

CHAPTER 17

GENERAL PROVISIONS AND EXCEPTIONS

Article 1

Disclosure and Confidentiality of Information

1. Nothing in this Agreement shall require a Party to furnish or allow access to confidential information, which is designated as confidential under its internal legislation or the disclosure of which would impede law enforcement or otherwise be contrary to the public interest or which would prejudice the legitimate commercial interests of particular enterprises, public or private.
2. Unless otherwise provided in this Agreement, where a Party provides information to the other Party in accordance with this Agreement and designates the information as confidential, the other Party shall maintain the confidentiality of the information.

Article 2

General Exceptions

1. For the purposes of Chapter 2 (Trade in Goods), Chapter 3 (Rules of Origin), Chapter 4 (Customs Procedures and Trade Facilitation), Chapter 5 (Technical Barriers to Trade), Chapter 6 (Sanitary and Phytosanitary Measure), Chapter 7 (Trade Remedies) and the annexes to these Chapters, Article XX of GATT 1994, including its interpretative notes, is incorporated into and made part of this Agreement, *mutatis mutandis*.
2. For the purposes of Chapter 8 (Trade in Services) and Chapter 10 (Establishment) and the annexes to these

Chapters, Article XIV of GATS, including its footnotes, is incorporated into and made part of this Agreement, *mutatis mutandis*.

Article 3

Security Exceptions

For the purposes of this Agreement, with respect to security exceptions, Article XXI of GATT 1994 and Article XIV *bis* of GATS are incorporated into and made part of this Agreement, *mutatis mutandis*.

Article 4

Taxation

This Agreement shall be without prejudice to the interpretation or application of other international agreements relating to taxation to which the Parties are party.

Article 5

Review of Agreement

The Parties shall undertake a general review of this Agreement, with a view to furthering its objectives, within three years from the date of entry into force of this Agreement, and at least every five years thereafter, unless otherwise agreed by the Parties. The review shall include but not be limited to consideration of further liberalisation and expansion of market access.

Article 6

Measures to Safeguard the Balance-of-Payments

1. The Parties shall endeavour to avoid the imposition of restrictions to safeguard the balance-of-payments.

2. Where a Party is in serious balance-of-payments and external financial difficulties or under threat thereof, it may:

- (a) in case of trade in goods, in accordance with GATT 1994 and the *Understanding on Balance-of-Payments Provisions of the General Agreement on Tariffs and Trade 1994*, contained in Annex 1A to the WTO Agreement, adopt or maintain restrictive import measures;
- (b) in case of trade in services, adopt or maintain restrictions on trade in services on which it has undertaken specific commitments, including on payments or transfers for transactions related to such commitments; and
- (c) in case of establishment under Chapter 10 (Establishment), in accordance with paragraphs 1 to 3 of Article XII of GATS, *mutatis mutandis*, adopt or maintain restrictions to safeguard the balance-of-payments.

3. Restrictions adopted or maintained under subparagraph 2(b) shall:

- (a) be consistent with the Articles of Agreement of the International Monetary Fund;
- (b) avoid unnecessary damage to the commercial, economic and financial interests of the other Party;
- (c) not exceed those necessary to deal with the circumstances described in paragraph 2;
- (d) be temporary and be phased out progressively as the situation specified in paragraph 2 improves; and

- (e) be applied on a non-discriminatory basis such that the other Party is treated no less favourably than any non-Party.

4. In determining the incidence of the restrictions adopted or maintained under paragraph 2, the Parties may give priority to economic sectors which are more essential to their economic development. However, such restrictions shall not be adopted or maintained for the purpose of protecting a particular sector.

5. Any restrictions adopted or maintained by a Party under paragraph 2, or any changes therein, shall be notified to the other Party within 14 days after the date such measures are taken.

6. The Party adopting or maintaining any restrictions under paragraph 2 shall commence consultations with the other Party within 45 days after the date of notification in order to review the measures adopted or maintained by it.