

Disclaimer: *In view of the Commission and New Zealand's respective transparency policies, the Commission and New Zealand are publishing the texts of the Agreement following the announcement of conclusion of the negotiations on 30 June 2022 (Brussels time).*

The texts are published in view of the public interest in the negotiations for information purposes only and they may undergo further modifications, including as a result of the process of legal revision. These texts are without prejudice to the final outcome of the Agreement between the EU and New Zealand.

The texts will be final upon signature. The Agreement will become binding on the Parties under international law only after completion by each Party of its internal legal procedures necessary for the entry into force of the Agreement.

CHAPTER [XX]

FINAL PROVISIONS

ARTICLE X.1

Amendments

1. The Parties may agree, in writing, to amend this Agreement.
2. Amendments shall enter into force on the first day of the second month, or on such later date as may be agreed by the Parties, following the date on which the Parties exchange written notifications certifying that they have completed their respective applicable legal requirements for entry into force of such amendments.
3. The Trade Committee may amend this Agreement by decision, where provided for in subparagraph 2(d) of Article X.2 (Functions of the Trade Committee) of Chapter [XX] Institutional Provisions. The decision of the Trade Committee shall either specify the date of entry into force of the amendments or, where required by a Party's domestic system, provide that such amendments enter into force after—the notification in writing of the completion of any outstanding legal requirements and procedures of the Parties.

ARTICLE X.2

Entry into force

1. This Agreement shall enter into force on the first day of the second month following the date on which the Parties exchange written notifications certifying that they have completed their respective applicable legal requirements for the entry into force of this Agreement. The Parties may agree on another date of entry into force of this Agreement.
2. Notifications referred to in paragraph 1 shall be sent to the Secretary General of the Council of the European Union and to the New Zealand Secretary of Foreign Affairs and Trade, or their respective successors.

ARTICLE X.3

Termination

1. This Agreement shall remain in force unless terminated pursuant to paragraph 2.
2. A Party may notify the other Party of its intention to terminate this Agreement. This notification shall be sent to the Secretary General of the Council of the European Union and to the New Zealand Secretary of Foreign Affairs and Trade, or their respective successors. The termination shall take effect six months after the receipt of the notification, unless the Parties agree otherwise.

ARTICLE X.4

Fulfilment of obligations

1. Each Party is fully responsible for the observance of all provisions of this Agreement.
2. Each Party shall ensure that all necessary measures are taken to give effect to the provisions of this Agreement, including their observance at all levels of government as well as

by persons exercising delegated governmental authority. Each Party shall perform the obligations set out in this Agreement in good faith.

3. The present agreement forms part of the common institutional framework referred to in Article 52(1) of the Partnership Agreement on Relations and Cooperation between the European Union and its Member States, of the one part, and New Zealand of the other Part, hereinafter referred to as ‘Partnership Agreement’. A Party may take appropriate measures relating to this Agreement in the event of a particularly serious and substantial violation of any of the obligations described in Articles 2(1) and 8(1) of the Partnership Agreement as essential elements, which threatens international peace and security so as to require an immediate reaction. A Party may also take such appropriate measures relating to this Agreement in the event of an act or omission which materially defeats the object and purpose of the Paris Agreement. Such appropriate measures shall be taken in accordance with the procedure set out in Article 54 of the Partnership Agreement.

ARTICLE X.5

Persons exercising delegated governmental authority

Unless otherwise provided for in this Agreement, each Party shall ensure that any person, including a state owned enterprise, an enterprise granted special rights or privileges or a designated monopoly, that has been delegated regulatory, administrative or other governmental authority by a Party at any level of government, acts in accordance with the Party’s obligations as set out under this Agreement in the exercise of that authority. [Placement to be decided during legal scrubbing]

ARTICLE X.6

No direct effect

1. Nothing in this Agreement shall be construed as conferring rights or imposing obligations

on persons, other than those created between the Parties under public international law.

2. A Party shall not provide for a right of action under its domestic law against the other Party on the ground that a measure of the other Party is inconsistent with this Agreement.

ARTICLE X.7

Relation with other agreements

1. Unless otherwise provided for in this Agreement, the existing agreements between the Member States of the European Union, the European Community or the European Union on the one side and New Zealand on the other side, are not superseded or terminated by this Agreement.

2. This Agreement shall be an integral part of the overall bilateral relations as governed by the Partnership Agreement on Relations and Cooperation between the European Union and its Member States, on the one part, and New Zealand, on the other part and shall form part of the common institutional framework.

3. The Parties affirm their rights and obligations with respect to each other under the WTO Agreement. For greater certainty, nothing in this Agreement requires a Party to act in a manner inconsistent with its obligations under the WTO Agreement.

4. In the event of any inconsistency between this Agreement and any agreement other than the WTO Agreement to which both Parties are a party, the Parties shall immediately consult with each other with a view to finding a mutually satisfactory solution.

5. Unless otherwise specified, where international agreements are referred to or incorporated into this Agreement, in whole or in part, they shall be understood to include amendments thereto or their successor agreements entering into force for both Parties on or after the date of [signature / entry into force] of this Agreement.

6. If any matter arises regarding the implementation or application of the provisions of this Agreement as a result of such amendments or successor agreements, the Parties may, on request of either Party, consult with each other with a view to finding a mutually satisfactory solution to this matter as necessary.

Note: The placement of this article will be determined during legal scrub.

ARTICLE X.7bis

Laws and regulations and their amendments

Unless otherwise specified, where reference is made in this Agreement to laws or regulations of a Party, those laws or regulations shall be understood to include amendments thereto.

ARTICLE X.8

Territorial application

1. This Agreement shall apply:
 - (a) with respect to the European Union, to the territories in which the Treaty on European Union and the Treaty on the Functioning of the European Union are applied and under the conditions laid down in those Treaties; and
 - (b) for New Zealand, to the territory of New Zealand and the exclusive economic zone, seabed and subsoil over which it exercises sovereign rights with respect to natural resources in accordance with international law, but does not include Tokelau

References to “territory” in this Agreement shall be understood in this sense, except as otherwise expressly provided.

[2. As regards those provisions concerning the tariff treatment of goods, including rules of origin and origin procedures, this Agreement shall also apply with respect to the European Union to those areas of the European Union customs territory, as defined by Article 4 of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, not covered by subparagraph 1 (a).

Note: The placement of this article will be determined during legal scrub

ARTICLE X.9

Annexes, Appendices, Declarations, Protocols and Understandings

The Annexes, Appendices, [Declarations, Joint Declarations, Protocols and Understandings] to this Agreement constitute integral parts thereof. For greater certainty, the footnotes shall also form an integral part of this Agreement.

ARTICLE X.10

Authentic texts

This Agreement is drawn in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each version being equally authentic.

JOINT DECLARATION

Concerning Customs Unions

1. The European Union recalls the obligation of those countries that have established a customs union with the European Union to align their trade regime to that of the European Union, and for certain of them, to conclude preferential agreements with countries having preferential agreements with the European Union.

2. In this context, the Parties note that New Zealand shall endeavour to start negotiations with those countries which:

(a) have established a customs union with the European Union, and

(b) whose products do not benefit from the tariff concessions under this Agreement,

with a view to concluding a comprehensive bilateral agreement establishing a free trade area in accordance with Article XXIV of the GATT 1994. New Zealand shall endeavour to start negotiations as soon as possible with a view to having such an agreement enter into force as quickly as possible after the entry into force of this Agreement.