



Miscellaneous No. 2 (2024)

Protocol

on the Accession of the United Kingdom of Great Britain and Northern
Ireland to the Comprehensive and Progressive Agreement for Trans-
Pacific Partnership

Auckland and Bandar Seri Begawan, 16 July 2023

[The Accession Protocol is not in force]

*Presented to Parliament
by the Secretary of State for Foreign, Commonwealth and Development Affairs
by Command of His Majesty
February 2024*

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APPENDIX A

TARIFF RATE QUOTAS OF THE UNITED KINGDOM

Section A: General Provisions

1. This Appendix sets out the country-specific tariff rate quotas (TRQs) that the United Kingdom shall apply to certain originating goods of Parties under this Agreement. In particular, originating goods of Parties included under this Appendix shall be subject to the rates of duty set out in this Appendix in lieu of the rates of duty specified in Chapters 1 through 97 of the *Tariff of the United Kingdom*. Notwithstanding any other provision of the *Tariff of the United Kingdom*, originating goods of Parties in the quantities described in this Appendix shall be permitted entry into the territory of the United Kingdom as provided in this Appendix. Furthermore, any quantity of originating goods imported from a Party under a TRQ provided for in this Appendix shall not be counted toward the in-quota quantity of any TRQ provided for such goods under the United Kingdom's WTO Tariff Schedule or any other trade agreement.

2. For the purposes of this Appendix, **year 1** means the period from January 1, 2023 through December 31, 2023 and, with respect to each subsequent year, the 12-month period which starts on January 1 of that year.

3. If this Agreement enters into force for the United Kingdom during a TRQ year, the quota quantity for that year shall be calculated in accordance with Article 2.30.2 (Allocation) of the TPP as incorporated into the CPTPP.

4. With respect to CSQ-UK1 to CSQ-UK6, the United Kingdom may change the administration of a TRQ in this Appendix from a first-come, first-served system to an import licensing system, or return from an import licensing system to a first-come, first-served system in accordance with the following conditions:

- (a) if 75 per cent or more of the annual aggregate quantity is imported into the United Kingdom under a TRQ for two consecutive years, the United Kingdom may change the administration of the TRQ for the following years to an import licensing system;
- (b) if, subsequent to the change from a first-come, first-served system to an import licensing system as referred to in paragraph 4(a), less than 75 per cent of the annual aggregate quantity is imported into the United Kingdom under a TRQ in a given year, the United Kingdom and the Parties subject to the CSQ may consider returning to a first-come, first-served system following

consultations between the United Kingdom and the Parties subject to the CSQ on the necessity and opportunity of such change;

- (c) the United Kingdom shall publish a notice of its intention to change the system of administration of the TRQ and shall inform the Parties by providing the relevant website links that provide notification;
- (d) the change shall only take effect from January 1 of the year following publication of that notice; and
- (e) the publication of the notice shall occur at least 90 days prior to the change taking effect.

5. With respect to CSQ-UK1 to CSQ-UK6, if the United Kingdom changes to an import licensing system as per paragraph 4(a), the United Kingdom may:

- (a) require that, to be eligible for quota allocation, an applicant is established in the United Kingdom and registered under the *Value Added Tax Act 1994*;
- (b) require that an applicant provide evidence of having imported, at any point during the relevant reference period¹, at least 25 tonnes of goods of a description falling within the same sector as specified on the licence application, but shall not otherwise discriminate against eligible applicants who have not previously imported the product;
- (c) require that an applicant pay a security, to be received within the same time limit as a quota application, with the security to be limited to the approximate amount required to dissuade speculative acquisition of TRQ licenses; or
- (d) proportionally reduce each licence application if a quota is oversubscribed, using a uniform allocation coefficient that shall be made public.

6. The product or products covered by each TRQ set out in Section B of this Appendix are informally identified in the title to the paragraph setting out the TRQ. These titles are included solely to assist readers in understanding this Appendix and shall not alter or supersede the coverage established through identification of covered tariff items of the *Tariff of the United Kingdom*.

7. For the purposes of this Appendix, the term “metric tonnes” shall be abbreviated as “MT”.

¹ “Relevant reference period” means the 12-month period ending two months before an application can be submitted for any given quota year and the 12-month period immediately prior to that.

8. Unless otherwise specified in Section B of this Appendix, each TRQ set out in this Appendix shall apply to an aggregate quantity of originating goods of any Party identified in the first subparagraph of the paragraph setting out the TRQ. For the purposes of this Appendix, an originating good shall be deemed to be of the Party identified in the first subparagraph of the paragraph setting out the TRQ if the United Kingdom would apply for that good the rate of customs duty for the originating good of that Party pursuant to paragraph 8 of Section B (Tariff Differentials) of Annex 2-D (Tariff Commitments).

Section B: Country-Specific TRQs (CSQ)

9. CSQ-UK1: Beef

- (a) This paragraph sets out a CSQ for the originating goods of Brunei, Canada, Chile, Malaysia, Mexico and Peru described in subparagraph (d). The CSQ set out in this paragraph is designated in the Tariff Schedule of the United Kingdom to Annex 2-D (Tariff Commitments) with the designation “CSQ-UK1”.
- (b) The aggregate quantity of originating goods of Brunei, Canada, Chile, Malaysia, Mexico and Peru described in subparagraph (d) that shall be permitted to enter duty-free each year under this CSQ is:

Year	Aggregate quantity (MT)
1	2,600
2	3,756
3	4,912
4	6,068
5	7,224
6	8,380
7	9,536
8	10,692
9	11,848
10	13,000

Starting in year 10, the quantity shall remain at 13,000 MT per year.

- (c) Goods entered in aggregate quantities in excess of the quantities set out in subparagraph (b) shall continue to receive MFN tariff treatment.
- (d) This paragraph applies to the following tariff items: 0201.10.00, 0201.20.20, 0201.20.30, 0201.20.50, 0201.20.90, 0201.30.00, 0202.10.00, 0202.20.10, 0202.20.30, 0202.20.50, 0202.20.90, 0202.30.10, 0202.30.50, 0202.30.90, 0206.10.95, 0206.29.91, 0210.20.10, 0210.20.90, 0210.99.51, 0210.99.59, 1602.50.10, 1602.50.31, 1602.50.95, 1602.90.61 and 1602.90.69.
- (e) CSQ-UK1 shall be administered on a first-come, first-served basis on the date of entry into force of this Agreement for the United Kingdom. The United Kingdom reserves the right to use an import licensing system, in accordance with paragraphs 4 and 5 of this Appendix.

10. **CSQ-UK2: Pork**

- (a) This paragraph sets out a CSQ for the originating goods of Brunei, Canada, Chile, Malaysia, Mexico, Peru, Singapore and Viet Nam described in subparagraph (e). The CSQ set out in this paragraph is designated in the Tariff Schedule of the United Kingdom to Annex 2-D (Tariff Commitments) with the designation “CSQ-UK2”.
- (b) The aggregate quantity of originating goods of Brunei, Canada, Chile, Malaysia, Mexico, Peru, Singapore and Viet Nam described in subparagraph (e) that shall be permitted to enter duty-free each year under this CSQ is:

Year	Aggregate quantity (MT)
1	10,000
2	15,000
3	20,000
4	25,000
5	30,000
6	35,000
7	40,000
8	45,000
9	50,000
10	55,000

Starting in year 10, the quantity shall remain at 55,000 MT per year.

- (c) Goods entered in aggregate quantities in excess of the quantities set out in subparagraph (b) shall continue to receive MFN tariff treatment.
- (d) Notwithstanding subparagraphs (a) to (c), the access to CSQ-UK2 for originating goods of Singapore and Viet Nam shall be on a transitional basis as set out below:
- (i) originating goods of Singapore shall have access to CSQ-UK2 until December 31 of year 2, and these goods shall be duty-free effective January 1 of year 3;
- (ii) originating goods of Viet Nam shall have access to CSQ-UK2 until December 31 of year 4, and these goods shall be duty-free effective January 1 of year 5.

- (e) This paragraph applies to the following tariff items: 0203.11.10, 0203.12.11, 0203.12.19, 0203.19.11, 0203.19.13, 0203.19.15, 0203.19.55, 0203.19.59, 0203.21.10, 0203.22.11, 0203.22.19, 0203.29.11, 0203.29.13, 0203.29.15, 0203.29.55, 0203.29.59, 0209.10.11, 0209.10.19, 0209.10.90, 0210.11.11, 0210.11.19, 0210.11.31, 0210.11.39, 0210.11.90, 0210.12.11, 0210.12.19, 0210.12.90, 0210.19.10, 0210.19.20, 0210.19.30, 0210.19.40, 0210.19.50, 0210.19.60, 0210.19.70, 0210.19.81, 0210.19.89, 0210.19.90, 0210.99.41, 0210.99.49, 1601.00.10, 1601.00.91, 1601.00.99, 1602.41.10, 1602.41.90, 1602.42.10, 1602.42.90, 1602.49.11, 1602.49.13, 1602.49.15, 1602.49.19, 1602.49.30, 1602.49.50, 1602.49.90, 1602.90.10 and 1602.90.51.
- (f) CSQ-UK2 shall be administered on a first-come, first-served basis on the date of entry into force of this Agreement for the United Kingdom. The United Kingdom reserves the right to use an import licensing system, in accordance with paragraphs 4 and 5 of this Appendix.

11. CSQ-UK3: Chicken

- (a) This paragraph sets out a CSQ for the originating goods of Brunei, Canada, Chile, Malaysia, Mexico, Peru, Singapore and Viet Nam described in subparagraph (e). The CSQ set out in this paragraph is designated in the Tariff Schedule of the United Kingdom to Annex 2-D (Tariff Commitments) with the designation “CSQ-UK3”.
- (b) The aggregate quantity of originating goods of Brunei, Canada, Chile, Malaysia, Mexico, Peru, Singapore and Viet Nam described in subparagraph (e) that shall be permitted to enter duty-free each year under this CSQ is:

Year	Aggregate quantity (MT)
1	2,000
2	2,889
3	3,778
4	4,667
5	5,556
6	6,445
7	7,334
8	8,223
9	9,112
10	10,000

Starting in year 10, the quantity shall remain at 10,000 MT per year.

- (c) Goods entered in aggregate quantities in excess of the quantities set out in subparagraph (b) shall continue to receive MFN tariff treatment.
- (d) Notwithstanding subparagraphs (a) to (c), the access to CSQ-UK3 for originating goods of Singapore and Viet Nam shall be on a transitional basis as set out below:
 - (i) originating goods of Singapore shall have access to CSQ-UK3 until December 31 of year 2, and these goods shall be duty-free effective January 1 of year 3;
 - (ii) originating goods of Viet Nam shall have access to CSQ-UK3 until December 31 of year 4, and these goods shall be duty-free effective January 1 of year 5.
- (e) This paragraph applies to the following tariff items: 0207.11.10, 0207.11.30, 0207.11.90, 0207.12.10, 0207.12.90, 0207.13.10, 0207.13.20, 0207.13.30, 0207.13.40, 0207.13.50, 0207.13.60, 0207.13.70, 0207.13.91, 0207.13.99, 0207.14.10, 0207.14.20, 0207.14.30, 0207.14.40, 0207.14.50, 0207.14.60, 0207.14.70, 0207.14.91, 0207.14.99, 0209.90.00, 0210.99.39, 0210.99.79, 0210.99.90, 1602.32.11, 1602.32.19, 1602.32.30 and 1602.32.90.
- (f) CSQ-UK3 shall be administered on a first-come, first-served basis on the date of entry into force of this Agreement for the United Kingdom. The United Kingdom reserves the right to use an import licensing system, in accordance with paragraphs 4 and 5 of this Appendix.

12. **CSQ-UK4: Rice for Viet Nam**

- (a) This paragraph sets out a CSQ for the originating goods of Viet Nam described in subparagraph (d). The CSQ set out in this paragraph is designated in the Tariff Schedule of the United Kingdom to Annex 2-D (Tariff Commitments) with the designation “CSQ-UK4”.
- (b) The aggregate quantity of originating goods of Viet Nam described in subparagraph (d) that shall be permitted to enter duty-free each year under this CSQ is:

Year	Aggregate quantity (MT)
1	3,300
2	5,354
3	7,378

4	9,402
5	11,426
6	13,450
7	15,474
8	17,500

Starting in year 8, the quantity shall remain at 17,500 MT per year.

- (c) Goods entered in aggregate quantities in excess of the quantities set out in subparagraph (b) shall continue to receive MFN tariff treatment.
- (d) This paragraph applies to the following tariff items: 1006.30.25, 1006.30.27, 1006.30.46, 1006.30.48, 1006.30.65, 1006.30.67, 1006.30.96 and 1006.30.98.
- (e) CSQ-UK4 shall be administered on a first-come, first-served basis on the date of entry into force of this Agreement for the United Kingdom. The United Kingdom reserves the right to use an import licensing system, in accordance with paragraphs 4 and 5 of this Appendix.

13. CSQ-UK5: Rice for Brunei, Chile, Malaysia and Peru

- (a) This paragraph sets out a CSQ for the originating goods of Brunei, Chile, Malaysia and Peru described in subparagraph (d). The CSQ set out in this paragraph is designated in the Tariff Schedule of the United Kingdom to Annex 2-D (Tariff Commitments) with the designation “CSQ-UK5”.
- (b) The aggregate quantity of originating goods of Brunei, Chile, Malaysia and Peru described in subparagraph (d) that shall be permitted to enter duty-free each year under this CSQ is:

Year	Aggregate quantity (MT)
1	1,000
2	2,000
3	3,000
4	4,000
5	5,000
6	6,000
7	7,000
8	8,000
9	9,000
10	10,000

Starting in year 10, the quantity shall remain at 10,000 MT per year.

- (c) Goods entered in aggregate quantities in excess of the quantities set out in subparagraph (b) shall continue to receive MFN tariff treatment.
- (d) This paragraph applies to the following tariff items: 1006.30.25, 1006.30.27, 1006.30.46, 1006.30.48, 1006.30.65, 1006.30.67, 1006.30.96 and 1006.30.98.
- (e) CSQ-UK5 shall be administered on a first-come, first-served basis on the date of entry into force of this Agreement for the United Kingdom. The United Kingdom reserves the right to use an import licensing system, in accordance with paragraphs 4 and 5 of this Appendix.

14. CSQ-UK6: Sugar

- (a) This paragraph sets out a CSQ for the originating goods of Brunei, Canada, Chile, Malaysia, Peru, Singapore and Viet Nam described in subparagraph (e). The CSQ set out in this paragraph is designated in the Tariff Schedule of the United Kingdom to Annex 2-D (Tariff Commitments) with the designation “CSQ-UK6”.
- (b) The aggregate quantity of originating goods of Brunei, Canada, Chile, Malaysia, Peru, Singapore and Viet Nam described in subparagraph (e) that shall be permitted to enter duty-free each year under this CSQ is:

Year	Aggregate quantity (MT)
1	4,500
2	6,778
3	9,056
4	11,334
5	13,612
6	15,890
7	18,168
8	20,446
9	22,724
10	25,000

Starting in year 10, the quantity shall remain at 25,000 MT per year.

- (c) Goods entered in aggregate quantities in excess of the quantities set out in subparagraph (b) shall continue to receive MFN tariff treatment.
- (d) Notwithstanding subparagraphs (a) to (c), the access to CSQ-UK6 for originating goods of Canada and Singapore shall be on a transitional basis as set out below:
 - (i) originating goods of Canada shall have access to CSQ-UK6 until December 31 of year 1, and these goods shall be duty-free effective January 1 of year 2;
 - (ii) originating goods of Singapore shall have access to CSQ-UK6 until December 31 of year 2, and these goods shall be duty-free effective January 1 of year 3.
- (e) This paragraph applies to the following tariff items: 1701.13.10, 1701.13.90, 1701.14.10, 1701.14.90, 1701.91.00, 1701.99.10 and 1701.99.90.
- (f) CSQ-UK6 shall be administered on a first-come, first-served basis on the date of entry into force of this Agreement for the United Kingdom. The United Kingdom reserves the right to use an import licensing system, in accordance with paragraphs 4 and 5 of this Appendix.

15. CSQ-UK7: Bananas for Peru

- (a) This paragraph sets out a CSQ for the originating goods of Peru described in subparagraph (d). The CSQ set out in this paragraph is designated in the Tariff Schedule of the United Kingdom to Annex 2-D (Tariff Commitments) with the designation “CSQ-UK7”.
- (b) The aggregate quantity of originating goods of Peru described in subparagraph (d) and the in-quota rate of customs duty are specified below:

Year	Aggregate quantity (MT)	In-quota customs duty
1	8,000	40.00 GBP/MT

For year 1 and for each subsequent year, the quota quantity shall remain at 8,000 MT per year and the in-quota customs duty shall remain at 40.00 GBP/MT.

- (c) Goods entered in aggregate quantities in excess of the quantity set out in subparagraph (b) shall continue to receive the preferential rate of customs duty set out in the Tariff Schedule of the United Kingdom to Annex 2-D

(Tariff Commitments). For greater certainty, this includes the rate specified by paragraph 5(p)(ii) of the General Notes to the United Kingdom's Schedule to Annex 2-D (Tariff Commitments), if applicable.

- (d) This paragraph applies to the following tariff item: 0803.90.10.
- (e) CSQ-UK7 shall be administered on a first-come, first-served basis.
- (f) Notwithstanding subparagraph (b), if the United Kingdom applies an in-quota rate of customs duty to goods classified in 0803.90.10 imported from Brazil, Costa Rica, Guatemala, Honduras, Nicaragua, Panama, El Salvador, Venezuela or from Andean Community Member countries which is less than 40.00 GBP/MT, then the United Kingdom shall apply the lowest of those in-quota rate of customs duty to originating goods of Peru that enter under CSQ-UK7.

16. CSQ-UK8: Bananas for Mexico

- (a) This paragraph sets out a CSQ for the originating goods of Mexico described in subparagraph (d). The CSQ set out in this paragraph is designated in the Tariff Schedule of the United Kingdom to Annex 2-D (Tariff Commitments) with the designation "CSQ-UK8".
- (b) The aggregate quantity of originating goods of Mexico described in subparagraph (d) and the in-quota rate of customs duty are specified below:

Year	Aggregate quantity (MT)	In-quota customs duty
1	8,000	40.00 GBP/MT

For year 1 and for each subsequent year, the quota quantity shall remain at 8,000 MT per year, and the in-quota customs duty shall remain at 40.00 GBP/MT.

- (c) Goods entered in aggregate quantities in excess of the quantity set out in subparagraph (b) shall continue to receive the preferential rate of customs duty set out in the Tariff Schedule of the United Kingdom to Annex 2-D (Tariff Commitments). For greater certainty, this includes the rate specified by paragraph 5(q)(ii) of the General Notes to the United Kingdom's Schedule to Annex 2-D (Tariff Commitments), if applicable.
- (d) This paragraph applies to the following tariff item: 0803.90.10.
- (e) CSQ-UK8 shall be administered on a first-come, first-served basis.

- (f) Notwithstanding subparagraph (b), if the United Kingdom applies an in-quota rate of customs duty to goods classified in 0803.90.10 imported from Brazil, Costa Rica, Guatemala, Honduras, Nicaragua, Panama, El Salvador, Venezuela or from Andean Community Member countries which is less than 40.00 GBP/MT, then the United Kingdom shall apply the lowest of those in-quota rates of customs duty to originating goods of Mexico that enter under CSQ-UK8.

ANNEX 12-A

THE UNITED KINGDOM'S SCHEDULE OF COMMITMENTS FOR TEMPORARY ENTRY FOR BUSINESS PERSONS

1. The following sets out the United Kingdom's commitments in accordance with Article 12.4 (Grant of Temporary Entry) in respect of the temporary entry of business persons.
2. For the purposes of this Schedule, CPC means the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

Description of Category	Conditions and Limitations (including length of stay)
A. Business Visitors for Establishment Purposes The United Kingdom shall grant temporary entry to Business Visitors for Establishment Purposes of another Party without the requirement of a work permit or other prior approval procedure of similar intent.	
<u>Definition:</u> “ Business Visitors for Establishment Purposes ” means business persons working in a senior position within an enterprise in the territory of another Party who are responsible for the establishment of an enterprise in the United Kingdom, do not offer nor provide services, do not engage in any economic activity other than what is required for establishment purposes and do not receive remuneration within the United Kingdom.	Length of stay is for a period not exceeding 90 days in any 12-month period.

Description of Category	Conditions and Limitations (including length of stay)
<p>B. Business Visitors</p> <p>1. The United Kingdom extends its commitments under this category for “after-sales or after-lease service” to business persons of another Party if that Party has made a commitment in its Schedule for after-sales and after-lease related activities.</p> <p>2. The United Kingdom shall grant temporary entry to Business Visitors of another Party without the requirement of a work permit or other prior approval procedure of similar intent.</p>	
<p><u>Definition:</u></p> <p>“Business Visitors” means business persons permitted to engage in the following activities during their stay:</p> <p>(a) after-sales or after-lease service: installers, repair and maintenance personnel and supervisors, possessing specialised knowledge essential to a seller’s or lessor’s contractual obligation, supplying services or training workers to supply services pursuant to a warranty or other service contract incidental to the sale or lease of commercial or industrial equipment or machinery, including computer software, purchased or leased from an enterprise in the territory of another Party of which the Business Visitor is a natural person, throughout the duration of the warranty or service contract;</p> <p>(b) sales: representatives of a supplier of services or goods taking orders or negotiating the sale of services or goods or entering into agreements to sell services or goods for that supplier, but not delivering goods or supplying services themselves;</p> <p>(c) meetings and consultations: business persons attending meetings or conferences, or engaged in consultations with business associates; and</p>	<p>The United Kingdom shall grant temporary entry to Business Visitors subject to the following conditions:</p> <p>(a) they are not engaged in selling their goods or supplying services to the general public;</p> <p>(b) they do not, on their own behalf, receive remuneration from within the United Kingdom; and</p> <p>(c) they are not engaged in the supply of a service in the framework of a contract concluded between an enterprise that is not established in the United Kingdom and a consumer in the United Kingdom, except as provided in the permitted activities set out in the definition of a “Business Visitor”.</p> <p>Length of stay is for a period not exceeding 90 days in any 12-month period.</p>

(d) trade fairs and exhibitions: personnel attending a trade fair for the purpose of promoting their company or its products or services.	
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Description of Category	Conditions and Limitations (including length of stay)
<p>C. Intra-Corporate Transferees</p> <p>The partner accompanying the Intra-Corporate Transferee</p> <p>1. The United Kingdom shall grant temporary entry to the partner, as defined in the United Kingdom’s relevant immigration rules, accompanying an Intra-Corporate Transferee of another Party granted temporary entry for the same length of stay as the length of stay granted to the Intra-Corporate Transferee where that Party has also made a commitment in its Schedule for partners of Intra-Corporate Transferees.</p> <p>2. In accordance with, and subject to, the law of the United Kingdom, the United Kingdom shall upon application grant the partner of the Intra-Corporate Transferee permission to work for the duration of their length of stay, in an employed or self-employed capacity, and shall not require them to obtain a work permit.</p> <p>Dependent children accompanying the Intra-Corporate Transferee</p> <p>3. The United Kingdom shall grant temporary entry to dependent children accompanying the Intra-Corporate Transferee of another Party granted temporary entry for the same length of stay as the length of stay granted to the Intra-Corporate Transferee where that Party has also made a commitment in its Schedule for dependent children of Intra-Corporate Transferees.</p> <p>4. For the purposes of this Schedule, dependent children means children who are dependent on the Intra-Corporate Transferee and who are recognised as dependent children in accordance with the law of the United Kingdom.</p> <p>5. In accordance with, and subject to, the law of the United Kingdom, the United Kingdom shall upon application grant a dependent child of the Intra-Corporate Transferee permission to work for the duration of their length of stay, in an employed or self-employed capacity, and shall not require them to obtain a work permit.</p>	
<p><u>Definition:</u></p> <p>“Intra-Corporate Transferees” means business persons who:</p> <p>(a) have been employed by an enterprise in the territory of another Party, or have been partners in it, for a period of not less than 12 months immediately preceding the date of submission of their application for temporary entry in the United Kingdom;</p> <p>(b) are temporarily transferred to an enterprise in the United Kingdom,</p>	<p>Length of stay is for a period not exceeding three years.</p>

<p>which forms part of the same group of the enterprise referred to in paragraph (a) including its representative office, subsidiary, branch or head company; and</p> <p>(c) belong to one of the following categories:</p> <p>(i) managers: business persons working in a senior position, who primarily direct the management of the enterprise, receiving general supervision or direction principally from the board of directors or from shareholders of the business or their equivalent, including at least:</p> <p>(A) directing the enterprise or a department thereof;</p> <p>(B) supervising and controlling the work of other supervisory, professional or managerial employees; or</p> <p>(C) having the authority to recruit and dismiss, or to recommend recruitment, dismissal or other personnel-related actions; or</p> <p>(ii) specialists: business persons who possess specialised knowledge essential to the enterprise's production, research equipment, techniques, processes, procedures or management. In assessing that knowledge, account shall be taken not only of knowledge specific to the enterprise, but also of</p>	
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<p>whether the business person has a high level of qualification referring to a type of work or trade requiring specific technical knowledge, which may include membership of an accredited profession.</p>	
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Description of Category	Conditions and Limitations (including length of stay)
<p>D. Contractual Service Suppliers</p> <p>The United Kingdom extends its commitments for Contractual Service Suppliers to each Party in relation to business persons for each sector or sub-sector under this category if that Party has made a commitment for any of the following headings:</p> <ul style="list-style-type: none"> • Contractual Service Suppliers • Professionals • Professionals and Technicians • Professionals and Technician-Professionals • Qualified Professionals • Technicians 	
<p><u>Definition:</u></p> <p>“Contractual Service Suppliers” means business persons employed by an enterprise in the territory of another Party which:</p> <p>(a) is not an agency for placement and supply services of personnel and is not acting through such an agency;</p> <p>(b) is not established in the territory of the United Kingdom; and</p> <p>(c) has concluded a <i>bona fide</i> contract to supply services to a final consumer in the United Kingdom, requiring the presence on a temporary basis of its employees in the United Kingdom in order to fulfil the contract to supply services.¹</p> <p>The United Kingdom makes commitments only in the service sectors or sub-sectors set out below:</p> <p>(a) legal advisory services in respect of public international law and foreign law (part of CPC 861);</p>	<p>The Contractual Service Suppliers are engaged in the supply of a service on a temporary basis as employees of an enterprise which has obtained a service contract not exceeding 12 months.</p> <p>Length of stay is for a period of not more than 12 months or for the duration of the contract, whichever is less.</p> <p>The Contractual Service Suppliers entering the United Kingdom have been offering those services as employees of the enterprise supplying the services for at least 12 months immediately preceding the date of submission of an application for temporary entry into the United Kingdom and possess, at the date of submission of an application for temporary entry into the United Kingdom, at least three years of professional experience in the sector of activity which is the subject of the contract. Professional experience shall be obtained after having reached the age of majority as set out in the law of the United Kingdom.</p>

¹ In determining whether a contract is *bona fide*, the United Kingdom may consider whether:

- (a) the number of persons covered by the service contract is commensurate with the scope of the contract, provided this does not constitute a general practice of limiting the number of persons granted temporary entry; or
- (b) the contract conforms with the law of the United Kingdom, provided that the law does not nullify or impair the benefits accruing to any Party under these commitments.

<p>(b) accounting and bookkeeping services (CPC 86212 other than auditing services, 86213, 86219 and 86220);</p> <p>(c) taxation advisory services (CPC 863). Taxation advisory services do not include legal advisory and legal representational services on tax matters, which are under legal advisory services in respect of public international law and foreign law;</p> <p>(d) architectural services and urban planning and landscape architectural services (CPC 8671 and 8674);</p> <p>(e) engineering services and integrated engineering services (CPC 8672 and 8673);</p> <p>(f) research and development services (CPC 851, 852 excluding psychology services (part of CPC 85201, which is under medical and dental services) and 853);</p> <p>(g) advertising services (CPC 871);</p> <p>(h) management consulting services (CPC 865);</p> <p>(i) services related to management consulting (CPC 866);</p> <p>(j) services incidental to mining (CPC 883, advisory and consulting services only);</p> <p>(k) technical testing and analysis services (CPC 8676);</p> <p>(l) translation and interpretation services (CPC 87905, excluding official or certified activities);</p> <p>(m) telecommunication services (CPC 7544, advisory and consulting services only);</p> <p>(n) site investigation work (CPC 5111);</p>	<p>The Contractual Service Suppliers entering the United Kingdom shall possess:</p> <p>(a) a university degree or a qualification demonstrating knowledge of an equivalent level; and</p> <p>(b) the professional qualifications legally required to exercise that activity in the United Kingdom.</p> <p>If the degree or qualification has not been obtained in the United Kingdom, the United Kingdom may evaluate whether this is equivalent to a university degree required in its territory.</p> <p>The Contractual Service Suppliers do not receive remuneration for the provision of services in the territory of the United Kingdom other than the remuneration paid by the enterprise employing the business person or from a source outside the United Kingdom.</p> <p>The access accorded relates only to the service activity which is the subject of the contract and does not confer entitlement to exercise the professional title of the United Kingdom where the service is provided.</p>
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<ul style="list-style-type: none"> (o) maintenance and repair of aircraft and parts thereof (part of CPC 8868); (p) maintenance and repair of metal products, of (non-office) machinery, of (non-transport and non-office) equipment and of personal and household goods (CPC 633, 7545, 8861, 8862, 8864, 8865 and 8866); (q) insurance and insurance related services (advisory and consulting services only); (r) postal and courier services (CPC 751, advisory and consulting services only); (s) environmental services (CPC 9401, 9402, 9403, 9404, part of CPC 94060, 9405, part of CPC 9406 and 9409); (t) other financial services (advisory and consulting services only); (u) computer and related services (CPC 84); and (v) related scientific and technical consulting services (CPC 8675). 	
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Description of Category	Conditions and Limitations (including length of stay)
<p>E. Independent Professionals</p> <p>The United Kingdom extends its commitments for Independent Professionals to each Party in relation to business persons for each sector or sub-sector under this category if that Party has made a commitment in its Schedule for any of the following headings:</p> <ul style="list-style-type: none"> • Independent Professionals • Independent Professionals and Technicians • Qualified Professionals • Professionals • Professionals and Technicians • Professionals and Technician-Professionals • Technicians 	
<p><u>Definition:</u></p> <p>“Independent Professionals” means business persons who:</p> <p>(a) are engaged in the supply of a service and established as self-employed in the territory of a Party;</p> <p>(b) have not established in the territory of the United Kingdom; and</p> <p>(c) have concluded a <i>bona fide</i> contract (other than through an agency for placement and supply services of personnel) to supply services to a final consumer in the United Kingdom, requiring their presence on a temporary basis in the United Kingdom in order to fulfil the contract to supply services.²</p> <p>The United Kingdom makes commitments only in the service sectors or sub-sectors set out below:</p> <p>(a) legal advisory services in respect of public international law and foreign law (part of CPC 861);</p>	<p>The Independent Professionals are engaged in the supply of a service on a temporary basis as self-employed persons established in the territory of a Party and have obtained a service contract for a period not exceeding 12 months.</p> <p>Length of stay is for a period of not more than 12 months or for the duration of the contract, whichever is less.</p> <p>The Independent Professionals entering the United Kingdom possess, at the date of submission of an application for temporary entry into the United Kingdom, at least six years of professional experience in the sector of activity which is the subject of the contract.</p> <p>The Independent Professionals entering the United Kingdom shall possess:</p> <p>(a) a university degree or a qualification demonstrating knowledge of an equivalent level; and</p>

² In determining whether a contract is *bona fide*, the United Kingdom may consider whether the contract conforms with the law of the United Kingdom, provided that the law does not nullify or impair the benefits accruing to any Party under these commitments.

<p>(b) architectural services and urban planning and landscape architectural services (CPC 8671 and 8674);</p> <p>(c) research and development services (CPC 851, 852 excluding psychology services (part of CPC 85201, which is under medical and dental services) and 853);</p> <p>(d) management consulting services (CPC 865);</p> <p>(e) services related to management consulting (CPC 866);</p> <p>(f) translation and interpretation services (CPC 87905, excluding official or certified activities);</p> <p>(g) telecommunication services (CPC 7544, advisory and consulting services only);</p> <p>(h) postal and courier services (CPC 751, advisory and consulting services only);</p> <p>(i) computer and related services (CPC 84);</p> <p>(j) other financial services (advisory and consulting services);</p> <p>(k) engineering services and integrated engineering services (CPC 8672 and 8673); and</p> <p>(l) insurance and insurance related services (advisory and consulting services only).</p>	<p>(b) the professional qualifications legally required to exercise that activity in the United Kingdom.</p> <p>If the degree or qualification has not been obtained in the United Kingdom, the United Kingdom may evaluate whether this is equivalent to a university degree required in its territory.</p> <p>The access accorded relates only to the service activity which is the subject of the contract and does not confer entitlement to exercise the professional title of the United Kingdom where the service is provided.</p>
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Description of Category	Conditions and Limitations (including length of stay)
<p>F. Investors</p> <p>The United Kingdom extends its commitments under this category for Investors to each Party in relation to business persons if that Party has made a commitment in its Schedule for any of the following headings:</p>	

- Investors
- Independent Executives
- Persons Responsible for Setting up a Commercial Presence.

Definition:

“Investors” means business persons who:

- are senior employees of an enterprise headquartered in the territory of another Party;
- are establishing a branch or subsidiary of that enterprise in the United Kingdom;
- will be responsible for the entire or a substantial part of the enterprise’s operations in the United Kingdom, with the authority to direct the subsidiary or branch, or a department or subdivision of it, including by establishing their goals and policies, and supervising and controlling the work of other supervisory, professional or managerial employees; and
- will perform their duties under the general supervision or direction principally from higher level executives, the board of directors or shareholders of that enterprise.

Length of stay is for a period of not more than 12 months.

The Investor entering the United Kingdom must have been an employee of the enterprise headquartered in the territory of another Party for at least 12 months immediately preceding the date of submission of an application for temporary entry into the United Kingdom.

The enterprise must have been trading for at least three years as at the date of the Investor’s submission of an application for temporary entry into the United Kingdom.

Grant of temporary entry is based on connection to the economy rather than the amount of capital the enterprise invests.

ANNEX 15-A

SCHEDULE OF THE UNITED KINGDOM

SECTION A: Central Government Entities

Thresholds:

Unless otherwise specified, Chapter 15 (Government Procurement) shall apply to central government entities listed in this Section where the value of the procurement is estimated, in accordance with Article 15.2.8 (Scope), to equal or exceed the following thresholds:

130,000 SDR	Goods
130,000 SDR	Services
5,000,000 SDR	Construction Services

List of Entities:

1. Attorney General's Office:
 - (a) Government Legal Department
2. Cabinet Office:
 - (a) Office of the Parliamentary Counsel
 - (b) Boundary Commission for England
 - (c) Crown Commercial Service
3. Charity Commission
4. Crown Estate - vote expenditure only
5. Crown Prosecution Service
6. Department for Business, Energy and Industrial Strategy:
 - (a) Competition Appeal Tribunal
 - (b) Competition and Markets Authority
 - (c) Competition Service
 - (d) Intellectual Property Office
 - (e) Nuclear Decommissioning Authority
 - (f) Meteorological Office (known as Met Office)
 - (g) Office of Manpower Economics
 - (h) Oil and Gas Authority
 - (i) UK Research and Innovation
7. Department for Education:
 - (a) Office for Students
8. Ministry of Housing, Communities and Local Government
9. Department for Digital, Culture, Media and Sport:
 - (a) Arts Council England
 - (b) British Library
 - (c) British Museum
 - (d) The Gambling Commission
 - (e) Historic Buildings and Monuments Commission for England (known as Historic England)

- (f) Imperial War Museum
- (g) National Gallery
- (h) National Maritime Museum
- (i) National Portrait Gallery
- (j) Natural History Museum
- (k) Board of Trustees of the Science Museum (known as Science Museum Group)
- (l) Tate Gallery
- (m) Victoria and Albert Museum
- (n) Wallace Collection
- 10. Department for Environment, Food and Rural Affairs:
 - (a) Natural England
 - (b) Plant Variety Rights Office
 - (c) Royal Botanic Gardens, Kew
- 11. Department of Health and Social Care:
 - (a) NHS Business Services Authority
 - (b) NHS Commissioning Board (known as NHS England)
 - (c) NHS Trusts
 - (d) NHS Foundation Trusts
- 12. Department for International Trade
- 13. Department for Transport:
 - (a) Maritime and Coastguard Agency
 - (b) Highways England Company Ltd (known as Highways England)
- 14. Department for Work and Pensions:
 - (a) Office for Nuclear Regulation
 - (b) Pensions Regulator
 - (c) Social Security Advisory Committee
- 15. Export Credits Guarantee Department (known as UK Export Finance)
- 16. Foreign, Commonwealth and Development Office:
 - (a) Wilton Park
- 17. Government Actuary's Department
- 18. Government Communications Headquarters
- 19. Home Office:
 - (a) HM Inspectorate of Constabulary and Fire & Rescue Services
- 20. Corporate Officer of the House of Commons
- 21. Corporate Officer of the House of Lords
- 22. Ministry of Defence:
 - (a) Defence Equipment & Support
- 23. Ministry of Justice:
 - (a) Court of Appeal (England and Wales)
 - (b) Employment Appeals Tribunal
 - (c) Employment Tribunals
 - (d) First-tier Tribunal
 - (e) Her Majesty's Courts and Tribunals Service
 - (f) Law Commission
 - (g) Legal Aid Agency - England and Wales
 - (h) Office of the Official Solicitor to the Senior Courts and the Public Trustee
 - (i) Office of the Public Guardian
 - (j) Parole Board
 - (k) UK Supreme Court
 - (l) Upper Tribunal

24. The National Archives
25. National Audit Office
26. National Savings and Investments
27. Northern Ireland Assembly Commission
28. Northern Ireland Ministers:
 - (a) Agricultural Wages Board for Northern Ireland
 - (b) Attorney General for Northern Ireland
 - (c) Department of Agriculture, Environment and Rural Affairs
 - (d) Department for Communities
 - (e) Department for the Economy:
 - (i) Consumer Council Northern Ireland (with respect only to the functions transferred from the National Consumer Council which were themselves transferred from the Gas and Electricity Consumer Council)
 - (f) Department of Education
 - (g) Department of Finance
 - (h) Department of Health
 - (i) Department for Infrastructure
 - (j) Department of Justice:
 - (i) Coroners Service
 - (ii) County Courts
 - (iii) Court of Appeal and High Court of Justice in Northern Ireland
 - (iv) Crown Court
 - (v) Enforcement of Judgements Office
 - (vi) Forensic Science Northern Ireland
 - (vii) Legal Service Agency Northern Ireland
 - (viii) Magistrates' Courts
 - (ix) Pensions Appeals Tribunals (Northern Ireland)
 - (x) Police Service of Northern Ireland
 - (xi) Probation Board for Northern Ireland
 - (xii) Office of the Social Security Commissioners and Child Support Commissioners (Northern Ireland)
 - (xiii) State Pathologist's Department
 - (k) Executive Office
29. Northern Ireland Office:
 - (a) Office of the Chief Electoral Officer for Northern Ireland
 - (b) Public Prosecution Service for Northern Ireland
30. Office for National Statistics:
 - (a) National Health Service Central Register
31. Parliamentary Works Sponsor Body
32. Parliamentary and Health Service Ombudsman
33. Postal business of the Post Office
34. Privy Council Office
35. Restoration and Renewal Delivery Authority Ltd
36. HM Revenue and Customs
37. Royal Hospital, Chelsea
38. Royal Mint
39. Rural Payments Agency
40. Scotland, Auditor-General
41. Scotland, Crown Office and Procurator Fiscal Service
42. Scotland, National Records of Scotland

43. Scotland, Queen's and Lord Treasurer's Remembrancer
44. Scotland, Registers of Scotland
45. The Scotland Office
46. The Scottish Ministers:
 - (a) Architecture and Design Scotland
 - (b) Crofting Commission
 - (c) Lands Tribunal for Scotland
 - (d) National Galleries of Scotland
 - (e) National Library of Scotland
 - (f) National Museums of Scotland
 - (g) Royal Botanic Garden, Edinburgh
 - (h) Scottish Courts and Tribunals Service
 - (i) Scottish Further and Higher Education Funding Council
 - (j) Scottish Law Commission
 - (k) Special Health Boards
 - (l) Health Boards
 - (m) The Office of the Accountant of Court
 - (n) High Court of Justiciary
 - (o) Court of Session
 - (p) HM Inspectorate of Constabulary
 - (q) Parole Board for Scotland
 - (r) Pensions Appeal Tribunals (Scotland)
 - (s) Scottish Land Court
 - (t) Sheriff Courts
 - (u) Scottish Natural Heritage
 - (v) Scottish Police Authority
 - (w) First-tier Tribunal for Scotland
 - (x) Upper Tribunal for Scotland
 - (y) Historic Environment Scotland
47. The Scottish Parliamentary Corporate Body
48. HM Treasury:
 - (a) United Kingdom Debt Management Office
49. The Wales Office - Office of the Secretary of State for Wales
50. The Welsh Ministers:
 - (a) Agricultural Dwelling House Advisory Committees (Wales)
 - (b) Agricultural Land Tribunal for Wales
 - (c) Higher Education Funding Council for Wales
 - (d) Local Democracy and Boundary Commission for Wales
 - (e) Rent Assessment Committee for Wales
 - (f) The Royal Commission on the Ancient and Historical Monuments of Wales
 - (g) Valuation Tribunal for Wales
 - (h) Welsh National Health Service Trusts and Local Health Boards

Notes to Section A:

1. Procurement by any entity subordinate to any entity listed in this Section is covered provided it does not have separate legal personality.

2. Covered procurement by entities in the field of defence and security shall only extend to non-sensitive and non-warlike materials listed in Section D.

SECTION B: Sub-Central Government Entities

Thresholds:

Unless otherwise specified, Chapter 15 (Government Procurement) shall apply to sub-central government entities listed in this Section where the value of the procurement is estimated to equal or exceed the following thresholds:

200,000 SDR	Goods
200,000 SDR	Services
5,000,000 SDR	Construction Services

List of Entities:

1. All regional or local government contracting authorities that are:
 - (a) Unitary authorities with populations of over 150,000 people;
 - (b) County councils;
 - (c) Combined authorities; or
 - (d) The Greater London Authority,

including successor regional or local government contracting authorities of substantively equivalent population sizes.

An indicative list of regional or local government contracting authorities follows:

Indicative List of Unitary Authorities with Populations over 150,000:

1. Aberdeen City Council
2. Aberdeenshire Council
3. Ards and North Down Borough Council
4. Armagh City, Banbridge and Craigavon Borough Council
5. Bath and North East Somerset
6. Bedford
7. Belfast City Council
8. Blackburn with Darwen
9. Bournemouth, Christchurch and Poole
10. Brighton and Hove
11. Caerphilly
12. Cardiff
13. Carmarthenshire
14. City of Bristol
15. Buckinghamshire
16. Central Bedfordshire
17. Cheshire East
18. Cheshire West and Cheshire
19. Cornwall

20. County Durham
21. Derby
22. Derry City and Strabane District Council
23. Dorset
24. East Riding of Yorkshire
25. City of Edinburgh Council
26. Falkirk Council
27. Fife Council
28. Flintshire
29. Glasgow City Council
30. County of Herefordshire
31. The Highland Council
32. City of Kingston upon Hull
33. Leicester
34. Luton
35. Medway
36. Milton Keynes
37. Newport
38. Newry, Mourne and Down District Council
39. North East Lincolnshire
40. North Lanarkshire Council
41. North Lincolnshire
42. North Northamptonshire
43. North Somerset
44. Northumberland
45. Nottingham
46. Perth and Kinross Council
47. Peterborough
48. Plymouth
49. Portsmouth
50. Reading
51. Renfrewshire
52. Rhondda Cynon Taf
53. Shropshire
54. South Gloucestershire
55. South Lanarkshire Council
56. Southampton
57. Southend-on-Sea
58. Stockton-on-Tees
59. Stoke-on-Trent
60. Swansea
61. Swindon
62. Telford and Wrekin
63. Thurrock
64. Warrington
65. West Berkshire
66. West Lothian Council
67. West Northamptonshire
68. Wiltshire
69. Windsor and Maidenhead

70. Wokingham
71. York

Indicative List of County Councils:

1. Cambridgeshire
2. Cumbria
3. Derbyshire
4. Devon
5. East Sussex
6. Essex
7. Gloucestershire
8. Hampshire
9. Hertfordshire
10. Kent
11. Lancashire
12. Leicestershire
13. Lincolnshire
14. Norfolk
15. North Yorkshire
16. Nottinghamshire
17. Oxfordshire
18. Somerset
19. Staffordshire
20. Suffolk
21. Surrey
22. Warwickshire
23. West Sussex
24. Worcestershire

Indicative List of Combined Authorities:

1. Cambridgeshire and Peterborough Combined Authority
2. Greater Manchester Combined Authority
3. Liverpool City Region
4. North East Combined Authority
5. North of Tyne Combined Authority
6. South Yorkshire Combined Authority
7. Tees Valley Combined Authority
8. West of England Combined Authority
9. West Midlands Combined Authority
10. West Yorkshire Combined Authority

2. All contracting authorities which are bodies governed by public law, as defined by, for England, Wales and Northern Ireland, the *Public Contracts Regulations 2015* and, for Scotland, the *Public Contracts (Scotland) Regulations 2015*.

- (a) **Bodies governed by public law** as defined by the *Public Contracts Regulations 2015* means any bodies that have all of the following characteristics:

- (i) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;
 - (ii) they have legal personality; and
 - (iii) they have any of the following characteristics:
 - (A) they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law;
 - (B) they are subject to management supervision by those authorities or bodies; or
 - (C) they have an administrative, managerial or supervisory board; more than half of whose members are appointed by the State, regional or local authorities or by other bodies governed by public law.
- (b) **Body governed by public law** as defined by the *Public Contracts (Scotland) Regulations 2015* means a body that has legal personality, is established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character, and which:
- (i) is financed for the most part by the State, regional or local authorities, or by any other body governed by public law;
 - (ii) is subject to management supervision by any such authority or body; or
 - (iii) has an administrative, managerial or supervisory board more than half the members of which were appointed by any body referred to in subparagraph (i).

Indicative Lists of Contracting Authorities which are Bodies Governed by Public Law:

Bodies

1. Health and Safety Executive
2. Advisory, Conciliation and Arbitration Service
3. Homes England
4. NHS Blood and Transplant Service
5. Environment Agency
6. Scottish Enterprise
7. Ordnance Survey Limited
8. Financial Conduct Authority

Categories

1. Maintained schools
2. Universities and colleges financed for the most part by other contracting authorities
3. National Museums and Galleries
4. Fire and Rescue Authorities
5. Police Authorities
6. Police and Crime Commissioners
7. New Town Development Corporations
8. Urban Development Corporations
9. National Park Authorities
10. Registered providers of social housing

Notes to Section B:

1. For greater certainty, procurement by contracting authorities which are regional or local government authorities that are district councils, metropolitan boroughs, London boroughs or smaller administrative units such as parish or community councils is not covered in this Section, including procurement by successor regional or local government contracting authorities of substantively equivalent population sizes.

2. The following shall not be considered as covered procurement until such time as the United Kingdom has accepted that the Parties concerned provide satisfactory reciprocal access to their own sub-central procurement markets for goods, suppliers, services and service providers from the United Kingdom:

- (a) in regard of goods, suppliers, services and service providers from Malaysia, Mexico, New Zealand and Viet Nam, procurement by all procuring entities listed in this Section, except in the case of bodies governed by public law; and
- (b) in regard of goods, suppliers, services and service providers from Australia and Canada, procurement between 200,000 SDR and 355,000 SDR by procuring entities covered under this Section.

3. The provisions of Article 15.19 (Domestic Review) shall not apply to Japan in contesting the award of contracts by United Kingdom entities, whose value is less than the threshold applied for the same category of contracts awarded by Japan.

4. Where a procuring entity covered in this Section has selected all or a limited number of qualified suppliers, the time period for tendering may be fixed by mutual agreement between the procuring entity and the selected suppliers. In the absence of any agreement, the period shall not be less than 10 days.

SECTION C: Other Entities

Thresholds:

Unless otherwise specified, Chapter 15 (Government Procurement) shall apply to the other entities listed in this Section where the value of the procurement is estimated to equal or exceed the following thresholds:

400,000 SDR	Goods
400,000 SDR	Services
5,000,000 SDR	Construction Services

List of Entities:

1. All utilities whose procurement is covered by the *Utilities Contracts Regulations 2016* and the *Utilities Contracts (Scotland) Regulations 2016* which:

- (a) are one of the following entities:
 - (i) a central government entity covered in Section A;
 - (ii) a sub-central government entity covered in Section B; or
 - (iii) a public undertaking;¹ and
- (b) have as one of their activities any of those referred to below or any combination thereof:
 - (i) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or the supply of drinking water to such networks;

¹ According to the *Utilities Contracts Regulations 2016*, a **public undertaking** means any undertaking over which contracting authorities may exercise directly or indirectly a dominant influence by virtue of:

- (a) their ownership of that undertaking;
- (b) their financial participation in that undertaking; or
- (c) the rules which govern that undertaking.

According to the *Utilities Contracts (Scotland) Regulations 2016*, a **public undertaking** means a person over which one or more contracting authorities are able to exercise, directly or indirectly, a dominant influence by virtue of one or more of the following:

- (a) their ownership of that person;
- (b) their financial participation in that person;
- (c) the rights accorded to them by the rules which govern that person.

According to both the *Utilities Contracts Regulations 2016* and the *Utilities Contracts (Scotland) Regulations 2016*, a dominant influence on the part of contracting authorities is presumed in any of the following cases in which those authorities, directly or indirectly:

- (a) hold the majority of the undertaking's subscribed capital;
- (b) control the majority of the votes attaching to shares issued by the undertaking;
- (c) can appoint more than half of the undertaking's administrative, management or supervisory body.

- (ii) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity or the supply of electricity to such networks;
- (iii) the provision of airport or other terminal facilities to carriers by air;
- (iv) the provision of maritime or inland port or other terminal facilities to carriers by sea or inland waterway;
- (v) the provision or operation of networks² providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable;
- (vi) the provision or operation of networks providing a service to the public in the field of transport by railways.³

Indicative Lists of Contracting Authorities and Public Undertakings Fulfilling the Criteria Set Out in Section C:

Production, transport or distribution of drinking water

- 1. A company holding an appointment as a water undertaker or a sewage undertaker under the *Water Industry Act 1991*
- 2. Scottish Water
- 3. Northern Ireland Water

Production, transport or distribution of electricity

- 1. A person licensed under section 6 of the *Electricity Act 1989*
- 2. A person licensed under section 10(1) of the *Electricity (Northern Ireland) Order 1992*

Airport installations

- 1. A local authority which exploits a geographical area for the purpose of providing airport or other terminal facilities to carriers by air
- 2. Highland and Islands Airports Limited
- 3. London Luton Airport Operations Limited
- 4. Manchester Airports Holdings Limited
- 5. Cornwall Airport Limited

² As regards transport services, a network shall be considered to exist if the service is provided under operating conditions laid down by a competent authority of the United Kingdom such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.

³ For example, the provision or operation of networks (within the meaning of footnote 2) providing a service to the public in the field of transport by high-speed or conventional trains.

Maritime or inland port or other terminal facilities

1. A local authority which exploits a geographical area for the purpose of providing maritime or inland port or other terminal facilities to carriers by sea or inland waterway
2. A harbour authority within the meaning of section 57 of the *Harbours Act 1964*
3. A harbour authority as defined by section 38(1) of the *Harbours Act (Northern Ireland) 1970*

Contracting entities in the field of urban railway, tramway, trolleybus or bus services

1. London Bus Services Limited
2. London Underground Limited
3. Transport for London
4. A subsidiary of Transport for London within the meaning of section 424(1) of the *Greater London Authority Act 1999*
5. Strathclyde Partnership for Transport
6. Transport for Greater Manchester
7. Tyne and Wear Passenger Transport (trading as Nexus)
8. Brighton and Hove City Council
9. South Yorkshire Passenger Transport Executive
10. Blackpool Transport Services Limited
11. Conwy County Borough Council
12. A person who provides a London local service as defined in section 179(1) of the *Greater London Authority Act 1999* (a bus service) in pursuance of an agreement entered into by Transport for London under section 156(2) of that Act or in pursuance of a transport subsidiary's agreement as defined in section 169 of that Act
13. Northern Ireland Transport Holding Company
14. A person who holds a bus operator's licence under section 4(1) of the *Transport Act (Northern Ireland) 1967* which authorises that person to provide a regular service within the meaning of that licence

Contracting entities in the field of rail services

1. Network Rail plc
2. Northern Ireland Transport Holding Company
3. Northern Ireland Railways Company Limited
4. Providers of rail services which operate on the basis of special or exclusive rights granted by the Department of Transport or any other competent authority

Notes to Section C:

1. Procurement for the pursuit of an activity listed above when exposed to competitive forces in the market concerned is not covered by Chapter 15 (Government Procurement).

2. Chapter 15 (Government Procurement) does not cover procurement by procuring entities included in this Section:

- (a) for the purchase of water and for the supply of energy or of fuels for the production of energy;
- (b) for purposes other than the pursuit of their activities as listed in this Section or for the pursuit of such activities outside of the United Kingdom; or
- (c) for purposes of re-sale or hire to third parties, provided that the procuring entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the procuring entity.

3. The supply of drinking water or electricity to networks which provide a service to the public by a procuring entity other than a contracting authority shall not be considered as an activity within the meaning of subparagraphs 1(b)(i) or 1(b)(ii) of this Section if:

- (a) the production of drinking water or electricity by the entity concerned takes place because its consumption is necessary for carrying out an activity other than that referred to in subparagraphs 1(b)(i) through 1(b)(vi) of this Section; and
- (b) supply to the public network depends only on the entity's own consumption and has not exceeded 30 per cent of the entity's total production of drinking water or energy, having regard to the average for the preceding three years, including the current year.

4. Chapter 15 (Government Procurement) does not cover procurement:

- (a) by a procuring entity to an affiliated undertaking;⁴ or
- (b) by a joint venture, formed exclusively by a number of procuring entities for the purpose of carrying out activities within the meaning of subparagraphs 1(b)(i) through 1(b)(vi) of this Section, to an undertaking which is affiliated with one of these procuring entities,

for services or supplies contracts provided that at least 80 per cent of the average turnover of the affiliated undertaking with respect to services or supplies for the preceding three years

⁴ **affiliated undertaking** means any undertaking over which the procuring entity may exercise, directly or indirectly, a dominant influence, or which may exercise a dominant influence over the procuring entity, or which, in common with the procuring entity, is subject to the dominant influence of another undertaking by virtue of ownership, financial participation or the rules which govern it.

derives respectively from the provision of such services or supplies to undertakings with which it is affiliated.⁵

5. Chapter 15 (Government Procurement) does not cover procurement:

- (a) by a joint venture, formed exclusively by a number of procuring entities for the purposes of carrying out activities within the meaning of subparagraphs 1(b)(i) through 1(b)(vi) of this Section, to one of these procuring entities; or
- (b) by a procuring entity to such a joint venture of which it forms part, provided that the joint venture has been set up to carry out the activity concerned over a period of at least three years and the instrument setting up the joint venture stipulates that the procuring entities, which form it, will be part thereof for at least the same period.

6. With regard to goods, suppliers, services and service providers from Australia, Brunei, Canada, Malaysia and New Zealand, procurement by procuring entities in this Section is covered with respect to the Party concerned only to the extent that Party provides equivalent access to its own procurement markets for goods, suppliers, services and service providers from the United Kingdom under Chapter 15 (Government Procurement).

7. Procurement by procuring entities in this Section shall only be considered covered procurement:

- (a) in regard of goods, suppliers, services and service providers from Mexico, by those procuring entities operating in the activities described in subparagraphs 1(b)(i) through 1(b)(v) of this Section and in regard of goods from Mexico, by those procuring entities operating in the activities described in subparagraph 1(b)(vi) of this Section;
- (b) in regard of goods, suppliers, services and service providers from Chile, by those procuring entities operating in the activities described in subparagraphs 1(b)(iii) and 1(b)(iv) of this Section; and
- (c) in regard of goods, suppliers, services and service providers from Japan, by those procuring entities operating in the activities described in subparagraphs 1(b)(i) and 1(b)(iii) through 1(b)(v) of this Section except urban railways.

8. The provisions of Article 15.19 (Domestic Review) shall not apply to Japan in contesting the award of contracts by United Kingdom entities, whose value is less than the threshold applied for the same category of contracts awarded by Japan.

⁵ When, because of the date on which an affiliated undertaking was created or commenced activities, the turnover is not available for the preceding three years, it will be sufficient for that undertaking to show that the turnover referred to in this note is credible, in particular by means of business projections.

9. If a procuring entity covered under this Section has selected all or a limited number of qualified suppliers, the time period for tendering may be fixed by mutual agreement between the procuring entity and the selected suppliers. In the absence of agreement, the period shall not be less than 10 days.

10. In relation to multi-use lists, a notice inviting suppliers to apply for inclusion on a multi-use list may be used as a notice of intended procurement by a procuring entity covered under this Section, provided the notice includes as much of the information required under Article 15.7.3 (Notices of Intended Procurement) as is available and a statement that only suppliers on the multi-use list will receive further notices of procurement covered by the multi-use list.

SECTION D: Goods

1. Chapter 15 (Government Procurement) covers the procurement of all goods procured by the entities listed in Sections A, B and C, unless otherwise specified.
2. With respect to procurement of goods by the Ministry of Defence and Agencies for defence or security activities in the United Kingdom, Chapter 15 (Government Procurement) covers only the goods that are described in the Chapters of HS 2017 specified below:

HS Chapter	Description
Chapter 25:	Salt, sulphur, earths and stone, plastering materials, lime and cement
Chapter 26:	Metallic ores, slag and ash
Chapter 27:	Mineral fuels, mineral oils and products of their distillation, bituminous substances, mineral waxes except: ex 27.10: special engine fuels
Chapter 28:	Inorganic chemicals, organic and inorganic compounds of precious metals, of rare-earth metals, of radio-active elements and isotopes except: ex 28.09: explosives ex 28.13: explosives ex 28.14: tear gas ex 28.28: explosives ex 28.32: explosives ex 28.39: explosives ex 28.50: toxic products ex 28.51: toxic products ex 28.54: explosives
Chapter 29:	Organic chemicals except: ex 29.03: explosives ex 29.04: explosives ex 29.07: explosives ex 29.08: explosives ex 29.11: explosives ex 29.12: explosives ex 29.13: toxic products ex 29.14: toxic products ex 29.15: toxic products

	ex 29.21: toxic products
	ex 29.22: toxic products
	ex 29.23: toxic products
	ex 29.26: explosives
	ex 29.27: toxic products
	ex 29.29: explosives
Chapter 30:	Pharmaceutical products
Chapter 31:	Fertilisers
Chapter 32:	Tanning and dyeing extracts, tannings and their derivatives, dyes, colours, paints and varnishes, putty, fillers and stoppings, inks
Chapter 33:	Essential oils and resinoids, perfumery, cosmetic or toilet preparations
Chapter 34:	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and “dental waxes”
Chapter 35:	Albuminoidal substances, glues, enzymes
Chapter 37:	Photographic and cinematographic goods
Chapter 38:	Miscellaneous chemical products
	except:
	ex 38.19: toxic products
Chapter 39:	Artificial resins and plastic materials, cellulose esters and ethers, and articles thereof
	except:
	ex 39.03: explosives
Chapter 40:	Rubber, synthetic rubber, factice, and articles thereof
	except:
	ex 40.11: bullet-proof tyres
Chapter 41:	Raw hides and skins (other than fur skins) and leather
Chapter 42:	Articles of leather, saddlery and harness, travel goods, handbags and similar containers, articles of animal gut (other than silkworm gut)
Chapter 43:	Furskins and artificial fur, manufactures thereof

Chapter 44:	Wood and articles of wood, wood charcoal
Chapter 45:	Cork and articles of cork
Chapter 46:	Manufactures of straw of esparto and of other plaiting materials, basket ware and wickerwork
Chapter 47:	Paper-making material
Chapter 48:	Paper and paperboard, articles of paper pulp, of paper or of paperboard
Chapter 49:	Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans
Chapter 65:	Headgear and parts thereof
Chapter 66:	Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
Chapter 67:	Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair
Chapter 68:	Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
Chapter 69:	Ceramic products
Chapter 70:	Glass and glassware
Chapter 71:	Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
Chapter 73:	Iron and steel and articles thereof
Chapter 74:	Copper and articles thereof
Chapter 75:	Nickel and articles thereof
Chapter 76:	Aluminium and articles thereof
Chapter 77:	Magnesium and beryllium and articles thereof
Chapter 78:	Lead and articles thereof
Chapter 79:	Zinc and articles thereof
Chapter 80:	Tin and articles thereof

Chapter 81:	Other base metals employed in metallurgy and articles thereof
Chapter 82:	Tools, implements, cutlery, spoons and forks, of base metal, parts thereof except: ex 82.05: tools ex 82.07: tools, parts
Chapter 83:	Miscellaneous articles of base metal
Chapter 84:	Boilers, machinery and mechanical appliances, parts thereof except: ex 84.06: engines ex 84.08: other engines ex 84.45: machinery ex 84.53: automatic data-processing machines ex 84.55: parts of machines under heading No 84.53 ex 84.59: nuclear reactors
Chapter 85:	Electrical machinery and equipment, parts thereof except: ex 85.13: telecommunication equipment ex 85.15: transmission apparatus
Chapter 86:	Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway tracks fixtures and fittings, traffic signalling equipment of all kinds (not electrically powered) except: ex 86.02: armoured locomotives, electric ex 86.03: other armoured locomotives ex 86.05: armoured wagons ex 86.06: repair wagons ex 86.07: wagons
Chapter 87:	Vehicles, other than railway or tramway rolling-stock, and parts thereof except: ex 87.01: tractors ex 87.02: military vehicles ex 87.03: breakdown lorries ex 87.08: tanks and other armoured vehicles ex 87.09: motorcycles ex 87.14: trailers
Chapter 89:	Ships, boats and floating structures

	except: ex 89.01 A: warships
Chapter 90:	Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus, parts and accessories thereof
	except: ex 90.05: binoculars ex 90.11: microscopes ex 90.13: miscellaneous instruments, lasers ex 90.14: telemeters ex 90.17: medical instruments ex 90.18: mechano-therapy appliances ex 90.19: orthopaedic appliances ex 90.20: X-ray apparatus ex 90.28: electrical and electronic measuring instruments
Chapter 91:	Manufacture of watches and clocks
Chapter 92:	Musical instruments, sound recorders or reproducers, television image and sound recorders or reproducers, parts and accessories of such articles
Chapter 94:	Furniture and parts thereof, bedding, mattresses, mattress supports, cushions and similar stuffed furnishings
	except: ex 94.01 A: aircraft seats
Chapter 95:	Articles and manufactures of carving or moulding material
Chapter 96:	Brooms, brushes, powder-puffs and sieves
Chapter 98:	Miscellaneous manufactured articles

SECTION E: Services

Chapter 15 (Government Procurement) covers the following services, which are identified in accordance with the United Nations Provisional Central Product Classification (CPC Prov.) as contained in document MTN.GNS/W/120.⁶

	Description	CPC Prov.
1.	Maintenance and repair services	6112, 6122, 633, 886
2.	Land transport services, including armoured car services and courier services, except transport of mail	712 (except 71235), 7512, 87304
3.	Air transport services of passengers and freight, except transport of mail	73 (except 7321)
4.	Transport of mail by land, except rail, and by air	71235, 7321
5.	Telecommunications services	752
6.	Financial services	ex 81
	(a) Insurance services	812, 814
	(b) Banking and investment services ⁷	
7.	Computer and related services	84
8.	Accounting, auditing and bookkeeping services	862
9.	Market research and public opinion polling services	864
10.	Management consulting services and related services	865, 866 ⁸
11.	Architectural services; engineering services and other technical services	867
12.	Advertising services	871
13.	Building-cleaning services	874, 82201-82206
14.	Publishing and printing services on a fee or contractual basis	88442
15.	Sewage and refuse disposal; sanitation and similar services	94

Notes to Section E:

1. For procuring entities covered under Sections A, B and C, the following services are covered under this Section with respect to a particular Party only to the extent to which that

⁶ Except for services which entities have to procure from another entity pursuant to an exclusive right established by a published law, regulation or administrative provision.

⁷ Except for the procurement or acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities.

⁸ Except arbitration and conciliation services.

Party has covered that service in its Schedule for its procuring entities covered under that Schedule's Sections A, B and C:

	Description	CPC Prov.
1.	Land transport services, except transport of mail	712 (except 71235)
2.	Financial services	ex 81
	(a) Insurance services	812, 814
	(b) Banking and investment services ⁹	
3.	Advertising services	871

2. For greater certainty, Section E does not cover procurement of the following services:

- (a) Human health services (CPC Prov. 931);
- (b) Administrative healthcare services (CPC Prov. 91122); or
- (c) Supply services of nursing personnel and supply services of medical personnel (CPC Prov. 87206 and 87209).

⁹ Except for the procurement or acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities.

SECTION F: Construction Services and Public Works Concessions Contracts

Construction Services

1. All services listed in Division 51 (CPC Prov.), as contained in document MTN/GNS/W/120.

Works concessions contracts

2. Build-operate transfer contracts and public works concession contracts which are 'works concessions contracts' under the *Concessions Contracts Regulations 2016* and the *Concessions Contracts (Scotland) Regulations 2016*¹⁰ are only covered when awarded by Section A or Section B entities. Such works concession contracts are subject to all provisions of Chapter 15 (Government Procurement) except Article 15.7.6 (Notices of Intended Procurement), Article 15.9.6 through Article 15.9.10 (Qualification of Suppliers), Article 15.10.3 (Limited Tendering), Article 15.11.1(a) and Article 15.11.2(b) (Negotiations), Article 15.12.3 (Technical Specifications), Article 15.13.1(d) and Article 15.13.4 (Tender Documentation), Article 15.14.3 through Article 15.14.5 (Time Periods) and Article 15.16.4 (Post-Award Information).

¹⁰ According to the *Concessions Contracts Regulations 2016*, a **works concession contract** means a contract:
(a) for pecuniary interest concluded in writing by means of which one or more contracting authorities or utilities entrust the execution of works to one or more economic operators, the consideration for which consists either solely in the right to exploit the works that are the subject of the contract or in that right together with payment; and
(b) that meets the requirements described below.

The requirements are:

- (a) the award of the contract shall involve the transfer to the concessionaire of an operating risk in exploiting the works or services encompassing demand or supply risk or both; and
- (b) the part of the risk transferred to the concessionaire shall involve real exposure to the vagaries of the market, such that any potential estimated loss incurred by the concessionaire shall not be merely nominal or negligible. For these purposes, the concessionaire shall be deemed to assume operating risk where, under normal operating conditions, it is not guaranteed to recoup the investments made or the costs incurred in operating the works or the services which are the subject-matter of the concession contract.

According to the *Concessions Contracts (Scotland) Regulations 2016*, a **works concession contract** means a contract:

- (a) for pecuniary interest concluded in writing by means of which one or more contracting entities entrust the execution of works to one or more economic operators, the consideration for which consists either solely in the right to exploit the works that are the subject of the contract or in that right together with payment; and
- (b) that meets the requirements described below.

The requirements are:

- (a) the award of the contract involves the transfer to the concessionaire of an operating risk in exploiting the works or services encompassing demand or supply risk or both; and
- (b) the part of the risk transferred to the concessionaire involves real exposure to changing market conditions, such that any potential estimated loss incurred by the concessionaire is not merely nominal or negligible. For these purposes the concessionaire shall be deemed to assume operating risk if, under normal operating conditions, it is not guaranteed to recoup the investments made or the costs incurred in operating the works or the services which are the subject-matter of the concession contract.

3. For greater certainty, build-operate transfer contracts and public works concession contracts which are not works concession contracts, as described in paragraph 2, are covered and subject to all provisions of Chapter 15 (Government Procurement).

Notes to Section F:

1. Chapter 15 (Government Procurement) does not cover procurement of works concessions contracts as described in paragraph 2 of this Section with respect to suppliers and service providers from Malaysia or Mexico until such time as the United Kingdom has accepted that the Party concerned offers satisfactory reciprocal access.

SECTION G: General Notes

1. Chapter 15 (Government Procurement) does not cover:
 - (a) procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes (for example, food aid including urgent relief aid); or
 - (b) procurement for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.
2. Procurement by procuring entities covered under Sections A and B in connection with activities in the fields of drinking water, energy, transport and the postal sector are not covered by Chapter 15 (Government Procurement), unless covered under Section C.
3. Procurement by procuring entities covered under Sections A, B and C of good or service components of procurement which are not themselves covered by Chapter 15 (Government Procurement) in regard of suppliers and service providers from Canada shall not be considered as covered procurement.
4. Nothing in Chapter 15 (Government Procurement) shall prevent the United Kingdom from adopting any form of programme, preference or set aside that benefits SMEs. For the purposes of this paragraph, SMEs are micro, small and medium-sized enterprises as defined in Regulation 112(4) of the *Public Contracts Regulations 2015*. This paragraph shall not apply in relation to Brunei, Japan, Malaysia, Mexico, Peru, Singapore or Viet Nam.

SECTION H: Threshold Adjustment Formula

1. Thresholds shall be adjusted in every even-numbered year with each adjustment taking effect on 1 January, beginning on 1 January of the first even numbered year after the date of entry into force of this Agreement for the United Kingdom.
2. Every two years, the United Kingdom shall calculate and publish the value of the thresholds under Chapter 15 (Government Procurement) expressed in British pound sterling (GBP). These calculations shall be based on the conversion rates published by the International Monetary Fund in its monthly *International Financial Statistics*.
3. The conversion rates shall be the average of the daily values of the British pound sterling in terms of the SDR over the two-year period terminating on the last day of August preceding the year before the adjusted thresholds are to take effect.
4. The United Kingdom shall notify the other Parties of the current thresholds in its currency immediately after the date of entry into force of this Agreement for the United Kingdom, and the adjusted thresholds in its currency thereafter in a timely manner.
5. The United Kingdom shall consult if a major change in its national currency relative to the SDR or to the national currency of another Party were to create a significant problem with regard to the application of Chapter 15 (Government Procurement).

SECTION I: Publication of Information

Electronic or paper media utilised for the publication of laws, regulations, judicial decisions, administrative rulings of general application, standard contract clauses and procedures regarding government procurement covered by Chapter 15 (Government Procurement) pursuant to Article 15.6 (Publication of Procurement Information):

1. Legislation - www.legislation.gov.uk
2. Jurisprudence - law reports, including those published on www.judiciary.gov.uk (for England, Wales and Northern Ireland) and www.scotcourts.gov.uk (for Scotland).

Electronic media utilised for the publication of notices required by Article 15.7 (Notices of Intended Procurement), Article 15.9.3 (Qualification of Suppliers) and Article 15.16.3 (Post-Award Information), pursuant to Article 15.6 (Publication of Procurement Information):

1. The UK Find a Tender service, being a single web-based portal which is provided by or on behalf of the Cabinet Office at www.find-tender.service.gov.uk

SECTION J: Transitional Measures

None.

ANNEX I

SCHEDULE OF THE UNITED KINGDOM

INTRODUCTORY NOTES

1. **Description** provides a general non-binding description of the measure for which the entry is made.
2. **Obligations Concerned** specifies the obligations referred to in Article 9.12.1 (Non-Conforming Measures) and Article 10.7.1 (Non-Conforming Measures) that do not apply to the listed measures.
3. **ISIC Rev. 3.1**, where referenced, means the International Standard Industrial Classification of All Economic Activities (Statistical Papers Series M No. 4, ISIC Rev. 3.1, Statistical Office of the United Nations, New York, 2002).
4. In the interpretation of an entry, all elements of the entry shall be considered. An entry shall be interpreted in light of the relevant provisions of the Chapters against which the entry is taken. The **Measures** element shall prevail over all the other elements.

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: Performance Requirements (Article 9.10)

Level of Government: Central and Regional

Measures: *The City Code on Takeovers and Mergers*, Rule 19.5
Companies Act 2006, Section 46, Chapter 1 of Part 28, Schedule 1C
The Law of Property (Miscellaneous Provisions) Act 1989, Section 1, and the prerogative powers of the Crown, both as regards enforcement of Deeds of Undertaking and in relation to takeovers or mergers

Description: Investment

The United Kingdom may enforce a commitment or undertaking in relation to a takeover or merger if the commitment or undertaking is not imposed or required as a condition of approval of the takeover or merger and is:

- (a) given in accordance with the provisions governing post-offer undertakings in *The City Code on Takeovers and Mergers*; or
- (b) given to a Minister pursuant to Deeds of Undertaking and accepted or enforced by them under the prerogative powers of the Crown. These powers enable a Minister to accept such voluntary commitments or undertakings and enforce them by applying to the competent courts of the United Kingdom.

Sector:	Professional Services
Sub-Sector:	Legal Services
Industry Classification:	Part of CPC 861
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Market Access (Article 10.5) Local Presence (Article 10.6)
Level of Government:	Central and Regional
Measures:	<p>For England and Wales, the <i>Solicitors Act 1974</i>, the <i>Administration of Justice Act 1985</i> and the <i>Legal Services Act 2007</i></p> <p>For Scotland, the <i>Solicitors (Scotland) Act 1980</i> and the <i>Legal Services (Scotland) Act 2010</i></p> <p>For Northern Ireland, the <i>Solicitors (Northern Ireland) Order 1976</i></p> <p>For all jurisdictions, the <i>Immigration and Asylum Act 1999</i></p> <p>In addition, the measures applicable in each jurisdiction include any requirements set by professional or regulatory bodies.</p>
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The relevant professional or regulatory body may require establishment for the provision of certain United Kingdom domestic legal services. Non-discriminatory legal form requirements may apply.</p> <p>The relevant professional or regulatory body may require residency for the provision of certain United Kingdom domestic legal services in relation to immigration.</p>

Sector:	Professional Services
Sub-Sector:	Intellectual Property Agents
Industry Classification:	
Obligations Concerned:	Most-Favoured-Nation Treatment (Article 10.4) Local Presence (Article 10.6)
Level of Government:	Central
Measures:	<i>Copyright, Designs and Patents Act 1988, Part V and Schedule 5</i>
Description:	<u>Cross-Border Trade in Services</u> Local presence is required for the provision of intellectual property agency services.

Sector:	Professional Services
Sub-Sector:	Veterinary Services
Industry Classification:	CPC 932
Obligations Concerned:	Market Access (Article 10.5)
Level of Government:	Central
Measures:	<i>Veterinary Surgeons Act 1966</i> , Section 16, Section 19 and Section 20
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Only members of the Royal College of Veterinary Surgeons (RCVS) may provide veterinary services in the United Kingdom. RCVS guidelines may require physical presence for the provision of veterinary services.</p>

Sector:	Business Services
Sub-Sector:	Rental or Leasing Services without Operators
Industry Classification:	CPC 83104
Obligations Concerned:	National Treatment (Article 9.4) Most-Favoured-Nation Treatment (Article 9.5) Local Presence (Article 10.6)
Level of Government:	Central
Measures:	<i>Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast)</i> , as retained in the law of the United Kingdom by the <i>European Union (Withdrawal) Act 2018</i> and as amended by the <i>Operation of Air Services (Amendment etc.) (EU Exit) Regulations (S.I. 2018/1392)</i> , Article 4 and Article 13
Description:	<u>Investment and Cross-Border Trade in Services</u> For rental or leasing of aircraft without crew (dry lease), aircraft used by an air carrier of the United Kingdom are subject to applicable aircraft registration requirements. A dry lease agreement to which a United Kingdom carrier is a party shall be subject to requirements in the national law on aviation safety, such as prior approval and other conditions applicable to the use of a Party or a non-Party's registered aircraft. To be registered, aircraft may be required to be owned either by natural persons meeting specific nationality criteria or by enterprises meeting specific criteria regarding ownership of capital and control.

Sector:	Business Services
Sub-Sector:	Other Business Services
Industry Classification:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Market Access (Article 10.5)
Level of Government:	Central
Measures:	<i>Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89, as retained in the law of the United Kingdom by the European Union (Withdrawal) Act 2018 and as amended by The Computer Reservation Systems (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1080), Article 8</i>
Description:	<u>Investment and Cross-Border Trade in Services</u> With respect to Computer Reservation System (CRS) services, if the United Kingdom's air carriers are not accorded, by CRS services suppliers operating outside the United Kingdom, equivalent (meaning non-discriminatory) treatment to that accorded in the United Kingdom, or if the United Kingdom's CRS services suppliers are not accorded, by non-United Kingdom air carriers, equivalent treatment to that accorded in the United Kingdom, measures may be taken to accord equivalent discriminatory treatment, respectively, to the non-United Kingdom air carriers by the CRS services suppliers operating in the United Kingdom, or to the non-United Kingdom CRS services suppliers by the United Kingdom's air carriers.

Sector:	Communication Services
Sub-Sector:	Postal and Courier Services
Industry Classification:	Part of CPC 71235, part of CPC 73210 and part of CPC 751
Obligations Concerned:	Market Access (Article 10.5)
Level of Government:	Central
Measures:	<i>Postal Services Act 2011</i> , Part 3 <i>Postal Services Act 2000</i> , Parts V, VI and VII, Schedule 6 and Schedule 8
Description:	<u>Cross-Border Trade in Services</u> The United Kingdom may restrict the organisation of the siting of letter boxes on the public highway, the issuing of postage stamps and the provision of the registered mail service used in the course of judicial or administrative procedures. For greater certainty, postal operators may be subject to particular universal service obligations or a financial contribution to a compensation fund.

Sector:	Transport Services
Sub-Sector:	Services Auxiliary to Air Transport
Industry Classification:	
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Market Access (Article 10.5)
Level of Government:	Central
Measures:	<i>Airports (Groundhandling) Regulations 1997 (S.I. 1997/2389), Regulation 10, Regulation 11, Regulation 14 and Regulation 19</i>
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The level of openness of ground handling services depends on the size of airport. The number of suppliers in each airport may be limited. For big airports, this limit shall not be less than two suppliers.</p> <p>If, with respect to access to the ground handling or self-handling market:</p> <ul style="list-style-type: none"> (a) a Party accords to ground handling services and self-handling airport users of the United Kingdom treatment less favourable than the treatment accorded by the United Kingdom to suppliers of ground handling services and self-handling airport users from that Party; or (b) a Party accords to ground handling services and self-handling airport users of the United Kingdom treatment less favourable than the treatment accorded to the ground handling services and self-handling airport users from that Party or from other Parties or non-Parties, <p>the United Kingdom may accord to ground handling services and self-handling airport users from that Party differential treatment</p>

compared to the treatment accorded to them under *The Airports (Groundhandling) Regulations 1997*.

Sector:	Transport Services
Sub-Sector:	Supporting Services for all Modes of Transport
Industry Classification:	
Obligations Concerned:	Local Presence (Article 10.6)
Level of Government:	Central
Measures:	<p><i>Taxation (Cross-Border Trade) Act 2018</i>, Part 1, Sections 45, 51, 52 and 56, Schedules 1, 2, 6 and 7</p> <p><i>Customs and Excise Management Act 1979</i>, Sections 25, 25A and 93, Part VIIIB and Section 166B</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Only persons established in the United Kingdom may provide customs services, including customs clearance services and services relating to use of temporary storage facilities or customs warehouses. For greater certainty, this includes residents in the United Kingdom and persons with a permanent place of business in the United Kingdom or a registered office in the United Kingdom.</p>

Sector:	Transport Services
Sub-Sector:	Auxiliary Services to Water Transport
Industry Classification:	
Obligations Concerned:	Market Access (Article 10.5)
Level of Government:	Central and Regional
Measures:	<i>Regulation (EU) 2017/352 of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports, as retained in the law of the United Kingdom by the European Union (Withdrawal) Act 2018 and as amended by The Pilotage and Port Services (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/671), Article 6 The Port Services Regulations 2019 (S.I. 2019/575)</i>
Description:	<u>Cross-Border Trade in Services</u> For port services, the managing body of a port, or the competent authority, may limit the number of providers of port services for a given port service.

Sector: Energy Related Activities

Sub-Sector: Mining and Quarrying

Industry Classification: ISIC Rev 3.1 11

Obligations Concerned: Market Access (Article 10.5)

Level of Government: Central and Regional

Measures: *Petroleum Act 1998*, Sections 2, 3 and 4

Description: Cross-Border Trade in Services

1. A licence is necessary to undertake exploration and production activities, both onshore and offshore. Mining and quarrying services may be provided to that licence holder without restriction.

2. This entry shall apply to production licences issued with respect to both onshore and offshore activities. To be a licensee, a company must have a place of business within the United Kingdom. That means:

- (a) it has staff present in the United Kingdom;
- (b) registration of a United Kingdom company at Companies House; or
- (c) registration of a United Kingdom branch of a foreign company at Companies House.

3. To be a party to a licence that covers a producing field, a company must either:

- (a) be registered as a United Kingdom company at Companies House; or
- (b) carry on its business through a fixed place of business in the United Kingdom as defined in section 1141 of the *Corporation Tax Act 2010* (which normally requires presence of staff).

4. This entry does not cover the provision of mining and quarrying services to a licence holder. Such services may be provided without restriction, provided that the holder of the production licence meets the criteria above.

ANNEX II

SCHEDULE OF THE UNITED KINGDOM

INTRODUCTORY NOTES

1. In the interpretation of an entry, all elements of the entry shall be considered. The **Description** element shall prevail over all other elements.
2. **ISIC Rev. 3.1**, where referenced, means the International Standard Industrial Classification of All Economic Activities (Statistical Papers Series M No. 4, ISIC Rev. 3.1, Statistical Office of the United Nations, New York, 2002).
3. The **Existing Measures** element in this Schedule identifies, for transparency purposes, a non-exhaustive list of existing measures that apply to the sectors, subsectors or activities covered by each entry at the date of entry into force of this Agreement for the United Kingdom.

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: Market Access (Article 10.5)

Description: Cross-Border Trade in Services

1. Services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.

2. Public utilities exist in sectors such as related scientific and technical consulting services, R&D services on social sciences and humanities, technical testing and analysis services, environmental services, health services, transport services and services auxiliary to all modes of transport. Exclusive rights on such services are often granted to private operators, for instance operators with concessions from public authorities, subject to specific service obligations. Given that public utilities often also exist at the sub-central level, detailed and exhaustive sector-specific scheduling is not practical. This entry shall not apply to telecommunications and to computer and related services.

Existing Measures:

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)

Description: Investment and Cross-Border Trade in Services

1. The United Kingdom reserves the right to adopt or maintain any measure that accords differential treatment to a Party or a non-Party under any international investment treaty or other trade agreement in force or signed prior to the date of entry into force of this Agreement for the United Kingdom.

2. The United Kingdom reserves the right to adopt or maintain any measure that accords differential treatment to a Party or a non-Party under any existing or future bilateral or multilateral agreement with international organisations with economic objectives comprised wholly of European countries, or with any European country, which:

- (a) creates an internal market in services and investment;
- (b) grants the right of establishment; or
- (c) requires the approximation of legislation in one or more economic sectors.

To the extent possible, the United Kingdom shall notify the other Parties prior to adopting a measure inconsistent with Article 9.5 (Most-Favoured-Nation Treatment) or Article 10.4 (Most-Favoured-Nation Treatment) with respect to such a bilateral or multilateral agreement. At the request of a Party, the Parties shall enter into negotiations to disapply this entry in respect of such measures.

An **internal market in services and investment** means an area without internal frontiers in which the free movement of services, capital and persons is ensured.

The **right of establishment** means an obligation to abolish in substance all barriers to establishment among the parties to the regional economic integration agreement by the entry into force of that agreement. The right of establishment shall include the right of nationals of the parties to the regional economic integration agreement to set up and operate enterprises under the same conditions provided for nationals under the law of the country where such establishment takes place.

The **approximation of legislation** means:

- (a) the alignment of the legislation of one or more of the parties to the regional economic integration agreement with the legislation of the other party or parties to that agreement; or
- (b) the incorporation of common legislation into the law of the parties to the regional economic integration agreement.

Such alignment or incorporation shall take place, and shall be deemed to have taken place, only at such time that it has been enacted in the law of the party or parties to the regional economic integration agreement.

3. The United Kingdom reserves the right to adopt or maintain any measure that accords differential treatment to a Party or a non-Party relating to the right of establishment for nationals or enterprises through existing or future bilateral agreements with any of the following countries or principalities: Andorra, Monaco, San Marino or the Vatican City State.

4. The United Kingdom reserves the right to adopt or maintain any measure that accords differential treatment to a Party or a non-Party under existing or future agreements relating to:

- (a) aviation;
- (b) maritime matters, including salvage; or
- (c) international road haulage (including combined transport - road or rail) and passenger transport (CPC 7111, 7112, 7121, 7122 and 7123).

Existing Measures:

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: Performance Requirements (Article 9.10)

Description: Investment

With regards to Article 9.10.1(f), Article 9.10.1(h) and Article 9.10.1(i) (Performance Requirements), the United Kingdom reserves the right to adopt or maintain any measure to prevent or remedy any situation, whether behavioural or structural, determined after judicial or administrative process to restrict or distort competition under the competition laws of the United Kingdom.

Existing Measures: *Competition Act 1998, Enterprise Act 2002*

Sector: Defence

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to the production or distribution of, or trade in, arms, munitions and war material. War material is limited to any product which is solely intended and made for military use in connection with the conduct of war or defence activities.

Existing Measures:

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: Market Access (Article 10.5)

Description: Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, subject to Chapter 12 (Temporary Entry for Business Persons), that is not inconsistent with the United Kingdom's obligations under GATS.

Existing Measures:

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Performance Requirements (Article 9.10)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to taxation related to the sale, purchase or transfer of residential property (including interests that arise via leases, financing and profit-sharing arrangements, and acquisition of interests in enterprises that own residential property).

Existing Measures:

Sector: Social Services

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure relating to the supply of law enforcement and correctional services, as well as, to the extent that they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public training, or childcare.

Existing Measures:

Sector: Professional Services

Sub-Sector: Legal Services

Industry Classification: Part of CPC 861 and part of CPC 87902

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of legal advisory and legal authorisation, documentation and certification services provided by legal professionals entrusted with public functions, such as notaries, and with respect to services provided by bailiffs.

Existing Measures:

Sector:	Professional Services
Sub-Sector:	Auditing Services
Industry Classification:	CPC 86211 and 86212 other than accounting and bookkeeping services
Obligations Concerned:	National Treatment (Article 10.3) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Cross-Border Trade in Services</u> The United Kingdom reserves the right to adopt or maintain any measure with respect to auditing services.
Existing Measures:	<i>Companies Act 2006</i>

Sector:	Professional Services
Sub-Sector:	Health-related Professional Services
Industry Classification:	CPC 85201, 9312 and 93191
Obligations Concerned:	National Treatment (Article 10.3) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<p><u>Cross-Border Trade in Services - Market Access</u></p> <p>Establishment for doctors under the National Health Service is subject to medical manpower planning (CPC 93121 and 93122).</p> <p><u>Cross-Border Trade in Services - Market Access, National Treatment, Local Presence</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedical personnel and psychologists (part of CPC 85201, CPC 9312 and 93191).</p>
Existing Measures:	

Sector:	Professional Services
Sub-Sector:	Retail Sales of Pharmaceutical, Medical and Orthopaedic Goods, other Services provided by Pharmacists
Industry Classification:	CPC 63211
Obligations Concerned:	National Treatment (Article 10.3) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of cross-border retail sales of pharmaceuticals and of medical and orthopaedic goods, and other services provided by pharmacists. Establishment in the United Kingdom is required for the retail of pharmaceuticals and specific medical goods to the general public in the United Kingdom.</p>
Existing Measures:	

Sector: Business Services

Sub-Sector: Collection Agency Services
Credit Reporting Services

Industry Classification: CPC 87901 and 87902

Obligations Concerned: National Treatment (Article 10.3)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of collection agency services and credit reporting services.

Existing Measures:

Sector:	Business Services
Sub-Sector:	Placement Services
Industry Classification:	CPC 87202, 87204, 87205, 87206 and 87209
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure that is not inconsistent with the United Kingdom's obligations under GATS with respect to placement services of domestic help personnel, other commercial or industrial workers, nursing and other personnel.</p> <p><u>Cross-Border Trade in Services</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure that is not inconsistent with the United Kingdom's obligations under GATS with respect to the cross-border supply of placement services of office support personnel and other workers.</p>
Existing Measures:	

Sector: Business Services

Sub-Sector: Investigation Services

Industry Classification: CPC 87301

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of investigation services.

Existing Measures:

Sector: Business Services

Sub-Sector: Other Business Services

Industry Classification: CPC 86764, 86769 and 8868

Obligations Concerned: National Treatment (Article 10.3)
Most-Favoured-Nation Treatment (Article 10.4)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Cross-Border Trade in Services

1. The United Kingdom reserves the right to adopt or maintain any measure with respect to the cross-border supply of maintenance and repair services in relation to the following:

- (a) rail transport equipment;
- (b) internal waterways transport vessels;
- (c) maritime vessels;
- (d) aircraft and parts thereof (part of CPC 86764, 86769 and 8868).

2. Only recognised organisations authorised by the United Kingdom may carry out statutory surveys and certification of ships on behalf of the United Kingdom. Establishment may be required.

Existing Measures: *Regulation (EC) No 391/2009 of the European Parliament and the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations as retained in the law of the United Kingdom by the European Union (Withdrawal) Act 2018, and as amended by The Merchant Shipping (Recognised Organisations) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/270)*

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to audiovisual services, provided that any such measure is consistent with the United Kingdom's commitments in all committed sectors under Article XVI and Article XVII of GATS and obligations in all sectors under Article II of GATS.

Existing Measures:

Sector: Education Services

Sub-Sector:

Industry Classification: CPC 92

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to the following:

- (a) all educational services which receive public funding or State support in any form and are therefore not considered to be privately funded. Where the supply of privately funded education services by a foreign provider is permitted, participation of private operators in the education system may be subject to concession allocated on a non-discriminatory basis;
- (b) the supply of privately funded other education services, which means other than those classified as being primary, secondary, higher and adult education services (CPC 929).

Existing Measures:

Sector:	Health and Social Services
Sub-Sector:	
Industry Classification:	CPC 931 (other than CPC 9312 and part of CPC 93191) and CPC 933
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<p>The United Kingdom reserves the right to adopt or maintain any measure with respect to the following:</p> <p>(a) Health services – including hospital, ambulance, residential health services (CPC 931 other than 9312 and part of 93191)</p> <p><u>Investment – National Treatment, Performance Requirements, Senior Management and Boards of Directors</u> <u>Cross-Border Trade in Services – Market Access</u></p> <p>(i) the supply of all health services which receive public funding or State support in any form, and are therefore not considered to be privately funded;</p> <p>(ii) all privately funded health services other than hospital services.</p> <p>The participation of private operators in the privately funded health network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread and creation of new employment.</p>

- (b) Health and social services, including pension insurance (CPC 931 other than 9312 and part of 93191)

Cross-Border Trade in Services – National Treatment, Market Access, Local Presence

- (i) the cross-border supply of health services, the cross-border supply of social services, as well as activities or services forming part of a public retirement plan or statutory system of social security.

Sub-entries (a) and (b) do not relate to the supply of any health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics and psychologists, which are covered by other entries.

- (c) Social services, including pension insurance

Investment – National Treatment, Performance Requirements, Senior Management and Boards of Directors

Cross-Border Trade in Services – Market Access

- (i) the supply of all social services which receive public funding or State support in any form, and are therefore not considered to be privately funded, and activities or services forming part of a public retirement plan or statutory system of social security;
- (ii) the supply of privately funded social services other than services relating to convalescent and rest houses and old people's homes.

The participation of private operators in the privately funded social network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density,

geographic spread and creation of new employment.

Existing Measures:

Sector: Health, Social and Education Services

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)
Performance Requirements (Article 9.10)
Senior Management and Boards of Directors (Article 9.11)
Market Access (Article 10.5)

Description: Investment and Cross-Border Trade in Services

1. The United Kingdom, when selling or disposing of its equity interests in, or the assets of, an existing state enterprise or an existing governmental entity providing health, social or education services, may prohibit or impose limitations on the ownership of such interests or assets, and on the ability of owners of such interests and assets to control any resulting enterprise, by investors of another Party or their investments. With respect to such a sale or other disposition, the United Kingdom may adopt or maintain any measure relating to the nationality of senior management or the nationality or residency of members of the boards of directors, as well as any measure limiting the number of suppliers.

2. For the purposes of this entry:

- (a) any measure adopted or maintained after the date of entry into force of this Agreement for the United Kingdom that, at the time of the sale or other disposition, prohibits or imposes limitations on the ownership of equity interests or assets or imposes nationality or residency requirements or imposes limitations on the numbers of suppliers as described in this entry shall be deemed to be an existing measure subject to Article 9.12.1 (Non-Conforming Measures) and Article 10.7.1 (Non-Conforming Measures); and
- (b) **state enterprise** means an enterprise owned or controlled through ownership interests by the

United Kingdom and includes an enterprise established after the date of entry into force of this Agreement for the United Kingdom solely for the purposes of selling or disposing of equity interests in, or the assets of, an existing state enterprise or governmental entity.

Existing Measures:

Sector:	Recreational, Cultural and Sporting Services
Sub-Sector:	
Industry Classification:	CPC 963, 9619 and 96492
Obligations Concerned:	<p>National Treatment (Article 9.4 and Article 10.3)</p> <p>Performance Requirements (Article 9.10)</p> <p>Senior Management and Boards of Directors (Article 9.11)</p> <p>Market Access (Article 10.5)</p> <p>Local Presence (Article 10.6)</p>
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure that is not inconsistent with the United Kingdom's obligations under GATS with respect to:</p> <ul style="list-style-type: none"> (a) library, archive, museum and other cultural services (CPC 963); or (b) gambling activities, which involve wagering a stake with pecuniary value in games of chance, including in particular lotteries, scratch cards, gambling services offered in casinos, gambling arcades or licensed premises, betting services, bingo services and gambling services operated by and for the benefit of charities or non-profit-making organisations (CPC 96492). <p><u>Cross-Border Trade in Services</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure that is not inconsistent with the United Kingdom's obligations under GATS with respect to the cross-border supply of entertainment services, including theatre, live bands, circus and discotheque services (CPC 9619).</p>
Existing Measures:	

Sector:	Transport Services
Sub-Sector:	Water Transport Services and Auxiliary Services to Water Transport
Industry Classification:	CPC 72
Obligations Concerned:	<p>National Treatment (Article 9.4 and Article 10.3)</p> <p>Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)</p> <p>Performance Requirements (Article 9.10)</p> <p>Senior Management and Boards of Directors (Article 9.11)</p> <p>Market Access (Article 10.5)</p> <p>Local Presence (Article 10.6)</p>
Description:	<p>1. Maritime transport and any other commercial activity undertaken from a ship</p> <p><u>Investment – National Treatment, Performance Requirements, Senior Management and Boards of Directors</u> <u>Cross-Border Trade in Services – Market Access, Local Presence, National Treatment</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure with respect to the nationality of the crew on a seagoing or non-seagoing vessel.</p> <p><u>Investment – National Treatment, Most-Favoured-Nation Treatment, Senior Management and Boards of Directors</u> <u>Cross-Border Trade in Services – Market Access</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure with respect to registering a vessel or operating a fleet under the flag of the United Kingdom (all commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture and services incidental to fishing; international passenger and freight transportation (CPC 721); and services auxiliary to maritime transport).</p> <p><u>Investment – National Treatment, Most-Favoured-Nation Treatment, Performance Requirements, Senior Management and Boards of Directors</u></p>

Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment, Market Access, Local Presence

The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of maritime cabotage services.

Maritime cabotage services cover:

- (a) transportation of passengers or goods between a port or point located in the United Kingdom and another port or point located in the United Kingdom, including on its continental shelf as provided in the *United Nations Convention on the Law of the Sea*, done at Montego Bay, December 10, 1982; and
- (b) traffic originating and terminating in the same port or point located in the United Kingdom.

For greater certainty, this entry shall apply to related traffic in support of offshore activities.

2. Auxiliary services to maritime transport

Investment – National Treatment, Senior Management and Boards of Directors

Cross-Border Trade in Services – National Treatment, Market Access, Local Presence

The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of pilotage or berthing services.

Only vessels flying the flag of the United Kingdom may provide pushing or towing services (CPC 7214).

3. Inland waterways transport and auxiliary services to inland waterways transport

Investment – National Treatment, Most-Favoured-Nation Treatment, Performance Requirements, Senior Management and Boards of Directors

Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment, Market Access, Local Presence

The United Kingdom reserves the right to adopt or maintain any measure with respect to inland waterways passenger and freight transportation (CPC 722), and services auxiliary to inland waterways transportation.

For greater certainty, this entry also covers the supply of cabotage transport on inland waterways (CPC 722).

Existing Measures:

Sector:	Transport Services
Sub-Sector:	Rail Transport Services
Industry Classification:	CPC 7111 and 7112
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<u>Investment and Cross-Border Trade in Services</u> The United Kingdom reserves the right to adopt or maintain any measure with respect to railway passenger transportation (CPC 7111) or railway freight transportation (CPC 7112).
Existing Measures:	

Sector:	Transport Services
Sub-Sector:	Road Transport Services
Industry Classification:	CPC 712
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure to require establishment or to limit the cross-border supply of road transport services (CPC 712).</p> <p>An economic needs test may apply to taxi services in the United Kingdom setting a limit on the number of service suppliers. Main criterion: local demand as provided in applicable laws (CPC 71221).</p>
Existing Measures:	<p><i>Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC as retained in the law of the United Kingdom by the European Union (Withdrawal) Act 2018 and as amended by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708)</i></p> <p><i>Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as retained in the law of the United Kingdom by the European Union (Withdrawal) Act 2018 and as amended by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708)</i></p> <p><i>Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and</i></p>

amending Regulation (EC) No 561/2006 as retained in the law of the United Kingdom by the European Union (Withdrawal) Act 2018 and as amended by The Common Rules for Access to the International Market for Coach and Bus Services (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/741)

Sector:	Transport services
Sub-Sector:	Air Transport Services and Auxiliary Services to Air Transport
Industry Classification:	
Obligations Concerned:	<p>National Treatment (Article 9.4 and Article 10.3) Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)</p>
Description:	<p>1. Space transport and rental of space craft</p> <p><u>Investment – National Treatment, Performance Requirements, Senior Management and Boards of Directors</u> <u>Cross-Border Trade in Services – National Treatment, Market Access, Local Presence</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure with respect to transportation services via space and the rental of space craft (CPC 733 and part of 734).</p> <p>2. Air traffic management and air traffic control</p> <p><u>Investment – National Treatment, Senior Management and Boards of Directors</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure with respect to:</p> <p>(a) NATS Holdings Ltd and its successors;</p> <p>(b) the exercise of statutory powers and the discharge of statutory functions and duties in relation to air traffic management and air traffic control.</p> <p>3. Air services</p> <p><u>Investment – National Treatment, Most-Favoured-Nation Treatment, Senior Management and Boards of Directors, Performance Requirements</u></p>

Cross-Border Trade in Services – Market Access

The United Kingdom reserves the right to adopt or maintain any measure with respect to air carriers and airports, with the exclusion of airport operation services. For greater certainty, airport operation services do not include the ownership of, or investment in, airports or airport lands, or any of the functions carried out by a board of directors.

Investment – National Treatment, Most-Favoured-Nation Treatment Performance Requirements, Senior Management and Boards of Directors

Cross-Border Trade in Services – National Treatment, Most-Favoured Nation Treatment, Market Access, Local Presence

The United Kingdom reserves the right to adopt or maintain any measure with respect to specialty air services for measures governing the admission of aircraft to, departure from or operation within the United Kingdom.

Existing Measures:

For air traffic management and air traffic control (paragraph 2)

Transport Act 2000

Sector:	Fishing, Aquaculture, Services Incidental to Fishing
Sub-Sector:	
Industry Classification:	ISIC Rev. 3.1 0501, 0502 and CPC 882
Obligations Concerned:	<p>National Treatment (Article 9.4 and Article 10.3)</p> <p>Most-Favoured-Nation Treatment (Article 9.5 and Article 10.4)</p> <p>Performance Requirements (Article 9.10)</p> <p>Senior Management and Boards of Directors (Article 9.11)</p> <p>Market Access (Article 10.5)</p> <p>Local Presence (Article 10.6)</p>
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>1. The United Kingdom reserves the right to adopt or maintain any measure, in particular within the framework of the United Kingdom's fisheries policy and of fishing agreements with a Party or a non-Party, with respect to access to and use of the biological resources and fishing grounds situated in the maritime waters under the sovereignty or jurisdiction of the United Kingdom.</p> <p>2. The United Kingdom reserves the right to adopt or maintain any measure:</p> <ul style="list-style-type: none"> (a) to the effect that the fishing activity of fishing vessels flying its flag must have an economic link (to the extent and according to the terms specified in the measure) with the United Kingdom; and (b) relating to fishing vessels' eligibility to use United Kingdom fishing opportunities by reference to the nationality of the owner or owners of vessels or place of incorporation of a company. <p>3. The United Kingdom reserves the right to adopt or maintain any measure:</p> <ul style="list-style-type: none"> (a) regulating the landing of catches performed in the quotas allocated to vessels of another Party or a

designated non-Party in ports of the United Kingdom;

- (b) determining a minimum size for a company in order to preserve both artisanal and coastal fishing vessels;
- (c) according differential treatment under any existing or future international agreements relating to fisheries;
- (d) with regard to the nationality of the crew of a fishing vessel flying the flag of the United Kingdom; or
- (e) with respect to the establishment of marine or inland aquaculture facilities.

Existing measures: *Fisheries Act 2020*

Sector: Collection, Purification and Distribution of Water

Sub-Sector:

Industry Classification: ISIC Rev. 3.1 41

Obligations Concerned: National Treatment (Article 9.4 and Article 10.3)
Market Access (Article 10.5)
Local Presence (Article 10.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to activities, including services relating to the collection, purification or distribution of water to household, industrial, commercial or other users, including the supply of drinking water and water management.

Existing Measures:

Sector:	Production of Energy and Related Services
Sub-Sector:	
Industry Classification:	ISIC Rev. 3.1 401, 402, CPC 7131 and 887 (other than advisory and consultancy services)
Obligations Concerned:	National Treatment (Article 9.4 and Article 10.3) Performance Requirements (Article 9.10) Senior Management and Boards of Directors (Article 9.11) Market Access (Article 10.5) Local Presence (Article 10.6)
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The United Kingdom reserves the right to adopt or maintain any measure if the United Kingdom permits foreign ownership of a gas or electricity transmission system, or an oil and gas pipeline transport system, with respect to enterprises of another Party controlled by a natural person or enterprise of a non-Party which accounts for more than five per cent of the United Kingdom's oil, natural gas or electricity imports, in order to guarantee the security of the energy supply of the United Kingdom. This entry shall not apply to advisory and consultancy services provided as services incidental to energy distribution.</p>
Existing Measures:	

ANNEX III

SCHEDULE OF THE UNITED KINGDOM

HEADNOTES

1. Commitments under Chapter 11 (Financial Services) are undertaken subject to the limitations and conditions set forth in these headnotes and the Schedule below.
2. To clarify the United Kingdom's commitment with respect to Article 11.5 (Market Access for Financial Institutions), enterprises supplying financial services are subject to non-discriminatory limitations on juridical form.
3. For greater certainty, the United Kingdom shall not be prevented from applying regulatory and supervisory measures for prudential reasons to branches established in the United Kingdom by enterprises incorporated in another Party pursuant to Article 11.11.1 (Exceptions), provided that such measures meet the requirements of that Article.
4. In the interpretation of an entry in Section A:
 - (a) **Description** provides a general non-binding description of the measure for which the entry is made;
 - (b) **Obligations Concerned** specifies the obligations referred to in paragraph 1(b) of the Explanatory Notes that do not apply to the listed measures; and
 - (c) all elements of the entry shall be considered. An entry shall be interpreted in light of the relevant provisions against which the entry is taken. The **Measures** element shall prevail over all other elements.
5. In the interpretation of a reservation in Section B, all elements of the reservation shall be considered. The **Description** element shall prevail over all other elements.

Section A

Sector:	Financial Services
Sub-Sector:	Banking and other financial services (excluding insurance)
Obligations Concerned:	Market Access for Financial Institutions (Article 11.5)
Level of Government:	Central
Measures:	<i>Financial Services and Markets Act 2000</i>
Description:	Only firms incorporated in the United Kingdom and having a place of business in the United Kingdom can act as depositories of the assets of investment funds. The establishment of a specialised management company, incorporated in the United Kingdom and having a place of business in the United Kingdom, is required to perform the activities of management of common funds, including unit trusts, and investment companies.

Section B

Sector: Financial Services

Obligations Concerned: Most-Favoured-Nation Treatment (Article 11.4)

Level of Government: Central

Description: The United Kingdom reserves the right to accord differential treatment to a cross-border financial service supplier of a Party or a non-Party supplying a financial service from the territory of that Party or non-Party into the territory of the United Kingdom pursuant to any bilateral or multilateral international investment treaty or other trade agreement signed or in force after the date of entry into force of this Agreement for the United Kingdom.

This reservation shall not apply in respect of:

- (a) treatment accorded by the United Kingdom to a cross-border financial service supplier of a Party, if that Party accords to a cross-border financial service supplier of the United Kingdom treatment no less favourable, in like circumstances, than the treatment accorded by the United Kingdom pursuant to any bilateral or multilateral international investment treaty or other trade agreement referred to in the previous paragraph; or
- (b) the financial services specified in Annex 11-A (Cross Border Trade) which are committed to by the United Kingdom under Article 11.6 (Cross-Border Trade), or the specific commitments made by the United Kingdom in Section A or Section D of Annex 11-B (Specific Commitments).

Existing Measures:

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.

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

Letter No. 1

*UK Department for Business and Trade to the Australian Department of Foreign
Affairs and Trade*

Auckland

16 July 2023

Dear Senator Ayres,

In connection with the signing on this date of 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* (Protocol), I have the honour to confirm the agreement reached between the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) and the Governments of the Parties to the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018 (the CPTPP) during the course of negotiations on the Protocol, which is set out in the following agreement between the United Kingdom and Australia with regard to the application of Article 18.38 (Grace Period) of the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016 that is incorporated, by reference, into and made part of the CPTPP *mutatis mutandis* (the TPP as incorporated into the CPTPP) to the United Kingdom:

1. For the purposes of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP, 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 (Grace Period).
2. Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP shall apply to the United Kingdom after the date on which the amendments referred to in paragraph 1 have entered into force for the United Kingdom.

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.

3. The United Kingdom shall promptly notify the Parties to the CPTPP for which the Protocol has entered into force when the amendments referred to in paragraph 1 have entered into force for the United Kingdom.
4. Until the amendments referred to in paragraph 1 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.
5. Any matter arising under the above paragraphs shall be subject to dispute settlement procedures under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments setting out the agreement reached between the Government of the United Kingdom and the Governments of the Parties to the CPTPP with respect to the application of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP to the United Kingdom, which shall enter into force on the date of entry into force of the Protocol as between the United Kingdom and Australia.

Letter No. 2

Australian Department of Foreign Affairs and Trade to the UK Department for Business and Trade

Auckland

16 July 2023

Dear Secretary Badenoch,

I have the honour to acknowledge the receipt of your letter of today's date, which reads as follows:

‘See Letter No.1’

I have the further honour to confirm that the above reflects the agreement reached between our two Governments during the course of the negotiations of the Protocol, and that your letter and this letter of confirmation in reply shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Protocol as between Australia and the United Kingdom.

Letter No. 3

Australian Department of Foreign Affairs and Trade to the UK Department for Business and Trade

Auckland

16 July 2023

Dear Secretary Badenoch,

In connection with the signing on this date of 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* (Protocol), and in the context of the strengthening economic partnership of our two nations under the *Free Trade Agreement between Australia and the United Kingdom of Great Britain and Northern Ireland* done at Adelaide and London, on 17 December 2021, I have the honour to confirm the following agreement reached between the Government of Australia (Australia) and the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) during the course of negotiations on the Protocol:

1. No investor of the United Kingdom shall have recourse to dispute settlement against Australia under Chapter 9, Section B (Investor-State Dispute Settlement) of the *Trans-Pacific Partnership Agreement* as incorporated into the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the TPP as incorporated into the CPTPP).
2. No investor of Australia shall have recourse to dispute settlement against the United Kingdom under Chapter 9, Section B (Investor-State Dispute Settlement) of the TPP as incorporated into the CPTPP.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between Australia and the United Kingdom, which shall enter into force on the date on which the Protocol enters into force for both Australia and the United Kingdom.

Letter No. 4

UK Department for Business and Trade to the Australian Department of Foreign Affairs and Trade

Auckland

16 July 2023

Dear Senator Ayres,

I have the honour of acknowledging receipt of your letter of today's date, which reads as follows:

‘See Letter No. 4’

I have the further honour to confirm that your letter reflects the agreement reached between the Governments of the United Kingdom and Australia during the course of the negotiations on the Protocol, and that your letter and this letter in reply shall constitute an agreement between the Government of the United Kingdom and the Government of Australia, which shall enter into force on the date on which the Protocol enters into force for both the United Kingdom and Australia.

Letter No. 5

UK Department for Business and Trade to the Brunei Ministry of Finance and Economy

*Auckland
16 July 2023*

Dear Dato Dr. Amin Liew Abdullah,

In connection with the signing on this date of 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* (Protocol), I have the honour to confirm the agreement reached between the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) and the Governments of the Parties to the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018 (the CPTPP) during the course of negotiations on the Protocol, which is set out in the following agreement between the United Kingdom and Brunei Darussalam with regard to the application of Article 18.38 (Grace Period) of the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016 that is incorporated, by reference, into and made part of the CPTPP *mutatis mutandis* (the TPP as incorporated into the CPTPP) to the United Kingdom:

1. For the purposes of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP, 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 (Grace Period).

2. Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP shall apply to the United Kingdom after the date on which the amendments referred to in paragraph 1 have entered into force for the United Kingdom.
3. The United Kingdom shall promptly notify the Parties to the CPTPP for which the Protocol has entered into force when the amendments referred to in paragraph 1 have entered into force for the United Kingdom.
4. Until the amendments referred to in paragraph 1 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.
5. Any matter arising under the above paragraphs shall be subject to dispute settlement procedures under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

I have the further honour to propose that this letter and your letter of confirmation in reply, shall constitute an agreement between our two Governments setting out the agreement reached between the Government of the United Kingdom and the Governments of the Parties to the CPTPP with respect to the application of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP to the United Kingdom, which shall enter into force on the date of entry into force of the Protocol as between the United Kingdom and Brunei Darussalam.

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.

Letter No. 6

*Brunei Ministry of Finance and Economy to the UK Department for
Business and Trade*

Auckland

16 July 2023

Dear Secretary Badenoch,

I have the honour to acknowledge the receipt of your letter of 16 July 2023, which reads as follows:

‘See Letter No. 5’

I have the further honour to confirm that the above reflects the agreement reached between our two Governments during the course of the negotiations of the Protocol, and that your letter and this letter of confirmation in reply, shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Protocol as between Brunei Darussalam and the United Kingdom.

Letter No. 7

Global Affairs Canada to the UK Department for Business and Trade

Auckland

16 July 2023

Dear Secretary Badenoch,

In connection with the signing on this date of 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* (the "Protocol"), I have the honour to confirm the following agreement reached between the Government of Canada ("Canada") and the Government of the United Kingdom of Great Britain and Northern Ireland (the "United Kingdom") during the course of negotiations on the Protocol:

"Canada and the United Kingdom agree that, in continuing to give effect to the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018 ("CPTPP"), notwithstanding the following language in the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016, as incorporated into the CPTPP, in Annex II — Canada — 16 and 17 — under the Cultural Industries Sector, first

paragraph under the subheading "Description", that states "except: (a) discriminatory requirements on service suppliers or investors to make financial contributions for Canadian content development; and (b) measures restricting the access to online foreign audio-visual content", Canada may adopt or maintain discriminatory requirements on service suppliers or investors to make financial contributions for Canadian content development and may adopt or maintain measures that restrict access to online foreign audio-visual content."

I have the further honour to propose that this letter and your letter in reply, equally authentic in English and French, shall constitute an agreement between our two Governments, which shall enter into force on the date on which the Protocol enters in force for both Canada and the United Kingdom.

Letter No. 8

UK Department for Business and Trade to the Global Affairs Canada

Auckland

16 July 2023

Dear Minister Ng,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

‘See Letter No. 7’

I have the further honour to confirm that your letter reflects the agreement reached between our two Governments during the course of negotiations on the Protocol, and that your letter and this letter in reply, equally authentic in English and French, shall constitute an agreement between the Government of the United Kingdom and the Government of Canada, which shall enter into force on the date on which the Protocol enters in force for both the United Kingdom and Canada.

Letter No. 9

UK Department for Business and Trade to the Global Affairs Canada

Auckland

16 July 2023

Dear Minister Ng,

In connection with the signing on this date of 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* (Protocol), I have the honour to confirm the agreement reached between the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) and the Governments of the Parties to the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018 (the CPTPP) during the course of negotiations on the Protocol, which is set out in the following agreement between the United Kingdom and Canada with regard to the application of Article 18.38 (Grace Period) of the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016 that is incorporated, by reference, into and made part of the CPTPP *mutatis mutandis* (the TPP as incorporated into the CPTPP) to the United Kingdom:

1. For the purposes of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP, 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 (Grace Period).
2. Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP shall apply to the United Kingdom after the date on which the amendments referred to in paragraph 1 have entered into force for the United Kingdom.
3. The United Kingdom shall promptly notify the Parties to the CPTPP for which the Protocol has entered into force when the amendments referred to in paragraph 1 have entered into force for the United Kingdom.

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.

4. Until the amendments referred to in paragraph 1 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.
5. Any matter arising under the above paragraphs shall be subject to dispute settlement procedures under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

I have the further honour to propose that this letter and your letter of confirmation in reply, equally authentic in English and French, shall constitute an agreement between our two Governments setting out the agreement reached between the Government of the United Kingdom and the Governments of the Parties to the CPTPP with respect to the application of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP to the United Kingdom, which shall enter into force on the date of entry into force of the Protocol as between the United Kingdom and Canada.

Letter No. 10

Global Affairs Canada to the UK Department for Business and Trade

*Auckland
16 July 2023*

Dear Secretary Badenoch,

I have the honour to acknowledge the receipt of your letter of 16 July 2023, which reads as follows:

‘See Letter No. 9’

I have the further honour to confirm that the above reflects the agreement reached between our two Governments during the course of the negotiations of the Protocol, and that your letter and this letter of confirmation in reply, equally authentic in English and French, shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Protocol as between Canada and the United Kingdom.

Letter No. 11

UK Department for Business and Trade to the Chilean Ministry of Foreign Affairs

Auckland

16 July 2023

Dear Under-Secretary Sanhueza,

In connection with the signing on this date of 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* (Protocol), I have the honour to confirm the agreement reached between the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) and the Governments of the Parties to the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018 (the CPTPP) during the course of negotiations on the Protocol, which is set out in the following agreement between the United Kingdom and the Republic of Chile (Chile) with regard to the application of Article 18.38 (Grace Period) of the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016 that is incorporated, by reference, into and made part of the CPTPP *mutatis mutandis* (the TPP as incorporated into the CPTPP) to the United Kingdom:

1. For the purposes of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP, 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 (Grace Period).
2. Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP shall apply to the United Kingdom after the date on which the amendments referred to in paragraph 1 have entered into force for the United Kingdom.
3. The United Kingdom shall promptly notify the Parties to the CPTPP for which the Protocol has entered into force when the amendments referred to in paragraph 1 have entered into force for the United Kingdom.

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.

4. Until the amendments referred to in paragraph 1 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.

5. Any matter arising under the above paragraphs shall be subject to dispute settlement procedures under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

I have the further honour to propose that this letter and your letter of confirmation in reply, equally authentic in English and Spanish, shall constitute an agreement between our two Governments setting out the agreement reached between the Government of the United Kingdom and the Governments of the Parties to the CPTPP with respect to the application of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP to the United Kingdom, which shall enter into force on the date of entry into force of the Protocol as between the United Kingdom and Chile.

Letter No. 12

Chilean Ministry of Foreign Affairs to the UK Department for Business and Trade

Auckland

16 July 2023

Dear Secretary Badenoch,

I have the honour to acknowledge the receipt of your letter of 16 July 2023, which reads as follows.

‘See Letter No. 11’

I have the further honour to confirm that the above reflects the agreement reached between our two Governments during the course of the negotiations of the Protocol, and that your letter and this letter of confirmation in reply, equally authentic in English and Spanish, shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Protocol as between Chile and the United Kingdom.

Letter No. 13

UK Department for Business and Trade to the Japanese Cabinet Office

Auckland

16 July 2023

Dear Minister GOTO,

In connection with the signing on this date of 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* (Protocol), I have the honour to confirm the agreement reached between the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) and the Governments of the Parties to the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018 (the CPTPP) during the course of negotiations on the Protocol, which is set out in the following agreement between the United Kingdom and Japan with regard to the application of Article 18.38 (Grace Period) of the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016 that is incorporated, by reference, into and made part of the CPTPP *mutatis mutandis* (the TPP as incorporated into the CPTPP) to the United Kingdom:

1. For the purposes of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP, 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 (Grace Period).
2. Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP shall apply to the United Kingdom after the date on which the amendments referred to in paragraph 1 have entered into force for the United Kingdom.

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.

3. The United Kingdom shall promptly notify the Parties to the CPTPP for which the Protocol has entered into force when the amendments referred to in paragraph 1 have entered into force for the United Kingdom.

4. Until the amendments referred to in paragraph 1 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.

5. Any matter arising under the above paragraphs shall be subject to dispute settlement procedures under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments setting out the agreement reached between the Government of the United Kingdom and the Governments of the Parties to the CPTPP with respect to the application of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP to the United Kingdom, which shall enter into force on the date of entry into force of the Protocol as between the United Kingdom and Japan.

Letter No. 14

Japanese Cabinet Office to the UK Department for Business and Trade

Auckland

16 July 2023

Dear Secretary Badenoch,

I have the honour to acknowledge the receipt of your letter of July 16, 2023, which reads as follows:

‘See Letter No. 13’

I have the further honour to confirm that the above reflects the agreement reached between our two Governments during the course of the negotiations of the Protocol and that your letter and this letter of confirmation in reply shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Protocol as between Japan and the United Kingdom.

Letter No. 15

Malaysian Ministry of Investment, Trade and Industry to the UK Department for Business and Trade

Auckland

16 July 2023

Dear Secretary Badenoch

In connection with the signing on this date of 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* (the "Protocol"), I have the honour to confirm the following agreement reached between the Government of Malaysia and the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) during the course of negotiations on the Protocol with regard to Chapter 17 (State-Owned Enterprises and Designated Monopolies) and Chapter 28 (Dispute Settlement) of the Trans-Pacific Partnership Agreement (TPP), done at Auckland on 4 February 2016, as incorporated into the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (CPTPP), done at Santiago on 8 March 2018 (the "TPP as incorporated into the CPTPP"):

1. The United Kingdom will refrain from seeking recourse to Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP with respect to the commitment of Malaysia regarding PETRONAS as contained in subparagraphs (a) through (l) in the Scope of Non-Conforming Activities of ANNEX — IV — MALAYSIA — 3 for a period of five years after the entry into force of the CPTPP for Malaysia.
2. After the five year-period, i.e., 29 November 2027, Malaysia and the United Kingdom will conduct consultations with a view to deciding on actions to be taken after such period.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments, which shall enter into force on the date on which the Protocol enters into force for both Malaysia and the United Kingdom.

Letter No. 16

*UK Department for Business and Trade to the Malaysian Ministry of Investment,
Trade and Industry*

Auckland

16 July 2023

Dear Minister

I have the honour of acknowledging receipt of your letter of today's date, which reads as follows:

‘See Letter No. 15’

I have the further honour to confirm that your letter reflects the agreement reached between our two Governments during the course of the negotiations on the Protocol, and that your letter and this letter in reply shall constitute an agreement between the Government of the United Kingdom and the Government of Malaysia, which shall enter into force on the date on which the Protocol enters into force for both the United Kingdom and Malaysia.

Letter No. 17

*UK Department for Business and Trade to the Malaysian Ministry of Investment,
Trade and Industry*

Auckland

16 July 2023

Dear Minister,

In connection with the signing on this date of 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* (Protocol), I have the honour to confirm the agreement reached between the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) and the Governments of the Parties to the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018 (the CPTPP) during the course of negotiations on the Protocol, which is set out in the following agreement between the United Kingdom and Malaysia with regard to the application of Article 18.38 (Grace Period) of the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016 that is incorporated, by reference, into and made part of the CPTPP *mutatis mutandis* (the TPP as incorporated into the CPTPP) to the United Kingdom:

1. For the purposes of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP, 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 (Grace Period).
2. Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP shall apply to the United Kingdom after the date on which the amendments referred to in paragraph 1 have entered into force for the United Kingdom.
3. The United Kingdom shall promptly notify the Parties to the CPTPP for which the Protocol has entered into force when the amendments referred to in paragraph 1 have entered into force for the United Kingdom.
4. Until the amendments referred to in paragraph 1 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.
5. Any matter arising under the above paragraphs shall be subject to dispute settlement procedures under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments setting out the agreement reached between the Government of the United Kingdom and the Governments of the Parties to the CPTPP with respect to the application of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP to the United Kingdom, which shall enter into force on the date of entry into force of the Protocol as between the United Kingdom and Malaysia.

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.

Malaysian Ministry of Investment, Trade and Industry to the UK Department for Business and Trade

Auckland

16 July 2023

Dear Secretary Badenoch,

I have the honour to acknowledge the receipt of your letter of 16 July 2023, which reads as follows:

‘See Letter No. 17’

I have the further honour to confirm that the above reflects the agreement reached between our two Governments during the course of the negotiations of the Protocol, and that your letter and this letter of confirmation in reply shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Protocol as between Malaysia and the United Kingdom.

Letter No. 19

UK Department for Business and Trade to the Malaysian Ministry of Investment, Trade and Industry

Auckland

16 July 2023

Dear Minister,

In connection with the signing on this date of 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* (the “Protocol”), I have the honour to confirm the following agreement reached between the Government of the United Kingdom of Great Britain and Northern Ireland (the “United Kingdom”) and the Government of Malaysia (“Malaysia”) during the course of negotiations on the Protocol:

“A decision made by Malaysian Ministers under the *Promotion of Investments Act 1986* [Act 327], the *Income Tax Act 1967* [Act 53], the *Petroleum Development Act 1974* [Act 144] and the *Industrial Co-ordination Act 1975* [Act 156] on whether or not to approve or admit a foreign investment proposal, shall not be subject to the dispute settlement provisions under Section B (Investor-State Dispute Settlement) of Chapter 9 (Investment), or Chapter 28 (Dispute Settlement) of the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016, as

incorporated into the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018.”

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments, which shall enter into force on the date on which the Protocol enters into force for both the United Kingdom and Malaysia.

Letter No. 20

Malaysian Ministry of Investment, Trade and Industry to the UK Department for Business and Trade

Auckland
16 July 2023

Dear Secretary Badenoch,

I have the honour of acknowledging receipt of your letter of today's date, which states as follows:

‘See Letter No. 19’

I have the further honour to confirm that your letter reflects the agreement reached between our two Governments during the course of the negotiations on the Protocol, and that your letter and this letter in reply shall constitute an agreement between the Government of Malaysia and the Government of the United Kingdom, which shall enter into force on the date on which the Protocol enters into force for both Malaysia and the United Kingdom.

Letter No. 21

UK Department for Business and Trade to the Malaysian Ministry of Investment, Trade and Industry

Auckland
16 July 2023

Dear Minister,

In connection with the signing on this date of 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* (the “Protocol”), I have the honour to confirm the following agreement reached between the Government of the

United Kingdom of Great Britain and Northern Ireland (United Kingdom) and the Government of Malaysia during the course of negotiations on the Protocol:

1. For the purposes of determining whether a good of heading 87.03 qualifies as originating in accordance with Chapter 3 (Rules of Origin and Origin Procedures) of the Trans-Pacific Partnership Agreement (TPP), done at Auckland on 4 February 2016, as incorporated into the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (CPTPP), done at Santiago on 8 March 2018 (the “TPP as incorporated into the CPTPP”), the applicable product specific rule of origin will be:

(a) no change in tariff classification required for a good of heading 87.03, provided there is a regional value content of not less than:

- (i) 25 per cent under the build-down method; or
- (ii) 25 per cent under the build-up method.

2. Malaysia shall not:

(a) apply any quantitative limit on the importation of originating new motor vehicles from the United Kingdom, including any limit applicable to vehicles that are subject to an import licensing requirement; or

(b) impose any new or additional charge applicable to the importation of originating motor vehicles from the United Kingdom.

3. Malaysia’s commitments in paragraph two of this letter shall apply notwithstanding any provisions of Chapter 29 (Exceptions and General Provisions) of the TPP as incorporated into the CPTPP.

4. In order to enhance the benefits of the CPTPP, the United Kingdom shall endeavour to facilitate technical cooperation and capacity building activities with Malaysia in areas of mutual interest in the automotive sector.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP, which shall enter into force on the date on which the Protocol enters into force for both the United Kingdom and Malaysia.

Letter No. 22

Malaysian Ministry of Investment, Trade and Industry to the UK Department for Business and Trade

Auckland

16 July 2023

Dear Secretary Badenoch,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

‘See Letter No. 21’

I have the further honour to confirm that your letter reflects the agreement reached between our two Governments during the course of the negotiations on the Protocol, and that your letter and this letter in reply shall constitute an agreement between the Government of Malaysia and the Government of the United Kingdom, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP, which shall enter into force on the date on which the Protocol enters into force for both Malaysia and the United Kingdom.

Letter No. 23

UK Department for Business and Trade to the Embassy of the United Mexican States in New Zealand

Auckland

16 July 2023

Dear Ambassador Alfredo Rogerio Pérez Bravo,

In connection with the signing on this date of 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* (Protocol), I have the honour to confirm the agreement reached between the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) and the Governments of the Parties to the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018 (the CPTPP) during the course of negotiations on the Protocol, which is set out in the following agreement between the United Kingdom and the United Mexican States (Mexico) with regard to the application of Article 18.38 (Grace Period) of the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016 that is incorporated, by

reference, into and made part of the CPTPP *mutatis mutandis* (the TPP as incorporated into the CPTPP) to the United Kingdom:

1. For the purposes of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP, 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 (Grace Period).
2. Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP shall apply to the United Kingdom after the date on which the amendments referred to in paragraph 1 have entered into force for the United Kingdom
3. The United Kingdom shall promptly notify the Parties to the CPTPP for which the Protocol has entered into force when the amendments referred to in paragraph 1 have entered into force for the United Kingdom.
4. Until the amendments referred to in paragraph 1 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.
5. Any matter arising under the above paragraphs shall be subject to dispute settlement procedures under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

I have the further honour to propose that this letter and your letter of confirmation in reply, equally authentic in English and Spanish, shall constitute an agreement between our two Governments setting out the agreement reached between the Government of the United Kingdom and the Governments of the Parties to the

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.

CPTPP with respect to the application of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP to the United Kingdom, which shall enter into force on the date of entry into force of the Protocol as between the United Kingdom and Mexico.

Letter No. 24

Embassy of the United Mexican States in New Zealand to the UK Department for Business and Trade

Auckland
16 July 2023

Dear Secretary of State,

I have the honour to acknowledge the receipt of your letter of 16 July 2023, which reads as follows:

‘See Letter No. 23’

I have the further honour to confirm that the above reflects the agreement reached between our two Governments during the course of the negotiations of the Protocol, and that your letter and this letter of confirmation in reply, equally authentic in English and Spanish, shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Protocol as between Mexico and the United Kingdom.

Letter No. 25

UK Department for Business and Trade to the New Zealand Ministry of Foreign Affairs and Trade

Auckland
16 July 2023

Dear Minister O’Connor,

In connection with the signing on this date of 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* (Protocol), I have the honour to confirm the agreement reached between the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) and the Governments of the Parties to the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018 (the CPTPP) during the course of

negotiations on the Protocol, which is set out in the following agreement between the United Kingdom and New Zealand with regard to the application of Article 18.38 (Grace Period) of the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016 that is incorporated, by reference, into and made part of the CPTPP *mutatis mutandis* (the TPP as incorporated into the CPTPP) to the United Kingdom:

1. For the purposes of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP, 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 (Grace Period).
2. Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP shall apply to the United Kingdom after the date on which the amendments referred to in paragraph 1 have entered into force for the United Kingdom.
3. The United Kingdom shall promptly notify the Parties to the CPTPP for which the Protocol has entered into force when the amendments referred to in paragraph 1 have entered into force for the United Kingdom.
4. Until the amendments referred to in paragraph 1 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.
5. Any matter arising under the above paragraphs shall be subject to dispute settlement procedures under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP

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.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments setting out the agreement reached between the Government of the United Kingdom and the Governments of the Parties to the CPTPP with respect to the application of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP to the United Kingdom, which shall enter into force on the date of entry into force of the Protocol as between the United Kingdom and New Zealand.

Letter No. 26

New Zealand Ministry of Foreign Affairs and Trade to the UK Department for Business and Trade

*Auckland
16 July 2023*

Dear Secretary of State,

I have the honour to acknowledge the receipt of your letter of 16 July 2023, which reads as follows:

‘See Letter No. 25’

I have the further honour to confirm that the above reflects the agreement reached between our two Governments during the course of the negotiations of the Protocol, and that your letter and this letter of confirmation in reply shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Protocol as between New Zealand and the United Kingdom.

Letter No. 27

New Zealand Ministry of Foreign Affairs and Trade to the UK Department for Business and Trade

*Auckland
16 July 2023*

Dear Secretary Badenoch

In connection with the signing on this date of 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* (Protocol), I have the honour to confirm the following agreement reached between the Government of New

Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland (the United Kingdom) during the course of negotiations on the Protocol:

1. No investor of New Zealand shall have recourse to dispute settlement against the United Kingdom under Chapter 9, Section B (Investor-State Dispute Settlement) of the Trans-Pacific Partnership Agreement (TPP), done at Auckland on 4 February 2016, as incorporated into the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (CPTPP), done at Santiago on 8 March 2018 (the TPP as incorporated into the CPTPP).
2. No investor of the United Kingdom shall have recourse to dispute settlement against New Zealand under Chapter 9, Section B (Investor-State Dispute Settlement) of the TPP as incorporated into the CPTPP.

I have the further honour to propose that this letter and your letter in reply shall constitute an agreement between our two Governments, which shall enter into force on the date on which the Protocol enters into force for both New Zealand and the United Kingdom.

Letter No. 28

UK Department for Business and Trade to the New Zealand Ministry of Foreign Affairs and Trade

*Auckland
16 July 2023*

Dear Minister O'Connor

I have the honour of acknowledging receipt of your letter of today's date, which reads as follows:

‘See Letter No. 27’

I have the further honour to confirm that your letter reflects the agreement reached between our two Governments during the course of the negotiations on the Protocol, and that your letter and this letter in reply shall constitute an agreement between the Government of the United Kingdom and the Government of New Zealand, which shall enter into force on the date on which the Protocol enters into force for both New Zealand and the United Kingdom.

Letter No. 29

UK Department for Business and Trade to the Peruvian Ministry of Foreign Trade and Tourism

*Auckland
16 July 2023*

Dear Minister Mathews,

In connection with the signing on this date of 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* (Protocol), I have the honour to confirm the agreement reached between the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) and the Governments of the Parties to the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018 (the CPTPP) during the course of negotiations on the Protocol, which is set out in the following agreement between the United Kingdom and the Republic of Peru (Peru) with regard to the application of Article 18.38 (Grace Period) of the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016 that is incorporated, by reference, into and made part of the CPTPP *mutatis mutandis* (the TPP as incorporated into the CPTPP) to the United Kingdom:

1. For the purposes of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP, 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 (Grace Period).
2. Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP shall apply to the United Kingdom after the date on which the amendments referred to in paragraph 1 have entered into force for the United Kingdom.
3. The United Kingdom shall promptly notify the Parties to the CPTPP for

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.

which the Protocol has entered into force when the amendments referred to in paragraph 1 have entered into force for the United Kingdom.

4. Until the amendments referred to in paragraph 1 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.

5. Any matter arising under the above paragraphs shall be subject to dispute settlement procedures under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

I have the further honour to propose that this letter and your letter of confirmation in reply, equally authentic in English and Spanish, shall constitute an agreement between our two Governments setting out the agreement reached between the Government of the United Kingdom and the Governments of the Parties to the CPTPP with respect to the application of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP to the United Kingdom, which shall enter into force on the date of entry into force of the Protocol as between the United Kingdom and Peru.

Letter No. 30

*Peruvian Ministry of Foreign Trade and Tourism to the UK Department for
Business and Trade*

Auckland

16 July 2023

Dear Secretary of State

I have the honour to acknowledge the receipt of your letter of 16 July 2023, which reads as follows:

‘See Letter No. 29’

I have the further honour to confirm that the above reflects the agreement reached between our two Governments during the course of the negotiations of the Protocol, and that your letter and this letter of confirmation in reply, equally authentic in English and Spanish, shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Protocol as between Peru and the United Kingdom.

Letter No. 31

UK Department for Business and Trade to the Singaporean Ministry of Trade and Industry

Auckland

16 July 2023

Dear Minister Gan,

In connection with the signing on this date of 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* (Protocol), I have the honour to confirm the agreement reached between the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) and the Governments of the Parties to the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018 (the CPTPP) during the course of negotiations on the Protocol, which is set out in the following agreement between the United Kingdom and the Republic of Singapore (Singapore) with regard to the application of Article 18.38 (Grace Period) of the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016 that is incorporated, by reference, into and made part of the CPTPP *mutatis mutandis* (the TPP as incorporated into the CPTPP) to the United Kingdom:

1. For the purposes of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP, 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 (Grace Period).

2. Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP shall apply to the United Kingdom after the date on which the amendments referred to in paragraph 1 have entered into force for the United Kingdom.

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.

3. The United Kingdom shall promptly notify the Parties to the CPTPP for which the Protocol has entered into force when the amendments referred to in paragraph 1 have entered into force for the United Kingdom.

4. Until the amendments referred to in paragraph 1 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.

5. Any matter arising under the above paragraphs shall be subject to dispute settlement procedures under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments setting out the agreement reached between the Government of the United Kingdom and the Governments of the Parties to the CPTPP with respect to the application of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP to the United Kingdom, which shall enter into force on the date of entry into force of the Protocol as between the United Kingdom and Singapore.

Letter No. 32

Singaporean Ministry of Trade and Industry to the UK Department for Business and Trade

*Auckland
16 July 2023*

Dear Secretary Badenoch,

I have the honour to acknowledge the receipt of your letter of 16 July 2023, which reads as follows:

‘See Letter No. 31’

I have the further honour to confirm that the above reflects the agreement reached between our two Governments during the course of the negotiations of the Protocol, and that your letter and this letter of confirmation in reply shall constitute an agreement between our two Governments, which shall

enter into force on the date of entry into force of the Protocol as between Singapore and the United Kingdom.

Letter No. 33

Singaporean Ministry of Trade and Industry to the UK Department for Business and Trade

Auckland

16 July 2023

Dear Secretary Badenoch,

In connection with the signing on this date of 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* ("Protocol"), I have the honour to confirm the following agreement reached between the Government of the Republic of Singapore ("Singapore") and the Government of the United Kingdom of Great Britain and Northern Ireland (the "United Kingdom") during the course of negotiations on the Protocol:

1. Subject to paragraph 2, a decision made by Singapore on whether or not to approve or admit a foreign investment proposal, shall not be subject to the dispute settlement provisions under Section B (Investor-State Dispute Settlement) of Chapter 9 (Investment), or Chapter 28 (Dispute Settlement) of the *Trans-Pacific Partnership Agreement*, done at Auckland on 4 February 2016 that are incorporated, by reference, into and made part of the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018. *mutatis mutandis*.
2. The operation of paragraph 1 shall be conditional on an agreement between Singapore and the United Kingdom that a measure introduced by Singapore to approve or admit a foreign investment is non-discriminatory and does not violate due process. In the event of a disagreement, Singapore and the United Kingdom shall enter into consultations with a view to arrive at a mutually agreeable solution.

I have the honour to propose that this letter and your letter in reply shall constitute an agreement between our two Governments, which shall enter into force on the date on which the Protocol enters into force for both Singapore and the United Kingdom.

Letter No. 34

UK Department for Business and Trade to the Singaporean Ministry of Trade and Industry

Auckland

16 July 2023

Dear Minister Gan,

I have the honour to acknowledge receipt of your letter of today's date, which reads:

‘See Letter No. 33’

I have the further honour to confirm that your letter reflects the agreement reached between our two Governments during the course of the negotiations on the Protocol, and that your letter and this letter in reply shall constitute an agreement between the Government of the United Kingdom and the Government of Singapore, which shall enter into force on the date of entry into force of the Protocol as between the United Kingdom and Singapore.

Letter No. 35

Vietnamese Ministry of Industry and Trade to the UK Department for Business and Trade

Auckland

16 July 2023

Dear Secretary Badenoch,

In connection with the signing on this date of 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* (Protocol), I have the honour to confirm the following agreement reached between the Government of the Socialist Republic of Viet Nam (Viet Nam) and the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) during the course of negotiations on the Protocol:

"Both Governments shall continue consultation on cooperation for the implementation of the *Cyber Security Law* of Viet Nam or related legislation concerning cyber security with a view to ensuring consistency with the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (CPTPP).

Notwithstanding paragraph 2 of Article 14.18 (Dispute Settlement) of Chapter 14 (Electronic Commerce) of the Trans-Pacific Partnership

Agreement (TPP) as incorporated into the CPTPP (the TPP as incorporated into the CPTPP), the United Kingdom shall refrain from seeking recourse to Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP with respect to any measure adopted or maintained pursuant to the *Cyber Security Law* of Viet Nam or related legislation concerning cyber security, which are alleged to be in violation of Viet Nam's obligations under Article 14.11 (Cross-Border Transfer of Information by Electronic Means) and Article 14.13 (Location of Computing Facilities) of Chapter 14 (Electronic Commerce) of the TPP as incorporated into the CPTPP, for a period of five years after the date of entry into force of the CPTPP for Viet Nam."

I have the further honour to propose that this letter and your letter in reply shall constitute an agreement between our two Governments, which shall enter into force on the date on which the Protocol enters into force for both Viet Nam and the United Kingdom.

Letter No. 36

UK Department for Business and Trade to the Vietnamese Ministry of Industry and Trade

Auckland
16 July 2023

Your Excellency,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'See Letter No. 35'

I have the further honour to confirm that your letter reflects the agreement reached between our two Governments during the course of negotiations on the Protocol, and that your letter and this letter in reply shall constitute an agreement between the Government of the United Kingdom and the Government of Viet Nam, which shall enter into force on the date on which the Protocol enters into force for both the United Kingdom and Viet Nam.

Letter No. 37

Vietnamese Ministry of Industry and Trade to the UK Department for Business and Trade

Auckland
16 July 2023

Dear Secretary Badenoch,

In connection with the signing on this date of 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* (Protocol), I have the honour to confirm the following agreement reached between representatives of the Government of the Socialist Republic of Viet Nam (Viet Nam) and the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) during the course of negotiations on the Protocol:

"Nothing in Section D (Electronic Payment Card Services) of Annex 11-B (Specific Commitments) of the Trans-Pacific Partnership Agreement (TPP) as incorporated into the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (CPTPP) (the TPP as incorporated into the CPTPP), restricts the right of Viet Nam to adopt or maintain measures that condition the cross-border supply of electronic payment services into Viet Nam by a service supplier of another Party on a requirement that such electronic payment services are processed through a national switching facility licensed by the State Bank of Viet Nam, and that facility is positioned between such supplier and financial institutions¹/payment intermediaries in Viet Nam. Any such requirement shall:

- (1) not be used as a means of avoiding Viet Nam's obligations under Section D (Electronic Payment Card Services);
- (2) not result in a competitive disadvantage to the service suppliers of another Party;
- (3) ensure the security, speed or reliability of the services, and preserve the ability of service suppliers of another Party to innovate; and
- (4) not impose unreasonable costs, directly or indirectly, on service suppliers of another Party.

If the national switching facility of Viet Nam and a supplier of another Party enter into an agreement or agreements for the processing of electronic payment transactions that set out standards for operation of that facility, compliance with the terms of the agreement or agreements shall be deemed to satisfy Viet Nam's obligations under paragraphs (2), (3) and (4) with respect to that supplier,"

I have the honour to propose that this letter and your letter in reply shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP, as

¹ For the purpose of this Letter, financial institutions include foreign bank branches in Viet Nam.

modified by Article 11.21 (Dispute Settlement) of Chapter 11 (Financial Services) of the TPP as incorporated into the CPTPP, which shall enter into force on the date on which the Protocol enters into force for both the United Kingdom and Viet Nam

Letter No. 38

UK Department for Business and Trade to the Vietnamese Ministry of Industry and Trade

Auckland

16 July 2023

Your Excellency,

I am pleased to acknowledge your letter of today's date, which reads as follows:

‘See Letter No. 37’

I have the honour to confirm that your letter reflects the agreement reached between our two Governments during the course of the negotiations on the Protocol, and that your letter and this letter in reply shall constitute an agreement between the United Kingdom and Viet Nam, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP, as modified by Article 11.21 (Dispute Settlement) of Chapter 11 (Financial Services) of the TPP as incorporated into the CPTPP, which shall enter into force on the date on which the Protocol enters into force for both the United Kingdom and Viet Nam.

Letter No. 39

UK Department for Business and Trade to the Vietnamese Ministry of Industry and Trade

Auckland

16 July 2023

Your Excellency,

In connection with the signing on this date of 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* (Protocol), I have the honour to confirm the agreement reached between the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) and the Governments of the Parties to the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*, done at Santiago on 8 March 2018 (the CPTPP) during the course of negotiations on the Protocol, which is set out in the following

agreement between the United Kingdom and the Socialist Republic of Viet Nam (Viet Nam) with regard to the application of Article 18.38 (Grace Period) of the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016 that is incorporated, by reference, into and made part of the CPTPP *mutatis mutandis* (the TPP as incorporated into the CPTPP) to the United Kingdom:

1. For the purposes of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP, 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 (Grace Period).
2. Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP shall apply to the United Kingdom after the date on which the amendments referred to in paragraph 1 have entered into force for the United Kingdom.
3. The United Kingdom shall promptly notify the Parties to the CPTPP for which the Protocol has entered into force when the amendments referred to in paragraph 1 have entered into force for the United Kingdom.
4. Until the amendments referred to in paragraph 1 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.
5. Any matter arising under the above paragraphs shall be subject to dispute settlement procedures under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

I have the further honour to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments setting out

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.

the agreement reached between the Government of the United Kingdom and the Governments of the Parties to the CPTPP with respect to the application of Article 18.38 (Grace Period) of the TPP as incorporated into the CPTPP to the United Kingdom, which shall enter into force on the date of entry into force of the Protocol as between the United Kingdom and Viet Nam.

Letter No. 40

Vietnamese Ministry of Industry and Trade to the UK Department for Business and Trade

Auckland

16 July 2023

Dear Secretary Badenoch,

I have the honour to acknowledge the receipt of your letter of today's date, which reads as follows:

‘See Letter No. 39’

I have the further honour to confirm that the above reflects the agreement reached between our two Governments during the course of the negotiations of the Protocol, and that your letter and this letter of confirmation in reply shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Protocol as between Viet Nam and the United Kingdom.

Letter No. 41

UK Department for Business and Trade to the Vietnamese Ministry of Industry and Trade

Auckland

16 July 2023

Your Excellency,

In connection with the signing on this date of 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* (Protocol), I have the honour to confirm the following agreement reached between the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) and the Government of the Socialist Republic of Viet Nam (Viet Nam) during the course of negotiations on the Protocol:

“1. The dispute settlement provisions under Section B (Investor-State Dispute Settlement) of Chapter 9 (Investment), or Chapter 28 (Dispute Settlement) of the Trans-Pacific Partnership Agreement (TPP) as incorporated into the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (CPTPP) (the TPP as incorporated into the CPTPP) shall not apply to:

- (a) a decision made by a competent authority of Viet Nam under the *Law on Investment*,¹ *Law on Securities*,² *Law on Credit Institutions*,³ *Law on Insurance Business*,⁴ *Law on Oil and Gas*,⁵ *Law on Public Private Partnership*,⁶ or *Law on Lawyers*⁷ on whether or not to approve or admit a foreign investment proposal;
- (b) a decision of a competent authority with respect to an investment that causes or threatens to cause harm to the national security of Viet Nam under the *Law on Investment*⁸ or the *Law on Oil and Gas*⁹.

2. The competent authority shall be as defined under the legislation listed in paragraph 1.”

I have the further honour to propose that this letter and your letter in reply shall constitute an agreement between our two Governments, which shall enter into force on the date on which the Protocol enters into force for both the United Kingdom and Viet Nam.

1 No. 61/2020/QH14
2 No. 54/2019/QH14
3 No. 47/2010/QH12
4 No. 08/2022/QH15
5 No. 12/2022/QH15
6 No. 64/2020/QH14
7 No. 65/2006/QH11
8 No. 61/2020/QH14
9 No. 12/2022/QH15

Letter No. 42

Vietnamese Ministry of Industry and Trade to the UK Department for Business and Trade

Auckland

16 July 2023

Dear Secretary Badenoch,

I have the honour of acknowledging the receipt of your letter of today's date, which reads as follows:

‘See Letter No. 41’

I have the further honour to confirm that your letter reflects the agreement reached between our two Governments during the course of the negotiations on the Protocol, and that your letter and this letter in reply shall constitute an agreement between the Government of Viet Nam and the Government of the United Kingdom, which shall enter into force on the date on which the Protocol enters into force for both Viet Nam and the United Kingdom.

Letter No. 43

Vietnamese Ministry of Industry and Trade to the UK Department for Business and Trade

Auckland

16 July 2023

Dear Secretary of Badenoch,

In connection with the signing on this date of 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* (Protocol), I have the honour to confirm the following agreement reached between the Government of the Socialist Republic of Viet Nam (Viet Nam) and the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) during the course of the negotiations on the Protocol with regard to the relationship between Chapter 19 (Labour) and Chapter 28 (Dispute Settlement) of the Trans-Pacific Partnership Agreement (TPP) as incorporated into the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (CPTPP) (the TPP as incorporated into the CPTPP):

1. From the date of entry into force of the CPTPP for Viet Nam, Viet Nam shall fully implement the obligations of Chapter 19 (Labour) of the TPP as incorporated into the CPTPP.

2. If the United Kingdom seeks recourse to dispute settlement under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP with respect to any measure that is inconsistent with the obligations of paragraph 1(a) of Article 19.3 (Labour Rights) of Chapter 19 (Labour) of the TPP as incorporated into the CPTPP, the United Kingdom shall refrain from seeking to suspend benefits stipulated in Article 28.20 (Non Implementation – Compensation and Suspension of Benefits) of Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP for a period of five years after the date of entry into force of the CPTPP for Viet Nam.

3. Pursuant to paragraph 2 of Article 19.12 (Labour Council) of Chapter 19 (Labour) of the TPP as incorporated into the CPTPP, after the fifth anniversary and before the seventh anniversary of the date of entry into force of the CPTPP for Viet Nam, any issues arising from paragraph 2 shall be reviewed in accordance with Article 19.12 (Labour Council) of Chapter 19 (Labour) of the TPP as incorporated into the CPTPP. This is without prejudice to the rights and obligations of both Parties under the CPTPP."

I have the further honour to propose that this letter and your letter in reply shall constitute an agreement between our two Governments, which shall enter into force on the date on which the Protocol enters into force for both Viet Nam and the United Kingdom.

Letter No. 44

UK Department for Business and Trade to the Vietnamese Ministry of Industry and Trade

*Auckland
16 July 2023*

Your Excellency,

I have the honour to acknowledge the receipt of your letter of today's date, which reads as follows:

‘See Letter No. 43’

I have the further honour to confirm that your letter reflects the agreement reached between our two Governments during the course of the negotiations on the Protocol, and that your letter and this letter in reply shall constitute an agreement between the Government of the United Kingdom and the Government of Viet Nam, which shall enter into force on the date on which the Protocol enters into force for both the United Kingdom and Viet Nam.

Letter No. 45

Vietnamese Ministry of Industry and Trade to the UK Department for Business and Trade

Auckland

16 July 2023

Dear Secretary Badenoch,

In connection with the signing on this date of 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* (Protocol), and recognising the *Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Socialist Republic of Viet Nam*, done at London on 29 December 2020, which presently sets out high standards and extensive market access regarding government procurement between our two countries, I have the honour to confirm the following agreement reached between the Government of the Socialist Republic of Viet Nam (Viet Nam) and the Government of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) during the course of the negotiations on the Protocol with regard to Chapter 15 (Government Procurement) of the Trans-Pacific Partnership Agreement as incorporated into the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (the TPP as incorporated into the CPTPP):

“The market access offer in the Schedule of Viet Nam to Annex 15-A of the TPP as incorporated into the CPTPP shall apply to the United Kingdom.”

I have the further honour to propose that this letter and your letter in reply shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP, which shall enter into force on the date on which the Protocol enters into force for both Viet Nam and the United Kingdom.

Letter No. 46

UK Department for Business and Trade to the Vietnamese Ministry of Industry and Trade

Auckland

16 July 2023

Your Excellency,

I have the honour to acknowledge the receipt of your letter of today's date, which reads as follows:

‘See Letter No. 45’

I have the further honour to confirm that your letter reflects the agreement reached between our two Governments during the course of the negotiations on the Protocol, and that your letter and this letter in reply shall constitute an agreement between the Government of the United Kingdom and the Government of Viet Nam, subject to dispute settlement under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP, which shall enter into force on the date on which the Protocol enters into force for both the United Kingdom and Viet Nam.

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