



**Australian Government**  

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**Department of Foreign Affairs and Trade**

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

***And associated side letters***

**(Auckland, 16 July 2023)**

**ATNIA reference: [2024] ATNIA 7**

**ATNIF reference: [2024] ATNIF 11**

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

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

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

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

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

**HAVE AGREED** as follows:

**Section I: General Provisions**

**Article 1: Accession of the United Kingdom to the CPTPP**

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

## Section II: Specific Provisions

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

#### *Party-Specific Definitions*

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

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

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

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

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

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

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

**regional level of government** means, for the United Kingdom:

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

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

**territory** means, for the United Kingdom:

- (a) the territory of the United Kingdom of Great Britain and Northern Ireland including its territorial sea and airspace;
- (b) all the maritime areas beyond the territorial sea of the United Kingdom, including the sea-bed and subsoil of those areas, over which the United Kingdom may exercise sovereign rights or jurisdiction in accordance with international law; and
- (c) the territories to which the CPTPP applies in accordance with paragraphs 2 through 9 (Geographical Scope of Application).<sup>1</sup>

#### *Geographical Scope of Application*

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

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

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<sup>1</sup> The references to territory contained in this Protocol and the CPTPP shall be understood exclusively for the purposes of defining the geographical scope of application of this Protocol and the CPTPP.

<sup>2</sup> The Bailiwick of Guernsey consists of the territories of Guernsey, Alderney and Sark.

<sup>3</sup> The Bailiwick of Guernsey and the Bailiwick of Jersey are jointly known as the Channel Islands.

3. Chapter 16 (Competition Policy), Chapter 17 (State-Owned Enterprises and Designated Monopolies), Chapter 19 (Labour), Chapter 20 (Environment), Chapter 21 (Cooperation and Capacity Building), Chapter 22 (Competitiveness and Business Facilitation), Chapter 23 (Development), Chapter 24 (Small and Medium-Sized Enterprises) and Chapter 25 (Regulatory Coherence) of the TPP as incorporated into the CPTPP shall only apply to Guernsey, the Bailiwick of Jersey and the Isle of Man 24 months after the date of entry into force of this Protocol, unless the Commission decides on a different period of time, including due to any extension of the geographical scope of the CPTPP that the Parties may agree in accordance with paragraph 6 in relation to the aforementioned territories.

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

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

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

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

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

9. If the United Kingdom gives written notice pursuant to paragraph 8, the Parties shall hold consultations promptly with a view to reaching a mutually satisfactory solution. Notwithstanding those consultations, the withdrawal referred to in paragraph 8 shall take effect 24 months after the United Kingdom provides written notice to the Depositary under paragraph

8, unless the Parties agree on a different period. If the United Kingdom withdraws a territory for whose international relations the United Kingdom is responsible, the CPTPP shall remain in force for the United Kingdom, including any other territory for whose international relations the United Kingdom is responsible to which the CPTPP applies in accordance with paragraphs 2 through 9, and the remaining Parties.

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

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

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

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

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

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

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

or

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

- (i) on the date of entry into force of this Protocol for a Party other than the United Kingdom, the United Kingdom shall implement all stages of tariff reduction that it would have implemented up to that date as if this Protocol had entered into force for that Party and the United Kingdom on 31

December 2023. For greater certainty, this does not provide for retroactive preferential tariff treatment for originating goods imported prior to the date of entry into force of this Protocol for that Party, nor does this provide for access to tariff rate quotas provided for in the CPTPP for the quota years prior to the date of entry into force of this Protocol for that Party. Further, quota years that have lapsed prior to the date of entry into force of this Protocol for that Party shall not be available for imports, nor shall such volumes be carried forward; and

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

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

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

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

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

2. For the purposes of Article 6.1 (Definitions), Article 6.3 (Imposition of a Transitional Safeguard Measure) and Article 6.4 (Standards for a Transitional Safeguard Measure) of the

TPP as incorporated into the CPTPP:

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

3. For greater certainty, for the purposes of Article 6.3.1(b) (Imposition of a Transitional Safeguard Measure) of the TPP as incorporated into the CPTPP, “the date of entry into force of this Agreement for those Parties” means, for a transitional safeguard measure imposed by the United Kingdom, the date of entry into force of this Protocol for each of those Parties on whose originating good the transitional safeguard measure is imposed.

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

### *Central Level of Government*

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

### *Annex 8-A (Wine and Distilled Spirits)*

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

## **Article 6: Provisions Relevant to Chapter 9 (Investment)**

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

### **United Kingdom**

Notices and other documents in disputes under Section B (Investor-State Dispute



Settlement) of Chapter 9 (Investment) of the TPP as incorporated into the CPTPP shall be served on the United Kingdom by delivery to:

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

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

A decision by the United Kingdom under the *National Security and Investment Act 2021* or on public interest grounds under Part 3 of the *Enterprise Act 2002*, with respect to whether or not to permit a merger or acquisition, shall not be subject to the dispute settlement provisions under Section B (Investor-State Dispute Settlement) or Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

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

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

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

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

##### **United Kingdom**

##### *Insurance and insurance-related services*

- (a) Article 11.6.1 (Cross-Border Trade) of the TPP as incorporated into the CPTPP shall apply to the cross-border supply of or trade in financial services, as defined in subparagraph (a) of the definition of “cross-border supply of financial services” in Article 11.1 (Definitions) of the TPP as incorporated into the CPTPP, with respect to:
  - (i) insurance of risks relating to:
    - (A) maritime shipping and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all

of the following: the goods being transported, the vehicle transporting the goods, and any liability arising therefrom; and

- (B) goods in international transit;
- (ii) reinsurance and retrocession;
- (iii) insurance intermediation, such as brokerage and agency, as referred to in subparagraph (c) of the definition of “financial service” in Article 11.1 (Definitions) of the TPP as incorporated into the CPTPP, of insurance of risks related to the services listed in subparagraphs (i) and (ii) of this paragraph; and
- (iv) services auxiliary to insurance as described in subparagraph (d) of the definition of “financial service” in Article 11.1 (Definitions) of the TPP as incorporated into the CPTPP.

*Banking and other financial services (excluding insurance)*

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

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

**collective investment scheme** means, for the United Kingdom:

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

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

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

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

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

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

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

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

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

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

- (a) the Bailiwick of Guernsey;

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

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

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

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

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

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

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

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

For the United Kingdom:

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

- (e) Article 17.10.1 (Transparency).

*Sub-Central Level of Government*

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

**Article 12: Provisions Relevant to Chapter 20 (Environment)**

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

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

2. For the purposes of Article 20.5.1 (Protection of the Ozone Layer) and Annex 20-A of the TPP as incorporated into the CPTPP, the United Kingdom shall be deemed in compliance with Article 20.5.1 (Protection of the Ozone Layer) if it maintains *Regulation (EC) 1005/2009* as it applies in Great Britain as retained European Union law, and as it applies in Northern Ireland directly, and *Regulation (EU) 517/2014* as it applies in Great Britain as retained European Union law, and as it applies in Northern Ireland directly, as amended by *The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019* and *The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020*, implementing the United Kingdom’s obligations under the Montreal Protocol, or any subsequent measure or measures that provide an equivalent or higher level of environmental protection.

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

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

### *Central Level of Government*

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

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

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

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

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

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

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

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

**designated authorities** means, for the United Kingdom, the Commissioners for Revenue and Customs or their authorised representative.<sup>4</sup>

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<sup>4</sup> If the Commissioner for Revenue and Customs or their authorised representative considers that an issue referred to it under Article 29.4 (Taxation Measures) of the TPP as incorporated into the CPTPP affects the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man, it shall notify the relevant designated authorities in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man.

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

*Windsor Framework*<sup>5,6</sup>

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

3. Any Party may request consultations with a Party that has adopted a measure pursuant to paragraph 2.<sup>7</sup> On receiving such a request, the requested Party shall hold consultations with any interested Parties in relation to the effects of the measure on the CPTPP and seek a mutually acceptable solution.<sup>8</sup>

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

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

(a) four years after the date of entry into force of this Protocol; and

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

<sup>5</sup> Windsor Framework means the *Protocol on Ireland/Northern Ireland to the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community*, done at London and Brussels on 24 January 2020, as amended by *Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community* of 24 March 2023. In that context, the Parties take note of *Joint Declaration No 1/2023 of the Union and the United Kingdom in the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community* of 24 March 2023.

<sup>6</sup> For greater certainty, paragraphs 2 through 7 are without prejudice to Article 26.5 (Provision of Information) of the TPP as incorporated into the CPTPP.

<sup>7</sup> The Parties understand that “consultations” may include requests for information or clarification on a measure a Party adopts or maintains pursuant to paragraph 2.

<sup>8</sup> For greater certainty, this paragraph is without prejudice to the rights and obligations of a Party under the CPTPP, including rights and obligations under Chapter 28 (Dispute Settlement) of the TPP as incorporated into the CPTPP.

(b) every six years thereafter.

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

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

#### **Article 16: Provisions Relevant to Annex II and Annex III**

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

- (a) the first paragraph of the Description of the entry at Annex II – Australia – 19;
- (b) sub-paragraph (a) of the Description of the entry at Annex II – Brunei Darussalam – 4;
- (c) paragraph 1 of the Description of the entry at Annex II – Canada – 13;
- (d) the first paragraph of the Description of the entry at Annex II – Chile – 3;
- (e) paragraph 1 of the Description of the entry at Annex II – Japan – 18;
- (f) the first paragraph of the Description of the entry at Annex II – Malaysia – 7;
- (g) the first paragraph of the Description of the entry at Annex II – Mexico – 11;
- (h) the first paragraph of the Description of the entry at Annex II – New Zealand – 9;
- (i) the first paragraph of the Description of the entry at Annex II – Peru – 1;
- (j) the first paragraph of the Description of the entry at Annex II – Singapore – 36;
- (k) paragraph 1 of the Description of the entry at Annex III – Singapore – 30; and
- (l) sub-paragraph (a) of the Description of the entry at Annex II – Viet Nam – 5.



## Article 17: References to APEC

As long as the United Kingdom is not a member economy of APEC, paragraphs 5, 6 and 7 of Annex 10-A (Professional Services), Article 12.5 (Business Travel), Article 16.7.2 (Transparency) and Article 26.6.1 (Scope) of the TPP as incorporated into the CPTPP shall not apply to the United Kingdom.<sup>9</sup> Until that time, to support and promote the policy objectives underlying these provisions, the United Kingdom:

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

## Section III: Schedules of the United Kingdom<sup>10</sup>

### Article 18: Schedules of the United Kingdom

The Schedules of the United Kingdom annexed to this Protocol that shall become an

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<sup>9</sup> For greater certainty, this is without prejudice to any reservations the United Kingdom may take under APEC if it were to ever join.

<sup>10</sup> For greater certainty, for the purposes of the United Kingdom's Schedules in this Section, "the date of entry into force of this Agreement for the United Kingdom" means the date of entry into force of this Protocol, on which the United Kingdom accedes to the CPTPP and thereby becomes a Party to the CPTPP.

integral part of the CPTPP as the Schedules of the United Kingdom are as follows:

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

#### **Section IV: Final Provisions**

##### **Article 19: Acceptance by the United Kingdom**

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

##### **Article 20: Notification by the Parties to the CPTPP**

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

##### **Article 21: Entry into Force**

1. This Protocol shall enter into force 60 days after either:

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

whichever is later.

2. In the event that this Protocol does not enter into force under paragraph 1 within a period of 15 months of the date of signature of this Protocol, it shall enter into force 60 days after either:

- (a) the date on which the United Kingdom deposits an instrument of accession to the CPTPP with the Depositary indicating in writing that it accepts this Protocol which sets out the terms and conditions for the accession of the United Kingdom to the CPTPP; or
- (b) the date on which at least six Parties to the CPTPP have notified the Depositary in writing of the completion of their respective applicable legal procedures for entry into force of this Protocol,

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

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

## **Article 22: Depositary**

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

2. The Depositary shall promptly provide certified copies of the original texts of this Protocol and of any amendments to this Protocol to each Party to the CPTPP and the United Kingdom.

3. The Depositary shall promptly inform each Party to the CPTPP and the United Kingdom, and provide them with the date and a copy, of:

- (a) the deposit of an instrument of accession under Article 19 (Acceptance by the United Kingdom); and
- (b) a notification under Article 20 (Notification by the Parties to the CPTPP).

**Article 23: Authentic Texts**

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

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

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