Digital Economy Partnership Agreement (DEPA)
Accession Process

1. Informal engagement

1.1 Aspirant economies are encouraged to engage informally with all DEPA Parties (“**Parties**”) regarding their interest in acceding to the DEPA prior to submitting a formal request to commence discussions on acceding to the DEPA (“**Accession Request**”).

2. Aspirant economy’s Accession Request notification

2.1 Aspirant economies must deliver to New Zealand, as DEPA depositary (“**Depositary**”), their Accession Request. The Accession Request should take the form of a letter transmitted electronically to depadepositary@mfat.govt.nz.

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

3. Initial assessment

3.1 The Chair of the DEPA Joint Committee (“**Joint Committee**”) will send the aspirant economy the DEPA questionnaire and invite them to complete it.

3.2 The aspirant economy will complete the questionnaire and return it to the Chair of the Joint Committee. Aspirant economies should endeavour to provide fulsome and accurate responses.

3.3 The Chair of the Joint Committee will promptly acknowledge receipt and share the completed questionnaire with all other Parties.

3.4 Parties may consult with the aspirant economy, with a view to addressing any questions or concerns that the Parties may have. Any such consultations will not constitute a negotiation process.

4. Joint Committee decision on commencing an accession process

4.1 The 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.

4.2 In determining the commencement of the accession process, Parties will consider the aspirant economy’s digital economy regulatory settings, and their alignment with the DEPA’s standards. This will be informed, inter alia, by the aspirant economy’s responses to the questionnaire.

4.3 If the Joint Committee decides to commence the accession process the aspirant economy will be notified and the decision will be made public. The Joint Committee will establish a working group to discuss the accession of the aspirant economy (“**Accession Working Group**”).

4.4 If the Joint Committee decides not to commence the accession process, the aspirant economy will be notified privately in writing.

4.5 The Joint Committee will endeavour to take these decisions as soon as possible after the date on which the aspirant economy has submitted their completed questionnaire. Resource availability may affect the duration required to reach these decisions.

5. Accession Working Group

5.1 The Accession Working Group will comprise government representatives from each Party. The Chair of the Accession Working Group will be appointed by consensus.

5.2 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 into a single Accession Working Group.

5.3 The Accession Working Group may request guidance from the Joint Committee.

5.4 The role of the Accession Working Group is to undertake a technical assessment on whether the aspirant economy meets the Benchmarks as set out in Paragraph 8. 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, to meet the Benchmarks as set out in Paragraph 8.

5.5 After concluding its assessment, the Accession Working Group will prepare a written recommendation ("**a recommendation**") regarding accession. A recommendation will include a summary of the Accession Working Group's assessment.

5.6 If a recommendation is for the aspirant economy to be invited to accede to the DEPA, the Accession Working Group will also prepare accession documents including Terms of Accession ("**accession documents**").

5.7 A recommendation and any accession documents will be submitted to the Joint Committee after being approved by consensus within the Accession Working Group.

6. Joint Committee's approval

6.1 The Joint Committee will determine, by consensus, whether to approve a recommendation and any accession documents submitted by the Accession Working Group (Paragraphs 5.5 – 5.7).

6.2 If the Joint Committee approves a recommendation that an aspirant economy accede, the aspirant economy (hereinafter "**accession candidate**") will be invited to become a Party to the DEPA in accordance with the terms set out in the accession documents. 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 Depositary indicating that it accepts the Terms of Accession.

6.3 The Joint Committee Chair will formally write to the accession candidate advising of the Joint Committee's decision on its request to accede to the DEPA. Should an aspirant economy be invited to accede to the DEPA, the decision will be made public through a press release jointly released by Parties and the accession candidate.

7. Instrument of Accession

7.1 The accession candidate will deposit its Instrument of Accession with the Depositary after completing its applicable legal procedures.

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

7.3 An accession candidate will become a Party to the DEPA either:

(a) sixty days after the date on which the accession candidate deposits an Instrument of Accession with the Depositary indicating that it accepts the Terms of Accession; or

(b) ten days after the date on which all DEPA Parties have notified the Depositary in writing that they have completed their respective applicable legal procedures for the approval of the Terms of Accession,

whichever is the later.

7.4 If there is a significant delay in the process, as set out in 7.3(b) above, for one or more DEPA Parties, the Joint Committee may determine a different arrangement, which the Chair of the Joint Committee will convey to the accession candidate.

8. Benchmarks

8.1 Aspirant economies must:

(a) demonstrate the means by which they will comply with all DEPA provisions; 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.