

11 STATES AGREE ON COMPREHENSIVE AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC PARTNERSHIP

29 January 2018 | South East Asia, The Americas

Legal Briefings - By **Don Robertson, Leon Chung and Emma Mackey**

The Trans-pacific partnership has been resurrected with 11 Pacific nations reaching agreement in Japan to sign the revised deal, despite the United States' withdrawal in early 2017.

Agreement has been reached by officials from Australia and 10 other nations to sign a revised Trans-Pacific Partnership.

The agreement finalised between the Pacific nations in Tokyo on 23 January, 2018 comes after Canada controversially failed to attend an APEC meeting in Da Nang in November 2017, which was anticipated to lead to the signing of the 'TPP-11' trade pact. The Canadian Prime Minister, Justin Trudeau, is believed to have staged the last minute boycott due to concerns regarding the Canadian automotive sector and protection for cultural products, including French-language media.

Devising a strategy for reviving the regional trade agreement was a significant agenda item between Australian Prime Minister Malcolm Turnbull, and Japanese Prime Minister Shinzō Abe during meetings in mid-January, 2018. Australia and Japan reportedly brought Canada back to the table through lobbying and by offering concessions on protection for cultural products, including broadcast policies that were outlined in the TPP. In the revised deal, countries will be able to subsidise non-English speaking entertainment and cultural industries to include new media.

Originally a 12-nation deal before President Donald Trump withdrew the United States from the agreement in early 2017, the revised agreement has been renamed the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (**CPTPP**).

The official signing of CPTPP will take place in Chile in March of this year at a signing ceremony attended by the responsible ministers of each of the 11 countries. Following the signing, each country will then need to undertake their own ratification processes in their respective Parliaments or governments to implement the agreement. Assuming the signing of CPTPP goes ahead in March as planned, widespread declarations that the TPP is 'dead, buried, and cremated' following the United States' withdrawal from the deal, will be shown to have been premature.

Speaking about the implications of the deal to ABC Radio National, Australia's Minister for Trade, Tourism and Investment, Mr Steven Ciobo MP stated that the deal is "going to help boost our exports and it's going to ensure that we continue to drive economic growth".

The Minister explained that the signatory countries together represent \$13.7 trillion worth of economic activity and that nearly a quarter of Australia's exports goes to the TPP-11.

The revised deal will lead to the delivery of 18 new free trade agreements, including new trade agreements with Canada and Mexico, and greater trade access for Australia in Japan and other countries. Notably, Investor State Dispute Settlements have also survived in the revised deal.

The next mega-regional deal of significance for the Asia Pacific is the Regional Comprehensive Economic Partnership (**RCEP**) which is also expected to be finalised this year. RCEP would initially include the 10 ASEAN countries and 6 of ASEAN's free trade agreement partners. Most significantly, RCEP which includes China, is a further step towards a free-trade area in the Asia Pacific as the 16 participating countries together account for a third of the world's gross domestic product and nearly half of the world's population.

The 11 Pacific Rim countries that will sign the CPTPP include: Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam.

For enquiries, please contact [Don Robertson](#), Partner or [Leon Chung](#), Partner.

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



LEON CHUNG
PARTNER, SYDNEY

+61 2 9225 5716
Leon.Chung@hsf.com

LEGAL NOTICE

The contents of this publication are for reference purposes only and may not be current as at the date of accessing this publication. They do not constitute legal advice and should not be relied upon as such. Specific legal advice about your specific circumstances should always be sought separately before taking any action based on this publication.

© Herbert Smith Freehills 2021

SUBSCRIBE TO STAY UP-TO-DATE WITH LATEST THINKING, BLOGS, EVENTS, AND MORE

Close

© HERBERT SMITH FREEHILLS LLP 2021