;

financial institution means a person that is subject to, or governed by, a measure adopted or maintained by a Party or by a public body that exercises regulatory or supervisory authority delegated by law, in respect of and by reason of the production or provision of a financial service;

financial service means any service or product of a financial nature that is subject to, or governed by, a measure adopted or maintained by a Party or by a public body that exercises regulatory or supervisory authority delegated by law and includes, but is not limited to:

- (a) deposit-taking;
- (b) loan and investment services;
- (c) insurance;
- (d) estate, trust and agency services;
- (e) securities; and
- (f) all forms of financial or market intermediation including, but not limited to, the distribution of financial products;

good of a Party means a good that is produced, manufactured, grown or obtained in, used for a commercial purpose in, or distributed from, the territory of a Party;

harmonization means making identical or minimizing the differences between standards or related measures of similar scope;

internal trade representative means the government official designated by a Party and identified to the Secretariat as the Party's representative for the purposes of this Agreement;³

investment includes:

- (a) the establishment, acquisition or expansion of an enterprise; and
- (b) financial assets, such as money, shares, bonds, debentures, partnership rights, receivables, inventories, capital assets, options and goodwill;

legitimate objective means any of the following objectives pursued within the territory of a Party:

- (a) public security and safety;
- (b) public order;
- (c) protection of human, animal or plant life or health;
- (d) protection of the environment;
- (e) consumer protection;

³ This definition was added to the Agreement on Internal Trade by means of the Seventh Protocol of Amendment.

- (f) protection of the health, safety and well-being of workers; or
- (g) affirmative action programs for disadvantaged groups;

considering, among other things, where appropriate, fundamental climatic or other geographical factors, technological or infrastructural factors, or scientific justification.

Except as otherwise provided, "legitimate objective" does not include protection of the production of a Party or, in the case of the Federal Government, favouring the production of a Province.

For greater certainty, "legitimate objective" may be amended by a provision in Part IV;

measure includes any legislation, regulation, directive, requirement, guideline, program, policy, administrative practice or other procedure;

mutual recognition means the acceptance by a Party of a person, good, service or investment that conforms with an equivalent standard or standards-related measure of another Party without modification, testing, certification, re-naming or undergoing any other duplicative conformity assessment procedure;

new measure means a measure adopted on or after the date of entry into force of this Agreement, being July 1, 1995;

non-Party includes a foreign sovereign state;

Party means a party to this Agreement;

Parties means, as the context requires, all or some of the Parties to this Agreement;

person means a natural person or an enterprise;

person of a Party means:

- (a) a natural person resident in the territory of a Party; or
- (b) an enterprise of a Party;

Province means a province of Canada and includes the Northwest Territories and Yukon;

Secretariat means the Secretariat established under Article 1603 (Secretariat);

service of a Party means a service supplied, or to be supplied, by a person of a Party;

standard means a specification, approved by a Party or by a recognized body, including those accredited as members of Canada's National Standards System, that sets out the rules, guidelines or characteristics for goods or related processes and production methods, or for services, service providers or their related operating methods;

standards-related measure means a measure that incorporates a standard and may also set out the requirements and procedures to ensure conformity or compliance.

