Article 58
Definitions

For the purposes of this Chapter, the term:

(a) "aircraft repair and maintenance services" means such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and does not include so-called line maintenance;

(b) "commercial presence" means any type of business or professional establishment, including through:

(i) the constitution, acquisition, or maintenance of a juridical person; or

(ii) the creation or maintenance of a branch or a representative office,

within the Area of a Party for the purposes of supplying a service;

(c) "computer reservation system services" means services provided by computerized systems that contain information about air carriers' schedules, availability, fares and fare rules, through which reservations can be made or tickets may be issued;

(d) "juridical person" means any legal entity duly constituted or otherwise organized under applicable law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship, or association;

(e) "juridical person of the other Party" means a juridical person which is either:

(i) constituted or otherwise organized under the law of the other Party and is engaged in substantive business operations in the Area of the other Party; or

(ii) in the case of the supply of a service through commercial presence, owned or controlled by:

(A) natural persons of the other Party; or

(B) juridical persons of the other Party identified under subparagraph (i);

(f) a juridical person is:

(i) "owned" by persons of a Party or persons of a non-Party if more than 50 percent of the equity interest in it is beneficially owned either by the former persons or by the latter persons;

(ii) "controlled" by persons of a Party or persons of a non-Party if either the former persons or the latter persons have the power to name a majority of its directors or otherwise to legally direct its actions; and

(iii) "affiliated" with another person when it controls, or is controlled by, that other person; or when it and the other person are both controlled by the same person;

(g) "measure" means any measure, whether in the form of a law, regulation, rule, procedure, decision, administrative action or any other form;

Note: "measure" shall include taxation measures to the extent covered by the GATS.

(h) "measures by a Party" means any measures taken by:

(i) the central or local governments or authorities of a Party; and

(ii) non-governmental bodies in the exercise of powers delegated by the central or local governments or authorities of a Party;

(i) "measures by a Party affecting trade in services" includes measures in respect of:

(i) the purchase, payment, or use of a service;

(ii) the access to and use of, in connection with the supply of a service, services which are required by the Party to be offered to the public generally; and

(iii) the presence, including commercial presence, of persons of the other Party for the supply of a service in the Area of the former Party;

(j) "monopoly supplier of a service" means any person, public or private, which in the relevant market of the Area of a Party is authorized or established formally or in effect by that Party as the sole supplier of that service;