

**Decision by the Commission
of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership
regarding Accession Process of the CPTPP**

The Commission decides as follows:

Necessary coordination for accession of new State or separate customs territory under Article 5 (Accession) of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) is carried out in accordance with the process set out in the Annex.

Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)
Accession Process

1 Aspirant economy's notification

1.1 Aspirant economies are encouraged to engage informally with all CPTPP Signatories¹ regarding their interest in joining the CPTPP prior to submitting a formal request.

1.2 Aspirant economies must notify New Zealand, as CPTPP depositary ('Depositary') of their formal request to commence negotiations on acceding to the CPTPP ('Accession Request').

1.3 The Depositary will promptly acknowledge receipt and share the Accession Request with the other CPTPP Signatories.

2 Request to commence accession process

2.1 The Comprehensive and Progressive Agreement for Trans-Pacific Partnership Commission (Commission) will determine, in a manner consistent with Article 27.3 (Decision Making) and Article 27.4 (Rules of Procedure of the Commission), whether to commence the accession process with the aspirant economy within a reasonable period of time after the date on which the aspirant economy made the Accession Request. The decision shall be made public.

2.2 For the purpose of smoothly carrying out subsequent Commission and Accession Working Group discussions, the aspirant economy is encouraged to have consultations with each Party, with a view to addressing each Party's questions or concerns on interested areas. These consultations will not constitute a negotiation process.

2.3 If the Commission decides to commence the accession process with an aspirant economy, the Commission will establish a working group to negotiate the accession of the aspirant economy ('Accession Working Group').

2.4 If the Commission is unable to reach consensus on the commencement of the accession process, the aspirant economy may continue to engage in consultations with the Parties. The Commission may subsequently determine whether or not to establish an Accession Working Group for that aspirant economy.

¹ All Parties reaffirm the importance of maintaining solidarity among CPTPP Signatories and including all CPTPP Signatories in the decision making process. During 2019, any CPTPP Signatory for which the CPTPP has yet to enter into force may attend, and participate in, relevant meetings relating to accessions. Decisions on issues relating to accessions will be made by the Parties taking fully into account the views expressed by those Signatories.

3 Accession Working Group

3.1 The Accession Working Group will comprise government representatives from each Party. The Chair of the Accession Working Group will be appointed by consensus.

3.2 The Commission can take a decision as to whether separate Accession Working Groups are needed for individual aspirant economies or the processes can be combined into a single Accession Working Group. The Accession Working Group may request guidance from the Commission.

3.3 At the first meeting of the Accession Working Group, the aspirant economy will demonstrate the efforts made to date, as well as identify any additional changes it will need to make to its domestic laws and regulations, in order to comply with the obligations of the CPTPP.

3.4 Within 30 days of the first meeting of the Accession Working Group, the aspirant economy will submit its market access offers/Non-Conforming Measures (NCMs) to the Accession Working Group (on goods, services, financial services, investment, temporary entry for business persons, government procurement and state-owned enterprises). If the offers of the aspirant economy are considered to be in line with the Benchmarks specified below, the Parties will confirm or submit, respectively, their market access commitments to the aspirant economy.

3.5 The aspirant economy will, via the Accession Working Group and bilaterally (as appropriate), negotiate its market access offers and demonstrate how it will meet the Benchmarks.

3.6 After finalising negotiations, the Accession Working Group will submit a written report, in a timely manner, to the Commission on terms and conditions for the aspirant economy's accession to the CPTPP. This written report will be approved by consensus within the Accession Working Group.

4 Commission's approval

4.1 The Commission will determine, by consensus, whether to approve the terms and conditions for the aspirant economy's accession to the CPTPP submitted by the Accession Working Group. If the Commission adopts a decision approving the terms and conditions for an accession and inviting an aspirant economy to become a Party to the CPTPP, the Commission will specify a period of six months, which may be subject to extension by agreement of the Parties, during which the aspirant economy may deposit an instrument of accession with the Depository indicating that it accepts the terms and conditions for the accession.

4.2 The Commission Chair will formally write to the aspirant economy advising of the Commission's decision on their request to join the CPTPP.

4.3 The aspirant economy will deposit its instrument of accession with the Depositary after completing its applicable legal procedures. The aspirant economy should also demonstrate that it has completed all the changes in its domestic laws and regulations required to comply with its CPTPP obligations.

4.4 Each Party must notify the Depositary when it has completed its applicable legal procedures to accept the aspirant economy as a Party to the CPTPP.

4.5 An aspirant economy will become a Party to the CPTPP 60 days after either (a) the date on which the aspirant economy deposits an instrument of accession with the Depositary indicating that it accepts the terms and conditions for the accession; or (b) the date on which all Parties have notified the Depositary in writing that they have completed their respective applicable legal procedures, whichever is later. If there is a significant delay in the ratification process of one or more Parties, the Commission may determine a different arrangement.

5 Benchmarks

5.1 Aspirant economies must:

- (a) demonstrate the means by which they will comply with all of the existing rules contained in the CPTPP; and
- (b) undertake to deliver the highest standard of market access offers on goods, services, investment, financial services, government procurement, State-owned enterprises and temporary entry for business persons. These must deliver commercially-meaningful market access for each Party in a well-balanced outcome that strengthens the mutually-beneficial linkages among the aspirant economy and the Parties, while boosting trade, investment and economic growth, and promoting efficiency, competition and development.

5.2 The objective of comprehensive market access commitments agreed by CPTPP original Signatories through the elimination of tariffs and other barriers to goods and services trade and investment should guide the level of commitments offered by aspirant economies.