

4 February 2016

The Honourable Pehin Dato Lim Jock Seng  
Minister at the Prime Minister's Office and  
Second Minister of Foreign Affairs and Trade  
Bandar Seri Begawan  
Brunei Darussalam

Dear Minister Pehin Dato Lim Jock Seng,

I refer to the *Trans-Pacific Strategic Economic Partnership Agreement* that entered into force on 28 May 2006 (TPSEP), the *Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area* done at Cha-am on 27 February 2009 (AANZFTA) and the *Trans-Pacific Partnership Agreement* done at Auckland on this date (TPP) (referred to collectively as the "Agreements" and individually as "Agreement").

I have the honour to confirm the following understandings relating to the Agreements reached by New Zealand and Brunei Darussalam during the course of the negotiations on the TPP. Nothing in the TPP will derogate from the rights and obligations of New Zealand or Brunei Darussalam under the TPSEP or AANZFTA. To the greatest extent possible the Agreements will be interpreted consistently. Where the TPSEP, AANZFTA or TPP provides different treatment for an exporter, service supplier or investor of New Zealand or Brunei Darussalam, that exporter, service supplier or investor is entitled to claim the more favourable of the treatment accorded to that exporter, service supplier or investor under that Agreement.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments on the application between New Zealand and Brunei Darussalam of rights and obligations contained in the TPP, and on the interpretation of the Agreements, which shall enter into force on the date on which the TPP enters into force for both New Zealand and Brunei Darussalam.

Yours sincerely

Hon Todd McClay  
Minister of Trade  
New Zealand

4 February 2016

The Honourable Todd McClay  
Minister of Trade  
New Zealand

Dear Minister McClay,

I have the honour of acknowledging receipt of your letter of today's date, which states as follows:

*"I refer to the Trans-Pacific Strategic Economic Partnership Agreement that entered into force on 28 May 2006 (TPSEP), the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area done at Cha-am on 27 February 2009 (AANZFTA) and the Trans-Pacific Partnership Agreement done at Auckland on this date (TPP) (referred to collectively as the "Agreements" and individually as "Agreement").*

*I have the honour to confirm the following understandings relating to the Agreements reached by New Zealand and Brunei Darussalam during the course of the negotiations on the TPP. Nothing in the TPP will derogate from the rights and obligations of New Zealand or Brunei Darussalam under the TPSEP or AANZFTA. To the greatest extent possible the Agreements will be interpreted consistently. Where the TPSEP, AANZFTA or TPP provides different treatment for an exporter, service supplier or investor of New Zealand or Brunei Darussalam, that exporter, service supplier or investor is entitled to claim the more favourable of the treatment accorded to that exporter, service supplier or investor under that Agreement.*

*I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments on the application between New Zealand and Brunei Darussalam of rights and obligations contained in the TPP, and on the interpretation of the Agreements, which shall enter into force on the date on which the TPP enters into force for both New Zealand and Brunei Darussalam."*

I have the further honour to confirm that your letter reflects the undertakings made by the Governments of Brunei Darussalam and New Zealand during the course of the negotiations on the TPP and that your letter and this letter in reply shall constitute an agreement between Brunei Darussalam and New Zealand.

Yours sincerely

Pehin Dato Lim Jock Seng  
Minister at the Prime Minister's Office and  
Second Minister of Foreign Affairs and Trade