**PART X**

**NON-PARTIES TO THIS AGREEMENT**

**Article 56**

**Non-parties to this Agreement**

Parties shall encourage non-parties to this Agreement to become Parties thereto and to adopt laws and regulations consistent with its provisions.

**PART XI**

**GOOD FAITH AND ABUSE OF RIGHTS**

**Article 57**

**Good faith and abuse of rights**

Parties shall fulfil in good faith the obligations assumed under this Agreement and exercise the rights recognized therein in a manner that would not constitute an abuse of right.

**PART XII**

**FINAL PROVISIONS**

**Article 58 ante**

**Right to vote**

1. Each Party to this Agreement shall have one vote, except as provided for in paragraph 2.

2. A regional economic integration organization Party to this Agreement, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties to this Agreement [duly accredited and present during the time of voting] (Brazil and others). Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

**Article 58**

**Signature**

This Agreement shall be open for signature by all States and regional economic integration organizations from [insert date] and shall remain open for signature at United Nations Headquarters in New York until [insert date].

**Article 59**

**Ratification, approval, acceptance and accession**

This Agreement shall be subject to ratification, approval or acceptance by States and regional economic integration organizations. It shall be open for accession by States and regional economic integration organizations from the day after the date on which the Agreement is closed for signature. Instruments of ratification, approval, acceptance and accession shall be deposited with the Secretary-General of the United Nations.

**Article 59 bis**

**Division of the competence of regional economic integration organizations and their member States in respect of the matters governed by this Agreement**

1. Any regional economic integration organization that becomes a Party to this Agreement without any of its member States being a Party shall be bound by all the obligations under this Agreement. In the case of such organizations, one or more of whose member States is a Party to this Agreement, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Agreement. In such cases, the organization and the member States shall not be entitled to exercise rights under this Agreement concurrently.

2. In its instrument of ratification, approval, acceptance or accession, a regional economic integration organization shall declare the extent of its competence in respect of the matters governed by this Agreement. Any such organization shall also inform the depositary, who shall in turn inform the Parties, of any relevant modification of the extent of its competence.

**Article 60**

*Deleted.*

**Article 61**

**Entry into force**

1. This Agreement shall enter into force [30 days] [six months] (Iceland) after the date of deposit of the [thirtieth] [sixtieth] instrument of ratification, approval, acceptance or accession.

2. For each State or regional economic integration organization that ratifies, approves or accepts this Agreement or accedes thereto after the deposit of the [thirtieth] [sixtieth] instrument of ratification, approval, acceptance or accession, this Agreement shall enter into force on the thirtieth day following the deposit of its instrument of ratification, approval, acceptance or accession.

3. For the purposes of paragraphs 1 and 2 of this article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by the member States of that organization.

**Article 62**

**Provisional application**

1. This Agreement may be applied provisionally by a State or regional economic integration organization that consents to its provisional application by so notifying the depositary in writing at the time of signature or deposit of its instrument of ratification, approval, acceptance or accession. Such provisional application shall become effective from the date of receipt of the notification by the Secretary-General of the United Nations.

2. Provisional application by a State or regional economic integration organization shall terminate upon the entry into force of this Agreement for that State or regional economic integration organization or upon notification by that State or regional economic integration organization to the depositary in writing of its intention to terminate its provisional application.

**Article 63**

**Reservations and exceptions**

No reservations or exceptions may be made to this Agreement[, unless expressly permitted by other articles of this Agreement] (UK).

**Article 63 bis**

**Declarations and statements**

Article 63 does not preclude a State or regional economic integration organization, when signing, ratifying, approving, accepting or acceding to this Agreement, from making declarations or statements, however phrased or named, with a view, inter alia, to the harmonization of its laws and regulations with the provisions of this Agreement, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Agreement in their application to that State or regional economic integration organization.

**Article 64**

*Deleted.*

**Article 65**

**Amendment**

1. A Party may, by written communication addressed to the secretariat, propose amendments to this Agreement. The secretariat shall circulate such a communication to all Parties. If, within six months from the date of the circulation of the communication, not less than one half of the Parties reply favourably to the request, the proposed amendment shall be considered at the following meeting of the Conference of the Parties[, no less than six months from the date of the circulation of the communication] (Australia).

2. The Conference of the Parties shall make every effort to reach agreement on the adoption of any proposed amendment by way of consensus. [If all efforts to reach consensus have been exhausted, the procedures established in the rules of procedure adopted by the Conference of the Parties shall apply.] (EU to delete)

3. An amendment adopted in accordance with paragraph 2 of this article shall be communicated by the depositary to all Parties for ratification, approval or acceptance.

4. Amendments to this Agreement shall enter into force for the Parties ratifying, approving or accepting them on the thirtieth day following the deposit of instruments of ratification, approval or acceptance by two thirds of the number of Parties to this Agreement as at the time of adoption of the amendment. Thereafter, for each Party depositing its instrument of ratification, approval or acceptance of an amendment after the deposit of the required number of such instruments, the amendment shall enter into force on the thirtieth day following the deposit of its instrument of ratification, approval or acceptance.

5. An amendment may provide[, at the time of its adoption,] (USA) that a smaller or larger number of ratifications, approvals or acceptances shall be required for its entry into force than required under this article.

6. For the purposes of paragraphs 4 and 5 of this article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by the member States of that organization.

7. A State or regional economic integration organization that becomes a Party to this Agreement after the entry into force of amendments in accordance with paragraph 4 of this article shall, failing an expression of a different intention by that State or regional economic integration organization:

(a) Be considered as a Party to this Agreement as so amended;

(b) Be considered as a Party to the unamended Agreement in relation to any Party not bound by the amendment.

**Article 66**

**Denunciation**

1. A Party may, by written notification addressed to the Secretary-General of the United Nations, denounce this Agreement and may indicate its reasons. Failure to indicate reasons shall not affect the validity of the denunciation. The denunciation shall take effect one year after the date of receipt of the notification, unless the notification specifies a later date.

2. The denunciation shall not in any way affect the duty of any Party to fulfil any obligation embodied in this Agreement to which it would be subject under international law independently of this Agreement.

**Article 67**

*Deleted.*

**Article 68**

**Annexes**

1. The annexes form an integral part of this Agreement and, unless expressly provided otherwise, a reference to this Agreement or to one of its Parts includes a reference to the annexes relating thereto.

[2. [Any Party may propose an amendment to any annex to this Agreement for consideration at the next meeting of the Conference of the Parties.] (Philippines) [The annexes may be [revised][amended] (USA) [from time to time by [the] (USA)Parties] [by the Conference of the Parties] (Iceland). [Such revisions shall be based on scientific and technical considerations.] (Japan)] (Philippines to delete) Notwithstanding the provisions of article 65, the following provisions shall apply in relation to amendments to annexes to this Agreement:

(a) [Any Party may propose an amendment to any annex to this Agreement for consideration at the next meeting of the Conference of the Parties.] (Philippines to delete) The text of the proposed amendment shall be communicated to the secretariat at least 150 days before the meeting. The secretariat shall, upon receiving the text of the proposed amendment, communicate it to the Parties. The secretariat shall consult relevant subsidiary bodies as required and shall communicate any response to all Parties not later than 30 days before the meeting;

(b) Amendments adopted at a meeting shall enter into force 180 days after [the close of] (USA) that meeting for all Parties except those that make a [reservation] [objection] in accordance with paragraph 3 of this article.]

[3. Notwithstanding article 63, during the period of 180 days provided for in paragraph 2, subparagraph (b), of this article, any Party may by notification in writing to the depositary make a reservation with respect to the amendment. Such reservation may be withdrawn at any time by written notification to the depositary, and thereupon the amendment to the annex shall enter into force for that Party on the thirtieth day after the date of withdrawal of the reservation.]

[4. The Conference of the Parties shall make all efforts to reach agreement on the adoption of any proposed amendment to any annex by way of consensus. If all efforts to reach consensus have been exhausted, the procedures established in article 48 paragraph 4 of this Agreement shall apply.] (Australia)

**Article 69**

**Depositary**

The Secretary-General of the United Nations shall be the depositary of this Agreement and any amendments or revisions thereto.

**Article 70**

**Authentic texts**

The Arabic, Chinese, English, French, Russian and Spanish texts of this Agreement are equally authentic.