Table of Global Administrative Law Provisions in TPP

The following is a list of provisions in the Trans-Pacific Partnership Agreement (TPP) as initially concluded on 4 February 2016 which reflect aspects of global administrative law as developed in Benedict Kingsbury, Nico Krisch & Richard B. Stewart, *The Emergence of Global Administrative Law* , 68 Law & Contemp. Prob. 15 (2005).

Some of these provisions were suspended in the renegotiation of the agreement without the United States as the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP), which entered into force on 30 December 2018. The table makes no claim to comprehensiveness or full accuracy and is mainly intended as an illustration of procedural requirements in trade and regulatory agreements and perhaps as a useful resource for other scholars.

The suggested citation is Paul Mertenskötter, *Table of Global Administrative Law Provisions in TPP* , NYU IILJ MegaReg Project 2019 (iilj.org/megareg/remote-control).

This document accompanies the theoretical account of treaty requirements for procedures as instruments of political control as developed in Paul Mertenskötter & Richard B. Stewart, *Remote Control: Treaty Requirements for Regulatory Procedures* , 104 Cornell L. Rev. 165-232 (2018).

(CP)TPP Chapter	Transparency			Participation	Reason-Giving	Review	Remedies	Accountability		
	Notice	Publication	Info Collection					SSDS	ISDS	Domestic Review
0. Preamble	Para. 14									
1. Initial Provisions and General Definitions										
2. National Treatment and Market Access For Goods	2.12.2, 3, 5 & 6; 2.13.2; 2.27.7; 2.29.2(b)	2.13.2 & 3; 2.14.3; 2.16; 2.31.2; 2.32.2-5		2.9.2 ; 2.29.2(c)(ii); 2.32.1 &6	2.9.4; 2.24.2(b) & 3					
3. Rules of Origin and Origin Procedures	3.27.7				3.27.10					
4. Textile and Apparel Goods	4.3.4 &5		4.4.4	4.4.8; 4.8.3&4						
5. Customs Administration and Trade Facilitation		5.2.; 5.3.8; 5.11.1		5.11.2	5.3	5.3.7&5.5.1(a)	5.8			5.5.1(b)
6. Trade Remedies	6.6.1; Annex 6-A	6.5.1; 6.6.2								
7. Sanitary and Phytosanitary Measures	7.5.2; 7.7.6 ; 7.9.8; 7.11.2, 4, 9 & 10; 7.13; 7.13.11; 7.14.1; 7.16	7.7.5; 7.8.4; 7.13.8		7.5.2(g); 7.10.5; 7.13.4; 7.17	7.8.9; 7.10.6; 7.13.10; 7.17.2	7.14.2		7.18.1; 7.18.2		
8. Technical Barriers to Trade	8.6.7; 8.7.9-11, 13	8.6.11; 8.7.4-8; 8.7.18; 8.10		8.7.1; 8.7.2; 8.7.14 ; 8.11; 8.12	8.6.4; 8.6.12 & 13; 8.7.18 ; 8.9.6					
Annexes 8-C, D & E Pharmaceuticals, Cosmetics & Medical Devices	Annex 8-C.12(b)	Annex 8-C.3		Annex 8-C.12(b); Annex 8-D.13(b); Annex 8-E.13(b)		Annex 8-C.12(c); Annex 8-D.13(b)				
9. Investment	9.18.1	9.24		9.18.2			9.8.1(c)			
10. Cross-Border Trade in Services		10.11.2		10.9.3; 10.11.1	10.8.2; 10.8.4					
11. Financial Services		11.13.1; 11.13.8		11.13.3; 11.13.7; 11.20; Annex 11-B, Section E – Transparency Considerations	11.7; 11.13.4; 11.13.11			11.21.3	11.2.2 (sub-paragraph on ISDS is suspended in CPTPP); 11.22.1	
12. Temporary Entry for Business Persons	12.2.2	12.69(a)		12.6(b); 12.7				12.1		
13. Telecommunications		13.2.4&5; 13.18; 13.22.1 (a); 13.22.1(d); 13.22.2		13.22.1(c); 13.26.4	13.18.2; 13.21.1(b); 13.22.1(e)	13.21; 13.21.1(d) (sub-paragraph suspended in CPTPP)	13.2			
14. Electronic Commerce		14.8.4; 14.10;								
15. Government Procurement		15.4.8&9; 15.7; 15.7.6; 15.9.4; 15.13; 15.16; 15.17		15.19.5	15.9.10; 15.16.2; 15.19.5	15.19	15.19.6			
16. Competition Policy	16.2.1(a)	16.7.5		16.2.1(c); 16.2.9; 16.4&5	16.7.4	16.2.4; 16.3		16.9		
17. State-Owned Enterprises and Designated Monopolies		17.10.1; 17.10.2; 17.10.3-5			Annex 17-B.2	17.5.1	17.5.1			
18. Intellectual Property	18.53.1(a)	18.9; 18.24(b); 18.31(c)-(e); 18.36.1 (a)-(b), (d); 18.44.1; 18.45; 18.73.1(b); 18.73.3		18.12; 18.16.3(b) ; 18.23(c); 18.44.3; 18.53.1(b)	18.23(a); 18.23(d); 18.73.1(a)	18.23(b); 18.32.4;	18.281(a)&2; 18.31(a); 18.32.1&2; 18.36.1(c); 18.53.1(c); 18.68.1 (suspended in CPTPP); 18.68.3 (suspended in CPTPP); 18.69 (supended in CPTPP); 18.71; 18.72; 18.74.1; 18.74; 18.75.1; 18.76; 18.77; 18.78.2; 18.82.5 (suspended in CPTPP)			
19. Labour		19.8.1; 19.8.4(b)(iii); 19.9.1		19.8.4(a); 19.10.3; 19.11; 19.13; 19.14; 19.15	19.8.4(b)(ii)	19.8.5	19.8.2; 19.8.6-7			
20. Environment	20.16.9-12	20.5.2; 20.6.2; 20.7.1; 20.13.5		20.8.1; 20.8.2; 20.9.1; 20.9.4; 20.16.15; 20.17.3; 20.19; 20.20; 20.20.5; 20.21; 20.22				20.23.2		20.7.2; 20.7.3
21. Cooperation and Capacity Building				21.3; 21.4				21.6		
22. Competitiveness and Business Facilitation				22.2; 22.3.3; 22.4						
23. Development				23.7				23.9		
24. Small and Medium-Sized Enterprises		24.1-23		24.2				24.3		
25. Regulatory Coherence	25.9	25.4.2; 25.5.5		25.6; 25.8						
26. Transparency and Anti-Corruption		26.2.1-3; 26.2.4; 26.5.1-2; 26.10.3		26.3(b)		26.4		26.12.3		
Annex 26-A Transparency and Procedural Fairness for Pharmaceutical Products and Medical Devices		Art.3(b) (suspended in CPTPP)		Art. 3(c) (suspended in CPTPP)	Art. 3(a) , fn. 3 (suspended in CPTPP)	Art. 3(e)(i) (suspended in CPTPP)		Art. 6 (suspended in CPTPP)		
27. Administrative and Institutional Provisions		27.7		27.2.5; 27.5						
28. Dispute Settlement		28.18.1		28.5; 28.14	28.17.4(e)		28.22			
29. Exceptions and General Provisions										
30. Final Provisions										