

Digital Economy Partnership Agreement (DEPA) Accession Process

1. Informal engagement

1.1 Aspirant economies are encouraged to engage informally with all DEPA Signatories and DEPA Parties¹ regarding their interest in joining the DEPA prior to submitting a formal request.

2. Aspirant economy's notification

2.1 Aspirant economies must notify New Zealand, as DEPA depositary ("**Depositary**") of their formal request to commence discussions on acceding to the DEPA ("**Accession Request**").

2.2 The Depositary will promptly acknowledge receipt and share the Accession Request with all DEPA Signatories and DEPA Parties.

3. Request to commence accession process

3.1 The DEPA Joint Committee ("**Joint Committee**") will determine, in a manner consistent with Article 12.3 (Decision-Making) and Article 12.4 (Rules of Procedure of the Joint Committee), 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.

3.2 If the Joint Committee decides to commence the accession process, the Joint Committee will establish a working group to discuss the accession of the aspirant economy ("**Accession Working Group**").

3.3 For the purpose of smoothly carrying out subsequent Joint Committee and Accession Working Group discussions, the aspirant economy is encouraged to have consultations with each DEPA Signatory and DEPA Party, with a view to addressing the questions or concerns on interested areas that the DEPA Signatories or DEPA Parties may have. These consultations will not constitute a negotiation process.

3.4 If the Joint Committee is unable to reach consensus on the commencement of the accession process, the aspirant economy may continue to engage in consultations with the DEPA Signatories and DEPA Parties. The Joint Committee may subsequently determine whether or not to establish an Accession Working Group for that aspirant economy.

4. Accession Working Group

4.1 The Accession Working Group will comprise government representatives from each DEPA Signatory and DEPA Party. The Chair of the Accession Working Group will be appointed by consensus.

4.2 If there is more than one aspirant economy, the Joint Committee can take a decision as to whether separate Accession Working Groups are needed or whether the processes can be combined

¹ All DEPA Parties affirm the importance of maintaining solidarity among DEPA Signatories and DEPA Parties and including all DEPA Signatories in the decision-making process. During 2021, any DEPA Signatory for which the DEPA 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 DEPA Parties or the Joint Committee, as appropriate, taking fully into account the views expressed by those Signatories.

into a single Accession Working Group. The Accession Working Group may request guidance from the Joint Committee.

4.3 The aspirant economy will demonstrate to the Accession Working Group 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 meet the Benchmarks as set out in Paragraph 7.

4.4 After finalising negotiations, the Accession Working Group will submit a written report, in a timely manner, making a recommendation to the Joint Committee regarding the terms for the aspirant economy's accession to the DEPA. This written report will be approved by consensus within the Accession Working Group.

5. Joint Committee's approval

5.1 The Joint Committee will determine, by consensus, whether to approve the terms for the accession to the DEPA submitted by the Accession Working Group. If the Joint Committee adopts a decision approving the terms for the accession and inviting an aspirant economy, hereinafter "accession candidate", to become a Party to the DEPA, the Joint Committee will specify a period of six months, which may be subject to extension by agreement of the DEPA Parties, during which the accession candidate may deposit an instrument of accession with the Depository indicating that it accepts the terms for the accession.

5.2 The Joint Committee Chair will formally write to the accession candidate advising of the Joint Committee's decision on its request to join the DEPA.

6. Instrument of Accession

6.1 The accession candidate will deposit its instrument of accession with the Depository after completing its applicable legal procedures.

6.2 Each DEPA Party must notify the Depository when it has completed its applicable legal procedures to accept accession candidate as a Party to the DEPA.

6.3 An accession candidate will become a Party to the DEPA either (a) 60 days after the date on which the accession candidate deposits an instrument of accession with the Depository indicating that it accepts the terms for the accession; or (b) on the date on which all DEPA Parties have notified the Depository in writing that they have completed their respective applicable legal procedures for the approval of the terms for the accession, whichever is later. If there is a significant delay in the process, as set out in (b) above, for one or more DEPA Parties, the Joint Committee may determine a different arrangement.

7. Benchmarks

7.1 Aspirant economies must:

- (a) demonstrate the means by which they will comply with all of the existing provisions contained in the DEPA; and
- (b) undertake to embark on meaningful collaborations and projects with some or all DEPA Parties. These collaborations and projects will deliver commercially-meaningful outcomes that facilitate business-to-business connectivity in the digital age or address new issues

intrinsic to the digital realm. The collaborations and projects will be mutually decided with the aspirant economy, on a case by case basis.