

## CHAPTER 30

### FINAL PROVISIONS

#### **Article 30.1: Annexes, Appendices and Footnotes**

The Annexes, Appendices and footnotes to this Agreement shall constitute an integral part of this Agreement.

#### **Article 30.2: Amendments**

The Parties may agree, in writing, to amend this Agreement. When so agreed by all Parties and approved in accordance with the applicable legal procedures of each Party, an amendment shall enter into force 60 days after the date on which all Parties have notified the Depositary in writing of the approval of the amendment in accordance with their respective applicable legal procedures, or on such other date as the Parties may agree.

#### **Article 30.3: Amendment of the WTO Agreement**

In the event of an amendment of the WTO Agreement that amends a provision that the Parties have incorporated into this Agreement, the Parties shall, unless otherwise provided for in this Agreement, consult on whether to amend this Agreement.

#### **Article 30.4: Accession**

1. This Agreement is open to accession by:
  - (a) any State or separate customs territory that is a member of APEC;  
and
  - (b) any other State or separate customs territory as the Parties may agree,

that is prepared to comply with the obligations in this Agreement, subject to such terms and conditions as may be agreed between the State or separate customs territory and the Parties, and following approval in accordance with the applicable legal procedures of each Party and acceding State or separate customs territory (accession candidate).

2. A State or separate customs territory may seek to accede to this Agreement by submitting a request in writing to the Depositary.
3.
  - (a) Following receipt of a request under paragraph 2, the Commission shall, provided in the case of paragraph 1(b) that the Parties so agree, establish a working group to negotiate the terms and conditions for the accession. Membership in the working group shall be open to all interested Parties.
  - (b) After completing its work, the working group shall provide a written report to the Commission. If the working group has reached agreement with the accession candidate on proposed terms and conditions for accession, the report shall set out the terms and conditions for the accession, a recommendation to the Commission to approve them, and a proposed Commission decision inviting the accession candidate to become a Party to this Agreement.
4. For the purposes of paragraph 3:
  - (a) A decision of the Commission to establish a working group under paragraph 3(a) shall be deemed to have been taken only if:
    - (i) all Parties have agreed to the establishment of a working group; or
    - (ii) in the event that a Party does not indicate agreement when the Commission makes a decision to establish a working group under paragraph 3(a), that Party has not objected in writing within seven days of the date on which the Commission so decides.
  - (b) A decision of the working group under paragraph 3(b) shall be deemed to have been taken only if:
    - (i) all Parties that are members of the working group have indicated agreement; or
    - (ii) in the event that a Party that is a member of the working group does not indicate agreement when the working group provides its report to the Commission, that Party has not objected to the report in writing within seven days of the date on which the working group provides its report.
5. If the Commission adopts a decision approving the terms and conditions for an accession and inviting an accession candidate to become a Party, the Commission shall specify a period, which may be subject to extension by agreement of the Parties, during which the accession candidate may deposit an

instrument of accession with the Depositary indicating that it accepts the terms and conditions for the accession.

6. An accession candidate shall become a Party to this Agreement, subject to the terms and conditions for the accession approved in the Commission's decision, either on:

- (a) the 60<sup>th</sup> day after the date on which the accession candidate deposits an instrument of accession with the Depositary indicating that it accepts the terms and conditions for the accession; or
- (b) the date on which all Parties have notified the Depositary that they have completed their respective applicable legal procedures,

whichever is later.

### **Article 30.5: Entry into Force**

1. This Agreement shall enter into force 60 days after the date on which all original signatories have notified the Depositary in writing of the completion of their applicable legal procedures.

2. In the event that not all original signatories have notified the Depositary in writing of the completion of their applicable legal procedures within a period of two years of the date of signature of this Agreement, it shall enter into force 60 days after the expiry of this period if at least six of the original signatories, which together account for at least 85 per cent of the combined gross domestic product of the original signatories in 2013<sup>1</sup> have notified the Depositary in writing of the completion of their applicable legal procedures within this period.

3. In the event that this Agreement does not enter into force under paragraph 1 or 2, it shall enter into force 60 days after the date on which at least six of the original signatories, which together account for at least 85 per cent of the combined gross domestic product of the original signatories in 2013, have notified the Depositary in writing of the completion of their applicable legal procedures.

4. After the date of entry into force of this Agreement under paragraph 2 or 3, an original signatory for which this Agreement has not entered into force shall notify the Parties of the completion of its applicable legal procedures and its intention to become a Party to this Agreement. The Commission shall determine within 30 days of the date of the notification by that original signatory whether this Agreement shall enter into force with respect to the notifying original signatory.

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<sup>1</sup> For the purposes of this Article, gross domestic products shall be based on data of the International Monetary Fund using current prices (U.S. dollars).

5. Unless the Commission and the notifying original signatory referred to in paragraph 4 agree otherwise, this Agreement shall enter into force for that notifying original signatory 30 days after the date on which the Commission makes an affirmative determination.

#### **Article 30.6: Withdrawal**

1. Any Party may withdraw from this Agreement by providing written notice of withdrawal to the Depositary. A withdrawing Party shall simultaneously notify the other Parties of its withdrawal through the overall contact points designated under Article 27.5 (Contact Points).

2. A withdrawal shall take effect six months after a Party provides written notice to the Depositary under paragraph 1, unless the Parties agree on a different period. If a Party withdraws, this Agreement shall remain in force for the remaining Parties.

#### **Article 30.7: Depositary**

1. The original English, Spanish and French texts of this Agreement shall be deposited with New Zealand, which is hereby designated as the Depositary of this Agreement.

2. The Depositary shall promptly provide certified copies of the original texts of this Agreement and of any amendments to this Agreement to each signatory State, acceding State and acceding separate customs territory.

3. The Depositary shall promptly inform each signatory and acceding State or acceding separate customs territory, and provide them with the date and a copy, of:

- (a) a notification under Article 30.2 (Amendments), Article 30.4.6 (Accession) or Article 30.5 (Entry into Force);
- (b) a request to accede to this Agreement under Article 30.4.2 (Accession);
- (c) the deposit of an instrument of accession under Article 30.4.5 (Accession); and
- (d) a notice of withdrawal provided under Article 30.6 (Withdrawal).

**Article 30.8: Authentic Texts**

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