Twitter Thread by Peter Ungphakorn



Peter Ungphakorn
@CoppetainPU

The UK is starting talks to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (#CPTPP)

One way of finding out what it is: look at the text.

Here goes.

It doesn’t have a Secretariat so the text is published by each govt. Google “CPTPP text”

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COMPREHENSIVE AND PROGRESSIVE AGREEMENT

FOR

TRANS-PACIFIC PARTNERSHIP

PREAMBLE

The Parties to this Agreement, resolving to :

REAFFIRM the matters embodied in the preamble to the Trans-Pacific Partnership Agreement, done at Auckland on 4 February 2016 (hereinafter referred to as "the TPP");

REALISE expeditiously the benefits of the TPP through this Agreement and their strategic and economic significance;

CONTRIBUTE to maintaining open markets, increasing world trade, and creating new economic opportunities for people of all incomes and economic backgrounds;

PROMOTE further regional economic integration and cooperation between them;

ENHANCE opportunities for the acceleration of regional trade liberalisation and investment;

REAFFIRM the importance of promoting corporate social responsibility, cultural identity and diversity, environmental protection and conservation, gender equality, indigenous rights, labour rights, inclusive trade, sustainable development and traditional knowledge, as well as the importance of preserving their right to regulate in the public interest; and

New Zealand is a good place to start. It has the text by chapter, 30 of them: https://t.co/UvtW9wgRky

(Canada has summaries by chapter: https://t.co/PswL4vt3WD)

#CPTPP

Chapters

- Preamble
- 1. Initial Provisions and General Definitions
- 2. National Treatment and Market Access for Goods [PDF, 327 KB]
- 3. Rules of Origin and Origin Procedures [PDF, 172 KB]
- 4. Textile and Apparel Goods [PDF, 133 KB]
- 5. Customs Administration and Trade Facilitation [PDF, 273 KB]
- 6. Trade Remedies [PDF, 341 KB]
- 7. Sanitary and Phytosanitary Measures [PDF, 152 KB]
- 8. Technical Barriers to Trade [PDF, 198 KB]
- 9. Investment [PDF, 244 KB]
- 10. Cross-Border Trade in Services [PDF, 89 KB]

“Wow! 30 chapters. Better start reading”

“Hang on. There’s more.”

https://t.co/UvtW9wgRky

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Side Instruments

In the context of the Agreement, New Zealand has agreed side instruments with a number of other CPTPP Parties on a range of issues. These are also sometimes referred to as side letters.

Side instruments agreed by all CPTPP Parties

- Canada – New Zealand: Cultural Industries [PDF, 4.3 MB]
- Chile – New Zealand: Electronic Payment Services [PDF, 2.1 MB]
- Chile – New Zealand: Agricultural Chemical Test Data [PDF, 2.1 MB]
- Viet Nam – New Zealand: Labour [PDF, 3.2 MB]
- Viet Nam – New Zealand: Electronic Payment Services [PDF, 1.7 MB]
- Viet Nam – New Zealand: Cyber Security [PDF, 1.6 MB]
- Viet Nam – New Zealand: Agricultural Chemical Test Data [PDF, 1.4 MB]
- Viet Nam – New Zealand: Pharmaceutical Marketing [PDF, 1.4 MB]

“Right. Is that it?”

“Those are only the side agreements involving New Zealand. Here are Australia’s”

https://t.co/1Rav6hI3zZ

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CPTPP associated documents

On 8 March 2018, bilateral arrangements ('side letters') were concluded in Santiago, Chile. The following documents comprise the side letters between Australia and other CPTPP countries.

Canada

- Agreement between Australia and Canada regarding the Canadian Cultural Industries Sector [PDF 60 KB]
- Agreement between Australia and Canada regarding customs duties on Australian beef [PDF 59 KB]
- Agreement between Australia and Canada regarding automotive rules of origin [PDF 59 KB]
- Memorandum of Understanding between Australia and Canada to maintain bilateral understandings [PDF 59 KB]

Chile

- Agreement between Australia and Chile to maintain TPP bilateral agreements [PDF 60 KB]
- Memorandum of Understanding between Australia and Chile regarding Electronic Payment Services [PDF 60 KB]
- Memorandum of Understanding between Australia and Chile regarding Article 18.47 [PDF 106 KB]

“Er, how many members does #CPTPP have?”

"Eleven.

“Don’t worry. We’re not going through all the side agreements.

“But these next bits are important. The Annexes. Annex 2-D contains the tariff commitments of each country.”

https://t.co/UvtW9wgRky

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Annexes to the Chapters

- 2-D: Australia General Notes to Tariff Schedule [PDF, 86 KB]
- 2-D: Australia Tariff Schedule [PDF, 3.3 MB]
- 2-D: Brunei General Notes to Tariff Schedule [PDF, 87 KB]
- 2-D: Brunei Tariff Schedule [PDF, 7.1 MB]
- 2-D: Canada General Notes to Tariff Schedule [PDF, 163 KB]
- 2-D: Canada Tariff Schedule [PDF, 4.8 MB]
- 2-D: Canada Appendix A Tariff Rate Quotas [PDF, 335 KB]
- 2-D: Canada Appendix D between Japan and Canada on Motor Vehicle Trade [PDF, 191 KB]
- 2-D: Chile General Notes to Tariff Schedule [PDF, 171 KB]
- 2-D: Chile Tariff Schedule [PDF, 4.8 MB]
- 2-D: Japan General Notes to Tariff Schedule [PDF, 261 KB]
- 2-D: Japan Tariff Schedule [PDF, 3.3 MB]
- 2-D: Japan Appendix A Tariff Rate Quotas [PDF, 733 KB]
- 2-D: Japan Appendix B-1 Agricultural Safeguard Measures [PDF, 115 KB]
- 2-D: Japan Appendix B-2 Forest Good Safeguard Measure [PDF, 44 KB]
- 2-D: Japan Appendix C Tariff Differentials [PDF, 284 KB]
- 2-D: Japan Appendix D-2 between Japan and Canada on Motor Vehicle Trade [PDF, 191 KB]

“And there are side deal in the tariff commitments too?”

“Yes. Some details, then. Here’s Japan’s commitment on tariffs. It’s 1,133 pages! And, for example, there are tariff quotas on beef, some still with an in-quota tariff after 21 years. https://t.co/4MMreO4V4d”

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TARIFF SCHEDULE OF JAPAN (HS2012)

Tariff Line	Description	Base Rate	Staging Category	Remarks	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Year 21 and sub-sequent years
	Of bovine animals, frozen																								
020621.000	Tongues	12.8%	JPB11 *****		6.4%	5.7%	5.1%	4.4%	3.8%	3.2%	2.5%	1.9%	1.2%	0.6%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
020622.000	Livers	12.8%	B16		12.0 %	11.2 %	10.4 %	9.6%	8.8%	8.0%	7.2%	6.4%	5.6%	4.8%	4.0%	3.2%	2.4%	1.6%	0.8%	Free	Free	Free	Free	Free	Free
0206.29	Other																								
020629.020	1 Cheek meat and head meat	50.0%	JPR3	See SG1** of Appendix B-1	39.0 %	36.8 %	34.7 %	32.6 %	30.5 %	28.4 %	26.3 %	24.2 %	22.1 %	20.0 %	18.1 %	16.3 %	14.5 %	12.6 %	10.8 %	9.0%	9.0%	9.0%	9.0%	9.0%	9.0%
	2 Other																								
020629.010	(1) Internal organs	12.8%	JPB13*		6.4%	5.8%	5.3%	4.8%	4.2%	3.7%	3.2%	2.6%	2.1%	1.6%	1.0%	0.5%	Free	Free	Free	Free	Free	Free	Free	Free	Free
020629.090	(2) Other	21.3%	B16		19.9 %	18.6 %	17.3 %	15.9 %	14.6 %	13.3 %	11.9 %	10.6 %	9.3%	7.9%	6.6%	5.3%	3.9%	2.6%	1.3%	Free	Free	Free	Free	Free	Free
0206.30	Of swine, fresh or chilled																								
020630.010	1 Of wild boars	Free	EIF		Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
	2 Other																								
020630.091	(1) Internal organs	8.5%	B11		7.7%	6.9%	6.1%	5.4%	4.6%	3.8%	3.0%	2.3%	1.5%	0.7%	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free	Free
	(2) Other																								
020630.093	[1] Each kilogramme, not more than the upper limit prices for the specific duty applied on partial pig, in value for customs duty	482 yen/kg	JPR5	See JPR5 of the General Notes of the Tariff Schedule of Japan and SG2 of Appendix B-1	JPR5	JPR5	JPR5	JPR5	JPR5	JPR5	JPR5	JPR5	JPR5	JPR5	JPR5	JPR5	JPR5	JPR5	JPR5	JPR5	JPR5	JPR5	JPR5	JPR5	JPR5

“So not always duty-free.”

“Correct, but most is. And Japan has some stuff on price differentials.”

“Meaning?”

“Don’t ask me! Looks like some combination of options used for proof of origin and corresponding tariffs. See for yourself.”

https://t.co/j7HPHLvNDf

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(a) Japan shall apply either:

(i) the rate of customs duty applicable to the originating good from the Party where the good acquired the originating status in accordance with the process or change in tariff classification requirement set out in Annex 3-D (Product-Specific Rules of Origin); or

(ii) the rate of customs duty applicable to the originating good from the Party where the largest value was added among claimed production process, or the highest rate among the rates applicable to the originating good from those Parties involved in claimed production process, when the good acquired the originating status through a production process in accordance with the requirement set out in Article 3.2 (a) or (b) (Originating Goods), or the regional value content requirement set out in Annex 3-D (Product-Specific Rules of Origin).

“Pure poetry”

“More of your ‘poetry’ in the Canada-Japan deal on vehicle tariffs. Looks like an ‘MFN’ provision, so favourable terms for others in #CPTPP on regulations etc have to be matched between the two, plus something on safeguard tariffs.”

https://t.co/x2Tdad11ND

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Article 1

1. For the purposes of this Appendix:

Appendix Party means either Japan or Canada, as the case may be;

motor vehicle means any good classified under heading 87.03; and

originating motor vehicle means any motor vehicle qualifying as originating under Chapter 3 (Rules of Origin and Origin Procedures).

2. No Party other than an Appendix Party shall have recourse to dispute settlement under Chapter 28 (Dispute Settlement) for any matter arising under this Appendix or to dispute settlement under Article 4 for any matter arising under this Agreement. No Appendix Party shall have recourse to dispute settlement under Chapter 28 (Dispute Settlement) for nullification or impairment within the meaning of Article 28.3.1(c) (Scope) for any matter arising under Article 3 or Article 4 of this Appendix.

Article 2

An Appendix Party shall accord to the other Appendix Party treatment no less favourable than that accorded to a Party other than the other Appendix Party with respect to technical regulations, standards or conformity assessment procedures on motor vehicles that are adopted or applied in accordance with a bilateral agreement provided for in this Agreement.

Article 3

An Appendix Party may apply a transitional safeguard measure on originating motor vehicles from the other Appendix Party classified under heading 87.03, during the transition period only, in accordance with the provisions set out in Chapter 6 (Trade Remedies), with the following procedural modifications:

(a) In lieu of the definition of transition period provided for in Article 6.1 (Definitions), the following definition shall apply:

“Now our favourite subject. Rules of origin, to be ‘made in’ a #CPTPP country and qualify for zero/lower duty. The main text has general rules. The 212-page appendix has variations for specific products https://t.co/8a70BE6pfn. 3 pages for vehicles https://t.co/C9hNdhtzmD”

SECTION XII **FOOTWEAR, HEADGEAR, UMBRELLAS, SUN UMBRELLAS, WALKING-STICKS, SEAT-STICKS, WHIPS, RIDING-CROPS AND PARTS THEREOF; PREPARED FEATHERS AND ARTICLES MADE THEREWITH; ARTIFICIAL FLOWERS; ARTICLES OF HUMAN HAIR**	
CHAPTER 64 **FOOTWEAR, GAITERS AND THE LIKE; PARTS OF SUCH ARTICLES**	
64.01	A change to a good of heading 64.01 from any other chapter; or A change to a good of heading 64.01 from any other heading, except from heading 64.02 through 64.05, subheading 6406.10 or assemblies of uppers other than of wood of subheading 6406.90 provided there is a regional value content of not less than: (a) 45 per cent under the build-up method; or (b) 55 per cent under the build-down method.
64.02	A change to a good of heading 64.02 from any other chapter; or A change to a good of heading 64.02 from any other heading, except from heading 64.01, 64.03 through 64.05, subheading 6406.10 or assemblies of uppers other than of wood of subheading 6406.90 provided there is a regional value content of not less than: (a) 45 per cent under the build-up method; or (b) 55 per cent under the build-down method.

“And more rules of origin, this time for textiles products https://t.co/nTjbhIYZ80

“Oh and something called a ‘short supply list’. No I haven’t read it. https://t.co/rvethhamA2”

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CHAPTER 56 **WADDING, FELT AND NONWOVENS; SPECIAL YARNS; TWINE, CORDAGE, ROPES AND CABLES AND ARTICLES THEREOF**	
56.01 - 56.04	A change to a good of heading 56.01 through 56.04 from any other chapter, except from heading 51.06 through 51.13, 52.04 through 52.12 or 54.01 through 54.02, subheading 5403.33 through 5403.39 or 5403.42 through 5403.49, or heading 54.04 through 54.08, or chapter 55.
56.05	A change to a good of heading 56.05 from any other chapter, except from heading 51.06 through 51.10, 52.04 through 52.07 or 54.01 through 54.02, subheading 5403.33 through 5403.39 or 5403.42 through 5403.49, or heading 54.04 through 54.08 or 55.01 through 55.11.
56.06	A change to a good of heading 56.06 from any other chapter, except from heading 51.06 through 51.13, 52.04 through 52.12 or 54.01 through 54.02, subheading 5403.33 through 5403.39 or 5403.42 through 5403.49, or heading 54.04 through 54.08, or chapter 55.
5607.21 - 5607.29	A change to a good of subheading 5607.21 through 5607.29 from any other chapter.
5607.41 - 5607.90	A change to a good of subheading 5607.41 through 5607.90 from any other chapter, except from heading 51.06 through 51.13, 52.04 through 52.12, or 54.01 through 54.02, subheading

“That’s it?”

“No. You’re forgetting services”

“Everyone forgets services”

“Some details on temporary entry for services professionals, known as ‘mode 4’. And government procurement commitments, like buying vaccines and nuclear reactors”

https://t.co/UvtW9wgRky

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- 12-A. Australia Temporary Entry for Business Persons [PDF, 176 KB]
- 12-A. Brunei Temporary Entry for Business Persons [PDF, 234 KB]
- 12-A. Canada Temporary Entry for Business Persons [PDF, 230 KB]
- 12-A. Chile Temporary Entry for Business Persons [PDF, 172 KB]
- 12-A. Japan Temporary Entry for Business Persons [PDF, 185 KB]
- 12-A. Malaysia Temporary Entry for Business Persons [PDF, 193 KB]
- 12-A. Mexico Temporary Entry for Business Persons [PDF, 257 KB]
- 12-A. New Zealand Temporary Entry for Business Persons [PDF, 176 KB]
- 12-A. Peru Temporary Entry for Business Persons [PDF, 191 KB]
- 12-A. Singapore Temporary Entry for Business Persons [PDF, 141 KB]
- 12-A. Viet Nam Temporary Entry for Business Persons [PDF, 184 KB]

“And they are followed by lots of exemptions from commitments on services. ‘Non-conforming’.”

https://t.co/UvtW9wgRky

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Annexes to the Agreement

Annex I - Cross-Border Trade in Services and Investment Non-Conforming Measures

- Annex I Explanatory Notes [PDF, 79 KB]
- Annex I Australia [PDF, 293 KB]
  [PDF, 229 KB]
- Annex I Brunei [PDF, 684 KB]
  [PDF, 403 KB]
- Annex I Canada [PDF, 299 KB]
  [PDF, 146 KB]
- Annex I Chile [PDF, 196 KB]
  [PDF, 207 KB]
- Annex I Japan [PDF, 758 KB]
  [PDF, 795 KB]
- Annex I Malaysia [PDF, 394 KB]
  [PDF, 334 KB]
- Annex I Mexico [PDF, 405 KB]
  [PDF, 415 KB]
- Annex I New Zealand [PDF, 133 KB]
- Annex I Peru [PDF, 285 KB]
  [PDF, 102 KB]
- Annex I Singapore [PDF, 135 KB]
- Annex I Viet Nam [PDF, 302 KB]
  [PDF, 275 KB]

“Are we there yet?”

“Yes. Finally some tidying up documents.

“And that, my friend, is what Britain’s negotiation to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (#CPTPP) will involve.”

https://t.co/UvtW9wgRky

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Commission decisions

- CPTPP Roster of Panel Chairs Final Decision [PDF, 544 KB]
- Rules of Procedure for the CPTPP Commission [PDF, 511 KB]
- CPTPP 2nd Commission Report [PDF, 552 KB]
  - Labour Council report [PDF, 424 KB]
  - Environment Committee report [PDF, 519 KB]
- Decision regarding administration and implementation of CPTPP [PDF, 91 KB]
- Decision regarding accession process [PDF, 81 KB]
- Decision regarding SSDS rules of procedure for panels [PDF, 82 KB]
- Decision regarding ISDS code of conduct [PDF, 81 KB]
- Accession process for CPTPP [PDF, 98 KB]
- Rules of procedure under Chapter 28 (Dispute Settlement) of CPTPP [PDF, 187 KB]
- Code of conduct for ISDS under Chapter 9 of the CPTPP [PDF, 138 KB]
- Code of Conduct for SSDS under Chapter 28 of the CPTPP [PDF, 114 KB]

Other documents

- Note on Interpretation of "In Like Circumstances" [PDF, 40 KB]
- Environment Chapter: Guidelines for Public Submission [PDF, 87 KB]