

附：

全面与进步跨太平洋伙伴关系协定委员会
关于 CPTPP 加入程序的决定

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

The Commission decides as follows:

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

全面与进步跨太平洋伙伴关系协定委员会
关于CPTPP加入程序的决定

委员会决定如下：

依照附件中所列程序开展新的国家或单独关税区根据《全面与进步跨太平洋伙伴关系协定》(CPTPP)第5条(加入)加入本协定的必要协调进程。

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

1 Aspirant economy's notification

- 1.1 Aspirant economies are encouraged to engage informally with all CPTPP Signatories¹ regarding their interest in joining the CPTPP prior to submitting a formal request.
- 1.2 Aspirant economies must notify New Zealand, as CPTPP depositary ('Depositary') of their formal request to commence negotiations on acceding to the CPTPP ('Accession Request').
- 1.3 The Depositary will promptly acknowledge receipt and share the Accession Request with the other CPTPP Signatories.

2 Request to commence accession process

- 2.1 The Comprehensive and Progressive Agreement for Trans-Pacific Partnership Commission (Commission) will determine, in a manner consistent with Article 27.3 (Decision Making) and Article 27.4 (Rules of Procedure of the Commission), whether to commence the accession process with the aspirant economy within a reasonable period of time after the date on which the aspirant economy made the Accession Request. The decision shall be made public.
- 2.2 For the purpose of smoothly carrying out subsequent Commission and Accession Working Group discussions, the aspirant economy is encouraged to have consultations with each Party, with a view to addressing each Party's questions or concerns on interested areas. These consultations will not constitute a negotiation process.
- 2.3 If the Commission decides to commence the accession process with an aspirant economy, the Commission will establish a working group to negotiate the accession of the aspirant economy ('Accession Working Group').
- 2.4 If the Commission is unable to reach consensus on the commencement of the accession process, the aspirant economy may continue to engage in consultations with the Parties. The Commission may subsequently determine whether or not to establish an Accession Working Group for that aspirant economy.

3 Accession Working Group

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

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

全面与进步跨太平洋伙伴关系协定(CPTPP) 加入程序

1 有意加入经济体的通知

1.1 鼓励有意加入的经济体在正式提交加入请求前，与所有 CPTPP 签署方¹就其加入 CPTPP 的兴趣进行非正式接触。

1.2 有意加入的经济体必须将其启动加入 CPTPP 谈判的正式请求(下称“加入请求”)通知 CPTPP 的交存方—新西兰(下称“交存方”)。

1.3 交存方将迅速确认收到加入请求并通知其他 CPTPP 签署方。

2 请求启动加入程序

2.1 全面与进步跨太平洋伙伴关系协定委员会(下称“委员会”)将以符合第 27.3 条(决策)和第 27.4 条(委员会议事规则)的方式，决定是否在有意加入经济体提出加入请求之日后的—合理期限内启动与该有意加入经济体的加入程序。该决定应予以公布。

2.2 为顺利开展委员会和加入工作组的后续讨论，鼓励有意加入的经济体与每一缔约方进行磋商，以期处理每一缔约方在感兴趣领域的问题或关注。这些磋商将不构成谈判进程的组成部分。

2.3 如委员会决定与一有意加入的经济体启动加入程序，则委员会将设立—工作组就有意加入的经济体的加入问题开展谈判(下称“加入工作组”)。

2.4 如委员会不能就启动加入程序协商一致，则有意加入的经济体可继续与各缔约方进行磋商。委员会可随后决定是否为该有意加入的经济体设立加入工作组。

3 加入工作组

3.1 加入工作组将由来自每一缔约方的政府代表组成。加入工作组的主席将经协商一致任命。

¹ 所有缔约方重申 CPTPP 签署方之间保持团结和共同参与决策进程的重要性。在 2019 年年内，CPTPP 尚未对其生效的 CPTPP 签署方可出席和参加与加入相关的会议。与加入相关的决定将由缔约方在充分考虑这些签署方的意见后作出。

- 3.2 The Commission can take a decision as to whether separate Accession Working Groups are needed for individual aspirant economies or the processes can be combined into a single Accession Working Group. The Accession Working Group may request guidance from the Commission.
- 3.3 At the first meeting of the Accession Working Group, the aspirant economy will demonstrate the efforts made to date, as well as identify any additional changes it will need to make to its domestic laws and regulations, in order to comply with the obligations of the CPTPP.
- 3.4 Within 30 days of the first meeting of the Accession Working Group, the aspirant economy will submit its market access offers/Non-Conforming Measures (NCMs) to the Accession Working Group (on goods, services, financial services, investment, temporary entry for business persons, government procurement and state-owned enterprises). If the offers of the aspirant economy are considered to be in line with the Benchmarks specified below, the Parties will confirm or submit, respectively, their market access commitments to the aspirant economy.
- 3.5 The aspirant economy will, via the Accession Working Group and bilaterally (as appropriate), negotiate its market access offers and demonstrate how it will meet the Benchmarks.
- 3.6 After finalising negotiations, the Accession Working Group will submit a written report, in a timely manner, to the Commission on terms and conditions for the aspirant economy's accession to the CPTPP. This written report will be approved by consensus within the Accession Working Group.

4 Commission's approval

- 4.1 The Commission will determine, by consensus, whether to approve the terms and conditions for the aspirant economy's accession to the CPTPP submitted by the Accession Working Group. If the Commission adopts a decision approving the terms and conditions for an accession and inviting an aspirant economy to become a Party to the CPTPP, the Commission will specify a period of six months, which may be subject to extension by agreement of the Parties, during which the aspirant economy may deposit an instrument of accession with the Depository indicating that it accepts the terms and conditions for the accession.
- 4.2 The Commission Chair will formally write to the aspirant economy advising of the Commission's decision on their request to join the CPTPP.
- 4.3 The aspirant economy will deposit its instrument of accession with the Depository after completing its applicable legal procedures. The aspirant economy should also demonstrate that it has completed all the changes in its domestic laws and regulations required to comply with its CPTPP obligations.
- 4.4 Each Party must notify the Depository when it has completed its applicable legal procedures to accept the aspirant economy as a Party to the CPTPP.
- 4.5 An aspirant economy will become a Party to the CPTPP 60 days after either (a) the date on which the aspirant economy deposits an instrument of accession with the Depository indicating that it accepts the terms and conditions for the accession; or (b) the date on which all Parties have notified the Depository in writing that they have completed their respective applicable legal

3.2 委员会可以决定是否需要为各有意加入的经济体分别设立加入工作组，或将各进程合并为一单一加入工作组。加入工作组可请求委员会给予指导。

3.3 在加入工作组第一次会议上，有意加入的经济体将证明迄今为止所作努力，以及确定为遵守 CPTPP 义务而需对其国内法律法规进行任何额外修改之处。

3.4 加入工作组第一次会议召开 30 天内，有意加入的经济体将向加入工作组提交其市场准入出价/不符措施清单(NCMs)(涉及货物、服务、金融服务、投资、商务人员临时入境、政府采购以及国有企业)。如有意加入的经济体的出价被认为与以下所规定的基准相一致，则各缔约方将分别向有意加入的经济体确认或提交其市场准入承诺。

3.5 有意加入的经济体将通过加入工作组和双边渠道(酌情)，就其市场准入出价开展谈判，并证明将如何满足有关基准。

3.6 在谈判结束后，加入工作组将及时向委员会提交关于有意加入的经济体加入 CPTPP 的条款和条件的书面报告。该书面报告将在加入工作组中以协商一致方式予以批准。

4 委员会批准

4.1 委员会将以协商一致方式决定是否批准由加入工作组提交的关于有意加入的经济体加入 CPTPP 的条款和条件。如委员会作出批准加入条款和条件及邀请有意加入的经济体成为 CPTPP 缔约方的决定，则委员会将规定 6 个月期限，在此期限内有意加入的经济体可向交存方交存加入书，表明其接受加入的条款和条件，该期限可经缔约方同意予以延长。

4.2 委员会主席将正式致函有意加入的经济体，告知委员会对其加入 CPTPP 的请求所作决定。

4.3 有意加入的经济体在完成其适用的法律程序后，将向交存方交存其加入书。有意加入的经济体还应证明其已完成为遵守 CPTPP 义务而对其国内法律法规所作全部修改。

4.4 每一缔约方在完成接受有意加入的经济体作为缔约方加入 CPTPP 的法律程序后必须通知交存方。

4.5 有意加入的经济体将在如下日期 60 天后成为 CPTPP 缔约方：(a) 有意加入的经济体将表明其接受加入条款和条件的加入书交存交存方之日；或(b)所有缔约方书面通知交存方已完成各自适用的法律程

procedures, whichever is later. If there is a significant delay in the ratification process of one or more Parties, the Commission may determine a different arrangement.

5 Benchmarks

5.1 Aspirant economies must:

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

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

序之日，以较晚者为准。如一个或多个缔约方的核准程序出现严重迟延，则委员会可确定另一安排。

5 基准

5.1 有意加入的经济体必须：

- (a) 证明其将遵守 CPTPP 所含所有现行规则的方式；及
- (b) 承诺提出最高标准的关于货物、服务、投资、金融服务、政府采购、国有企业以及商务人员临时入境的市场准入出价。这些出价必须为每一缔约方提供可产生均衡结果的具有商业意义的市场准入，从而增强有意加入的经济体与各缔约方之间的互利关系，同时推动贸易、投资和经济增长，促进效率、竞争和发展。

5.2 CPTPP 创始签署方议定的通过取消关税及取消货物、服务贸易和投资的其他壁垒从而实现全面市场准入承诺的目标应作为有意加入的经济体所作承诺水平的指引。