

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).

第 30 章

最后条款

第 30.1 条 附件、附录和脚注

本协定的附件、附录和脚注应构成本协定组成部分。

第 30.2 条 修正

缔约方可通过书面形式同意对本协定进行修正。经所有缔约方同意并依照每一缔约方适用法律程序予以批准，一修正应在所有缔约方以书面形式通知交存方已依照各自适用法律程序批准该修正之日后 60 天生效，或在缔约方可能同意的其他日期生效。

第 30.3 条 对《WTO 协定》的修正

如对《WTO 协定》的一修正构成对缔约方已纳入本协定的一条款的修正，除非本协定中另有规定，否则缔约方应就是否修正本协定进行磋商。

第 30.4 条 加入

1. 本协定开放供下列国家或单独关税区加入：
 - (a) 属 APEC 成员的任何国家或单独关税区；及
 - (b) 缔约方可能同意的任何其他国家或单独关税区，

在遵守与缔约方之间可能议定的条款和条件的前提下，并在经每一缔约方和加入国家或单独关税区(申请加入方)依照各自适用法律程序予以批准后，上述国家或关税区准备遵守本协定中的义务。

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

2. 一国家或单独关税区可通过向交存方提交书面请求的方式寻求加入本协定。
3.
 - (a) 在收到第 2 款项下一请求后，自贸协定委员会应设立一工作组就加入的条款和条件开展谈判，只要对于第 1 款(b)项的情况缔约方表示同意。工作组成员资格应对所有感兴趣的缔约方开放。
 - (b) 工作组在完成其工作后，应向自贸协定委员会提交书面报告。如工作组已与申请加入方就拟议的加入条款和条件达成一致，则该报告应列出加入条款和条件、提请自贸协定委员会批准的提议以及关于邀请该申请加入方成为本协定缔约方的自贸协定委员会拟议决定。
4. 就第 3 款而言：
 - (a) 仅在下列条件的情况下，自贸协定委员会根据第 3 款(a)项设立工作组的决定方可视为已经作出：
 - (i) 所有缔约方均同意设立一工作组；或
 - (ii) 如一缔约方在自贸协定委员会作出根据第 3 款(a)项设立工作组的决定时未表示同意，而该缔约方未在自贸协定委员会作出决定之日后 7 天内以书面形式提出异议。
 - (b) 仅在满足下列条件的情况下，根据第 3 款(b)设立工作组的决定方可视为已经作出：
 - (i) 属工作组的所有缔约方均表示同意；或
 - (ii) 如一属工作组成员的缔约方在工作组向自贸协定委员会提交报告时未表示同意，而该缔约方未在工作组提交报告之日后 7 天内以书面形式对报告提出反对。
5. 如自贸协定委员会作出决定，批准加入条款和条件，并邀请一申请加入方成为缔约方，则自贸协定委员会应规定一期限，在该期限内申请加入方可向交存方交存一份表明其接受加入条款

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 60th 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 2013¹ 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.

¹ 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).

和条件的加入书，该期限可经缔约方同意予以延长。

6. 申请加入方应在遵守自贸协定委员会决定中批准的条款和条件的前提下，在下列两日期中的较晚日期成为本协定一缔约方：

- (a) 申请加入方向交存方交存表明其接受加入条款和条件的加入书之日后第 60 天；或
- (b) 所有缔约方均已通知交存方其已履行各自适用法律程序之日。

第 30.5 条 生效

1. 本协定应自所有创始签署方已书面通知交存方其已完成各自适用法律程序之日后 60 天生效。

2. 如在本协定签署之日后 2 年期限内，创始签署方未全部书面通知交存方已完成各自适用法律程序，则在国内生产总值合计至少占创始签署方 2013 年国内生产总值总和 85%¹的至少 6 个创始签署方书面通知交存方已完成各自适用法律程序的情况下，本协定应在该期限期满后 60 天生效。

3. 如本协定未能根据第 1 款或第 2 款生效，则本协定应在国内生产总值合计至少占创始签署方 2013 年国内生产总值总和 85%的至少 6 个创始签署方书面通知交存方已完成各自适用法律程序之日后 60 天生效。

4. 在本协定根据第 2 款或第 3 款生效之日后，本协定尚未对其生效的一创始签署方应将已完成适用法律程序的情况和成为本协定缔约方的意向通知缔约方。自贸协定委员会应在该创始签署方作出通知之日起 30 天内确定本协定是否应对作出通知的该创始签署方生效。

¹就本条而言，国内生产总值应根据国际货币基金组织使用美元现价计算的数据。

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).

5. 除非自贸协定委员会与第 4 款中所指的作出通知的创始签署方另有议定，否则本协定应在自贸协定委员会作出肯定裁定之日后 30 天对该作出通知的创始签署方生效。

第 30.6 条 退出

1. 任何缔约方均可通过向交存方提交书面退出通知而退出本协定。拟退出的缔约方应通过根据第 27.5 条(联络点)指定的总联络点将其退出事同时通知其他缔约方。

2. 退出应在一缔约方根据第 1 款向交存方提交书面通知后 6 个月生效，除非缔约方议定一不同期限。如一缔约方退出，本协定应对其他的缔约方保持有效。

第 30.7 条 交存方

1. 本协定的英文、西班牙文和法文文本原件应交存新西兰，新西兰特此被指定为本协定交存方。

2. 交存方应迅速向每一签署方、申请加入国和申请加入的单独关税区提供经核证的本协定原文本的副本及对本协定所作任何修正的副本。

3. 交存方应迅速向每一签署方和申请加入国或申请加入的单独关税区告知下列事项，并提供日期和副本：

- (a) 根据第 30.2 条(修正)、第 30.4.6 条(加入)或第 30.5 条(生效)作出的通知；
- (b) 根据第 30.4.2 条(加入)提出的加入请求；
- (c) 根据第 30.4.5 条(加入)交存的加入书；以及
- (d) 根据第 30.6 条(退出)作出的退出通知。

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.

第 30.8 条 作准文本

本协定的英文文本、西班牙文本和法文文本具有同等效力。如各文本间出现任何分歧，则应以英文文本为准。