

ANNEX³

1. Chapter 5 (Customs Administration and Trade Facilitation)

Article 5.7 (Express Shipments) – paragraph 1 – subparagraph (f): second sentence

2. Chapter 9 (Investment)

(a) Article 9.1 (Definitions):

(i) definition of **investment agreement** including footnotes 5 through 9;

(ii) definition of **investment authorisation** including footnotes 10 and 11;

(b) Article 9.19 (Submission of a Claim to Arbitration)

(i) paragraph 1:

(A) subparagraph (a)(i)(B) including footnote 31;

(B) subparagraph (a)(i)(C);

(C) subparagraph (b)(i)(B);

(D) subparagraph (b)(i)(C);

³ To assist with the understanding of this Annex, the Parties have used a colon to indicate the specific portion(s) of a provision that has been suspended.

(E) the chaussette “provided that a claimant may submit pursuant to subparagraph (a)(i)(C) or (b)(i)(C) a claim for breach of an investment agreement only if the subject matter of the claim and the claimed damages directly relate to the covered investment that was established or acquired, or sought to be established or acquired, in reliance on the relevant investment agreement.”;

(ii) paragraph 2: all of this paragraph including footnote 32;

(iii) paragraph 3 – subparagraph (b): the phrase “investment authorisation or investment agreement”;

(c) Article 9.22 (Selection of Arbitrators): paragraph 5;

(d) Article 9.25 (Governing Law): paragraph 2 including footnote 35;

(e) Annex 9-L (Investment Agreements): all of this Annex

3. Chapter 10 (Cross-Border Trade in Services)

Annex 10-B (Express Delivery Services):

(a) paragraph 5 including footnote 13;

(b) paragraph 6 including footnote 14

4. Chapter 11 (Financial Services)

(a) Article 11.2 (Scope) – paragraph 2 – subparagraph (b): the phrase “Article 9.6 (Minimum Standard of Treatment)” including footnote 3;

(b) Annex 11-E: all of this Annex

5. Chapter 13 (Telecommunications)

Article 13.21 (Resolution of Telecommunications Disputes) – paragraph 1: subparagraph (d) including the heading “*Reconsideration*” and footnote 22

6. Chapter 15 (Government Procurement)

(a) Article 15.8 (Conditions for Participation): paragraph 5 including footnote 1;

(b) Article 15.24 (Further Negotiations) – paragraph 2: the phrase “No later than three years after the date of entry into force of this Agreement”⁴

7. Chapter 18 (Intellectual Property)

(a) Article 18.8 (National Treatment): the last two sentences of footnote 4;

(b) Article 18.37 (Patentable Subject Matter)

(i) paragraph 2: all of this paragraph;

(ii) paragraph 4: the last sentence;

(c) Article 18.46 (Patent Term Adjustment for Unreasonable Granting Authority Delays): all of this Article including footnotes 36 through 39;

(d) Article 18.48 (Patent Term Adjustment for Unreasonable Curtailment): all of this Article including footnotes 45 through 48;

⁴ The Parties agree that negotiations referred to in paragraph 2 of Article 15.24 (Further Negotiations) shall commence no earlier than five years after entry into force of this Agreement, unless the Parties agree otherwise. Such negotiations shall commence at the request of a Party.

- (e) Article 18.50 (Protection of Undisclosed Test or Other Data): all of this Article including footnotes 50 through 57;
- (f) Article 18.51 (Biologics): all of this Article including footnotes 58 through 60;
- (g) Article 18.63 (Term of Protection for Copyright and Related Rights): all of this Article including footnotes 74 through 77;
- (h) Article 18.68 (Technological Protection Measures (TPMs)): all of this Article including footnotes 82 through 95;
- (i) Article 18.69 (Rights Management Information (RMI)): all of this Article including footnotes 96 through 99;
- (j) Article 18.79 (Protection of Encrypted Program-Carrying Satellite and Cable Signals): all of this Article including footnotes 139 through 146;
- (k) Article 18.82 (Legal Remedies and Safe Harbours): all of this Article including footnotes 149 through 159;
- (l) Annex 18-E (Annex to Section J): all of this Annex;
- (m) Annex 18-F (Annex to Section J): all of this Annex

8. Chapter 20 (Environment)

Article 20.17 (Conservation and Trade) – paragraph 5: the phrase “or another applicable law” including footnote 26

9. Chapter 26 (Transparency and Anti-Corruption)

Annex 26-A (Transparency and Procedural Fairness for Pharmaceutical Products and Medical Devices): Article 3 (Procedural Fairness) including footnotes 11 through 16

10. Annex II

Schedule of Brunei Darussalam – 14 – paragraph 3: the phrase “after the signature of this Agreement”⁵

11. Annex IV

Schedule of Malaysia – 3 and 4 – Scope of Non-Conforming Activities (hereinafter referred to as the “Scope”): all references to the phrase “after signature of this Agreement”⁶

⁵ As a result of the suspension, the Parties agree that the phrase “after the signature of this Agreement” shall refer to after the entry into force of this Agreement for Brunei Darussalam. Therefore, the Parties understand that the reference to “Any non-conforming measure adopted or maintained” in this paragraph shall mean any non-conforming measure adopted or maintained after the date of entry into force of this Agreement for Brunei Darussalam.

⁶ As a result of the suspension, the Parties agree that the phrase “after signature of this Agreement” shall refer to after the entry into force of this Agreement for Malaysia. Therefore, the Parties understand that the references in the Scope to:

- (a) “the first year” shall be the first one year period;
 - (b) “the second and third years” shall be the second and third one year periods;
 - (c) “the fourth year” shall be the fourth one year period;
 - (d) “the fifth year” shall be the fifth one year period; and
 - (e) “the sixth year” shall be the sixth one year period,
- counted from the date of entry into force of this Agreement for Malaysia.