

ENVIRONMENT COOPERATION AGREEMENT
AMONG THE PARTIES TO THE
TRANS-PACIFIC STRATEGIC ECONOMIC PARTNERSHIP AGREEMENT

The Governments of Brunei Darussalam, the Republic of Chile, New Zealand, and the Republic of Singapore (hereinafter referred to collectively as the “Parties” or individually as a “Party”, unless the context otherwise requires):

Desiring to express an approach dealing with environment issues, that takes account of the unique circumstances of each Party, and meets the needs and future aspirations of the Parties, and reflects the Parties’ desire to strengthen the growing economic and political relationship as reflected in the Trans-Pacific Strategic Economic Partnership Agreement;

Noting the existence of differences in the Parties’ respective natural endowments, climatic, geographical, social, cultural and legal conditions and economic, technological and infrastructural capabilities;

Committed to the pursuit of sustainable development as well as recognising its interdependent and mutually reinforcing pillars - economic development, social development and environmental protection;

Acknowledging that all Parties share a similar commitment to a high level of environmental protection and standards, and to upholding these in the context of sustainable development;

Recognising that environment and trade policies should be mutually supportive, with a view to achieving sustainable development;

Have agreed as follows:

Article 1: Objectives

The objectives of the Agreement shall be to:

- (a) encourage sound environment policies and practices and improve the capacities and capabilities of the Parties, including non-government sectors, to address environmental matters;
- (b) promote, through environmental cooperation, the commitments made by the Parties; and
- (c) facilitate co-operation and dialogue in order to strengthen the broader relationship among the Parties.

Article 2: Key Elements/Commitments

1. The Parties reaffirm their intention to continue to pursue high levels of environmental protection and to fulfill their respective multilateral environment commitments and international plans of action designed to achieve sustainable development.
2. Each Party shall endeavour to have its environment laws, regulations, policies and practices in harmony with its international environment commitments.
3. The Parties shall respect the sovereign right of each Party to set, administer and enforce its own environmental laws, regulations and policies according to its priorities.
4. The Parties agree that it is inappropriate to set or use their environmental laws, regulations, policies and practices for trade protectionist purposes.
5. The Parties agree that it is inappropriate to relax, or fail to enforce or administer, their environment laws and regulations to encourage trade and investment.
6. Each Party shall promote public awareness of its environmental laws, regulations, policies and practices domestically.

Article 3: Cooperation

1. Taking account of their national priorities and available resources, interested Parties will cooperate on mutually agreed environmental issues through the interaction of government, industry, educational and research institutions in each country.
2. Each Party may, as appropriate, invite the participation of its non-government sectors and other organisations in identifying potential areas for cooperation.
3. The Parties may invite the participation of non-government sectors and other organisations in undertaking cooperative activities as mutually agreed.
4. The interested Parties will encourage and facilitate, as appropriate, the following activities:
 - (a) collaborative research on subjects of mutual interest;
 - (b) exchange of environmental experts and management personnel;

- (c) exchange of technical information and publications; and
- (d) any other modes of cooperation agreed upon by the Parties.

Such cooperation shall take into consideration each Party's environmental priorities and needs as well as the resources available. The funding of cooperative activities shall be decided by the Parties on a case-by-case basis.

5. The Parties' intention is to cooperate in environmental areas of common global or domestic concern. To facilitate this, as an initial step, Parties shall exchange lists of their areas of interest and expertise.

Article 4: Institutional Arrangements

1. Each Party shall designate a national contact point for environmental matters to facilitate communication among the Parties.

2. The Parties, including senior officials of their government agencies responsible for relevant environmental matters, shall meet within the first year of signing this Agreement unless otherwise agreed, and thereafter as mutually agreed.

3. The agenda as agreed by the Parties may:

- (a) consider areas of potential cooperative activities;
- (b) serve as a forum for dialogue on matters of mutual interest;
- (c) review the implementation, operation and outcomes of the Agreement;
and
- (d) address issues that may arise.

4. The Parties may exchange information and coordinate activities using email, video conferencing or other means of communication.

5. After three years, or as otherwise agreed, the Parties shall review the operation of this Agreement and report to the Trans-Pacific Strategic Economic Partnership Commission.

6. Each Party may consult with members of its public and/or non-government sectors over matters relating to the operation of this Agreement by whatever means that Party considers appropriate.

7. The Parties may decide to invite relevant experts or organisations, to provide information to meetings of the Parties.

8. Each Party may develop mechanisms, as appropriate, to inform its public of activities undertaken pursuant to this Agreement in accordance with its laws, regulations, policies and practices.

Article 5: Consultation

1. The Parties shall at all times endeavour to agree on the interpretation and application of this Agreement, and shall make every attempt through dialogue, consultation and cooperation to resolve any issue that might affect its operation.

2. Should any issue arise between any of the Parties over the application of Article 2 (*Key Elements/Commitments*), the concerned Parties shall in good faith resolve the issue amicably through dialogue, consultation and cooperation.

3. A Party may request consultation with the other Party(ies) through the national contact point regarding any issue arising over the interpretation or application of Article 2 (*Key Elements/Commitments*). The contact point shall identify the office or official responsible for the issue and assist if necessary in facilitating the Party's communications with the requesting Party. The concerned Parties will provide initial advice of the issue to the other Parties for their information.

4. The concerned Parties shall decide a timeframe for consultation which shall not exceed 6 months, unless mutually agreed.

5. Should the issue not be able to be resolved through the initial consultation process it may be referred to a special meeting of the interested Parties and to which all Parties would be invited. The issue may also be referred to the Trans-Pacific Strategic Economic Partnership Commission by any interested Party for discussions.

6. The special meeting of the interested Parties shall produce a report. The concerned Party(ies) shall implement the conclusions and recommendations of the report, taking into account the views of the Trans-Pacific Strategic Economic Partnership Commission, as soon as practicable.

Article 6: Disclosure of Information

1. A Party shall not disclose any information that was obtained from another Party. A Party may disclose such information if the Party from which the information was obtained, consents to the disclosure.

2. Nothing in this Agreement shall be construed to require any Party to furnish or allow access to information the disclosure of which it considers would:

- (a) be contrary to the public interest as determined by its legislation;

(b) be contrary to any of its legislation including but not limited to those protecting personal privacy or the financial affairs and accounts of individual customers of financial institutions;

(c) impede law enforcement; or

(d) which would prejudice legitimate commercial interests of particular enterprises, public or private.

Article 7: Final Provisions

1. The Agreement shall enter into force for a Party on the same date as the *Trans-Pacific Strategic Economic Partnership Agreement* enters into force for that Party.

2. The original of this Agreement shall be deposited with the Government of New Zealand, which is hereby designated as the Depositary of this Agreement, at the same time as the *Trans-Pacific Strategic Economic Partnership Agreement*.

3. The English and Spanish texts of this Agreement are equally authentic. In the event of divergence, the English text shall prevail.

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

For Brunei Darussalam

For the Republic of Chile

For New Zealand

For the Republic of Singapore