

Proactive Release

Date: 7 July 2020

The following Cabinet paper and related Cabinet minute have been proactively released by the Minister for Trade and Export Growth:

Digital Economy Partnership Agreement: Approval of Final Outcome and Next Steps

(CAB-20-MIN-0265 refers)

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant sections of the Act that would apply have been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Key to redaction codes:

- 6(a): to avoid prejudicing the international relations of the New Zealand Government;
- 9(2)(j): to avoid prejudice to negotiations; and
- 9(2)(ba): to protect the supply of confidential information by a third party.

Publicly available documents are on the Ministry of Foreign Affairs and Trade website:

<https://www.mfat.govt.nz/en/trade/free-trade-agreements/free-trade-agreements-concluded-but-not-in-force/digital-economy-partnership-agreement/depa-text-and-resources/>

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Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Economic Development Committee: Period Ended 5 June 2020

On 8 June 2020, Cabinet made the following decisions on the work of the Cabinet Economic Development Committee for the period ended 5 June 2020:

OUT OF SCOPE

DEV-20-MIN-0093

Digital Economy Partnership Agreement: Approval of Final Outcome and Next Steps

Portfolio: Trade and Export Growth

CONFIRMED

OUT OF SCOPE

The following page is out of scope



Cabinet Economic Development Committee

Minute of Decision

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Digital Economy Partnership Agreement: Approval of Final Outcome and Next Steps

Portfolio **Trade and Export Growth**

On 3 June 2020, the Cabinet Economic Development Committee:

Background

- 1 **noted** that negotiations on a Digital Economy Partnership Agreement (DEPA) between New Zealand, Chile and Singapore were formally concluded in January 2020;
- 2 **noted** that since conclusion in January 2020, negotiators have begun the development of a work plan for the DEPA partners to work together on facilitative rules and procedures to support digital health;
- 3 **noted** that the outcome of negotiations achieves New Zealand's negotiating objectives and is within the mandate previously approved by Cabinet [DEV-19-MIN-0238];
- 4 **noted** that the following side instruments were concluded in parallel to the conclusion of the negotiations on the DEPA:
 - 4.1 non-treaty status side letter with Chile on the relationship between DEPA and other Agreements with Chile;
 - 4.2 non-treaty status side letter with Singapore on the relationship between DEPA and other Agreements with Singapore;

Approval of DEPA

- 5 **approved** the text of the following three instruments, all of which are attached to the paper under DEV-20-SUB-0093 and collectively form the package of agreed outcomes of these negotiations between Chile, New Zealand, and Singapore:
 - 5.1 treaty status Digital Economy Partnership Agreement between Chile, New Zealand and Singapore;
 - 5.2 non-treaty status side letter with Chile on the relationship between DEPA and other Agreements with Chile;
 - 5.3 non-treaty status side letter with Singapore on the relationship between DEPA and other Agreements with Singapore;

- 6 **authorised** the Minister for Trade and Export Growth, in consultation with other Ministers as appropriate, to approve any necessary minor or technical amendments to the DEPA, or associated side instruments, which do not materially alter their content;
- 7 **authorised** the exchange of the two side letters;
- 8 **authorised** New Zealand's signature of the DEPA;
- 9 **agreed** to present the National Interest Analysis for consideration by Parliament, subject to any minor or technical changes required between now and public release;
- 10 **agreed** that the legally verified text of the DEPA, along with the National Interest Analysis, the side letters, and the paper under DEV-20-SUB-0093 and its associated Cabinet minute be made public at the time of signature, subject to any necessary redactions;
- 11 **agreed** that the two non-treaty status side letters also be provided to Parliament for consideration as part of the overall outcome;
- 12 **agreed** that following signature, the texts of the DEPA, the associated side instruments and the National Interest Analysis be presented to the House of Representatives for Parliamentary Treaty Examination, in accordance with Standing Orders 397-400;

Implementation and entry into force

- 13 **noted** that no amendment to primary legislation or regulations will be required in order to implement the DEPA and the side letters;
- 14 **authorised** officials, following signature of the DEPA and associated instruments, and satisfactory completion of Parliamentary Treaty Examination, to bring the DEPA into force by notifying the depositary of the completion of New Zealand's applicable domestic procedures;
- 15 **noted** that the earliest that the DEPA is expected to enter into force is the second half of 2020, and is contingent upon Chile and/or Singapore also notifying the depositary of the completion of their applicable domestic procedures;
- 16 **noted** that as depositary for the DEPA, New Zealand is at the heart of the future evolution of the DEPA akin to New Zealand's role in CPTPP;
- 17 **noted** that:
- 17.1 the ongoing costs associated with implementing the DEPA are low and are expected to be met from within departmental baselines;
- 17.2 Cabinet approval will be sought if any proposals developed under the DEPA mechanisms require additional resources.

Janine Harvey
Committee Secretary

Present: (see over)

Present:

Rt Hon Winston Peters
Hon Kelvin Davis
Hon Grant Robertson (Chair)
Hon Phil Twyford
Hon David Parker
Hon Nanaia Mahuta
Hon Stuart Nash
Hon Jenny Salesa
Hon Iain Lees-Galloway
Hon Damien O'Connor
Hon Kris Faafoi
Hon Shane Jones
Hon Willie Jackson
Hon James Shaw
Hon Eugenie Sage

Officials present from:

Office of the Prime Minister
Officials Committee for DEV

Proactively released by the Minister for Trade and Export Growth

Chair,
Cabinet Economic Development Committee

Digital Economy Partnership Agreement: Approval of Final Outcome and Next Steps

Proposal

1 That Cabinet approve the outcome and authorise signature of the treaty status Digital Economy Partnership Agreement (DEPA); between New Zealand, Chile and Singapore. The DEPA is accompanied by two non-treaty status side letters between the Parties. Entry into force of the DEPA is subject to successful completion of the Parliamentary Treaty Examination process.

Relation to Government Priorities

2 This paper relates to the Digital Economy Partnership Agreement (DEPA or the Agreement), our first trade agreement to focus solely on digital economy issues. New Zealand's trade policy contributes to our efforts to grow and share more fairly our prosperity. It is part of our drive for a more sustainable and inclusive economy by negotiating free trade agreements (FTAs) that allow New Zealanders to thrive. The COVID-19 crisis has highlighted our reliance on the digital economy and in this way the DEPA can support our economy recovery. As a pathfinder agreement, the DEPA further promotes New Zealand's international reputation as an innovator in trade policy.

Executive summary

3 Conclusion of the DEPA comes at a time of considerable disruption to international trade and supply chains due to COVID-19. The crisis demonstrates the value of our digital economy and digital trade. The DEPA with Singapore and Chile will help New Zealand businesses through the recovery phase and encourage further growth of digital aspects of our trading relationships. The digital economy represents an opportunity for New Zealand to continue diversifying our exports which will improve our resilience to possible shocks in any one exporting sector.

4 Digital trade (digitally-enabled transactions of goods and services, whether digitally or physically delivered) has grown rapidly, racing ahead of relevant global rules and norms. At the same time, the changing nature of trade in the digital era is leading to new barriers to trade. This has become more pronounced in the COVID-19 crisis. New international rules are required to deal with those issues. The DEPA is a first step towards establishing and shaping those rules and best practice for the digital era.

5 The substantive conclusion of negotiations with Singapore and Chile of a DEPA was announced by me as New Zealand's Minister for Trade and Export Growth, Singaporean Minister for Trade and Industry Hon Chan Chun Sing and Chilean Vice

Minister of International Economic Affairs Rodrigo Yáñez at a standalone event in Singapore on 21 January 2020.

6 The DEPA is a working example of New Zealand's strategy of "concerted open plurilateralism." Signature and entry into force of the DEPA contributes to revitalising trade architecture and is therefore part of New Zealand's COVID-19 trade recovery strategy. It ensures that small countries can contribute to the evolution of new rules on digital trade. It will be an open accession agreement (i.e. open to all WTO members on terms agreed by the Parties) that is designed to support and inform the development of global rules and norms. With the Agreement concluded, the focus will now turn to how to attract others to accede to the Agreement (and who to attract) with a particular focus on s6(a), s9(2)(j)

As expected benefits of the DEPA are contingent on further regulatory cooperation, this will be an important component of DEPA's implementation.

7 The DEPA covers all aspects of the digital economy that might support trade in the digital era, from business and trade facilitation through to the wider trust environment and digital inclusion. In this way, it is more ambitious than the traditional subject matter of e-commerce chapters in free trade agreements or the current WTO-based e-commerce negotiations. The DEPA identifies the areas where Chile, New Zealand and Singapore will be able to work together under the DEPA as a 'living agreement'. This ensures that the agreement can be updated and will evolve in response to the ever-changing digital environment.

8 The obligations in the DEPA and associated side letters are already met by New Zealand's existing domestic legal and policy regime, and will therefore not require legislative or regulatory amendment. Some of the modules reflect New Zealand's existing commitments in other Agreements. While this, therefore, reflects a commitment to existing regulatory settings, there are exceptions that ensure New Zealand retains regulatory policy space.

9 The DEPA includes public policy safeguards, including to address issues such as consumer protection and the protection of personal information in the digital environment. The agreement also takes a proactive approach towards issues such as privacy protection, for example by requiring that all Parties have a legal framework for protection of personal information. There is also a specific provision preserving the pre-eminence of the Treaty of Waitangi in New Zealand. It also includes an exception that supports the protection of 'creative arts', which New Zealand sought in the negotiation.

10 I intend to sign the DEPA "virtually" in June 2020. The COVID-19 situation necessitates this approach but a virtual signature event in itself will be a useful demonstration of our adaptation to the digital economy. Following signature, the Agreement and the side-letters will be presented together with a National Interest Analysis (NIA) to the House of Representatives for Parliamentary Treaty Examination. The earliest DEPA is expected to enter into force is the second half of 2020.

Background

11 Conclusion of the DEPA comes at a time of considerable disruption to international trade and supply chains due to COVID-19. COVID-19 demonstrates the value of our digital economy and digital trade, and the DEPA with Singapore and Chile will help New

Zealand businesses through the recovery phase and encourage further growth of digital aspects of our trading relationships. The digital economy is also an opportunity for New Zealand to continue diversifying its exports in a way which helps our traders become more resilient to external shocks.

12 This initiative was launched in May 2019 by Ministers of Trade, following endorsement by the Prime Minister in bilateral meetings with Singapore and Chile. A mandate for the negotiations was approved by Cabinet [DEV-19-SUB-0238].

13 The substantive conclusion of negotiations with Singapore and Chile of a DEPA was announced by me as New Zealand's Minister for Trade and Export Growth, Singaporean Minister for Trade and Industry Hon Chan Chun Sing, and Chilean Vice Minister of International Economic Affairs Rodrigo Yáñez at a standalone event in Singapore on 21 January 2020. We signed an Agreed Minute which recorded the substantive conclusion of the negotiations.

14 Digital trade (digitally-enabled transactions of goods and services, whether digitally or physically delivered) has grown rapidly, and is ahead of relevant global rules and norms. At the same time, the changing nature of trade in the digital era is leading to new barriers to trade and other unfair restrictions. New international rules are required to deal with those issues. The DEPA is a step by a group of small like-minded countries to agree a framework which in turn can attract others to work towards establishing those rules and best practice for the digital era.

15 The DEPA also forms part of New Zealand's response to COVID-19, the increasing global turbulence in trade policy and the changing nature of trade in the digital era. New Zealand's overarching objectives for the agreement therefore are to:

- *Co-create and shape global norms for digital trade.* This is an area that is commercially critical to small economies (in particular their SMEs) and is integral to the Government's productive, sustainable and inclusive economic strategy as well as wider well-being objectives.
- *Create a model digital economy agreement that can act as a pathfinder* for others, raising ambition in other contexts and forums, and that can be integrated into and support processes in the WTO, OECD, APEC and elsewhere.
- *Build confidence on new economy issues* to advance and sustain a rules-based order for trade and to demonstrate the benefits of working together with others on trade policy at a time when many economies are choosing to go it alone (or bilaterally).

16 The DEPA covers all aspects of the digital economy that might support trade in the digital era, building on existing trade agreement commitments in e-commerce chapters. In this way, the scope of the DEPA is more ambitious than the traditional subject matter of e-commerce chapters in FTAs or the current WTO-based e-commerce negotiations. It identifies the areas where Chile, New Zealand and Singapore will be able to work together now and in the future through the DEPA as a 'living agreement'. This is an important part of the DEPA's rationale – as our respective approaches to the digital economy evolve, the DEPA can also evolve. The living agreement ambition of DEPA has

already been realised through ongoing discussions on a work-plan relating to the development of facilitative rules and procedures for digital health issues as a result of COVID-19.

17 The DEPA serves New Zealand's commercial objectives by supporting the development of robust, transparent and interoperable international rules, while also safeguarding our ability to regulate to address legitimate public policy interests. The DEPA further ensures that issues of importance to New Zealanders such as personal privacy, consumer protection, data management, transparency and openness are appropriately protected. New Zealand explicitly preserves the right to regulate for public policy objectives across critical sections of the DEPA, including data localisation and digital identity.

18 The DEPA represents a practical working example of New Zealand's strategy of "concerted open plurilateralism". It acknowledges that making progress on high quality rules and norms at the WTO may be difficult, but that small economies still need to find a way to shape and inform emerging rules and issues. The DEPA is therefore our attempt to ensure that small countries can contribute to the evolution of new international rules, in this case on digital trade. It will be an open accession agreement that is designed to support the development of global rules and norms. Now that the Agreement is concluded, the focus will turn on how and whom to attract to accede to the agreements with a particular focus on s6(a),
s9(2)(j) New Zealand, as the depositary for the DEPA, will be central to this accession process in the same way that we are for CPTPP.

Analysis

19 The modules (or chapters) which cover the substance of the DEPA are summarised as follows:

- Business and Trade Facilitation: The DEPA promotes the adoption and use of technology to facilitate trade through paperless trading, faster customs procedures and supporting the growth of e-payments. The DEPA promotes the use of e-invoicing across borders in the DEPA region. E-invoicing will reduce business costs by no longer requiring paper-based or printable PDF invoices to be sent and eliminating the need for manual entry of these invoices into the recipient's accounting system.
- Digital products: This module affirms existing levels of commitments relating to customs duties on electronic transmissions and protecting the integrity of cryptography.
- Data issues: The DEPA recognises importance of data and requires DEPA partners to have legal frameworks in place to protect personal information. The DEPA adds to other international discussions on privacy by setting out the principles that underpin strong protection frameworks including transparency, data quality and accountability. The Agreement affirms existing commitments on transmission of information across borders and location of computer facilities while also including a public policy safeguard.

- Wider Trust Environment: This module promotes consideration of cyber security and the safe and secure online environment.
- Business and Consumer Trust: This module makes it easier for businesses and consumers to take advantage of the opportunities digital trade presents. The DEPA includes provisions to minimise SPAM messages, protect consumers online and recognising the benefits of access and use of the internet (without including net neutrality).
- Digital Identity: The DEPA promotes cooperation to increase regional and global connectivity with respect to digital identity (e.g. national business numbers). This is a new issue for trade agreements and includes a public policy safeguard.
- Emerging Trends and Technologies: The DEPA identifies emerging areas to deepen cooperation including the financial technology (FinTech) sector, artificial intelligence, government procurement and competition policy. The DEPA is a living agreement and is able to evolve as new technologies emerge, and new challenges arise. The DEPA provides an important vehicle for us to discuss these issues with likeminded small countries.
- Innovation and the Digital Economy: This module highlights the importance of technological innovation, creativity, and technology as a means to achieve social and economic welfare. It promotes open government data, including by providing that the DEPA Parties strive towards open data to the extent a Party chooses and when information is made available to the public.
- SME Cooperation: The DEPA sets up a framework for cooperation, enabling us to test ideas and promote our businesses, particularly our SMEs, with DEPA partners. There will, for instance, be a Digital SME Dialogue held after entry into force of the agreement to promote the benefits of the DEPA.
- Digital Inclusion: The DEPA module on Digital Inclusion is the first of its kind. The DEPA Parties want to expand and facilitate digital economy opportunities, to the benefit of all people. Importantly for New Zealand, the DEPA provides a platform for enhancing cultural and people-to-people links, including between Indigenous Peoples, while preserving the ability of the Crown to meet its Treaty obligations to Māori. Te Taumata was engaged in the formation of this module.¹ Te Taumata has already proposed specific projects to support Māori business through the DEPA, including a digital platform to distribute and promote Māori exports. How to give effect to Te Taumata's ideas will be a critical part of New Zealand's planning for implementation of the DEPA.

¹ Te Taumata is a unique engagement model with Māori established by the Trade and Economic Group of MFAT. It provides a dedicated platform for deeper discussion with Māori/iwi stakeholders on priority trade policy issues. Te Taumata draws on the extensive skills, experiences and connectivity of its members, who are involved in a diverse range of Māori business, international trade, academia, Treaty claims and community development. Te Taumata is chaired by Chris Karamaea Insley (Te Whānau-ā-Apanui, Ngāti Porou).

- **Transparency:** The DEPA promotes openness by requiring that laws and regulations relating to the digital economy are promptly published and made available.
- **Dispute Settlement:** DEPA's dispute settlement module provides efficient, fair, and transparent processes for resolving disputes between governments. The mechanism is designed to minimise the need for formal arbitration. There is no provision for an investor-state dispute mechanism.

20 The DEPA is accompanied by side letters. The non-treaty status side letters relate to the relationship between DEPA and other agreements with Chile and Singapore.

Treaty of Waitangi

21 As with all of New Zealand's trade agreements since 2001, the DEPA includes a specific provision preserving the pre-eminence of the Treaty of Waitangi in New Zealand. This exception is identical to what we agreed in the CPTPP, which preserves New Zealand's existing policy space. In the WAI 2522 decision, the CPTPP Treaty of Waitangi Exception was found to "provide a reasonable degree of protection to Māori interests."

Public Policy Safeguards

22 Throughout the DEPA text, New Zealand has retained the right to maintain measures to achieve legitimate public policy objectives, including in relation to regulation of social media and sales platforms. This allows future governments to apply different policy settings while still meeting our obligations under the Agreement. The DEPA recognises the inherent right of Parties to regulate across all modules, with certain provisions containing specific exemptions for public policy. Cross-border electronic transmissions and data localisation contain exceptions identical to the CPTPP. As a new area for trade agreements, the digital identity module also contains language to clarify that it does not prevent regulation for legitimate public policy objectives.

Other Exceptions

23 The DEPA contains further exceptions for taxation, security, and stabilising macroeconomic policy. The Agreement does not apply to taxation measures, nor does it prevent any Party from taking any action it considers necessary for the protection of its essential security interests. The DEPA also includes an exception for 'creative arts' as sought by New Zealand in the negotiations.

Next Steps

24 Since the conclusion of negotiations in January, negotiators have begun work to develop a work-plan for DEPA partners on digital health issues. [s9\(2\)\(ba\)](#)

and will ensure ongoing analysis of DEPA provisions from a digital health perspective. This reflects DEPA's status as a living agreement and will help to identify what cooperation would be useful for the immediate and ongoing response to COVID-19.

25 The next steps for the DEPA are:

- the signing of the Agreement and associated side-letters, which is expected to take place in June 2020 in a virtual signing ceremony;
- public release of the legally verified text of the negotiations and the NIA, at the time of signature; and
- presenting of the Agreement and associated letters, along with the accompanying NIA in the House of Representatives for Parliamentary Treaty Examination.

Parliamentary Treaty Examination Process

26 Following signature, the Agreement and the associated instruments will be presented together with the NIA to the House of Representatives for Parliamentary Treaty Examination in accordance with the procedure set out in Standing Orders 397 to 400. The text of the final outcomes from the DEPA (including the Agreement and side-letters) are attached. The draft NIA is also attached to this paper.

27 During the treaty examination process, the Foreign Affairs, Defence and Trade Committee may choose to allow for public hearings and submissions. This process will allow for further engagement with stakeholders.

Entry-into-force

28 The Agreement will enter into force 90 days after the date on which at least two signatories have notified the depositary in writing of the completion of their applicable legal procedures. The Agreement will enter into force for subsequent signatories 90 days following the date on which they notify the depositary of the completion of their applicable legal procedures.

29 New Zealand will complete the process of Parliamentary Treaty Examination prior to notifying the depositary of the completion of our applicable domestic procedures.

30 New Zealand is the depositary for the DEPA. As depositary, we will receive applications for future state accessions akin to our role in CPTPP. This places New Zealand at the heart of DEPA's future evolution as a living agreement.

Consultation

31 The following departments and agencies have been consulted: Commerce Commission; Department of Internal Affairs, Department of Prime Minister and Cabinet; Inland Revenue Department; Ministry of Business, Innovation and Employment; Ministry of Culture and Heritage; Ministry for Primary Industries; Ministry of Justice; New Zealand Customs Service; New Zealand Trade and Enterprise; Reserve Bank of New Zealand; Statistics New Zealand; The Treasury; Te Puni Kōkiri.

32 The NIA outlines the wider consultation and engagement with Māori and civil society during the negotiating process.

Financial implications

33 The implementation of the DEPA, at this stage, will not have fiscal implications; and any in the future are expected to be met from within departmental baselines. Any promotion and outreach activities to explain the key outcomes of the Agreement are

expected to be undertaken as part of the Ministry of Foreign Affairs and Trade's wider trade policy outreach activities, which includes both consultations and engagement (for on-going negotiations) as well as promotional activities.

34 The costs of servicing any DEPA implementation committees are expected to be met from baselines. A number of commitments in the Agreement establish mechanisms that allow for future cooperation between New Zealand, Chile and Singapore in areas of mutual interest. Cooperation proposals are expected to be developed over time through these mechanisms, which may in the future require additional resources or reallocation of resources within departments. Where possible, these will be funded from baselines, and Cabinet approval will be sought for any additional resources.

Human rights

35 There are no inconsistencies with the Human Rights Act 1993 and New Zealand Bill of Rights Act 1990.

Legislative implications

36 There are no legislative implications resulting from this paper. No amendment to primary legislation is required in order to implement the outcomes of the Agreement.

Regulatory impact analysis

37 No regulatory impact analysis is required. The obligations in the Agreement and associated side letters are already met by New Zealand's existing domestic legal and policy regime, and will not require regulatory amendment.

Population Implications

38 There are no negative population implications from this paper. The DEPA includes a module on digital inclusion reflecting our ambition to expand and facilitate digital economy opportunities, to the benefit of all people.

Communications

39 The text (prior to legal verification) along with a summary of key outcomes across the negotiation and other explanatory materials was published on the Ministry of Foreign Affairs and Trade website at the time of announcement of substantive conclusion of negotiations in January 2020.

Proactive Release

40 In order to facilitate the understanding of New Zealanders and in the interests of transparency, I propose to release this Cabinet paper, the associated Cabinet minute along with the legally verified text of the Agreement, the associated side instruments, and the NIA following the public announcement of the signature of the Agreement.

Recommendations

41 The Minister for Trade and Export Growth recommends that Cabinet:

1. **Note** that negotiations on a Digital Economy Partnership Agreement (DEPA) between New Zealand, Chile and Singapore were formally concluded in January 2020;
2. **Note** that since conclusion in January, negotiators have begun development of a work plan for the DEPA partners to work together on facilitative rules and procedures to support digital health;
3. **Note** the outcome of negotiations achieves New Zealand's negotiating objectives and is within the mandate approved by Cabinet;
4. **Note** that the following side instruments were concluded in parallel to the conclusion of the negotiations on the DEPA;
 - 4.1. Non-treaty status side letter with Chile on the relationship between DEPA and other Agreements with Chile; and Non-treaty status side letter with Singapore on the relationship between DEPA and other Agreements with Singapore.
5. **Approve** the text of the following three instruments, which collectively form the package of agreed outcomes of these negotiations between Chile, New Zealand, and Singapore:
 - 5.3. Treaty status Digital Economy Partnership Agreement; between Chile, New Zealand and Singapore; Non-treaty status side letter with Chile on the relationship between DEPA and other Agreements with Chile; and Non-treaty status side letter with Singapore on the relationship between DEPA and other Agreements with Singapore.
6. **Authorise** the Minister for Trade and Export Growth, in consultation with relevant Ministers, to approve any necessary minor or technical amendments to the Agreement, or associated side instruments, which do not materially alter their content;
7. **Authorise** exchange of the two Side Letters;
8. **Authorise** signature of DEPA;
9. **Agree** to present the National Interest Analysis for consideration by Parliament, subject to any minor or technical changes required between now and public release;
10. **Agree** that the legally verified text of the Agreement, along with the National Interest Analysis, the Side Letters, this Cabinet paper and the Cabinet minute be made public at the time of signature, subject to any necessary redactions;
11. **Agree** that the two non-treaty status Side Letters also be provided to Parliament for consideration as part of the overall outcome;

12. **Agree** that following signature, the texts of the Agreement, the associated side instruments and the National Interest Analysis be presented to the House of Representatives for Parliamentary Treaty Examination, in accordance with Standing Orders 397-400;
13. **Note** that no amendment to primary legislation or regulations will be required in order to implement the Agreement and the Side Letters;
14. **Authorise** officials, following signature of the Agreement and associated instruments, and satisfactory completion of Parliamentary Treaty Examination, to bring the DEPA into force by notifying the depositary of the completion of our applicable domestic procedures.
15. **Note** the earliest that the Agreement is expected to enter into force is the second half of 2020, and is contingent upon Chile and/or Singapore also notifying the depositary of the completion of their applicable domestic procedures.;
16. **Note** that as depositary for the DEPA, New Zealand is at the heart of the future evolution of the Agreement akin to our role in CPTPP;
17. **Note** that the ongoing costs associated with implementing the Agreement are low and are expected to be met from within departmental baselines. Cabinet approval will be sought if any proposals developed under the DEPA mechanisms require additional resources.

Authorised for lodgement

Hon David Parker

Minister for Trade and Export Growth