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The Comprehensive and Progressive Agreement for Trans-Pacific Partnership

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On 31 March 2023 it was announced that the UK Government had substantially concluded negotiations on the UK's accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). This briefing sets out what the CPTPP is, why the UK has asked to join it and what membership means in practice.



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From the European Union to the Indo-Pacific – the UK's shifting trade and geopolitical landscape

On 31 March 2023 it was announced that the UK Government had substantially concluded negotiations on the UK's accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).

The CPTPP is a free trade agreement between Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, Peru, New Zealand, Singapore and Vietnam. It was signed in Chile in March 2018.

The Canadian Government describes the CPTPP as a "an ambitious and high-standard free trade agreement covering virtually all aspects of trade and investment." The Agreement provides for greater market access for goods and services alongside a common approach to product standards and regulations. From a UK perspective, it would also provide smoother access for UK service providers to the markets of signatory countries and also improve trading opportunities for UK manufactured goods.

Accession to the CPTPP would be the biggest trade agreement signed by the UK Government after EU-exit so far. It is worth noting that the UK already has Free Trade Agreements (FTAs) with seven of the 11 CPTPP countries, most of which were roll-over agreements from when the UK left the EU. Economically accession to the CPTPP is projected to provide fairly minimal value in the short term. The UK Government has stressed the long-term economic outlook when assessing the value of accession highlighting the potential for increasing the size of the CPTPP market with a number of countries (including Thailand, the Philippines, and South Korea) expressing an interest in joining alongside the long-term economic potential of the Indo-Pacific region.

Alongside economics, there is a geopolitical aim in the UK's accession to the CPTPP. Post EU-exit, the UK Government's foreign policy reorientation towards the Indo-Pacific region has been welcomed by countries such as Japan and Australia as they look to counter the economic and military power of China in the region.

The final text setting out the terms of UK accession to the CPTPP is still to be published. Once this is available it will be possible to assess the terms and conditions that the UK Government has agreed to to facilitate UK accession. The agreement will be subject to pre-ratification scrutiny under the Constitutional Reform and Governance Act 2010 (CRaG).

The CRaG process does not provide an opportunity for scrutiny by, or for the agreement of, the Scottish Parliament. As a result, the Scottish Parliament has no role in the ratification process.

Any legislation required to implement the terms of the agreement will need to be passed by the UK Parliament – if this legislation impinges on devolved competences, then the Scottish Parliament may be asked to give legislative consent.

What is the CPTPP?

The [CPTPP is a free trade agreement \(FTA\)](#) between Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, Peru, New Zealand, Singapore and Vietnam ¹. It was signed in Chile in March 2018. The agreement has entered into force in ten of the eleven countries – Brunei Darussalam is still to ratify it.

The [Canadian Government describes the CPTPP](#) as a "an ambitious and high-standard free trade agreement covering virtually all aspects of trade and investment" ². The Agreement provides for smoother market access for goods and services alongside a common approach to product standards and regulations.

On market access, the CPTPP provides for the near complete removal of tariffs on goods traded between members along with the opening up of services markets to all members. Some tariffs remain in highly sensitive areas such as Japan retaining tariffs on rice and Canada maintains protections on its dairy industry.

The CPTPP seeks to address barriers to trade such as different standards and requirements observed by each of the signatories. According to the [Canadian Government](#):

“ The agreement also establishes clear rules that help create a consistent, transparent and fair environment to do business in CPTPP markets, with dedicated chapters covering key issues like technical barriers to trade, sanitary and phytosanitary measures, customs administration, transparency and state-owned enterprises. Additionally, CPTPP features chapters on the protection of the environment and labour rights, which are enforceable by dispute settlement, to ensure that CPTPP members do not derogate from their commitments in these areas to increase trade or investment. The agreement also includes a variety of chapters aimed at trade-related technical cooperation among CPTPP members, including with respect to small and medium-sized enterprises, regulatory coherence and economic development.”

Government of Canada, n.d.²

Whilst there is a desire to remove barriers to trade, there is nothing to prevent each signatory regulating as they wish to pursue public policy objectives. According to the [New Zealand Government](#):

“ The obligations in the CPTPP have been designed to preserve each government's inherent right to regulate for legitimate public policy purposes. This ensures Governments are free to make legitimate public policy and to implement that policy. The Preamble to the Agreement explicitly recognises this right. In the uncommon event that a policy would otherwise breach an obligation, there are a range of general protections in the Agreement that will provide further flexibility for Governments. This includes exceptions for health, environment, national treasures of artistic, historic or archaeological value, national security, taxation and situations involving serious balance of payments difficulties (i.e. when a country can't pay its debts).”

New Zealand Government, n.d.³

Why does the UK want to join the CPTPP?

EU exit means the UK Government can negotiate its own trade agreements. Other than the EU-UK Trade and Cooperation Agreement (TCA) which outlined the terms of the EU-UK relationship post EU-exit, accession to the CPTPP would be the biggest trade agreement signed by the UK Government so far. The potential benefits of the agreement can be categorised under two headings: economic and geopolitical.

The economics

Economically accession to the CPTPP is projected to provide fairly minimal value in the short term. A [Department for International Trade policy paper](#) published in April 2021 projected that the agreement could lead to a £1.8 billion increase to UK GDP (at the time a 0.8% increase) over the next 15 years ⁴. This compares with the [estimated 4% reduction in productivity](#) as a result of leaving the EU and instead operating under the Trade and Cooperation Agreement ⁵. In setting out the possible economic benefits of joining the CPTPP, the [UK Government referred to Office of National Statistics data](#) which showed that in the 4 quarters to the end of September 2022, trade between UK and CPTPP was worth £110.9 billion, representing around 6.8% of total UK trade ⁶.

The [Institute of Directors \(IoD\)](#) highlighted the difference in potential markets between the EU and the CPTPP countries:

“CPTPP member countries have a combined population of 500 million and GDP of £9 trillion. For reference, although the EU is a similar size, with a GDP of £11 trillion, the value of our total trade to the EU is much higher, at £557 billion. CPTPP as an area makes up 7.8% of the UK's total trade.”

Institute of Directors, 2022⁷

The IoD also highlighted that the UK already has FTAs with seven of the 11 CPTPP countries most of which were roll-over agreements from when the UK left the EU.

In a [policy paper setting out the benefits of accession to the CPTPP](#), the UK Government stressed the long-term economic outlook when assessing the value of accession. The UK Government highlighted the potential for increasing the size of the market with a number of countries (including Thailand, the Philippines, and South Korea) expressing an interest in joining and the long-term economic potential of the Indo-Pacific region:

“It is a gateway to the wider Indo-Pacific region, which will account for the majority of global growth and around half of the world's middle-class consumers in the decades to come.”

UK Government, 2023⁸

Picking up on this theme, the [IoD highlighted](#) the potential of the Indo-Pacific region:

“ Accession to CPTPP is a real opportunity to secure and strengthen relationships with markets set for huge expansion over the next few decades. The area will likely become very competitive, with many countries looking to form connections in the area, where there are growing numbers of consumers accumulating wealth. For example, according to PwC’s ‘The World in 2050’ report, Vietnam will experience the biggest growth in terms of GDP out of any other country in the world. The report also predicts that six of the top ten economies in 2050 will be today’s emerging markets, and six will be in the Indo-Pacific region.”

Institute of Directors, 2022⁷

The geopolitics

Alongside economics, there is a geopolitical aim in the UK’s accession to the CPTPP. As [Politico explained](#), the UK Government’s foreign policy reorientation towards the Indo-Pacific region is also welcomed by countries such as Japan and Australia as they look to counter the economic and military power of China in the region ⁹. The [Royal United Services Institute \(RUSI\)](#) has stated that the geopolitical benefits of accession to the CPTPP outweigh the economic benefits citing the [UK Government’s Integrated Review Refresh](#) which provides an overview of the Security, Defence and Foreign Policy environment from a UK perspective:

“ It is, however, in the geopolitics rather than the economics that the greater benefits lie. At a time of tense US–China relations, the UK has joined a trade agreement in which neither are present – and which the middle powers of the Asia-Pacific rather than the US or China have shaped. The [March 2023 Integrated Review Refresh](#) describes the Indo-Pacific as ‘critical to the UK’s economy, security and our interest in an open and stable international order. Developments there will have disproportionate influence on the global economy, supply chains, strategic stability and norms of state behaviour’. While security questions are now more prominent, Asian prosperity has long been built on economic engagement and trade liberalisation. CPTPP membership gives substance to the Integrated Review’s ambition to ‘support the vision for a free and open Indo-Pacific shared by many regional partners’. It provides a structure where the UK plays a role in defining and defending ‘free and open’ and in maintaining a rules-based order in the face of China’s diplomatic and economic heft. By definition, it adds a formal economic structure to the multiple multilateral security engagements that the UK has in the region: CPTPP members now include four of the Five Eyes countries, two AUKUS members, and all of those in the Five Power Defence Arrangements..”

Cainey, 2023¹⁰

From a foreign policy perspective, UK accession is a concrete articulation of the recent UK Governments “[global Britain](#)” policy approach.

What does the CPTPP agreement include?

The CPTPP is a modern trade agreement which includes provisions in many different areas. The [UK Government has set these out in its policy paper](#) ⁸ and some examples are provided below:

- **Free trade** – according to the UK Government, 99% of current UK goods exports to CPTPP members will be eligible for tariff-free trade once the UK has joined.
- **UK market access for sensitive agricultural produce** “will be staged over a significant period of time, giving producers in sensitive sectors time to adjust to any new trade flows”. This includes permanent limits on the amount of beef, pork, chicken, sugar, and milled rice that can be imported tariff-free from major producers of these goods in CPTPP.
- **Rules of origin** - UK businesses will be able to count inputs (elements of a product made in another CPTPP country) in the production of their goods toward meeting the [rules of origin \(how customs authorities classify where an export has come from in international trade\)](#), which could make it easier for UK exports to qualify for the preferential tariffs agreed in this FTA.
- **Customs and trade facilitation** – according to the UK Government, the agreement will “help facilitate bilateral trade by ensuring that members’ customs procedures are efficient, consistent, transparent, and predictable whilst also allowing each Party to maintain effective customs control”.
- **Trade in services and financial services** – the agreement will make it easier for UK service and financial service providers to trade in other CPTPP countries.
- **E-commerce** – according to the UK Government, “the comprehensiveness and depth of CPTPP’s e-commerce chapter provides an excellent platform for the UK to help shape the emerging digital trading rulebook with influential partners and support UK businesses of all sizes”.
- **Temporary entry to each CPTPP country for business persons** – the agreement includes provisions to allow UK business persons to enter each CPTPP country on a temporary basis to conduct business or provide services.
- **Sanitary and phytosanitary (SPS) measures** – According to the UK Government, the agreement will “enable businesses to benefit from greater transparency and information sharing on the Parties’ SPS conditions and measures”. It also includes potential equivalence measures, but the UK Government retains the right to decide whether individual CPTPP Parties’ standards are equivalent to those in the UK. In addition, the UK Government added that joining the CPTPP will not compromise the UK’s animal and plant health, food safety or animal welfare standards.
- **Technical barriers to trade** – the agreement includes a commitment to facilitate trade by addressing non-tariff barriers caused by regulations, standards, and [conformity assessment procedures](#). In particular, the agreement commits member states to ensure that regulations are non-discriminatory and not unduly-restrictive to

trade and also promotes the use of international standards.

- **Government procurement** – the agreement should make it easier for UK providers to bid for public sector contracts across the CPTPP countries and ensure they receive fair and non-discriminatory treatment. It will also open up UK public sector procurement to providers from other CPTPP countries. According to the UK Government, the UK's market access in CPTPP mostly replicates the UK's coverage in the Government Procurement Agreement and generally does not exceed the access provided for in the UK's other international agreements.

Governance of the CPTPP

As with all modern trade agreements, the CPTPP includes governance arrangements which set out how oversight for the operation of the agreement will function.

It established a Trans-Pacific Partnership Commission composed of government representatives of each Party at the level of Ministers or senior officials¹¹. The purpose of the Commission is to:

- (a) consider any matter relating to the implementation or operation of this Agreement;
- (b) review, within three years of the date of entry into force of this Agreement and at least every five years thereafter, the economic relationship and partnership among the Parties;
- (c) consider any proposal to amend or modify this Agreement;
- (d) supervise the work of all committees, working groups and any other subsidiary bodies established under this Agreement;
- (e) consider ways to further enhance trade and investment between the Parties;
- (f) establish the Rules of Procedure referred to in Article 28.13 (Rules of Procedure for Panels), and, where appropriate, amend those Rules;
- (g) review the roster of panel chairs established under Article 28.11 (Roster of Panel Chairs and Party Specific Lists) every three years and, when appropriate, constitute a new roster; and
- (h) determine whether this Agreement may enter into force for an original signatory notifying pursuant to Article 30.5.4 (Entry into Force).

In most cases the Commission should take decisions by consensus unless as otherwise provided for in the Agreement. Whilst there is no requirement for how often the Commission should meet, it [has met at least once a year](#)¹². It most recently met in Singapore on October 8, 2022. The [seventh meeting of the Commission](#) is due to take place in Auckland, New Zealand from 15 -16 July 2023¹³.

Environmental concerns?

International trade agreements which make the transfer of goods across the globe easier, leading to an increase in carbon footprints, could be argued to be not environmentally sustainable. On the link between trade and the environment, [the Organisation for Economic Cooperation and Development has written](#):

“ Economic growth resulting from trade expansion can have an obvious direct impact on the environment by increasing pollution or degrading natural resources. In addition, trade liberalisation may lead to specialisation in pollution-intensive activities in some countries if environmental policy stringency differs across countries – the so-called pollution haven hypothesis. However, increased trade can in turn, by supporting economic growth, development, and social welfare, contribute to a greater capacity to manage the environment more effectively. More importantly, open markets can improve access to new technologies that make local production processes more efficient by diminishing the use of inputs such as energy, water, and other environmentally harmful substances.”

Organisation for Economic Cooperation and Development , n.d.¹⁴

The CPTPP includes a chapter on the environment which the UK Government says:

“ commits Parties to strive to encourage high levels of environmental protection, to continue to improve their respective levels of environmental protection, and to not derogate from their environmental laws in order to encourage trade and investment between Parties.”

UK Government, 2023⁸

A further area of environmental concern relates to the provisions in the CPTPP on palm oil, on which duties will be eliminated at entry for all CPTPP Parties. At present, tariffs range between 0% and a maximum of 12%. Recognising the sustainability concerns around the use of palm oil, the UK Government policy paper on the CPTPP considered the issue committing to

“ continue to work domestically and with partners internationally to pursue our ambitions for nature, climate, sustainable development, including in multilateral fora such as the WTO, COP28 and through the Forest, Agriculture and Commodity Trade Dialogue.”

UK Government, 2023⁸

Writing in 2021 when negotiations for UK accession to the CPTPP were beginning, [Greener UK expressed concern about accession to the CPTPP](#) leading to a weakening of UK environmental standards ¹⁵ . The information provided by the UK Government suggests there will not be a dilution to UK environmental standards as a result of accession to the CPTPP ⁸ . However, the final text of the agreement is still to be published.

Following the announcement of the UK's accession, the UK Trade Justice Movement, a UK coalition of nearly sixty civil society organisations, published a letter to the Secretary of State for the Department for Business and Trade, Rt. Hon. Kemi Badenoch MP which expressed concern about UK accession to the CPTPP:

“ The agreement brings minimal benefits and significant risks for priorities such as tackling the climate and biodiversity crises, and eliminating poverty... . Despite minimal projected benefits, the agreement stands to have significant negative environmental and climate impacts. The UK's own assessment predicts that greenhouse gas emissions will increase as a result of the agreement. Whilst the increase is very small, at 0.025%, it is far from the significant reductions that are required to achieve our climate commitments. Reports suggest that the UK has acceded to Malaysia's demand to lower tariffs on palm oil to zero, which could increase deforestation, further undermine indigenous and local community land rights and threaten natural habitats for species like orangutans.”

Trade Justice Movement, 2023¹⁶

The National Farmers Union (NFU) [welcomed the announcement of UK accession to the CPTPP](#). NFU President Minette Batters said:

“ Joining the CPTPP could provide some good opportunities to get more fantastic British food on plates overseas. Compared to the deals struck with Australia and New Zealand, I am pleased to see that the Prime Minister has stuck to his word and the government has negotiated a far more considered and balanced outcome, particularly with respect to managing market access in our most vulnerable sectors. I will continue to press government to ensure its domestic policies are aimed at improving the competitiveness of British farming and strengthening our domestic food security. “I am pleased that our government continues to maintain its commitment to our food safety standards. It is an absolute red line for us that food produced using practices that are illegal here – for instance, the use of hormones in beef and pork production and chemical washes for carcasses – should not be allowed on our market.”

National Farmers Union, 2023¹⁷

The Scottish perspective

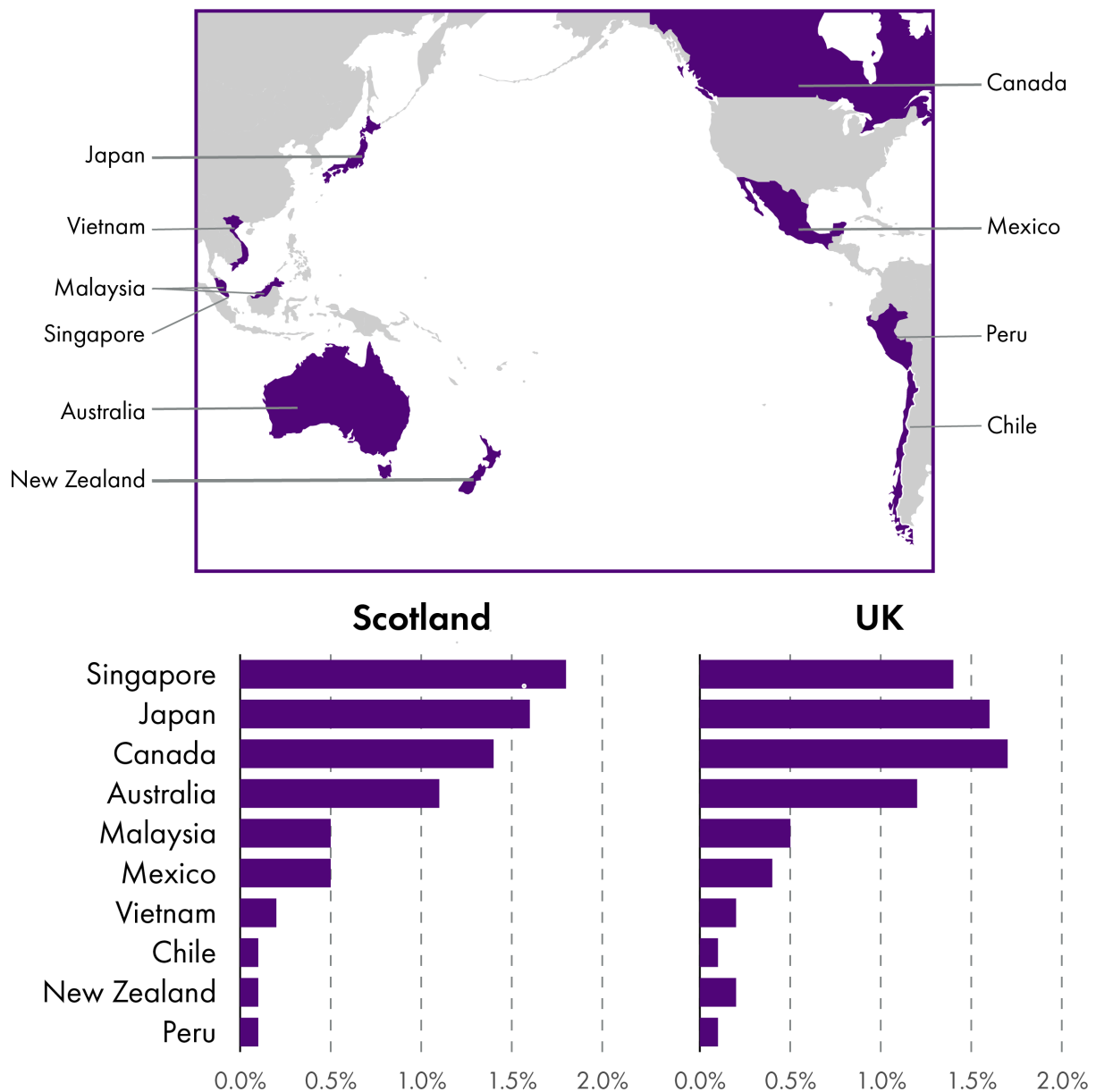
Following the announcement of the UK's accession to the CPTPP, the UK Government's Office of the Secretary of State for Scotland [published a news release](#) setting out the potential benefits of the CPTPP for Scotland ¹⁸. Highlighting that more than 800 businesses in Scotland exported £2.1 billion worth of goods to CPTPP countries in 2021, the news release also highlighted specific Scottish based sectors which could potentially benefit, including the whisky industry.

In terms of Scotland's exports to different countries, the [Export Statistics Scotland's data for 2019](#) shows that in Scotland's top 20 international export destinations, four of the CPTPP countries are represented: Australia, Canada, Singapore and Japan ¹⁹. These four countries were the destination for 7.8% of all Scotland's international exports in 2019. [Export Statistics Scotland](#) provides data for a further five CPTPP countries which collectively accounted for around 1.5% of all Scotland's international exports in 2019 ¹⁹.

[UK Trade Info](#) also provides figures for the proportion of total good exports by value to each of the CPTPP countries from both Scotland and for the UK as a whole ²⁰. The most recent figures (for 2022) are shown in the image below. This also demonstrates the value of the four biggest markets for Scotland (Singapore, Japan, Canada and Australia).

Exports to CPTPP countries from Scotland and the UK

Proportion of total goods exports by value to each of the CPTPP countries



[Regional trade data table - UK Trade Info](#)

The existing CPTPP countries slightly overlap with the [priority 1 and priority 2 markets identified in the Scottish Government's Export Growth Strategy](#). Canada is a priority 1 market (markets which offer immediate opportunities) whilst Australia, Japan, Mexico and Singapore are among the priority 2 markets (markets which offer mid to longer term, sector specific opportunities) ²¹.

The CPTPP includes commitments in a number of devolved policy areas such as agriculture and public procurement. However, as the negotiation of international trade agreements is a reserved matter, neither the Scottish Government – in the negotiation – or the Scottish Parliament – in the ratification – has a formal role. In its [policy paper on the CPTPP](#), the UK Government stated that it had kept the Devolved Administrations involved at every stage of negotiations, and that the Devolved Administrations have provided their views on CPTPP regularly ⁸. In addition, the policy paper stated that:

- Ministers from Devolved Administrations have expressed their views with the Minister for Trade Policy throughout the process, including at formal Interministerial Group for Trade meetings.
- Officials from Devolved Administrations have attended multiple meetings with the Chief Negotiator to express their views on CPTPP accession. Working-level meetings have taken place every four to six weeks throughout negotiations.
- The CPTPP negotiation team has provided regular updates before, during and after negotiating rounds, to ensure that officials from Devolved Administrations have been kept up to date on the latest developments.

Given that the UK Government has not published its negotiating mandate or details about the negotiations, it is almost impossible for the Scottish Parliament to scrutinise how the Scottish Government has sought to influence the UK position, or how the UK position has changed as a result of Scottish Government input.

The [Scottish Government's Minister for Trade, Richard Lochhead MSP suggested](#) that whilst the agreement would provide some reductions in tariffs which will be welcome for Scottish businesses, the new agreement could in no way make up for the impact of the UK leaving the EU and the Single Market. Richard Lochhead also raised concerns about what the agreement might mean for standards:

“ Significant concerns have already been raised with the UK Government that joining CPTPP would open the door to imports produced to lower safety, animal welfare, environmental or labour standards.”

The National, 2023²²

The Scottish Government [previously submitted evidence to the House of Lords International Agreements Committee](#) in November 2021 as part of the Committee's inquiry into the CPTPP ²³ .

The [Scottish Chambers of Commerce welcomed the announcement](#) of UK accession to the CPTPP. Dr Liz Cameron CBE, Chief Executive, Scottish Chambers of Commerce, said:

“ The UK joining a trading bloc which now accounts for 15% of global GDP is welcome news for firms looking to expand across the world. “It opens exciting new opportunities for Scottish businesses with regards to investment and trade, with many of the economies in the CPTPP already being key target countries for growth, with the potential of other countries joining in the future. “We look forward to quick ratification of the agreement and then working with the UK Government, and others, to ensure Scottish firms get the best possible access to this thriving partnership of nations within the global economy.”

Scottish Chambers of Commerce, 2023²⁴

What happens now?

The final text setting out the terms of UK accession to the CPTPP is still to be published. Once the text is published it will be possible to assess the terms and conditions that the UK Government has agreed to to facilitate UK accession.

The Secretary of State for Business and Trade, Rt Hon Kemi Badenoch MP made a [written statement to the UK Parliament](#) on 17 April 2023. On Parliament's role in the ratification process, the Secretary of State wrote:

“ The agreed text will now undergo legal review before signature of the agreement. Once the agreement is signed the Government will present an informational copy of the agreement to Parliament. As well as the text of the treaty, the Government will also provide explanatory material including an Impact Assessment of the deal. This approach is part of the extensive package of transparency and scrutiny measures that the Government has put in place for new trade agreements.”

UK Parliament, 2023²⁵

In the statement, the UK Government indicated that the agreement will be subject to pre-ratification scrutiny under the [Constitutional Reform and Governance Act 2010](#) (CRaG). The UK Parliament website provides a summary of the [CRaG process](#):

“ Parliament's statutory role in scrutinising treaties is set out in Part 2 of the Constitutional Reform and Governance Act 2010 (CRAG). CRAG codified into statute a convention established in 1924, known as the Ponsonby rule. The Government must lay treaties before Parliament for 21 sitting days prior to ratification and provide an explanatory memorandum (EM) alongside it (Constitutional Reform and Governance Act 2010, section 20)... ... Under CRAG, the House of Commons has the power to delay ratification, while the House of Lords has only advisory power. If the Commons passes a resolution that the treaty should not be ratified, a further 21 sitting day period is triggered which would prevent the Government from proceeding. It can repeatedly pass further resolutions, postponing ratification indefinitely. In 'exceptional cases', a minister may ratify a treaty without going through this process but the Government cannot do so once either House has passed a resolution. A limitation of the CRAG scrutiny process, however, is that there is no requirement for making time for debates or votes—although the Government has committed to facilitating debates if requested by the relevant parliamentary committees.”

UK Parliament, 2020²⁶

Ahead of the CRaG process, the Government is required to commission and publish the advice of the [Trade & Agriculture Commission](#), as well as laying its own report under section 42 of the Agriculture Act 2020. The UK Government has given a commitment that there will be at least three months between publication of the agreement and the commencement of the scrutiny period under CRaG.

The CRaG process does not provide an opportunity for scrutiny by or the agreement of the Scottish Parliament. As a result, the Scottish Parliament has no role in the ratification process.

Any legislation required to implement the terms of the agreement will need to be passed by the UK Parliament – if this legislation impinges on devolved competences, then the

Scottish Parliament may be asked to give legislative consent.

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