

**REPORT OF THE ACCESSION WORKING GROUP FOR THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND TO THE COMPREHENSIVE
AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC PARTNERSHIP
("CPTPP") TO THE COMMISSION**

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I. INTRODUCTION

1. The Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) applied for accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (hereinafter referred to as “the CPTPP”) on February 1, 2021. Upon the request, pursuant to Article 5 (Accession) of the CPTPP, and Article 27.2 (Functions of the Commission), Article 27.3 (Decision-Making) and Article 27.4 (Rules of Procedure of the Commission) of the Trans-Pacific Partnership Agreement (hereinafter referred to as “the TPP) as incorporated into the CPTPP, and the Accession Process in the Annex to the Decision of January 19, 2019 CPTPP/COM/2019/D002 (hereinafter referred to as “Accession Process”) adopted by the CPTPP Commission (hereinafter referred to as “the Commission”), the Commission decided to commence the accession process and to establish a working group to negotiate the accession of the United Kingdom (hereinafter referred to as “the Accession Working Group”) at the Fourth Commission Meeting on June 2, 2021.

2. For the decision of commencing the accession process, the CPTPP members took note of the United Kingdom’s history as a supporter of the rules-based trading system, its experience with high-standard trade and investment rules, and the United Kingdom’s affirmation of its intention to comply with all of the existing rules contained in the CPTPP and deliver the highest standards of market access offers. At the time of the application, the United Kingdom expressed its willingness to join the CPTPP, stating that it shares the CPTPP’s commitment to free trade and welcomed the high standards of the agreement. The United Kingdom also showed its confidence that its membership would send a powerful signal of the importance placed on free trade by the CPTPP. The CPTPP members shared the view that the commencement of an accession process with the United Kingdom and the potential expansion of the CPTPP would send a strong signal to their trading partners around the world, of their commitment to support a free, fair, open, effective, inclusive and rules-based trading system.

3. Pursuant to the process determined in the Commission decision at the Fourth Commission Meeting, the AWG conducted negotiations on the United Kingdom’s accession to the CPTPP. Japan served as the Chair of the AWG and Australia and Singapore as Vice-Chairs. The first meeting of the AWG was convened on September 28 and 29, 2021 in order to examine the means by which the United Kingdom will comply with the existing rules contained in the CPTPP. The first meeting was concluded on February 18, 2022 by consensus of the CPTPP Parties. Following the first meeting, the CPTPP members and the United Kingdom had a series of meetings to negotiate market access offers while continuing the discussion on the remaining issues regarding the United Kingdom’s compliance with the CPTPP obligations. The CPTPP members and the United Kingdom reached a substantial conclusion of the negotiation on March 31, 2023 and the AWG agreed on the terms and conditions for the United Kingdom’s accession to the CPTPP by consensus on July 14, 2023.

II. OVERVIEW OF NEGOTIATIONS

1. Rules compliance of the CPTPP

After the preparatory exchange of information to accumulate base knowledge as to how the United Kingdom would comply with the rules of the CPTPP, the AWG convened a Chief Negotiator level meeting on September 28 and 29, 2021 and established 23 expert groups to facilitate technical discussions with the United Kingdom regarding its compliance with CPTPP obligations. From October 2021, the expert groups rigorously examined the United Kingdom's ability to comply, including the United Kingdom's commitment to make any necessary changes to its domestic laws and regulations. On February 18, 2022, the AWG held a Chief Negotiator level meeting and it confirmed that it was satisfied that, in principle, the United Kingdom had provided sufficient information indicating that it could comply with most of the obligations in the CPTPP. However, at that stage, the expert groups also found that there were some areas in which the United Kingdom had not yet provided sufficient information for clarification on some issues. Therefore, the AWG decided to continue further discussion to resolve the remaining issues, concurrently with the market access negotiation. On March 29, 2023, the AWG held a Chief Negotiator level meeting and confirmed the means by which the United Kingdom will comply with all of the existing rules contained in the CPTPP. On March 31, 2023, Ministers and representatives of the AWG members and the United Kingdom held a virtual ministerial meeting and confirmed this result.

The expert groups were formed to cover the following chapters.

- Chapter 1, 27 and 29 (Initial Provisions and General Definitions / Administrative and Institutional Provisions / Exceptions and General Provisions)
- Chapter 2 (National Treatment and Market Access for Goods)
- Chapter 3 and 4 (Rules of Origin and Origin Procedures / Textile and Apparel Goods)
- Chapter 5 (Customs Administration and Trade Facilitation)
- Chapter 6 (Trade Remedies)
- Chapter 7 (Sanitary and Phytosanitary Measures)
- Chapter 8 (Technical Barriers to Trade)
- Chapter 9 (Investment)
- Chapter 10 (Cross-Border Trade in Services)
- Chapter 11 (Financial Services)
- Chapter 12 (Temporary Entry for Business Persons)
- Chapter 13 (Telecommunications)
- Chapter 14 (Electronic Commerce)
- Chapter 15 (Government Procurement)
- Chapter 16 (Competition Policy)
- Chapter 17 (State-Owned Enterprises and Designated Monopolies)
- Chapter 18 (Intellectual Property)

- Chapter 19 (Labour)
- Chapter 20 (Environment)
- Chapter 21-24 (Cooperation and Capacity Building / Competitiveness and Business Facilitation / Development / Small and Medium-Sized Enterprises)
- Chapter 25 (Regulatory Coherence)
- Chapter 26 (Transparency and Anti-Corruption)
- Chapter 28 (Dispute Settlement)

2. Market Access / Non-Conforming Measures

On February 18, 2022, the AWG held a Chief Negotiator level meeting and it confirmed that, in principle, the United Kingdom provided information indicating that it could comply with most of the obligations in the CPTPP. Thus, pursuant to paragraph 3.4 of the Accession Process, the AWG decided to request the United Kingdom to submit its market access offers / Non-Conforming Measures (NCMs) on goods, investment, cross-border trade in services, financial services, temporary entry for business persons, government procurement and state-owned enterprises in accordance with the timeline referred to in paragraph 3.4 of the Accession Process.

The AWG additionally established six expert groups to negotiate the market access between the United Kingdom and the CPTPP members. In accordance with paragraph 3.4 of the Accession Process, on March 3 and 18, 2022, the United Kingdom submitted to the Parties its initial offers / NCMs on goods, investment, cross-border trade in services, financial services, temporary entry for business persons, government procurement, and state-owned enterprises. The expert groups conducted a series of negotiations on each area in respective groups and bilaterally. In the course of negotiations, the United Kingdom submitted several revised offers and on March 29, 2023, the AWG held a Chief Negotiator level meeting. The Parties confirmed that the offers of the United Kingdom were considered to be in line with the Benchmark specified in the Accession Process, having provided commercially meaningful market access offers of the highest standard on goods, services, investment, financial services, government procurement, state-owned enterprises and temporary entry for business persons. Then, the Parties confirmed or submitted respectively their market access commitments to the United Kingdom. On March 31, 2023, Ministers and representatives of the AWG members and the United Kingdom held a virtual ministerial meeting and confirmed this result.

The expert groups were additionally formed to cover the following areas.

- Goods
- Investment and Cross-Border Trade in Services

- Financial Services
- Government Procurement
- State-Owned Enterprises
- Temporary Entry for Business Persons

3. Legal and Institutional Issues

The Legal and Institutional Expert Working Group was established to facilitate technical discussions with the United Kingdom. This Expert Working Group examined legal and institutional issues of a horizontal nature, and negotiated with the United Kingdom to find mutually acceptable outcomes on issues including the Windsor Framework and provisions relating to the definition of “territory” and the geographical scope of application of the CPTPP. Substantive issues were largely concluded during the Phu Quoc Round in early March 2023. The following reflects some specific outcomes on the substantive cross-cutting issues under this Working Group’s mandate:

- (a) Windsor Framework: In order to appropriately address the *1998 Belfast (Good Friday) Agreement* and the objectives of the *Windsor Framework*¹ to avoid a hard border between mainland Ireland and Northern Ireland, a provision relevant to Chapter 29 of the CPTPP on Exceptions and General Provisions was inserted in the *Protocol on the Accession of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (hereinafter referred to as “Accession Protocol”). The provision also ensures that a balance of rights and obligations is maintained by the Parties.
- (b) Definition of “Territory” and Geographical Scope of Application of the CPTPP: The United Kingdom Government has responsibility for the international relations of the Crown Dependencies (“CDs”) and Overseas Territories (“OTs”)². In the context of its accession the United Kingdom sought differentiated coverage for the CDs in order to achieve the smooth functioning of the UK-CD customs arrangements. Relevant provisions setting out coverage for territories, for whose international relations the United Kingdom is responsible, including goods coverage for the CDs, were included.

¹ Windsor Framework means the *Protocol on Ireland/Northern Ireland to the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community*, done at London and Brussels on 24 January 2020, as amended by *Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023*.

² CDs and OTs: Bailiwick of Guernsey, Bailiwick of Jersey, Isle of Man, Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn Island, Henderson Island, Ducie Island, Oeno Island, Saint Helena, Ascension Island, Tristan da Cunha, South Georgia and the South Sandwich Islands, Sovereign Base Areas of Akrotiri and Dhekelia, Turks and Caicos Islands.

The Legal and Institutional Expert Working Group was also tasked with preparing and finalising the relevant instruments for the United Kingdom's accession to the CPTPP, i.e. the Decision by the Commission of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership regarding the Accession of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (hereinafter referred to as "Commission Decision"), as well as the Accession Protocol.

III. DISCUSSION OF EACH WORKING GROUP

Chapter 2 (National Treatment and Market Access for Goods)

The CPTPP members reviewed the United Kingdom's compliance with the rules stipulated in Chapter 2 since July 23, 2021, upon the United Kingdom's response to questions from the CPTPP members. Thereafter, the CPTPP members held several video conferences and rounds of written questions-and-answers with the United Kingdom. Following several rounds of written questions-and-answers communications between the CPTPP members and the United Kingdom, the working group completed its work on rule compliance on March 31, 2023.

An expert working group was also convened by the AWG to commence market access negotiations on goods between the United Kingdom and CPTPP members. In accordance with paragraph 3.4 of the Accession Process, the United Kingdom submitted their initial offer on goods to CPTPP members on March 18, 2022. Since then, the expert group undertook an iterative process whereby the United Kingdom submitted several rounds of incremental offers until the expert group was satisfied the United Kingdom offer was in line with the benchmark. At that point, Parties provided their market access offers to the United Kingdom and bilateral negotiations formally commenced. The expert group assessed the United Kingdom's offer to be of sufficient quality only when all Parties were satisfied with the outcomes of their bilateral market access negotiations.

As part of the negotiations, CPTPP members and the United Kingdom also deliberated on the following key issues:

- A) Access to Tariff Rate Quotas (TRQs). The CPTPP members held extensive discussions on how existing CPTPP TRQs should be considered in the context of the United Kingdom's accession and future accessions.

- B) Timing of tariff treatment to be provided by Parties to the United Kingdom. Parties and the United Kingdom discussed how their existing tariff commitments could be extended to the United Kingdom should the United Kingdom's offer justify such treatment, including in relation to the timing of tariff elimination. Parties further confirmed with the United Kingdom that it is essential for acceding Parties to meet the Agreement's benchmark for goods market access ambition in this context. Parties conducted bilateral consultation with the United Kingdom on this and as a result, the United Kingdom provided a goods market access offer with sufficiently ambitious tariff concessions so that each Party agreed with the United Kingdom individually to extend their existing CPTPP tariff commitments to the United Kingdom with all tariff cuts taken to date, with limited exceptions. As the CPTPP is further implemented moving forward, Parties noted that future accession processes will require unique considerations in this regard.

- C) Number of tariff differential lines. CPTPP members were concerned with the United Kingdom's extensive number of tariff differential lines as they were significantly more than what CPTPP members had under the CPTPP. However, taking into account the various factors, including the overall level of the United Kingdom's market access offer, the CPTPP members were ultimately able to accept this outcome.
- D) The United Kingdom's Concerns Related to Tariff Differentials. CPTPP members and the United Kingdom discussed the United Kingdom's concerns related to trade circumvention, given the presence of tariff differentials in its tariff commitments. The risk of trade circumvention due to tariff differentials was assessed to be low given no evidence of this occurring under the Agreement to date and CPTPP members noted that there are existing mechanisms under the CPTPP that could address such matter. As a result, the CPTPP members and the United Kingdom agreed to record the following:

1. The Parties reaffirm their shared commitment to strengthen regional value chains and enhance regional economic integration. Should the United Kingdom have concerns related to tariff differentials that may adversely affect their interests in trade in goods under this Agreement, the Parties reaffirm that the United Kingdom may raise these concerns through the ad hoc discussions mechanism described in Article 2.9. In the event that concerns are raised under this mechanism, the requirements on Parties set out in Article 2.9 will apply, including timelines for responses on the Requested Party.
2. The United Kingdom may also make use of other existing institutional forums under this Agreement (e.g. Committee on Trade in Goods, Committee on Rules of Origin) to seek discussion of these issues in a timely manner.
3. The concerned Parties should endeavour to resolve the matter in a timely and mutually acceptable manner.

On March 14, 2023, the United Kingdom provided its final goods market access offer to Parties which was deemed to meet the expected benchmarks of ambition. As a result, the negotiations on Chapter 2 were concluded, and the expert working group recommended to the Chief Negotiators that the United Kingdom's goods offer was considered to have met the Benchmark specified in the Accession Process.

Chapter 3 and 4 (Rules of Origin and Origin Procedures / Textile and Apparel Goods)

The CPTPP members reviewed the United Kingdom's ability to comply with the rules and to apply the procedures stipulated in Chapter 3 and Chapter 4 through

several rounds of written questions-and-answers communications between the CPTPP members and the United Kingdom since July 23, 2021, upon the United Kingdom's responses to questions from the CPTPP members. Following these communications, the working group completed its work on February 18, 2022.

Chapter 5 (Customs Administration and Trade Facilitation)

The CPTPP members reviewed the United Kingdom's ability to comply with the rules stipulated in Chapter 5. The CPTPP members asked several rounds of questions and raised one point of clarification to the United Kingdom. As a result of these questions and clarification, the working group completed its work on February 18, 2022. Also, while CPTPP Members expressed general satisfaction with the United Kingdom's ability to meet commitments in Chapter 5, at the time the United Kingdom's implementation of advance rulings was a work in progress and the Members requested the United Kingdom keep CPTPP Members apprised on progress. In April 2023, the United Kingdom introduced advance rulings for valuation- fully implementing the commitments in Chapter 5.

Chapter 6 (Trade Remedies)

The CPTPP members reviewed the United Kingdom's ability to comply with the rules stipulated in Chapter 6 since July 23, 2021 upon the United Kingdom's response to questions from the CPTPP. There were several rounds of written questions-and-answers communications between the CPTPP members and the United Kingdom. Following these communications, the working group completed its work on March 31, 2023.

Chapter 7 (Sanitary and Phytosanitary Measures)

The CPTPP members reviewed the United Kingdom's ability to comply with the rules stipulated in Chapter 7 through the Sanitary and Phytosanitary (SPS) expert working group. The working group held several rounds of virtual meetings and written questions-and-answers communications between the CPTPP Parties and the United Kingdom since July 2021. The SPS expert working group conducted its assessment of the United Kingdom's ability to comply with the obligations of this Chapter from various aspects, taking into consideration of the positions of respective CPTPP Parties. Following the assessment, the working group completed its work on March 31, 2023.

Chapter 8 (Technical Barriers to Trade)

The CPTPP members reviewed the United Kingdom's ability to comply with Chapter 8 since July 23, 2021, taking into account the United Kingdom's responses to questions from the CPTPP members. The CPTPP members held several video conferences and rounds of written questions-and-answers with the United Kingdom. Following these exchanges, the working group decided to insert a clause in the Accession Protocol that nothing in paragraph 17 of Annex 8-A of the CPTPP

shall be construed to require the United Kingdom to apply this paragraph in a manner inconsistent with its obligations under the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community done on January 24, 2020, and the working group completed its work on March 31, 2023.

Chapter 9 (Investment)

Since July 23, 2021, the CPTPP members reviewed the United Kingdom's ability to comply with the rules stipulated in Chapter 9 through several rounds of virtual and in person meetings and written communication between the CPTPP members and the United Kingdom. Following this period of information-sharing and discussions, the working group completed its work on March 31, 2023.

As some issues were closely linked with the market access stage of negotiations, the CPTPP members carried out the review of the United Kingdom's compliance concurrently with the discussions on the United Kingdom's market access offers with regards to investment and cross-border trade in services.

Chapter 10 (Cross-Border Trade in Services)

The CPTPP members reviewed the United Kingdom's ability to comply with the rules stipulated in Chapter 10 since July 23, 2021 upon the United Kingdom's response to questions from the CPTPP members. Following several rounds of written questions-and-answers communications between the CPTPP members and the United Kingdom, the expert group on rule compliance on Chapter 10 completed its work on rule compliance by March 31, 2023.

Following the United Kingdom's submission of the initial market access offer on investment and cross-border trade in services in the form of NCMs as set out in the United Kingdom's Schedules to Annex I and II of the CPTPP on March 18, 2022, the joint expert group on Investment and Cross-Border Trade in Services was established to discuss the United Kingdom's offer. As the joint expert group on Investment and Cross-Border Trade in Services, the experts from the CPTPP members and the United Kingdom discussed intensively each of the United Kingdom's NCM entries and the totality of the United Kingdom's Schedules through a number of in-person and virtual meetings as well as through written communications. Throughout the course of the negotiation, the United Kingdom submitted several revised offers. At the end of the negotiation, the CPTPP members confirmed that the United Kingdom provided a commercially meaningful market access offer of the highest standard meeting the benchmark for accession on investment and cross-border trade in services. The CPTPP members also confirmed that respective members' Schedules to Annex I and II of the CPTPP will apply to the United Kingdom, with a clarification of each member's Annex II NCM entry concerning Most-Favoured-Nation (MFN) Treatment obligation to the effect that forward-looking MFN obligation would apply between the CPTPP members

and the United Kingdom from the date of entry into force of the Accession Protocol in a symmetrical fashion.

On March 3, 2023, the CPTPP members and the United Kingdom substantially concluded the market access negotiation on investment and cross-border trade in services.

Chapter 11 (Financial Services)

Since October 2021, the CPTPP members have reviewed the United Kingdom's ability to comply with the rules set forth in Chapter 11 and, since March 2022, they reviewed the required level of ambition of the United Kingdom's financial services market access offer. In respect of the former, the CPTPP members held numerous video conferences and several rounds of written questions-and-answer communications with the United Kingdom and the working group completed its work on rule compliance on March 31, 2023.

In respect of the United Kingdom's financial services market access offer, which it tabled in March 2022, the United Kingdom and CPTPP Parties worked together, through a series of virtual sessions and one in-person meeting, to ensure that the United Kingdom's offer met the high level of ambition expected of economies acceding to the Agreement. The United Kingdom's final market access offer includes NCMs specified in Annex III consisting of 5 headnotes, one reservation in Section A on market access for financial institutions and one in Section B on the Most-Favoured-Nation treatment of cross-border financial service suppliers. Overall, the negotiated outcome reflects the high-standard and level of ambition expected of CPTPP members. Accordingly, negotiations substantively concluded in December 2022.

Chapter 12 (Temporary Entry for Business Persons)

The CPTPP members reviewed the United Kingdom's ability to comply with the rules stipulated in Chapter 12 since mid-2021. Following communications between CPTPP members and the United Kingdom, the working group completed its work on rule compliance on February 18, 2022.

As for negotiations on the United Kingdom's schedule of commitments, the United Kingdom submitted several offers between March 2022 and March 2023. CPTPP members and the United Kingdom had intensive discussions on the offers through a number of virtual and in-person meetings and exchanged several documents, including CPTPP members' requests and technical considerations. The United Kingdom also confirmed how each commitment would be implemented through its visa regime.

Consistent with some CPTPP members' Chapter 12 commitments, the United Kingdom's final offer was on a reciprocal basis in relation to most categories (with the exception of some Business Visitor activities and Intra-Corporate Transferees) and did not reserve the right to impose economic needs tests/labour

market tests in any category. The United Kingdom made commitments across a significant number of categories.

The CPTPP members confirmed that the United Kingdom has provided a commercially meaningful market access offer of the highest standard on temporary entry. As a result, the negotiations on Chapter 12 concluded in a mutually satisfactory manner.

As per the United Kingdom's definitions of 'territory', the United Kingdom's Temporary Entry commitments do not extend to Crown Dependencies and Overseas Territories at the date of the United Kingdom's accession to the CPTPP. However, the Accession Protocol includes provisions on future extension of the CPTPP, including Temporary Entry, to the Crown Dependencies and Overseas Territories as well as a notification mechanism should immigration measures relating to the Crown Dependencies be modified.

Chapter 13 (Telecommunications)

The CPTPP members reviewed the United Kingdom's ability to comply with the rules stipulated in the Chapter 13. The working group asked the United Kingdom questions relating to its compliance with some articles: Article 13.1 (Definitions); Article 13.4 (Access to and Use of Public Telecommunications Services); Article 13.5 (Interconnection with Suppliers); Article 13.6 (International Mobile Roaming); Article 13.13 (Co-location by Major Supplier); Article 13.19 (Scarce Resources). Following the United Kingdom's responses, including follow-up questions relating to the United Kingdom's compliance with Article 13.5 (Interconnection with Suppliers), the working group completed its work on February 18, 2022.

Chapter 14 (Electronic Commerce)

The CPTPP members reviewed the United Kingdom's ability to comply with the rules stipulated in Chapter 14 since July 23, 2021 upon the United Kingdom's response to questions from the CPTPP. The CPTPP members held several video conferences with the United Kingdom and there were several rounds of written questions-and-answers communications between the CPTPP members and the United Kingdom. Following them, the working group completed its work on March 31, 2023.

Chapter 15 (Government Procurement)

The CPTPP members reviewed the United Kingdom's ability to comply with the rules stipulated in Chapter 15 through several rounds of written questions-and-answers communications between the CPTPP members and the United Kingdom since July 23, 2021. Following this exchange, the working group completed its work on rule compliance on February 18, 2022.

Government Procurement market access negotiations were based on the United Kingdom's initial offer and subsequent revised offers responding to the

CPTPP members' requests and concerns. These negotiations took place at scheduled negotiating rounds and intersessional virtual meetings and focussed on achieving comprehensive coverage of entities, goods, services and construction services (including build-operate-transfer and public works concession contracts) and positive outcomes for all the CPTPP members. The negotiated outcome was commercially meaningful and reflected the high level of ambition expected of CPTPP members. Accordingly, the CPTPP members and the United Kingdom substantially concluded the market access negotiations on Government Procurement on March 31, 2023.

Chapter 16 (Competition Policy)

The CPTPP members reviewed the United Kingdom's ability to comply with the rules stipulated in Chapter 16 since July 23, 2021 upon the United Kingdom's response to questions from the CPTPP members. There were several rounds of written questions-and-answers communications between the CPTPP members and the United Kingdom. Following these communications, the working group completed its work on February 18, 2022.

Chapter 17 (State-Owned Enterprises and Designated Monopolies)

The CPTPP members reviewed the United Kingdom's ability to comply with the rules stipulated in Chapter 17 through several rounds of written questions-and-answers communications between the CPTPP members and the United Kingdom since July 23, 2021 upon the United Kingdom's response to questions from the CPTPP members. The CPTPP members and the United Kingdom exchanged views on the United Kingdom's state-owned enterprises (SOEs) and relevant systems, including discussions on the United Kingdom's provisional SOE list. Following these communications, the working group completed its work on rule compliance on March 31, 2023.

As for NCMs negotiations, the CPTPP members and the United Kingdom had intensive discussions through a number of virtual and in-person meetings, as well as intersessional written questions-and-answers communications, after the United Kingdom submitted its offer on Chapter 17 in March 2022. The United Kingdom confirmed that it did not require any non-conforming measures for State-Owned Enterprises and Designated Monopolies in Annex IV (State-Owned Enterprises and Designated Monopolies Non-Conforming Measures). The CPTPP members and the United Kingdom also had intensive discussions on its Annex 17-D (Application to Sub-Central State-Owned Enterprises and Designated Monopolies) proposal. Through these discussions, the United Kingdom provided a clear explanation for its Annex 17-D proposal. Through these communications, the United Kingdom demonstrated that its offer on Chapter 17 met the highest standard and was commercially meaningful.

As a result, the negotiations on Chapter 17 concluded in a mutually satisfactory manner.

Chapter 18 (Intellectual Property)

The CPTPP members reviewed the United Kingdom's ability to comply with the rules stipulated in Chapter 18 through several rounds of written question-and-answer exchanges and video conferences between the CPTPP members and the United Kingdom. Following these communications, the working group completed its work on March 31, 2023. With respect to Article 18.32 (Grounds of Opposition and Cancellation), CPTPP members confirmed that the United Kingdom will make domestic legislative changes in order to comply with the CPTPP obligation in this area. For the purpose of Article 18.38 (Grace Period), CPTPP members confirmed that the United Kingdom shall endeavour to promote harmonisation in international fora regarding a grace period consistent with that Article, and consequently shall endeavour to promote the adoption of amendments to the *European Patent Convention*,^[1] and, as needed, to the *Strasbourg Patent Convention*,^[2] to incorporate provisions which are substantially the same as, and not inconsistent with, Article 18.38. Article 18.38 shall apply to the United Kingdom after the date on which those amendments have entered into force for the United Kingdom. Until the amendments enter into force, the United Kingdom shall provide a yearly written report to the Parties to the CPTPP for which the Protocol has entered into force, beginning on the anniversary of the date of entry into force of the Protocol for the United Kingdom, regarding the specific actions the United Kingdom has taken in the preceding 12-month period to promote harmonisation and the adoption of grace period rules in international fora including the European Patent Organisation. CPTPP members and the United Kingdom have agreed that disputes between the United Kingdom and any other CPTPP Party arising from this outcome shall be subject to the dispute settlement procedures under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

Chapter 19 (Labour)

Since July 23, 2021, the CPTPP members have reviewed the United Kingdom's compliance with commitments stipulated in Chapter 19 through several rounds of written questions and answers. After careful review, the working group completed its work on February 18, 2022.

Chapter 20 (Environment)

The CPTPP members started the review of the United Kingdom's ability to comply with the provisions in Chapter 20 on July 23, 2021. CPTPP Members and the United Kingdom discussed the United Kingdom's ability to comply with the rules stipulated in Chapter 20 over several rounds of written questions and answers, and

^[1] *Convention on the Grant of European Patents (European Patent Convention)*, done at Munich on 5 October 1973, as revised by the Act revising Article 63 of the European Patent Convention of 17 December 1991 and the Act revising the European Patent Convention of 29 November 2000.

^[2] *Convention on the Unification of Certain Points of Substantive Law on Patents for Invention*, done at Strasbourg on 27 November 1963.

via video conference. In relation to Article 20.16(5), the United Kingdom confirmed that the regional fisheries subsidy guidance for England, Wales, Scotland and Northern Ireland would be updated by the date of the entry into force of the Accession Protocol for the United Kingdom to demonstrate ongoing compliance with Article 20.16(5)(a) and (b). Therefore, the working group completed its work on March 31, 2023.

Chapter 21-24 (Cooperation and Capacity Building / Competitiveness and Business Facilitation / Development / Small and Medium-Sized Enterprises)

The CPTPP members reviewed the United Kingdom's ability to comply with the rules stipulated in Chapter 21, Chapter 22, Chapter 23 and Chapter 24 through a series of questions-and-answers communications between relevant CPTPP members and the United Kingdom. Following these communications, the working group completed its work on February 18, 2022.

Chapter 25 (Regulatory Coherence)

The CPTPP members reviewed the United Kingdom's ability to comply with the rules stipulated in Chapter 25 through a series of questions-and-answers communications between relevant CPTPP members and the United Kingdom. Following these communications, the working group completed its work on February 18, 2022.

Chapter 26 (Transparency and Anti-Corruption)

The CPTPP members reviewed the United Kingdom's ability to comply with the rules stipulated in Chapter 26 through a series of questions-and-answers communications between relevant CPTPP members and the United Kingdom. Following these communications, the working group completed its work on February 18, 2022.

Chapter 28 (Dispute Settlement)

The CPTPP members reviewed the United Kingdom's ability to comply with the rules stipulated in Chapter 28 through several rounds of written questions-and-answers communications between the CPTPP members and the United Kingdom since July 23, 2021. Following these communications, the working group completed its work on February 18, 2022.

IV. CONCLUSIONS

1. The AWG examined the explanations of the United Kingdom concerning its commitments to comply with all the existing rules contained in the CPTPP and whether the market access offers submitted by the United Kingdom met the benchmarks set out in the Accession Process as illustrated above.

2. As a result of such examination of the compliance with the CPTPP rules by the United Kingdom and commitments made by the United Kingdom in its market access offers, the AWG reached the conclusion that the United Kingdom should be invited to join the CPTPP under Article 5 of the CPTPP. For this purpose, the AWG prepared the Draft Commission Decision and Draft Accession Protocol reproduced in the Annex to this Report, including the United Kingdom's Tariff Schedule, the United Kingdom's Schedules of Non-Conforming Measures on Investment, Cross-Border Trade in Services and Financial Services, the United Kingdom's Schedule of Commitments for Temporary Entry of Business Persons, and the United Kingdom's Schedule of Government Procurement that were annexed to the Draft Accession Protocol. The AWG now proposes that these texts be adopted by the Commission. When the Draft Commission Decision as well as the Draft Accession Protocol are adopted by the CPTPP Commission, the Accession Protocol will become open for acceptance by the United Kingdom. The United Kingdom will become a Party to the CPTPP after the conditions stipulated in the Accession Protocol are met. The AWG agreed, therefore, that it had completed its work concerning the accession process of the United Kingdom to the CPTPP.

END

ANNEX 1: DRAFT DECISION BY THE COMMISSION OF THE COMPREHENSIVE AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC PARTNERSHIP REGARDING THE ACCESSION OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE CPTPP

Decision by the Commission of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership regarding the Accession of the United Kingdom of Great Britain and Northern Ireland to the CPTPP

The Commission of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (Commission):

TAKING NOTE of the *Decision by the Commission of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership regarding the United Kingdom's Formal Request to Commence the Accession Process*, adopted on 2 June 2021, CPTPP/COM/2021/D001,

HAVING REGARD to Article 5 (Accession) of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018 (CPTPP), Article 27.2 (Functions of the Commission) and Article 27.3 (Decision-Making) of the *Trans-Pacific Partnership Agreement*, done at Auckland on 4 February 2016 that are incorporated, by reference, into and made part of the CPTPP *mutatis mutandis* and paragraph 4.1 of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) Accession Process*, annexed to the *Decision by the Commission of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership regarding Accession Process of the CPTPP*, adopted on 19 January 2019, CPTPP/COM/2019/D002 (CPTPP Accession Process),

TAKING NOTE of the Report of the Accession Working Group for the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (the CPTPP) to the Commission in document CPTPP/AWGUK/2023/R001, dated 14 July 2023,

NOTING the results of the negotiations of the terms and conditions for the accession of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) to the CPTPP, and

HAVING REGARD to the attached *Protocol on the Accession of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (Protocol), containing the proposed terms and conditions for the accession of the United Kingdom to the CPTPP,

DECIDES to:

APPROVE the terms and conditions for the accession of the United Kingdom to the CPTPP in accordance with paragraph 4.1 of the CPTPP Accession Process,

INVITE each Party to the CPTPP and the United Kingdom to sign the Protocol,

INVITE the United Kingdom to accept the Protocol no later than 12 months after the date of signature of the Protocol, which may be subject to extension by a decision of the Commission, by depositing an instrument of accession to the CPTPP with the Depositary indicating in writing that it accepts the Protocol, and

REQUEST each Party to the CPTPP to notify the Depositary in writing when it has completed its applicable legal procedures for entry into force of the Protocol.

ANNEX 2: DRAFT PROTOCOL ON THE ACCESSION OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE COMPREHENSIVE AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC PARTNERSHIP

**PROTOCOL ON THE ACCESSION OF
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
TO THE COMPREHENSIVE AND PROGRESSIVE AGREEMENT
FOR TRANS-PACIFIC PARTNERSHIP**

The Parties to the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018 (the CPTPP) and the United Kingdom of Great Britain and Northern Ireland (United Kingdom):

RECALLING the provisions of the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016 that are incorporated, by reference, into and made part of the CPTPP *mutatis mutandis* (the TPP as incorporated into the CPTPP);

CONSIDERING that any State or separate customs territory may accede to the CPTPP, subject to such terms and conditions as may be agreed between the Parties and that State or separate customs territory, as set out in Article 5 (Accession) of the CPTPP; and

TAKING NOTE of the Report of the Accession Working Group for the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (the CPTPP) to the Commission in document CPTPP/AWGUK/2023/R001, dated 14 July 2023;

HAVE AGREED as follows:

Section I: General Provisions

Article 1: Accession of the United Kingdom to the CPTPP

1. Upon entry into force of this Protocol pursuant to Article 21 (Entry into Force), the United Kingdom accedes to the CPTPP pursuant to Article 5 (Accession) of the CPTPP and thereby becomes a Party to the CPTPP.
2. This Protocol, including its Annexes and footnotes, shall constitute an integral part of the CPTPP.
3. The CPTPP to which the United Kingdom accedes shall be the CPTPP as rectified, amended or otherwise modified by any legal instruments that are in force on the day on which the United Kingdom becomes a Party to the CPTPP.

Section II: Specific Provisions

Article 2: Provisions Relevant to Chapter 1 (Initial Provisions and General Definitions)

Party-Specific Definitions

1. For the purposes of Article 1.3 (General Definitions) and Annex 1-A (Party-Specific Definitions) of the TPP as incorporated into the CPTPP:

central level of government means, for the United Kingdom, His Majesty's Government of the United Kingdom of Great Britain and Northern Ireland. With respect to the provisions of the CPTPP which apply to them, "central level of government" also means the governments of:

- (a) the Bailiwick of Guernsey;
- (b) the Bailiwick of Jersey; and
- (c) the Isle of Man;

customs administration means, for the United Kingdom, His Majesty's Revenue and Customs and if relevant, Border Force and the National Crime Agency. With respect to the provisions of the CPTPP which apply to them, "customs administration" also means:

- (a) for the Bailiwick of Guernsey, Guernsey Customs and Excise;
- (b) for the Bailiwick of Jersey, the Jersey Customs and Immigration Service; and
- (c) for the Isle of Man, the Customs and Excise Division of the Isle of Man Treasury;

existing for the purposes of Article 2.4 (Elimination of Customs Duties), Article 2.5 (Waiver of Customs Duties), Article 2.12 (Import Licensing), Article 8.7 (Transparency), Article 9.7 (Treatment in Case of Armed Conflict or Civil Strife), Article 9.12.1 (Non-Conforming Measures), Article 10.7 (Non-Conforming Measures), Article 11.10 (Non-Conforming Measures), Article 11.20 (Consultations), Article 13.6 including footnote 8 (International Mobile Roaming), Article 17.2 (Scope), Article 20.16 including footnote 19 (Marine Capture Fisheries), Article 20.17 including footnote 22 (Conservation and Trade) and Article 29.4 (Taxation Measures) of the TPP as incorporated into the CPTPP means, for the United Kingdom, in effect on the date of entry into force of this Protocol;

natural person who has the nationality of a Party means, for the United Kingdom, a British citizen in accordance with the applicable laws and regulations of the United Kingdom;

regional level of government means, for the United Kingdom:

- (a) England, Northern Ireland, Scotland or Wales; or

- (b) His Majesty's Government of the United Kingdom of Great Britain and Northern Ireland when acting in respect of England, Northern Ireland, Scotland or Wales, but not the United Kingdom as a whole; and

territory means, for the United Kingdom:

- (a) the territory of the United Kingdom of Great Britain and Northern Ireland including its territorial sea and airspace;
- (b) all the maritime areas beyond the territorial sea of the United Kingdom, including the sea-bed and subsoil of those areas, over which the United Kingdom may exercise sovereign rights or jurisdiction in accordance with international law; and
- (c) the territories to which the CPTPP applies in accordance with paragraphs 2 through 9 (Geographical Scope of Application).³

Geographical Scope of Application

2. For the United Kingdom, the CPTPP shall also apply, subject to paragraphs 3, 4 and 5, to the following territories for whose international relations the United Kingdom is responsible and which form part of the customs territory of the United Kingdom: the Bailiwick of Guernsey,⁴ the Bailiwick of Jersey⁵ and the Isle of Man (including their airspace and the territorial sea adjacent to them), except for the following Chapters of the TPP as incorporated into the CPTPP:

- (a) Chapter 9 (Investment);
- (b) Chapter 10 (Cross-Border Trade in Services);
- (c) Chapter 11 (Financial Services);
- (d) Chapter 12 (Temporary Entry for Business Persons);
- (e) Chapter 13 (Telecommunications);
- (f) Chapter 14 (Electronic Commerce);
- (g) Chapter 15 (Government Procurement); and
- (h) Chapter 18 (Intellectual Property).

3. Chapter 16 (Competition Policy), Chapter 17 (State-Owned Enterprises and Designated Monopolies), Chapter 19 (Labour), Chapter 20 (Environment), Chapter 21 (Cooperation and

³ The references to territory contained in this Protocol and the CPTPP shall be understood exclusively for the purposes of defining the geographical scope of application of this Protocol and the CPTPP.

⁴ The Bailiwick of Guernsey consists of the territories of Guernsey, Alderney and Sark.

⁵ The Bailiwick of Guernsey and the Bailiwick of Jersey are jointly known as the Channel Islands.

Capacity Building), Chapter 22 (Competitiveness and Business Facilitation), Chapter 23 (Development), Chapter 24 (Small and Medium-Sized Enterprises) and Chapter 25 (Regulatory Coherence) of the TPP as incorporated into the CPTPP shall only apply to Guernsey, the Bailiwick of Jersey and the Isle of Man 24 months after the date of entry into force of this Protocol, unless the Commission decides on a different period of time, including due to any extension of the geographical scope of the CPTPP that the Parties may agree in accordance with paragraph 6 in relation to the aforementioned territories.

4. The United Kingdom shall endeavour to ensure compliance by Guernsey, the Bailiwick of Jersey and the Isle of Man with Chapter 16 (Competition Policy), Chapter 17 (State-Owned Enterprises and Designated Monopolies), Chapter 19 (Labour), Chapter 20 (Environment), Chapter 21 (Cooperation and Capacity Building), Chapter 22 (Competitiveness and Business Facilitation), Chapter 23 (Development), Chapter 24 (Small and Medium-Sized Enterprises) and Chapter 25 (Regulatory Coherence) of the TPP as incorporated into the CPTPP during the period of time specified in paragraph 3.

5. Chapter 16 (Competition Policy), Chapter 17 (State-Owned Enterprises and Designated Monopolies), Chapter 19 (Labour), Chapter 20 (Environment), Chapter 21 (Cooperation and Capacity Building), Chapter 22 (Competitiveness and Business Facilitation), Chapter 23 (Development), Chapter 24 (Small and Medium-Sized Enterprises) and Chapter 25 (Regulatory Coherence) of the TPP as incorporated into the CPTPP shall only apply to Alderney and Sark as and when the Parties may agree.

6. The geographical scope of application of the CPTPP may be extended to such territories for whose international relations the United Kingdom is responsible, as may be agreed among the Governments of all Parties in an exchange of diplomatic notes. Such extension shall enter into force for the Parties as agreed by the Governments of all Parties.

7. For greater certainty, an extension in accordance with paragraph 6 may include the extension of further chapters of the TPP as incorporated into the CPTPP to the Bailiwick of Guernsey, the Bailiwick of Jersey and the Isle of Man, as well as any extension to any other territories for whose international relations the United Kingdom is responsible, including Gibraltar, as the Parties may agree.

8. The United Kingdom may withdraw any territory for whose international relations the United Kingdom is responsible from the application of the CPTPP by providing written notice of that withdrawal to the Depository and simultaneously notifying the other Parties of that withdrawal through the overall contact points designated under Article 27.5 (Contact Points) of the TPP as incorporated into the CPTPP.

9. If the United Kingdom gives written notice pursuant to paragraph 8, the Parties shall hold consultations promptly with a view to reaching a mutually satisfactory solution. Notwithstanding those consultations, the withdrawal referred to in paragraph 8 shall take effect 24 months after the United Kingdom provides written notice to the Depository under paragraph 8, unless the Parties agree on a different period. If the United Kingdom withdraws a territory for whose international relations the United Kingdom is responsible, the CPTPP shall remain in force for the United Kingdom, including any other territory for whose international relations the United Kingdom is responsible to which the CPTPP applies in accordance with paragraphs 2 through 9, and the remaining Parties.

10. For greater certainty, for the United Kingdom, references to “Party” in the CPTPP shall include a territory for whose international relations the United Kingdom is responsible only to the extent that the CPTPP applies to that territory in accordance with paragraphs 2 through 9.

Article 3: Provisions Relevant to Chapter 2 (National Treatment and Market Access for Goods)

1. Unless otherwise specified in paragraph 2, all tariff commitments set out in the Schedules of the Parties to Annex 2-D (Tariff Commitments) of the TPP as incorporated into the CPTPP shall be accorded to originating goods of the United Kingdom.

2. For the purposes of Chapter 2 (National Treatment and Market Access for Goods) of the TPP as incorporated into the CPTPP, a Party may set out tariff commitments that shall be accorded to the originating goods of the United Kingdom in Annex A (Party-Specific Tariff Commitments to the United Kingdom) of this Protocol.

3. For the purposes of implementing any annual staging of tariff reduction set out in Annex 2-D (Tariff Schedule of the United Kingdom) of this Protocol, which sets out the Schedule of the United Kingdom to Annex 2-D (Tariff Commitments) of the TPP as incorporated into the CPTPP, the following shall apply:

(a) if this Protocol enters into force on or before 31 December 2023:

- (i) the rates of customs duties provided for in any tariff line in the United Kingdom’s Schedule in any staging category other than “EIF” shall be initially reduced on the date of entry into force of this Protocol for the United Kingdom; and
- (ii) the second stage of tariff reduction shall take effect on January 1 of the following year, and each subsequent annual stage of tariff reduction for the United Kingdom shall take effect on January 1 of each subsequent year;

or

(b) if this Protocol enters into force on any date after 31 December 2023:

- (i) on the date of entry into force of this Protocol for a Party other than the United Kingdom, the United Kingdom shall implement all stages of tariff reduction that it would have implemented up to that date as if this Protocol had entered into force for that Party and the United Kingdom on 31 December 2023. For greater certainty, this does not provide for retroactive preferential tariff treatment for originating goods imported prior to the date of entry into force of this Protocol for that Party, nor does this provide for access to tariff rate quotas provided for in the CPTPP for the quota years prior to the date of entry into force of this Protocol for that Party. Further, quota years that have lapsed prior to the date of entry into force of this Protocol for that Party shall not be available for imports, nor shall such volumes be carried forward; and

- (ii) the next annual stage of tariff reduction following those stages implemented in accordance with subparagraph (i) shall take effect on January 1 of the year after the date of entry into force of this Protocol for that Party, and each subsequent annual stage of tariff reduction for the United Kingdom shall take effect on January 1 of each subsequent year.

4. Notwithstanding paragraph 6(a) of Section A (Tariff Elimination and Reduction) of Annex 2-D of the TPP as incorporated into the CPTPP, for the purposes of Annex 2-D (Tariff Schedule of the United Kingdom) of this Protocol, which sets out the Schedule of the United Kingdom to Annex 2-D of the TPP as incorporated into the CPTPP, **year 1** means the year 2023, **year 2** means the year 2024, **year 3** means the year 2025, **year 4** means the year 2026 and so on.

5. Except as otherwise provided in Annex A, on the date of entry into force of this Protocol for a Party other than the United Kingdom, that Party shall implement all stages of tariff reduction that it would have implemented up to that date as if this Protocol had entered into force for that Party and the United Kingdom on 30 December 2018. For greater certainty, this does not provide for retroactive preferential tariff treatment for originating goods imported prior to the date of entry into force of this Protocol for that Party, nor does this provide for access to tariff rate quotas provided for in the CPTPP for the quota years prior to the date of entry into force of this Protocol for that Party. Further, quota years that have lapsed prior to the date of entry into force of this Protocol for that Party shall not be available for imports, nor shall such volumes be carried forward.

Article 4: Provisions Relevant to Chapter 6 (Trade Remedies)

1. For the purposes of Chapter 6 (Trade Remedies) of the TPP as incorporated into the CPTPP, in consequence of the constitutional relationship between the United Kingdom, on the one part, and the Bailiwick of Guernsey, the Bailiwick of Jersey and the Isle of Man, on the other part, Article 6.1 (Definitions), Article 6.3 (Imposition of a Transitional Safeguard Measure) and Article 6.5 (Investigation Procedures and Transparency Requirements) of the TPP as incorporated into the CPTPP shall not be construed to require the United Kingdom to undertake an investigation in respect of the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man in a manner inconsistent with the United Kingdom's laws and regulations.

2. For the purposes of Article 6.1 (Definitions), Article 6.3 (Imposition of a Transitional Safeguard Measure) and Article 6.4 (Standards for a Transitional Safeguard Measure) of the TPP as incorporated into the CPTPP:

transition period means, for a transitional safeguard measure imposed by the United Kingdom, or by another Party on an originating good imported from the United Kingdom, in relation to a particular good, the three-year period beginning on the date of entry into force of this Protocol, except where the tariff elimination for the good occurs over a longer period of time, in which case the transition period shall be the period of the staged tariff elimination for that good.

3. For greater certainty, for the purposes of Article 6.3.1(b) (Imposition of a Transitional Safeguard Measure) of the TPP as incorporated into the CPTPP, "the date of entry into force of this Agreement for those Parties" means, for a transitional safeguard measure imposed by

the United Kingdom, the date of entry into force of this Protocol for each of those Parties on whose originating good the transitional safeguard measure is imposed.

Article 5: Provisions Relevant to Chapter 8 (Technical Barriers to Trade)

Central Level of Government

1. For the purposes of Chapter 8 (Technical Barriers to Trade) of the TPP as incorporated into the CPTPP, any technical regulation, standard or conformity assessment procedure of His Majesty's Government of the United Kingdom of Great Britain and Northern Ireland shall be considered to be a technical regulation, standard or conformity assessment procedure of the central level of government. For greater certainty, this includes when His Majesty's Government of the United Kingdom of Great Britain and Northern Ireland is acting in respect of England, Northern Ireland, Scotland or Wales.

Annex 8-A (Wine and Distilled Spirits)

2. For the purposes of Annex 8-A (Wine and Distilled Spirits) of the TPP as incorporated into the CPTPP, nothing in paragraph 17 of that Annex shall be construed to require the United Kingdom to apply that paragraph in a manner inconsistent with its obligations under Article 54 of the *Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community*, done at London and Brussels on 24 January 2020.

Article 6: Provisions Relevant to Chapter 9 (Investment)

1. For the purposes of Article 9.30 (Service of Documents) and Annex 9-D (Service of Documents on a Party under Section B (Investor-State Dispute Settlement)) of the TPP as incorporated into the CPTPP, the place named for the United Kingdom shall be as follows:

United Kingdom

Notices and other documents in disputes under Section B (Investor-State Dispute Settlement) of Chapter 9 (Investment) of the TPP as incorporated into the CPTPP shall be served on the United Kingdom by delivery to:

Permanent Secretary's Office
Department for Business and Trade
Old Admiralty Building
London
SW1A 2DY
United Kingdom

2. For the purposes of Annex 9-H of the TPP as incorporated into the CPTPP:

A decision by the United Kingdom under the *National Security and Investment Act 2021* or on public interest grounds under Part 3 of the *Enterprise Act 2002*, with respect to whether or not to permit a merger or acquisition, shall not be subject to the dispute

settlement provisions under Section B (Investor-State Dispute Settlement) or Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

Article 7: Provisions Relevant to Chapter 10 (Cross-Border Trade in Services)

For the purposes of Article 10.2.2(b) (Scope) and Annex 10-B (Express Delivery Services) of the TPP as incorporated into the CPTPP, and for greater certainty, express delivery services, for the United Kingdom, do not include services in a universal postal service as set out in Part 3 of the *Postal Services Act 2011* and related subordinate legislation.

Article 8: Provisions Relevant to Chapter 11 (Financial Services)

1. For the purposes of Article 11.6.1 (Cross-Border Trade) and Annex 11-A (Cross-Border Trade) of the TPP as incorporated into the CPTPP, the financial services specified for the United Kingdom shall be as follows:

United Kingdom

Insurance and insurance-related services

- (a) Article 11.6.1 (Cross-Border Trade) of the TPP as incorporated into the CPTPP shall apply to the cross-border supply of or trade in financial services, as defined in subparagraph (a) of the definition of “cross-border supply of financial services” in Article 11.1 (Definitions) of the TPP as incorporated into the CPTPP, with respect to:
 - (i) insurance of risks relating to:
 - (A) maritime shipping and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability arising therefrom; and
 - (B) goods in international transit;
 - (ii) reinsurance and retrocession;
 - (iii) insurance intermediation, such as brokerage and agency, as referred to in subparagraph (c) of the definition of “financial service” in Article 11.1 (Definitions) of the TPP as incorporated into the CPTPP, of insurance of risks related to the services listed in subparagraphs (i) and (ii) of this paragraph; and
 - (iv) services auxiliary to insurance as described in subparagraph (d) of the definition of “financial service” in Article 11.1 (Definitions) of the TPP as incorporated into the CPTPP.

Banking and other financial services (excluding insurance)

- (b) Article 11.6.1 (Cross-Border Trade) of the TPP as incorporated into the CPTPP shall apply to the cross-border supply of or trade in financial services, as defined in subparagraph (a) of the definition of “cross-border supply of financial services” in Article 11.1 (Definitions) of the TPP as incorporated into the CPTPP, with respect to:
- (i) provision and transfer of financial information, and financial data processing and related software, as referred to in subparagraph (o) of the definition of “financial service” in Article 11.1 (Definitions) of the TPP as incorporated into the CPTPP; and
 - (ii) advisory and other auxiliary financial services relating to banking and other financial services, as referred to in subparagraph (p) of the definition of “financial service” in Article 11.1 (Definitions) of the TPP as incorporated into the CPTPP, but not intermediation as described in that subparagraph.

2. For the purposes of Section A (Portfolio Management) of Annex 11-B (Specific Commitments) of the TPP as incorporated into the CPTPP:

collective investment scheme means, for the United Kingdom:

- (a) a “collective investment scheme” as defined in section 235 of the *Financial Services and Markets Act 2000*; or
- (b) an “alternative investment fund” as defined in regulation 3 of the *Alternative Investment Fund Managers Regulations 2013*.

3. For the purposes of Section D (Electronic Payment Card Services) of Annex 11-B (Specific Commitments) of the TPP as incorporated into the CPTPP:

payment card means, for the United Kingdom, a credit card, charge card, debit card, cheque card, automated teller machine (ATM) card, prepaid card, whether in physical or electronic form, and the unique account number associated with that card.

Nothing in this commitment restricts the right of the United Kingdom to adopt or maintain measures, in addition to all other measures set forth in this Section, that condition the cross-border supply of electronic payment services into the United Kingdom by a service supplier of another Party that operates a payment system regulated as systemic in the United Kingdom under the *Banking Act 2009* on a contractual relationship between that supplier and an affiliate of the supplier established in the territory of the United Kingdom and subject to regulation or supervision under the law of the United Kingdom, provided that such right is not used as a means of avoiding the United Kingdom’s commitments or obligations under Section D (Electronic Payment Card Services) of Annex 11-B (Specific Commitments) of the TPP as incorporated into the CPTPP.

4. For the purposes of Annex 11-D (Authorities Responsible for Financial Services) of the TPP as incorporated into the CPTPP:

for the United Kingdom, the authority responsible for financial services is His Majesty's Treasury or its successor.

Article 9: Provisions Relevant to Chapter 12 (Temporary Entry for Business Persons)

1. For the purposes of Chapter 12 (Temporary Entry for Business Persons) of the TPP as incorporated into the CPTPP, the Parties acknowledge that:

- (a) the obligations and commitments of a Party other than the United Kingdom under that Chapter shall apply in relation to business persons of the United Kingdom irrespective of where they reside including those who reside in territories for whose international relations the United Kingdom is responsible; and
- (b) pursuant to Article 2.6 and Article 2.7 (Provisions Relevant to Chapter 1 (Initial Provisions and General Definitions)), the geographical scope of application of the CPTPP may be extended to territories for whose international relations the United Kingdom is responsible in relation to the temporary entry of business persons.

2. Further to Article 12.6 (Provision of Information) of the TPP as incorporated into the CPTPP, the United Kingdom shall promptly notify the other Parties of any amendment of any immigration measure, or adoption of a new immigration measure, that affects the temporary entry of business persons of a Party to the following territories:

- (a) the Bailiwick of Guernsey;
- (b) the Bailiwick of Jersey; and
- (c) the Isle of Man.

Party-Specific Supplementary Commitments for Temporary Entry for Business Persons of the United Kingdom

3. For the purposes of Article 12.4 (Grant of Temporary Entry) of the TPP as incorporated into the CPTPP, a Party may set out supplementary commitments to the United Kingdom in Annex B (Party-Specific Supplementary Commitments for Temporary Entry for Business Persons of the United Kingdom) of this Protocol.

Article 10: Provisions Relevant to Chapter 15 (Government Procurement)

For the purposes of Chapter 15 (Government Procurement) of the TPP as incorporated into the CPTPP, a Party may specify additional information for the United Kingdom in relation to its Schedule to Annex 15-A in Annex C (Party-Specific Additional Information for the United Kingdom Regarding Annex 15-A (Government Procurement)) of this Protocol.

Article 11: Provisions Relevant to Chapter 17 (State-Owned Enterprises and Designated Monopolies)

Article 17.9.2 (Party-Specific Annexes) and Annex 17-D (Application to Sub-Central State-Owned Enterprises and Designated Monopolies)

1. For the purposes of Article 17.9.2 (Party-Specific Annexes) and Annex 17-D (Application to Sub-Central State-Owned Enterprises and Designated Monopolies) of the TPP as incorporated into the CPTPP, the following obligations shall not apply with respect to a state-owned enterprise owned or controlled by a sub-central level of government and a designated monopoly designated by a sub-central level of government:

For the United Kingdom:

- (a) Article 17.4.1(a) and (b) (Non-discriminatory Treatment and Commercial Considerations);
- (b) Article 17.4.2 (Non-discriminatory Treatment and Commercial Considerations);
- (c) Article 17.6.1(a) (Non-commercial Assistance) and Article 17.6.2(a) (Non-commercial Assistance), with respect to the production and sale of a good in competition with a like good produced and sold by a covered investment in the territory of the United Kingdom;
- (d) Article 17.6.1(b) and (c) (Non-commercial Assistance), and Article 17.6.2(b) and (c) (Non-commercial Assistance); and
- (e) Article 17.10.1 (Transparency).

Sub-Central Level of Government

2. Footnote 36 to Annex 17-D (Application to Sub-Central State-Owned Enterprises and Designated Monopolies) of the TPP as incorporated into the CPTPP shall not apply to the United Kingdom. For the purposes of paragraph 1, “sub-central level of government” means, for the United Kingdom, its local level of government and Northern Ireland, Scotland or Wales, but does not include His Majesty’s Government of the United Kingdom of Great Britain and Northern Ireland when acting in respect of England, Northern Ireland, Scotland or Wales.

Article 12: Provisions Relevant to Chapter 20 (Environment)

1. For the purposes of Article 20.1 (Definitions) of the TPP as incorporated into the CPTPP:

statute or regulation means, for the United Kingdom, an Act or a Regulation, Order in Council or Order made under an Act at the central or regional level of government and any legal enactments of an equivalent type of any territory to which Chapter 20 (Environment) of the TPP as incorporated into the CPTPP applies in accordance with Article 2.2 through Article 2.9 (Provisions Relevant to Chapter 1 (Initial Provisions and General Definitions)) of this Protocol.

2. For the purposes of Article 20.5.1 (Protection of the Ozone Layer) and Annex 20-A of the TPP as incorporated into the CPTPP, the United Kingdom shall be deemed in compliance with Article 20.5.1 (Protection of the Ozone Layer) if it maintains *Regulation (EC) 1005/2009* as it applies in Great Britain as retained European Union law, and as it applies in Northern

Ireland directly, and *Regulation (EU) 517/2014* as it applies in Great Britain as retained European Union law, and as it applies in Northern Ireland directly, as amended by *The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019* and *The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020*, implementing the United Kingdom's obligations under the Montreal Protocol, or any subsequent measure or measures that provide an equivalent or higher level of environmental protection.

3. For the purposes of Article 20.6.1 (Protection of the Marine Environment from Ship Pollution) and Annex 20-B of the TPP as incorporated into the CPTPP, the United Kingdom shall be deemed in compliance with Article 20.6.1 (Protection of the Marine Environment from Ship Pollution) if it maintains the *Merchant Shipping Act 1995*, including regulations made thereunder, or any subsequent measure or measures that provide an equivalent or higher level of environmental protection, to the extent that those measures implement the United Kingdom's obligations under MARPOL.

Article 13: Provisions Relevant to Chapter 26 (Transparency and Anti-Corruption)

Central Level of Government

1. For the purposes of Article 26.2.4 (Publication) and Article 26.2.5 (Publication) of the TPP as incorporated into the CPTPP, any regulation of general application proposed or adopted by His Majesty's Government of the United Kingdom of Great Britain and Northern Ireland shall be considered to be a regulation of general application proposed or adopted by a central level of government. For greater certainty, this includes when His Majesty's Government of the United Kingdom of Great Britain and Northern Ireland is acting in respect of England, Northern Ireland, Scotland or Wales.

Annex 26-A (Transparency and Procedural Fairness for Pharmaceutical Products and Medical Devices)

2. For the purposes of Article 1 (Definitions) of Annex 26-A (Transparency and Procedural Fairness for Pharmaceutical Products and Medical Devices) and the Appendix to Annex 26-A (Party-Specific Definitions) of the TPP as incorporated into the CPTPP:

national health care authorities means, for the United Kingdom, the Department of Health and Social Care, the National Institute for Health and Care Excellence, and the National Health Service and equivalent agencies in the Northern Ireland Executive, Scottish Government and Welsh Government, with respect to their roles in informing and making determinations in relation to the listing of pharmaceutical products and medical devices for reimbursement.

Article 14: Provisions Relevant to Chapter 28 (Dispute Settlement)

Article 28.3.3 (Scope) of the TPP as incorporated into the CPTPP shall apply, *mutatis mutandis*, to an instrument entered into by two or more Parties in connection with the conclusion of this Protocol.

Article 15: Provisions Relevant to Chapter 29 (Exceptions and General Provisions)

1. For the purposes of Article 29.4 (Taxation Measures) of the TPP as incorporated into the CPTPP:

designated authorities means, for the United Kingdom, the Commissioners for Revenue and Customs or their authorised representative.⁶

Windsor Framework^{7,8}

2. In the event of an inconsistency between the CPTPP and the Windsor Framework, and amendments thereto and subsequent agreements replacing parts thereof, the CPTPP shall not prevent a Party from adopting or maintaining a measure that is not consistent with its obligations under the CPTPP and relating to the inconsistency, provided that the measure is not applied in a manner that would constitute a means of arbitrary or unjustified discrimination against any other Party or a disguised restriction on trade.

3. Any Party may request consultations with a Party that has adopted a measure pursuant to paragraph 2.⁹ On receiving such a request, the requested Party shall hold consultations with

⁶ If the Commissioner for Revenue and Customs or their authorised representative considers that an issue referred to it under Article 29.4 (Taxation Measures) of the TPP as incorporated into the CPTPP affects the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man, it shall notify the relevant designated authorities in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man.

In such circumstances, and with respect to the provisions of the CPTPP which apply to them, “designated authorities” also means, to the extent relevant:

- (a) for the Bailiwick of Guernsey, the Director of the Revenue Service or his or her delegate;
- (b) for the Bailiwick of Jersey, the Treasury and Resources Minister or his or her authorised representative; and
- (c) for the Isle of Man, the Assessor of Income Tax or his or her delegate, and the Collector of Customs and Excise or his or her delegate.

⁷ Windsor Framework means the *Protocol on Ireland/Northern Ireland to the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community*, done at London and Brussels on 24 January 2020, as amended by *Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community* of 24 March 2023. In that context, the Parties take note of *Joint Declaration No 1/2023 of the Union and the United Kingdom in the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community* of 24 March 2023.

⁸ For greater certainty, paragraphs 2 through 7 are without prejudice to Article 26.5 (Provision of Information) of the TPP as incorporated into the CPTPP.

⁹ The Parties understand that “consultations” may include requests for information or clarification on a measure a Party adopts or maintains pursuant to paragraph 2.

any interested Parties in relation to the effects of the measure on the CPTPP and seek a mutually acceptable solution.¹⁰

4. In the event of changes to the Windsor Framework that substantially affect the operation of the CPTPP, the United Kingdom shall notify the Parties via the Contact Point designated under Article 27.5 (Contact Points) of the TPP as incorporated into the CPTPP.

5. With a view to ensuring the balance of rights and obligations is maintained between the Parties, the Commission shall review the implementation by the United Kingdom of the CPTPP in the context of paragraphs 2 through 4:

- (a) four years after the date of entry into force of this Protocol; and
- (b) every six years thereafter.

6. The Commission shall develop a framework in accordance with which the Commission shall carry out the review under paragraph 5.

7. As part of the general review under Article 27.2.1(b) (Functions of the Commission) of the TPP as incorporated into the CPTPP, the Commission shall review whether paragraphs 2 through 7 remain necessary.

Article 16: Provisions Relevant to Annex II and Annex III

For the purposes of the following paragraphs of the following entries in the Schedules to Annex II and Annex III of the TPP as incorporated into the CPTPP, for the United Kingdom, “the date of entry into force of this Agreement” means the date of entry into force of this Protocol:

- (a) the first paragraph of the Description of the entry at Annex II – Australia – 19;
- (b) sub-paragraph (a) of the Description of the entry at Annex II – Brunei Darussalam – 4;
- (c) paragraph 1 of the Description of the entry at Annex II – Canada – 13;
- (d) the first paragraph of the Description of the entry at Annex II – Chile – 3;
- (e) paragraph 1 of the Description of the entry at Annex II – Japan – 18;
- (f) the first paragraph of the Description of the entry at Annex II – Malaysia – 7;
- (g) the first paragraph of the Description of the entry at Annex II – Mexico – 11;
- (h) the first paragraph of the Description of the entry at Annex II – New Zealand – 9;

¹⁰ For greater certainty, this paragraph is without prejudice to the rights and obligations of a Party under the CPTPP, including rights and obligations under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

- (i) the first paragraph of the Description of the entry at Annex II – Peru – 1;
- (j) the first paragraph of the Description of the entry at Annex II – Singapore – 36;
- (k) paragraph 1 of the Description of the entry at Annex III – Singapore – 30; and
- (l) sub-paragraph (a) of the Description of the entry at Annex II – Viet Nam – 5.

Article 17: References to APEC

As long as the United Kingdom is not a member economy of APEC, paragraphs 5, 6 and 7 of Annex 10-A (Professional Services), Article 12.5 (Business Travel), Article 16.7.2 (Transparency) and Article 26.6.1 (Scope) of the TPP as incorporated into the CPTPP shall not apply to the United Kingdom.¹¹ Until that time, to support and promote the policy objectives underlying these provisions, the United Kingdom:

- (a) acknowledges the work carried out in bilateral and multilateral fora to promote the mutual recognition of professional competence in engineering and architecture and the professional mobility of these professions. In the engineering sector, this includes the work carried out under the International Professional Engineers Agreement;
- (b) recognises the importance of promoting the facilitation of business travel;
- (c) shall endeavour to maintain and update its public information concerning its national competition laws, policies and enforcement activities through links on its official websites consolidated into a single portal that is publicly accessible, recognising the value of transparency of national competition laws, policies and enforcement activities; and
- (d) affirms its resolve to eliminate bribery and corruption in international trade and investment. Recognising the need to build integrity within both the public and private sectors and that each sector has complementary responsibilities in this regard, the United Kingdom affirms its commitments under the *United Nations Convention Against Corruption*, done at New York on 31 October 2003 (UNCAC) in particular Article 7 (Public Sector), Article 8 (Codes of Conduct for Public Officials) and Article 12 (Private Sector) of the UNCAC, and affirms its support for the *OECD Recommendation of the Council on Public Integrity*, adopted on 26 January 2017, and Annex II (Good Practice Guidance on Internal Controls, Ethics and Compliance) to the *OECD Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions*, adopted on 26 November 2021.

¹¹ For greater certainty, this is without prejudice to any reservations the United Kingdom may take under APEC if it were to ever join.

Section III: Schedules of the United Kingdom¹²

Article 18: Schedules of the United Kingdom

The Schedules of the United Kingdom annexed to this Protocol that shall become an integral part of the CPTPP as the Schedules of the United Kingdom are as follows:

- (a) Annex 2-D (Tariff Schedule of the United Kingdom) of this Protocol sets out the Schedule of the United Kingdom to Annex 2-D (Tariff Commitments) of the TPP as incorporated into the CPTPP;
- (b) Annex 12-A (The United Kingdom's Schedule of Commitments for Temporary Entry for Business Persons) of this Protocol sets out the Schedule of the United Kingdom to Annex 12-A of the TPP as incorporated into the CPTPP;
- (c) Annex 15-A (Schedule of the United Kingdom) of this Protocol sets out the Schedule of the United Kingdom to Annex 15-A of the TPP as incorporated into the CPTPP;
- (d) Annex I (Schedule of the United Kingdom) of this Protocol sets out the Schedule of the United Kingdom to Annex I of the TPP as incorporated into the CPTPP;
- (e) Annex II (Schedule of the United Kingdom) of this Protocol sets out the Schedule of the United Kingdom to Annex II of the TPP as incorporated into the CPTPP; and
- (f) Annex III (Schedule of the United Kingdom) of this Protocol sets out the Schedule of the United Kingdom to Annex III of the TPP as incorporated into the CPTPP.

Section IV: Final Provisions

Article 19: Acceptance by the United Kingdom

For a period of 12 months after the date of signature of this Protocol, which may be subject to extension by a decision of the Commission, this Protocol shall be open for acceptance by the United Kingdom by depositing an instrument of accession to the CPTPP with the Depository indicating in writing that it accepts this Protocol which sets out the terms and conditions for accession of the United Kingdom to the CPTPP.

Article 20: Notification by the Parties to the CPTPP

¹² For greater certainty, for the purposes of the United Kingdom's Schedules in this Section, "the date of entry into force of this Agreement for the United Kingdom" means the date of entry into force of this Protocol, on which the United Kingdom accedes to the CPTPP and thereby becomes a Party to the CPTPP.

Each Party to the CPTPP shall notify the Depositary in writing when it has completed its applicable legal procedures for entry into force of this Protocol.

Article 21: Entry into Force

1. This Protocol shall enter into force 60 days after either:
 - (a) the date on which the United Kingdom deposits an instrument of accession to the CPTPP with the Depositary indicating in writing that it accepts this Protocol which sets out the terms and conditions for the accession of the United Kingdom to the CPTPP; or
 - (b) the date on which all Parties to the CPTPP have notified the Depositary in writing of the completion of their respective applicable legal procedures for entry into force of this Protocol,

whichever is later.

2. In the event that this Protocol does not enter into force under paragraph 1 within a period of 15 months of the date of signature of this Protocol, it shall enter into force 60 days after either:
 - (a) the date on which the United Kingdom deposits an instrument of accession to the CPTPP with the Depositary indicating in writing that it accepts this Protocol which sets out the terms and conditions for the accession of the United Kingdom to the CPTPP; or
 - (b) the date on which at least six Parties to the CPTPP have notified the Depositary in writing of the completion of their respective applicable legal procedures for entry into force of this Protocol,

whichever is later for the United Kingdom and those Parties to the CPTPP; except that if both dates referred to in subparagraphs (a) and (b) of this paragraph occur within a period of 15 months of the date of signature of this Protocol, it shall enter into force for the United Kingdom and those Parties to the CPTPP 60 days after the expiry of that period.

3. For any Party to the CPTPP that has signed this Protocol but for which this Protocol has not entered into force on the date of this Protocol's entry into force under paragraph 2, this Protocol shall enter into force for that Party 60 days after the date on which that Party has notified the Depositary in writing of the completion of its applicable legal procedures for entry into force of this Protocol.

Article 22: Depositary

1. The original English, Spanish and French texts of this Protocol shall be deposited with New Zealand as the Depositary.

2. The Depositary shall promptly provide certified copies of the original texts of this Protocol and of any amendments to this Protocol to each Party to the CPTPP and the United Kingdom.
3. The Depositary shall promptly inform each Party to the CPTPP and the United Kingdom, and provide them with the date and a copy, of:
 - (a) the deposit of an instrument of accession under Article 19 (Acceptance by the United Kingdom); and
 - (b) a notification under Article 20 (Notification by the Parties to the CPTPP).

Article 23: Authentic Texts

The English, Spanish and French texts of this Protocol are equally authentic. In the event of any divergence between those texts, the English text shall prevail.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed this Protocol.

Done in a single original at Auckland and Bandar Seri Begawan, the sixteenth day of July, two thousand and twenty three in the English, Spanish and French languages.

The Annexes to the Accession Protocol are circulated separately.