

# 泛太平洋战略经济伙伴框架概略

## Trans-Pacific Partnership: Broad Framework

AREA	KEY FEATURES
<b>Market Access in Goods</b>	Building on the WTO, the Parties are working to establish a single market providing comprehensive market access through tariff elimination and significant commitments beyond current WTO obligations, including the elimination of non-tariff measures that can serve as trade barriers.
<b>Technical Barriers to Trade</b>	To reinforce and build upon existing rights and obligations under the World Trade Organization Agreement on Technical Barriers, with the objective to facilitate trade among the TPP countries and help regulators protect health, safety, and the environment and achieve other legitimate policy objectives.
<b>Sanitary and Phytosanitary</b>	<p>To enhance animal and plant health and food safety and facilitate trade among the TPP countries.</p> <p>Commitments will reinforce and build upon existing rights and obligations under the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures, containing a series of new commitments on science, transparency, regionalization, cooperation, equivalence, import checks and verification.</p>
<b>Customs Cooperation</b>	<p>To establish customs procedures that are predictable, transparent and that expedite and facilitate trade.</p> <p>This is to ensure that goods are released from customs control in an expeditious manner, without affecting the ability of customs authorities to strictly enforce customs laws and regulations.</p> <p>Provides for close cooperation between authorities to ensure the effective implementation and operation of the agreement as well as other customs matters.</p>
<b>Rules of Origin</b>	To develop a common set of rules of origin for the determination of origin that is objective, transparent, predictable, simple, efficient and effective which allows the ability to cumulate or use materials from within the free trade area.

### Trade Remedies

To affirm their WTO rights and obligations while building upon these existing rights and obligations in the areas of transparency and procedural due process. Proposals also have been put forward relating to a transitional regional safeguard mechanism which will provide parties safeguards to deal with the increased competition.

### Investment

To provide substantive legal protection for investors and investments of each TPP country in the other TPP countries.

Provisions being discussed cover non-discrimination, a minimum standard of treatment, rules on expropriation, and prohibitions on specified performance requirements that distort trade and investment and the establishment of an expeditious, fair and transparent investor-State dispute settlement mechanism.

The investment text will protect the rights of the TPP countries to regulate in the public interest.

### Services

To secure fair, open and transparent markets for services trade, including services supplied electronically and by small- and medium-sized enterprises, while preserving the right of governments to regulate in the public interest.

### Non-Conforming Measures

Liberalisation commitments for both investment and services are negotiated utilising a negative list approach i.e Sectors or Non-Conforming Measures no listed are deemed to be liberalized and open to foreign participation.

### Financial Services

To improve transparency, non-discrimination, fair treatment of new financial services and investment protections.

To create market-opening opportunities, benefit businesses and consumers of financial products, and at the same time protect the right of financial regulators. Proposals include capital controls to ensure the integrity and stability of financial markets, including in the event of a financial crisis.

### Telecommunication

To promote competitive access for telecommunications providers in TPP markets.

Commitments include provisions enhancing the transparency of the regulatory process, and ensuring rights of appeal of decisions. Additional proposals have been put forward on choice of technology and addressing the high cost of international mobile roaming.

### **E-Commerce**

To enhance the viability of the digital economy by ensuring that impediments to both consumer and businesses embracing this medium of trade are addressed.

Proposals include addressing customs duties in the digital environment, authentication of electronic transactions, and consumer protection. Additional proposals on information flows and treatment of digital products are under discussion.

### **Business Mobility**

To promote transparency and efficiency in the processing of applications for temporary entry, and ongoing technical cooperation between TPP authorities.

### **Government Procurement**

To ensure that procurement covered under the chapter is conducted in a fair, transparent, and non-discriminatory manner.

Market Access negotiations in GP allow for flexibilities such as carve-outs in the form of listing of entities, activities, threshold and transitional periods.

### **Competition Policy**

Two components: Section A - Pure Competition; and Section B – State-Owned Enterprises.

The aim is to promote a competitive business environment and ensure a level playing field for TPP companies.

### **Intellectual Property Rights**

To reinforce and develop existing WTO Agreement on Trade Related Aspects of Intellectual Property (TRIPS) rights and obligations to ensure and effective and balance approach to intellectual property rights among the TPP countries.

### **Labour**

To ensure Parties maintain high levels of protection of labor rights including principles related to non-discrimination, freedom of association and elimination of forced labour.

Chapter provides for the establishment of mechanisms to ensure cooperation, coordination, and dialogue on labor issues of mutual concern to address the challenges of the 21st century workforce.

### **Environment**

To ensure that the agreement appropriately addresses important trade and environment challenges and enhances the mutual supportiveness of trade and environment.

The Parties are also discussing proposals on new issues, such as marine fisheries and other conservation issues, biodiversity, invasive alien species, climate change, and environmental goods and services.

### **Cooperation and Capacity Building**

TPP provides for an institutional mechanism for Parties to effectively facilitate Capacity Building and other forms of Cooperation to support TPP countries' ability to implement and take advantage of the agreement. Among the possible approaches to achieve this is through public-private partnerships.

### **Horizontal Issues**

#### **- Regulatory Coherence**

Objective is to promote trade between the countries by making trade among its members more seamless and efficient.

Commitments will require Parties to establish a mechanism domestically aimed at instituting Good Regulatory Practices, transparency and public consultation in the formulation of rules and regulations.

#### **- Competitiveness and Business Facilitation**

To enhance the domestic and regional competitiveness of each TPP country's economy and promote economic integration and jobs in the region, including through the development of regional production and supply chains.

Commitments include the establishment of a mechanism aimed at continuous evaluation of the implementation of the agreement to identify supply chain type impediments and cooperate toward removing such impediments.

#### **- Small and Medium Enterprises**

To address concerns and issues of small- and medium- sized enterprises in benefitting through FTAs including through enhancing their access to specific, relevant and user-friendly information and resources about the TPP.

#### **- Development**

To establish a mechanism for Parties to work together to contribute to members' economic development priorities, building on work in other fora, input from stakeholders, and proposals from TPP members.

### **Legal**

To develop an administration of the agreement that provides clear and effective rules for resolving disputes, and disciplines on transparency in the development of laws, regulation, and other rules. In addition, the Parties are working towards instituting good governance and procedural fairness issues in specific areas.

*Source: Ministry of International Trade and Industry (MITI) Malaysia*