

CHAPTER 20

FINAL PROVISIONS

Article 20.1: Investment Negotiations

Unless otherwise agreed, no later than 2 years after entry into force of this Agreement the Parties shall commence negotiations with a view to including a chapter on investment in this Agreement on a mutually advantageous basis.

Article 20.2: Financial Services Negotiations

Unless otherwise agreed, no later than 2 years after the entry into force of this Agreement the Parties shall commence negotiations with a view to including a self-contained chapter on financial services in this Agreement on a mutually advantageous basis.

Article 20.3: Signature

1. This Agreement shall be open for signature by Brunei Darussalam, Chile, New Zealand and Singapore and shall remain open for signature for a period of 6 months from 15 June 2005.
2. This Agreement shall be subject to ratification, acceptance or approval by signatories.

Article 20.4: Entry into Force

1. This Agreement shall enter into force on 1 January 2006 for those signatories which have deposited an Instrument of Ratification, Acceptance or Approval provided that at least two signatories have deposited such instrument by that date.
2. In the event that only one signatory has deposited an Instrument of Ratification, Acceptance or Approval before 1 January 2006, this Agreement shall enter into force 30 days after the deposit of the second such instrument.
3. For signatories that deposit an Instrument of Ratification, Acceptance or Approval after 1 January 2006, the Agreement shall enter into force 30 days following the date of deposit of such instrument.

Article 20.5: Brunei Darussalam

1. Subject to Paragraphs 2 to 6, this Agreement shall be provisionally applied in respect of Brunei Darussalam from 1 January 2006, or 30 days after the deposit of an instrument accepting provisional application of this Agreement, whichever is the later.
2. The provisional application referred to in Paragraph 1 shall not apply to Chapter 11 (*Government Procurement*) and Chapter 12 (*Trade in Services*).
3. The obligations of Chapter 9 (*Competition Policy*) shall only be applicable to Brunei Darussalam if it develops a competition law and establishes a competition authority. Notwithstanding the above, Brunei Darussalam shall adhere to the APEC Principles to Enhance Competition and Regulatory Reform.
4. The Commission shall consider whether to accept the Annexes for Brunei Darussalam under Chapter 11 (*Government Procurement*) and Chapter 12 (*Trade in Services*), no later than two years after the entry into force of this Agreement in accordance with Article 20.4(1) or (2), unless the Commission otherwise agrees to a later date.
5. Upon a decision of the Commission accepting the Annexes referred to in Paragraph 4, Brunei Darussalam shall deposit an Instrument of Ratification, Acceptance or Approval within two months of the decision by the Commission. The Agreement shall enter into force for Brunei Darussalam 30 days after the deposit of such instrument
6. Unless the Commission decides otherwise, if the conditions in Paragraph 4 or 5 are not met, the Agreement shall no longer be provisionally applied to Brunei Darussalam.

Article 20.6: Accession

1. This Agreement is open to accession on terms to be agreed among the Parties, by any APEC Economy or other State. The terms of such accession shall take into account the circumstances of that APEC Economy or other State, in particular with respect to timetables for liberalisation.
2. The agreement on the terms of accession shall enter into force 30 days following the date of deposit with the depositary of an Instrument of Accession which indicates acceptance or approval of such terms.

Article 20.7: Amendments

1. The Parties may agree on any modification of or addition to this Agreement.
2. When so agreed, and approved in accordance with the applicable legal procedures of each Party, a modification or addition shall constitute an integral part of this Agreement.
3. If any provision of the WTO Agreement that the Parties have incorporated into this Agreement is amended, the Parties shall consult on whether to amend this Agreement.

Article 20.8: Withdrawal

Any Party may withdraw from this Agreement. Such withdrawal shall take effect upon the expiration of six months from the date on which written notice of withdrawal is received by the Depositary. If a Party withdraws, the Agreement shall remain in force for the remaining Parties.

Article 20.9: Depositary State and Functions

1. The original of this Agreement shall be deposited with the Government of New Zealand which is hereby designated as the Depositary of this Agreement.
2. The Depositary shall transmit certified copies of this Agreement and any amendments to this Agreement to all signatory States, acceding APEC Economies and other acceding States.
3. The Depositary shall notify all signatory States, acceding APEC Economies and other acceding States of:
 - (a) each signature, ratification, acceptance, approval or accession to this Agreement in accordance with Articles 20.3, 20.4, and 20.6;
 - (b) the instrument accepting provisional application in accordance with Article 20.5;
 - (c) the respective dates on which the Agreement enters into force in accordance with Article 20.4, 20.5 and 20.6; and
 - (d) any notification of withdrawal received in accordance with Article 20.8.

4. Following entry into force of this Agreement, the Depositary shall transmit a certified true copy of this Agreement to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations. The Depositary shall likewise transmit certified true copies of any amendments which enter into force.

Article 20.10: Authentic Texts

The English and Spanish texts of this Agreement are equally authentic. In the event of divergence, the English text shall prevail.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

DONE at, on 2005.

For Brunei Darussalam

For the Republic of Chile

For New Zealand

For the Republic of Singapore