

3. The Sub-Committee shall be:

- (a) composed of representatives of the Governments of the Parties; and
- (b) co-chaired by officials of the Governments of the Parties.

4. The Sub-Committee may invite representatives of relevant entities other than the Governments of the Parties with the necessary expertise relevant to the issues to be discussed.

5. The Sub-Committee may hold its inaugural meeting within two years from the date of entry into force of this Agreement. The subsequent meeting of the Sub-Committee shall be held at such frequency as the Parties may agree upon.

Article 88 Review of Commitments

1. The Parties shall review commitments on trade in services with the first review within two years from the date of entry into force of this Agreement, with the aim of improving the overall commitments undertaken by the Parties under this Agreement.

2. In reviewing the commitments in accordance with paragraph 1, the Parties shall take into account paragraph 1 of Article IV of the GATS.

Chapter 7 Energy

Article 89 Basic Principle

The Parties recognise the importance of strengthening stable and mutually beneficial relationship in the energy sector.

Article 90 Definitions

For the purposes of this Chapter:

- (a) "energy good" means any good classified in subheading 2709.00, 2711.11 and 2711.21 of the Harmonized System;

- (b) "energy regulatory bodies" means governmental bodies or state enterprises that regulate and control the exploration, exploitation, production, operation, transportation, transmission or distribution, purchase or sale of an energy good; and

Note: For the purposes of this subparagraph, in the case of Brunei Darussalam, "state enterprise" means the Brunei National Petroleum Company Sendirian Berhad.

- (c) "energy regulatory measure" means any measure by energy regulatory bodies that directly affects an activity in the energy sector.

Article 91 Import and Export Restrictions

1. In the application of any prohibition or restriction on the importation or exportation of energy goods, each Party shall give due consideration to contractual relationships and implement such prohibition or restriction in an orderly, fair and equitable manner.

2. When introducing any new prohibition or restriction on the importation or exportation of energy goods, each Party shall give to the other Party written notice thereof, wherever possible prior to the introduction of such prohibition or restriction or, if not, as soon as possible thereafter, providing relevant information, where available, concerning the procedure of the prohibition or restriction, statistics on importation, exportation and domestic demand of the energy goods and hold, upon the request of the other Party, consultation with the other Party on such prohibition or restriction. Each Party shall accord sympathetic consideration to views presented by the other Party in the course of such consultation.

Article 92 Energy Regulatory Measures

1. Each Party shall seek to ensure that, in the application of any energy regulatory measure, energy regulatory bodies of the Party minimise adverse effects upon contractual relationships and implement such measure in an orderly, fair and equitable manner.

2. If energy regulatory bodies of a Party adopt any new energy regulatory measure and where such measure may have substantial effects on contractual relationships, the Party shall give written notice to the other Party of such measure, where possible prior to the effective date of the measure or, if not, as soon as possible thereafter.

3. Where energy regulatory bodies of a Party adopt any new energy regulatory measure under paragraph 2 that substantially affects the transportation, transmission or distribution, purchase or sale of an energy good, the Party shall hold, upon the request of the other Party, consultation with the other Party. Each Party shall accord sympathetic consideration to views presented by the other Party in the course of such consultation.

Note: For the purposes of this paragraph, an energy regulatory measure taken by energy regulatory bodies of a Party with respect to the liquefaction and re-gasification of goods classified in subheading 2711.21 of the Harmonized System shall be considered as an energy regulatory measure that substantially affects the transportation, transmission or distribution, purchase or sale of such goods.

Article 93 Environmental Aspects

1. In pursuit of sustainable development and taking into account its obligations under those international agreements concerning environment to which it is a party, each Party shall endeavour to minimise, in accordance with its applicable laws and regulations, in an economically efficient manner, harmful environmental impacts of all activities related to energy in its Area.

2. Each Party shall:

- (a) take account of environmental considerations throughout the process of formulation and implementation of its policy on energy;
- (b) encourage favourable conditions for the transfer and dissemination of technologies that contribute to the protection of environment, consistent with the adequate and effective protection of intellectual property rights; and
- (c) promote public awareness of environmental impacts of activities related to energy and of the scope for and the costs associated with the prevention or abatement of such impacts.

Article 94 Cooperation

1. The Parties shall, in accordance with their respective laws and regulations, promote cooperation under this Chapter for strengthening stable and mutually beneficial relationship in the energy sector. For this purpose, the Parties shall cooperate and, where necessary and appropriate, encourage and facilitate cooperation between their relevant entities in the private sector in the energy sector.

2. The Parties shall endeavour to make available the necessary funds and other resources for the implementation of cooperation under this Article in accordance with their respective laws and regulations.

3. (a) Areas of cooperation under this Article may include:

- (i) policy development;
- (ii) human resource development;
- (iii) technological development; and
- (iv) other areas of cooperation to be mutually agreed by the Parties.

(b) Forms of cooperation under this Article shall be set forth in the Implementing Agreement.

4. Costs of cooperation under this Article shall be borne in such manner to be mutually agreed by the Parties.

5. The dispute settlement procedures provided for in Chapter 10 shall not apply to this Article.

Article 95 Sub-Committee on Energy

1. For the purposes of the effective implementation and operation of this Chapter, a Sub-Committee on Energy (hereinafter referred to in this Article as "Sub-Committee") shall be established on the date of entry into force of this Agreement.

2. The functions of the Sub-Committee shall be:

- (a) reviewing and monitoring the implementation and operation of this Chapter;

- (b) exchanging information on any matters related to this Chapter;
 - (c) discussing any issues related to this Chapter, including the interpretation and application of this Chapter;
 - (d) reporting the findings of the Sub-Committee and, where appropriate, making recommendations, to the Joint Committee; and
 - (e) carrying out other functions as may be delegated by the Joint Committee in accordance with Article 11.
3. The Sub-Committee shall be:
- (a) composed of representatives of the Governments of the Parties; and
 - (b) co-chaired by officials of the Governments of the Parties.
4. The Sub-Committee may invite representatives of relevant entities other than the Governments of the Parties with the necessary expertise relevant to the issues to be discussed.
5. The Sub-Committee shall meet at such venues and times as may be agreed by the Parties.

Chapter 8 Improvement of Business Environment

Article 96 Basic Principles

1. Each Party shall, in accordance with its laws and regulations, take appropriate measures to further improve the business environment for the benefit of the enterprises of the other Party conducting their business activities in the former Party.
2. The Parties shall, in accordance with their respective laws and regulations, promote cooperation to further improve the business environment in the respective Parties.

Article 97 Intellectual Property

Each Party, recognising the importance of protecting intellectual property in further improving the business environment in the Party, shall: