

SUBJECT TO LEGAL REVIEW FOR ACCURACY, CLARITY AND CONSISTENCY

[insert date]

Hon Pehin Dato Lim Jock Seng
Second Minister of Foreign Affairs and Trade
Brunei Darussalam

Dear Minister

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 done at [location] on this date (TPP).

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 TPP. Nothing in TPP will derogate from the rights and obligations of New Zealand or Brunei Darussalam under TPSEP or AANZFTA. To the greatest extent possible the Agreements will be interpreted consistently. Where 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 TPP, and on the interpretation of the Agreements, which shall enter into force on the date on which TPP enters into force for both New Zealand and Brunei Darussalam.

Yours sincerely

Hon Tim Groser
Minister of Trade
New Zealand

SUBJECT TO LEGAL REVIEW FOR ACCURACY, CLARITY AND CONSISTENCY

[insert date]

Hon Tim Groser
Minister of Trade
New Zealand

Dear Minister Groser

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 [location] on this date (TPP).

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 TPP. Nothing in TPP will derogate from the rights and obligations of New Zealand or Brunei Darussalam under TPSEP or AANZFTA. To the greatest extent possible the Agreements will be interpreted consistently. Where 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 TPP, and on the interpretation of the Agreements, which shall enter into force on the date on which 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 TPP and that your letter and this letter in reply shall constitute an agreement between Brunei Darussalam and New Zealand.

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Yours sincerely

Hon Pehin Dato Lim Jock Seng
Second Minister of Foreign Affairs and Trade
Brunei Darussalam