

Side Letter between New Zealand and Malaysia

[insert date]

YB Dato' Sri Mustapa Mohamed
Minister for International Trade and Industry
Malaysia

Dear YB Dato' Sri Mustapa

I refer to the *Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area* done at Cha-am on 27 February 2009 (AANZFTA), the *New Zealand Malaysia Free Trade Agreement* done at Kuala Lumpur on 26 October 2009 (MNZFTA) and the *Trans-Pacific Partnership Agreement* done at [location] on this date (TPP) (Agreements).

I have the honour to confirm the following interpretative understandings relating to the Agreements reached by New Zealand and Malaysia during the course of the negotiations on TPP. Nothing in TPP will derogate from the rights and obligations of New Zealand or Malaysia under AANZFTA or MNZFTA. To the greatest extent possible, the Agreements will be interpreted consistently. Where AANZFTA, MNZFTA or TPP provides different treatment for an exporter, service supplier or investor of New Zealand or Malaysia, 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 will constitute the understandings between our two Governments on the interpretation of the Agreements.

Yours sincerely

Hon Tim Groser
Minister of Trade
New Zealand

[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 Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area done at Cha-am on 27 February 2009 (AANZFTA), the New Zealand Malaysia Free Trade Agreement done at Kuala Lumpur on 26 October 2009 (MNZFTA) and the Trans-Pacific Partnership Agreement done at [location] on this date (TPP) (Agreements).

I have the honour to confirm the following interpretative understandings relating to the Agreements reached by New Zealand and Malaysia during the course of the negotiations on TPP. Nothing in TPP will derogate from the rights and obligations of New Zealand or Malaysia under AANZFTA or MNZFTA. To the greatest extent possible, the Agreements will be interpreted consistently. Where AANZFTA, MNZFTA or TPP provides different treatment for an exporter, service supplier or investor of New Zealand or Malaysia, 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 will constitute the understandings between our two Governments on the interpretation of the Agreements.

I have the further honour to confirm that your letter reflects the undertakings made by the Governments of Malaysia and New Zealand during the course of the negotiations on TPP and that your letter and this letter in reply shall constitute an understanding between Malaysia and New Zealand.

Yours sincerely

YB Dato' Sri Mustapa Mohamed
Minister for International Trade and Industry
Malaysia