

CHAPTER 15

FINAL PROVISIONS

Article 1: Annexes, Appendices and Footnotes

The annexes, appendices and footnotes to this Agreement shall constitute an integral part of this Agreement.

Article 2: Application

Each Party is fully responsible for the observance of all provisions in this Agreement and shall take such reasonable measures as may be available to it to ensure their observance by its regional and local governments and authorities and non-governmental bodies (in the exercise of governmental powers delegated to them) within its territory.

Article 3: Relation to Other Agreements

1. In respect of matters within the scope of this Agreement, each Party reaffirms its rights and obligations under other agreements to which one or more other Parties are party, including under the WTO Agreement in the case of a WTO Member.
2. Nothing in this Agreement shall be construed to derogate from any right or obligation a Party has under existing agreements to which one or more other Parties are party, including under the WTO Agreement in the case of a WTO Member.
3. In the event of any inconsistency between this Agreement and any other agreement to which two or more Parties are party, such Parties shall consult with a view to finding a mutually satisfactory solution, taking into account applicable principles of international law. Notwithstanding the preceding sentence, the provisions of this Agreement, upon entry into force, shall, as between the Parties hereto, prevail to the extent of any inconsistency over the provisions of the *South Pacific Regional Trade and Economic Cooperation Agreement* (SPARTECA).¹
4. Nothing in this Agreement shall prevent any Party from entering into any agreement with one or more other Parties relating to trade in goods, trade in services, investment or other areas of economic cooperation.

Article 4: Amended or Successor International Agreements

If any international agreement, or a provision therein, referred to in this Agreement (or

¹ For greater certainty, the purpose of this article is to ensure consistency with Article 30 of the *Vienna Convention on the Law of Treaties* (Application of Successive Treaties Relating to the Same Subject Matter).

incorporated into this Agreement) is amended, the Parties shall consult on whether it is necessary to amend this Agreement, unless this Agreement provides otherwise.

Article 5: Disclosure of Information

Unless otherwise provided in this Agreement, nothing in this Agreement shall be construed to require any Party to provide or allow access to information, the disclosure of which it considers would be contrary to the public interest as determined by its domestic law, be contrary to any of its legislation, impede law enforcement, or prejudice legitimate commercial interests of particular enterprises, public or private.

Article 6: Confidentiality

Unless otherwise provided in this Agreement, where a Party provides information to another Party in accordance with this Agreement and designates the information as confidential, the other Party shall maintain the confidentiality of the information. Such information shall be used only for the purposes specified, and shall not be otherwise disclosed without the specific permission of the Party providing the information, except to the extent that the Party receiving the information is required to provide the information under its domestic law.

Article 7: Amendments

This Agreement may be amended by agreement in writing by the Parties and such amendments shall come into force on such date or dates as may be agreed among them.

Article 8: Entry into Force

1. This Agreement shall enter into force 60 days after the date on which no fewer than eight negotiating Parties have notified the Depository in writing of the completion of their internal requirements.²

2. After the date of entry into force of this Agreement in accordance with paragraph 1, this Agreement shall enter into force for any other signatory 60 days after the date on which such signatory has notified the Depository in writing of the completion of its internal requirements.

²For greater certainty, the term “internal requirements” may include obtaining governmental approval or parliamentary approval in accordance with domestic law.

Article 9: Accession

1. This Agreement shall be open to accession or association by a State, separate customs territory or self-governing entity as the Parties may agree.
2. An applicant for accession shall accept all of the provisions of this Agreement and its Annexes.
3. The applicant for accession shall enter into negotiations with the Parties on Schedules of Commitments on Tariffs (Chapter 2), Trade in Services (Chapter 7), Movement of Natural Persons (Chapter 8) and Investment (Chapter 9) on terms to be agreed between the Parties.
4. The Agreement shall enter into force for an accession applicant 60 days after it has deposited an instrument of accession with the Depositary indicating that it accepts the terms and conditions for the accession, and the Parties have notified the Depositary in writing of the completion of their internal requirements with respect to the accession.
5. Notwithstanding paragraphs 2 and 3, Forum Island Countries which had participated in the PACER Plus negotiations but were unable to sign by the time that the Agreement entered into force, can accede to it on an expedited basis following agreement with the Parties on its Schedules of Commitments on Tariffs (Chapter 2), Trade in Services (Chapter 7), Movement of Natural Persons (Chapter 8) and Investment (Chapter 9).

Article 10: Depositary

1. Tonga shall be the Depositary for this Agreement.
2. The Depositary shall:
 - (a) register this Agreement pursuant to Article 102 of the Charter of the United Nations Charter;
 - (b) transmit certified copies of this Agreement to all of the Parties; and
 - (c) notify all of the Parties of signatures, acceptances, ratifications, accessions to, and withdrawals from, this Agreement.

Article 11: Withdrawal and Termination

1. Any Party may withdraw from this Agreement by giving six months advance notice in writing to the other Parties.
2. This Agreement shall terminate if, pursuant to paragraph 1, more than half of the Parties have notified their withdrawal from it.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

DONE at Nuku'alofa the fourteenth day of June, two thousand and seventeen, in one copy in the English language.

Australia _____

The Cook Islands _____

The Federated States of Micronesia _____

The Independent and Sovereign Republic of Kiribati _____

The Republic of Nauru _____

New Zealand _____

Niue _____

The Republic of Palau _____

The Republic of the Marshall Islands

The Independent State of Samoa

Solomon Islands

The Kingdom of Tonga

Tuvalu

The Republic of Vanuatu
