Chapter 2
Trade in Goods

Article 16
Definitions

For the purposes of this Chapter:

(a) the term "bilateral safeguard measure" means a bilateral safeguard measure provided for in paragraph 2 of Article 23;

(b) the term "customs duty" means any customs duty, import duty or a charge of any kind imposed in connection with the importation of a good, but does not include any:

(i) charge equivalent to an internal tax imposed consistently with the provisions of paragraph 2 of Article II and paragraph 2 of Article III of the GATT 1994;

(ii) anti-dumping or countervailing duty applied pursuant to a Party's law and applied consistently with the provisions of Article VI of the GATT 1994, the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 in Annex 1A to the WTO Agreement (hereinafter referred to as "the Agreement on Anti-Dumping"), and the Agreement on Subsidies and Countervailing Measures in Annex 1A to the WTO Agreement; or

(iii) fees or other charges that shall be limited in amount to the approximate cost of services rendered;

Note 1: Customs duty for India refers to basic customs duty as specified in the First Schedule to the Customs Tariff Act, 1975 of India.

Note 2: Nothing in this subparagraph, including its notes, shall be construed so as to derogate from any rights and obligations of each Party under the GATT 1994.

(c) the term "domestic industry" means the producers as a whole of the like or directly competitive goods operating in a Party, or those whose collective output of the like or directly competitive goods constitutes a major proportion of the total domestic production of those goods;

(d) the term "provisional bilateral safeguard measure" means a provisional bilateral safeguard measure provided for in subparagraph 8(a) of Article 23;

(e) the term "serious injury" means a significant overall impairment in the position of a domestic industry; and

(f) the term "threat of serious injury" means serious injury that, on the basis of facts and not merely on allegation, conjecture or remote possibility, is clearly imminent.

Article 17
Classification of Goods

The classification of goods in trade between the Parties shall be in conformity with the Harmonized System.

Article 18
National Treatment

Each Party shall accord national treatment to the goods of the other Party in accordance with Article III of the GATT 1994.