

## CHAPTER 20

### FINAL PROVISIONS

#### **Article 20.1: Annexes, Appendices, and Footnotes**

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

#### **Article 20.2: Relation to Other Agreements**

1. Recognising the Parties' intention for this Agreement to coexist with their existing international agreements, each Party affirms:
  - (a) in relation to existing international agreements to which all Parties are party, including the WTO Agreement, its existing rights and obligations with respect to the other Parties; and
  - (b) in relation to existing international agreements to which that Party and at least one other Party are party, its existing rights and obligations with respect to such other Party or Parties, as the case may be.
2. If a Party considers that a provision of this Agreement is inconsistent with a provision of another agreement to which that Party and at least one other Party are party, upon request, the relevant Parties which are party to the other agreement shall consult with a view to reaching a mutually satisfactory solution. This paragraph shall be without prejudice to a Party's rights and obligations under Chapter 19 (Dispute Settlement).<sup>1</sup>

#### **Article 20.3: Amended or Successor International Agreements**

If any international agreement, or any provision therein, referred to in this Agreement or incorporated into this Agreement is amended, or such an international agreement is succeeded by another international agreement, the Parties shall, on request of any Party, consult on whether

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<sup>1</sup> For the purposes of application of this Agreement, the Parties agree that the fact that an agreement provides more favourable treatment of goods, services, investments, or persons than that provided for under this Agreement does not mean there is an inconsistency within the meaning of paragraph 2.

it is necessary to amend this Agreement, unless otherwise provided in this Agreement.

#### **Article 20.4: Amendments**

The Parties may agree, in writing, to amend this Agreement. An amendment shall enter into force 60 days after the date on which all Parties have notified the Depositary in writing of the completion of their respective applicable legal procedures, or on such other date as the Parties may agree.

#### **Article 20.5: Depositary**

1. This Agreement, and any amendment thereto, shall be deposited with the Secretary-General of ASEAN who is designated as the Depositary for this Agreement. The Depositary shall promptly provide a certified copy of the original text of this Agreement, and any amendment thereto, to each signatory State and acceding State or separate customs territory.
2. The Depositary shall promptly notify each signatory State and acceding State or separate customs territory, and provide them with the date and a copy, of:
  - (a) notifications under Article 20.4 (Amendments) and subparagraph 4(b) of Article 20.9 (Accession);
  - (b) the deposit of an instrument of ratification, acceptance, or approval under Article 20.6 (Entry into Force);
  - (c) a notice of withdrawal under paragraph 1 of Article 20.7 (Withdrawal);
  - (d) a request to accede to this Agreement under paragraph 2 of Article 20.9 (Accession); and
  - (e) the deposit of an instrument of accession under Article 20.9 (Accession).

#### **Article 20.6: Entry into Force**

1. This Agreement shall be subject to ratification, acceptance, or approval by each signatory State in accordance with its applicable

legal procedures. The instrument of ratification, acceptance, or approval of a signatory State shall be deposited with the Depositary.

2. This Agreement shall enter into force for those signatory States that have deposited their instrument of ratification, acceptance, or approval, 60 days after the date on which at least six signatory States which are Member States of ASEAN and three signatory States other than Member States of ASEAN have deposited their instrument of ratification, acceptance, or approval with the Depositary.
3. After the date of entry into force of this Agreement, this Agreement shall enter into force for any other signatory State 60 days after the date on which it has deposited its instrument of ratification, acceptance, or approval with the Depositary.

#### **Article 20.7: Withdrawal**

1. Any Party may withdraw from this Agreement by providing written notice of its withdrawal to the Depositary.
2. A Party's withdrawal from this Agreement shall take effect six months after the date on which that 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 20.8: General Review**

1. The Parties shall undertake a general review of this Agreement with a view to updating and enhancing this Agreement to ensure that this Agreement remains relevant to the trade and investment issues and challenges confronting the Parties, five years after the date of entry into force of this Agreement, and every five years thereafter, unless the Parties agree otherwise.
2. In conducting a review pursuant to this Article, the Parties shall:
  - (a) consider ways to further enhance trade and investment among the Parties; and
  - (b) take into account:

- (i) the work of all committees and subsidiary bodies established pursuant to Chapter 18 (Institutional Provisions); and
- (ii) relevant developments in international fora.

#### **Article 20.9: Accession**

1. This Agreement shall be open for accession by any State or separate customs territory 18 months after the date of entry into force of this Agreement.<sup>2</sup> Such accession shall be subject to the consent of the Parties and any terms or conditions that may be agreed between the Parties and the State or separate customs territory.
2. A State or separate customs territory may seek to accede to this Agreement by submitting a request in writing to the Depositary.
3. The instrument of accession shall be deposited with the Depositary.
4. A State or separate customs territory shall become a Party to this Agreement subject to the terms and conditions agreed pursuant to paragraph 1, either:
  - (a) 60 days after the date on which it deposits an instrument of accession with the Depositary indicating it accepts such terms and conditions; or
  - (b) on the date on which all Parties have notified the Depositary that they have completed their respective applicable legal procedures,whichever is later.
5. In addition to this Article, the accession process shall be carried out in accordance with the procedures for accession to be adopted by the RCEP Joint Committee.

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

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<sup>2</sup> Notwithstanding this sentence, this Agreement shall be open for accession by India, as an original negotiating State, from the date of entry into force of this Agreement.