

DISCLAIMER: *The Commission and Australia are publishing the texts of the Agreement following the announcement of conclusion of the negotiations on 24 March 2026. The texts are published in view of the public interest in the Agreement, for information purposes only and they may undergo further minor modifications, including as a result of the process of legal and linguistic revision. These texts are without prejudice to the final outcome of the Agreement between the EU and Australia. The texts will be final upon signature. The Agreement will become binding on the Parties under international law only after completion by each Party of its applicable legal requirements and procedures necessary for the entry into force of the Agreement.*

CHAPTER 1

INITIAL PROVISIONS

ARTICLE 1.1

Objectives of the Agreement

The objectives of this Agreement are to liberalise and facilitate trade and investment, as well as to promote a closer economic relationship between the Parties.

ARTICLE 1.2

Establishment of a free trade area

The Parties hereby establish a free trade area in conformity with Article XXIV of GATT 1994 and Article V of GATS.

ARTICLE 1.3

General definitions

For the purposes of this Agreement, unless otherwise specified, the following definitions apply:

- (a) "agricultural product" means a product listed in Annex 1 to the Agreement on Agriculture;
- (b) "customs duty" means any duty or charge of any kind imposed on or in connection with the importation of a good but does not include any:
 - (i) charge equivalent to an internal tax imposed consistently with Article 2.4 (National treatment on internal taxation and regulation);
 - (ii) anti-dumping, special safeguard, countervailing or safeguard duty applied in conformity with GATT 1994, the Anti-dumping Agreement, the Agreement on Agriculture, the SCM Agreement, and the Safeguards Agreement, as appropriate; and
 - (iii) fee or other charge commensurate with the cost of the services rendered;
- (XX) "covered enterprise" means [to be moved here from point (x) of Article 9.2 (Definitions);]
- (c) "CPC" means the Provisional Central Product Classification (Statistical Papers Series M No.77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991);
- (X) "customs authority" means:
 - (i) for the Union, the competent services of the European Commission responsible for customs matters or the customs administrations and any other authorities empowered in the Member States or at the level of the Union to apply and enforce customs legislation; and
 - (ii) for Australia, the Department of Home Affairs, or its successor;
- (d) "day" means a calendar day;
- (e) "enterprise" means a juridical person or a branch or a representative office of a juridical person;

- (f) "Framework Agreement" means the Framework Agreement between the European Union and its Member States, of the one part, and Australia, of the other Part, done at Manila on 7 August 2017;
- (g) "good of a Party" means a domestic good as this is understood in the GATT 1994, and includes originating goods of that Party;
- (h) "Harmonized System" or "HS" means the Harmonized Commodity Description and Coding System, including its General Rules of Interpretation, Section Notes and Chapter Notes, as adopted and administered by the World Customs Organization and implemented by the Parties in their respective tariff laws;
- (i) "heading" means the first four digits in the tariff classification number under the Harmonized System;
- (XX) "investor of a Party" means [to be moved here from point (x) of Article 9.2 (Definitions);]
- (j) "juridical person" means any legal entity duly constituted or otherwise organised 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;
- (k) "measure" means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, requirement or practice, or any other form;¹
- (l) "Member State" means a Member State of the Union;
- (m) "natural person of a Party" means:
 - (i) for the Union, a national of one of the Member States according to its law;² and

¹ For greater certainty, the term "measure" may include an omission.

² The definition of natural person also includes persons permanently residing in the Republic of Latvia who are not citizens of the Republic of Latvia or any other state but who are entitled, under the law of the Republic of Latvia, to receive a non-citizen's passport.

- (ii) for Australia, an Australian citizen under the law of Australia;
- (n) "originating" means qualifying as originating under the rules of origin set out in Chapter 3 (Rules of origin and origin procedures);
- (p) "Paris Agreement" means the Paris Agreement under the United Nations Framework Convention on Climate Change, done at Paris on 12 December 2015;
- (q) "person" means a natural person or a juridical person;
- (q) "preferential tariff treatment" means the rate of customs duty applicable to an originating good pursuant to the tariff elimination schedules in Annex 2-A (Tariff elimination schedules);
- (r) "SDR" means special drawing right;
- (s) "SPS measure" means any measure referred to in paragraph 1 of Annex A to the SPS Agreement;
- (t) "service supplier" means a person that supplies or seeks to supply a service;
- (u) "SME" means a small or medium-sized enterprise;
- (v) "territory" means, with respect to each Party, the territory to which this Agreement applies in accordance with Article 1.5 (Territorial application);
- (w) "TFEU" means the Treaty on the Functioning of the European Union;
- (x) "third country" means a country or territory outside the territorial scope of application of this Agreement;
- (y) "WCO" means the World Customs Organization;
- (z) "WTO" means the World Trade Organization;

(XX) "UNCLOS" means United Nations Convention on Law of the Sea, done at Montego Bay on 10 December 1982; and

(X) "UNDRIP" means United Nations Declaration on the Rights of Indigenous Peoples, done at New York on 13 September 2007.

ARTICLE 1.4

WTO Agreements

For the purposes of this Agreement, the following definitions apply:

- (a) "Agreement on Agriculture" means the Agreement on Agriculture, contained in Annex 1A to the WTO Agreement;
- (b) "Anti-dumping Agreement" means the Agreement on Implementation of Article VI of the GATT 1994, contained in Annex 1A to the WTO Agreement;
- (c) "Customs Valuation Agreement" means the Agreement on Implementation of Article VII of the GATT 1994, contained in Annex 1A to the WTO Agreement;
- (d) "GATS" means the General Agreement on Trade in Services, contained in Annex 1B to the WTO Agreement;
- (e) "GATT 1994" means the General Agreement on Tariffs and Trade 1994, contained in Annex A to the WTO Agreement;
- (f) "Safeguards Agreement" means the Agreement on Safeguards, contained in Annex 1A to the WTO Agreement;
- (g) "SCM Agreement" means the Agreement on Subsidies and Countervailing Measures, contained in Annex 1A to the WTO Agreement;

- (h) "SPS Agreement" means the Agreement on the Application of Sanitary and Phytosanitary Measures, contained in Annex 1A to the WTO Agreement;
- (i) "TBT Agreement" means the Agreement on Technical Barriers to Trade, contained in Annex 1A to the WTO Agreement;
- (j) "TRIPS Agreement" means the Agreement on Trade-Related Aspects of Intellectual Property Rights, contained in Annex 1C to the WTO Agreement; and
- (k) "WTO Agreement" means the Agreement Establishing the World Trade Organization, done at Marrakesh on 15 April 1994.

ARTICLE 1.5

Territorial application

1. This Agreement applies:
 - (a) with respect to the Union, to the territories in which the Treaty on European Union and the Treaty on the Functioning of the European Union are applied and under the conditions laid down in those Treaties; and
 - (b) with respect to Australia, to 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 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;

2. As regards those provisions concerning the tariff treatment of goods, including rules of origin and origin procedures, this Agreement also applies, with respect to the Union, to those areas of the Union customs territory, as defined by Article 4 of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, not covered by point (a) of paragraph 1.