



Department for
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24 January 2024

Dear Liam,

**Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership)
Bill [HL]: House of Commons Introduction**

Following the successful passage of the Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Bill through the House of Lords, I am writing to inform your Committee, in confidence, that this legislation will be introduced into the House of Commons on 24 January.

To ensure compliance with CPTPP obligations upon the UK's accession, we need to legislate through this Bill in the following areas: Technical Barriers to Trade (TBT), Intellectual Property (IP) and government procurement. The Bill will make changes, or enable changes to be made, to domestic legislation to ensure that the UK can meet its international commitments under the CPTPP when the UK accedes, which in turn will meet a key aim of the Government's Integrated Review Refresh by linking the UK to one of the most dynamic trading areas in the world. This comprehensive agreement will provide consumers with greater choice, facilitate innovation and support UK businesses by making it easier for them to trade with CPTPP Parties.

Technical Barriers to Trade

The Technical Barriers to Trade Chapter requires the UK to provide for national treatment of Conformity Assessment Bodies (CABs). CABs undertake conformity assessment procedures to confirm products comply with relevant regulatory requirements. Certain UK regulations specify that only CABs established in the UK or in a country with which the UK has a mutual recognition agreement can become approved to carry out conformity assessment in the UK.

To provide for national treatment of CABs when the CPTPP enters into force, the Government must amend existing secondary legislation and some Assimilated law to allow for CABs based in CPTPP Parties to apply for approval to carry out conformity assessment for goods in the Great Britain market.

The Government is seeking a power in the Trade (CPTPP) Bill to enable Government departments to make the required amendments in their legislation.

Intellectual Property

Regarding Intellectual Property, some changes will be made relating to eligibility criteria for copyright protection for performers and agri-food GIs.

On copyright protection for performers, the CPTPP requires Parties to provide rights as specified in the CPTPP agreement to performers when they meet certain criteria, i.e., criteria for eligibility for protection. While UK law already accords protection to most performances from CPTPP Parties, to comply with the CPTPP fully the eligibility criteria through which a performer can qualify for rights must be expanded. Existing primary legislation, namely the Copyright, Designs and Patents Act 1988, therefore needs to be amended. The copyright amendments must be made with general effect, rather than applying specifically to performers who are CPTPP nationals. This is so as not to breach our obligations under the World Trade Organization Agreement on Trade Related Aspects of Intellectual Property Rights, as well as two copyright-specific international agreements.

On GIs, the CPTPP requires Parties to allow an application for an agri-food GI to be opposed on the basis that the GI is likely to cause confusion with a pre-existing trade mark or trade mark application. The CPTPP also requires that an agri-food GI can be cancelled on the basis that it causes confusion with a pre-existing trade mark or trade mark application or because it is a term customary in common language as the common name for the relevant good in the territory of the Party. These are different to current law and changes are needed to ensure the UK is compliant with the CPTPP agreement. The GI amendments must be made with general effect, rather than applying specifically to GIs from CPTPP parties. This is so as not to breach our non-discrimination obligations under the World Trade Organization Agreement on Trade Related Aspects of Intellectual Property Rights. Consistently with CPTPP, they do not apply to GIs protected in the UK under international agreements.

Government Procurement

We will be amending the UK's government procurement legislative framework to give effect to the UK's market access commitments to CPTPP suppliers and to bring that framework into compliance with two technical provisions of the Government Procurement Chapter in the CPTPP. These concern the publication of information following the award of a procurement contract and the scope of procurement in relation to funding by international organisations.

This will apply generally to all suppliers and not only to suppliers from CPTPP Parties, which will ensure that domestic procurement regulations remain uniform and coherent by not imposing different or conflicting procedures on contracting authorities for procurements covered by the agreement. It will also ensure that the UK can implement its obligations under the CPTPP in a way that is consistent with our other international agreements.

Parliamentary process and scrutiny

Prior to the Government ratifying the Accession Protocol, Parliament can scrutinise it for 21 sitting days under the provisions of the Constitutional Reform and Governance Act 2010 (CRaG).

Noting the heightened interest in trade agreements, the Government has put in place additional transparency and scrutiny measures to enhance this process:

- The Government published the text of the [Accession Protocol of the UK to the CPTPP](#) on Monday 17 July 2023 alongside explanatory material and an independently scrutinised impact assessment.
- The independent [Trade and Agriculture Commission's report](#) was published on Thursday 7 December 2023, providing further scrutiny.
- The Government published its own [report](#) as required by Section 42 of the Agriculture Act 2020 on 11 January 2024. This report, referred to as a "Section 42 report," must be published before the Government can commence the formal parliamentary scrutiny period under CRaG.

The Accession Protocol must complete the CRaG scrutiny period before it can be ratified and subsequently enter into force.

I hope that your Committee has found this letter useful, especially in light of the Secretary of State's Committee public oral evidence session appearance on Tuesday 23 January 2024.

Separate to this, if you would find useful, I would be happy to arrange a private technical briefing for the Committee where my officials and I can explain the provisions of the Bill and answer any questions the Committee may have. If you would like such a session, please contact my office and this can be organised.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Greg Hands', with a horizontal line underneath.

The Rt Hon Greg Hands MP
Minister of State for Trade Policy and Minister for London
Department for Business and Trade