

Cha-am, Petchaburi, Thailand  
27 February 2009

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 (Trans-Pacific SEP) and to the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) done at Cha-am on 27 February 2009 ('the Agreements'). I have the honour to confirm the following interpretative understandings relating to the Agreements reached by New Zealand and Brunei Darussalam during the course of the negotiations on the AANZFTA.

Nothing in the AANZFTA will derogate from the rights and obligations of New Zealand or Brunei Darussalam under the Trans-Pacific SEP. To the greatest extent possible the Agreements will be interpreted consistently. Where either the Trans-Pacific SEP or the AANZFTA provides different treatment for an exporter, service supplier or investor of New Zealand or Brunei, 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 either Agreement.

I have the honour to propose that this letter and your letter of confirmation in reply will constitute the understandings between our two Governments on the interpretation of the AANZFTA and the Trans-Pacific SEP.

Yours sincerely

Hon Tim Groser  
Minister of Trade  
New Zealand

Cha-am, Petchaburi, Thailand  
27 February 2009

Hon Tim Groser  
Minister of Trade  
New Zealand

Dear Minister

I refer to the Trans-Pacific Strategic Economic Partnership Agreement (Trans-Pacific SEP) and to the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) done at Cha-am on 27 February 2009 ('the Agreements') and your letter of 27 February 2009 which reads:

"I refer to the Trans-Pacific Strategic Economic Partnership Agreement (Trans-Pacific SEP) and to the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) done at Cha-am on 27 February 2009 ('the Agreements'). I have the honour to confirm the following interpretative understandings relating to the Agreements reached by New Zealand and Brunei Darussalam during the course of the negotiations on the AANZFTA.

Nothing in the AANZFTA will derogate from the rights and obligations of New Zealand or Brunei Darussalam under the Trans-Pacific SEP. To the greatest extent possible the Agreements will be interpreted consistently. Where either the Trans-Pacific SEP or the AANZFTA provides different treatment for an exporter, service supplier or investor of New Zealand or Brunei, 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 either Agreement.

I have the honour to propose that this letter and your letter of confirmation in reply will constitute the understandings between our two Governments on the interpretation of the AANZFTA and the Trans-Pacific SEP".

I have the honour to confirm that your letter and this confirmatory letter in reply constitute the understandings between our two Governments on the interpretation of the AANZFTA and the Trans-Pacific SEP.

Yours sincerely

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