



ANALYSIS

## **Trade in Services between the EU and the CPTPP**

Pathways for deeper cooperation

June 2026

## Executive summary

This study analyses the potential for deeper cooperation between the European Union (EU) and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) in the area of trade in services. Against a backdrop of increasing pressure on the multilateral trading system and growing interest in cooperation among like-minded economies, the study examines the level of convergence between EU and CPTPP regulatory frameworks and assesses the prospects for closer cooperation.

The analysis is based on a systematic article-by-article comparison between the CPTPP agreement text and the EU–New Zealand Free Trade Agreement, used as a reference point for the EU’s current approach to trade in services. Five areas are examined: investment and establishment, cross-border trade in services, entry and temporary stay of natural persons for business purposes, telecommunications services, and digital trade.

The findings show a generally high degree of convergence between the EU and CPTPP in core services disciplines, particularly in cross-border trade in services, telecommunications, and investment and establishment. In these areas, differences mainly concern legal design and regulatory structure rather than overall levels of liberalisation. More significant divergences arise in digital trade and the movement of natural persons, where differences reflect broader regulatory choices and political sensitivities, particularly regarding data protection, privacy, and labour mobility.

The study concludes that trade in services does not constitute a structural obstacle to deeper EU–CPTPP cooperation. Rather than full EU accession to the CPTPP, the analysis identifies structured and pragmatic inter-bloc cooperation as the most feasible pathway forward. Potential areas for cooperation include digital trade, domestic regulation, telecommunications and regulatory exchanges. Enhanced EU–CPTPP cooperation could also contribute to the development of future multilateral rules on trade in services, particularly in areas where WTO disciplines remain underdeveloped.

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# 1 Introduction

For several decades, the multilateral trading system has constituted the central foundation for international trade relations, contributing to increased trade, growth, and prosperity. In recent years, however, the system has come under growing strain. Several major economies, including the United States and China, have increasingly questioned or circumvented World Trade Organization (WTO) rules, undermining confidence in rules-based trade (National Board of Trade Sweden, 2026a).

Against this background, the EU has expressed an ambition to deepen cooperation with like-minded trading partners. In June 2025, the President of the European Commission, Ursula von der Leyen, proposed that the EU intensify its cooperation with the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). This development aims to demonstrate that comprehensive free trade among a large number of countries is possible on a rules-based foundation, and has subsequently been confirmed through a joint ministerial statement and the establishment of an EU–CPTPP Trade and Investment Dialogue (European Commission, 2025a).

CPTPP's twelve member countries together account for approximately 13 per cent of global GDP and around 15 per cent of global trade (García Bercero, 2025). Together, the EU and CPTPP countries represent around one third of the world economy and more than one third of global trade (European Commission, 2025a). The EU has concluded, or is in the process of concluding, free trade agreements with all CPTPP members except Brunei, providing a sound foundation for deeper cooperation. The CPTPP has also established itself as a key framework for high-standard agreements in the Indo-Pacific region, a region increasingly shaping future trade rules (Bomassi, 2025).

Cooperation between the EU and the CPTPP may be relevant across several areas of trade policy. This analysis forms part of a broader analytical effort at the National Board of Trade on EU–CPTPP cooperation and is limited to trade in services.

Services account for a growing share of the EU's overall trade and are central to economic growth, competitiveness, and employment (European Commission, 2025b). For Sweden, where knowledge-intensive services play an important role in exports, predictable and well-functioning rules for cross-border trade in services are of particular importance (National Board of Trade Sweden, 2025a). At the same time, developments in trade in services are in many respects progressing faster than multilateral rule-making within the WTO, creating growing incentives for like-minded economies to explore new approaches to rule-making in areas where multilateral disciplines remain limited or underdeveloped.

Trade in services underpins several of the identified priority areas in the joint declaration, including digital trade, trade facilitation, and supply chain resilience, suggesting that services-related issues are likely to form an important part of future cooperation. The scope for deeper cooperation, however, depends not only on political ambition but also on the extent to which EU and CPTPP regulatory frameworks are compatible in practice. Understanding where the frameworks converge or diverge is therefore important both for assessing the feasibility of deeper cooperation and for identifying areas where joint approaches to future rule-making may be possible.

Against this background, the primary purpose of this analysis is to assess the level of convergence between the CPTPP and EU trade agreements in the area of trade in services through a comparative analysis of their regulatory frameworks. The analysis further explores the implications of this convergence for future EU–CPTPP cooperation and for the broader development of multilateral rules on trade in services.

It should be noted that the analysis does not propose the negotiation of a new agreement between the EU and the CPTPP in the area of trade in services. Rather, it examines the extent to which existing regulatory frameworks and commitments already undertaken by the Parties may provide a basis for pragmatic and sector-specific forms of cooperation.

## 2 Comparative analysis

In free trade agreements, the WTO's General Agreement on Trade in Services (GATS) constitutes the multilateral foundation for the regulation of trade in services. GATS establishes the core principles and legal architecture, including the four modes of supply and the key disciplines on market access and national treatment (World Trade Organization, n.d.d). Both the EU's and the CPTPP's approach to services builds upon and further develops these multilateral disciplines through more extensive liberalisation commitments.

The following comparative analysis is based on a qualitative review of services-related provisions in the EU's modern standard agreement and in the CPTPP agreement text (Asia Pacific Foundation of Canada, n.d.). The purpose is to identify similarities, differences, and potential points of cooperation between the EU and CPTPP regulatory frameworks.

The analysis focuses on five key areas of trade in services: investment and establishment, cross-border trade in services, entry and temporary stay of natural persons for business purposes, telecommunications services, and digital trade/e-commerce. Each section is based on a systematic article-by-article comparison between the CPTPP agreement and the EU–New Zealand Free Trade Agreement, used as a reference point for the EU's current approach to trade in services (European Commission, n.d.b).<sup>1</sup> This structured approach enables an evaluation of the degree of convergence between the two frameworks, identification of areas where closer cooperation would require additional EU liberalisation, and an assessment of where EU political sensitivities are likely to limit further cooperation. Following the textual comparison, each section summarises the main findings and identifies concrete options for future EU–CPTPP cooperation.

Unlike the EU, the CPTPP lacks a strong central institutional structure and permanent secretariat. Cooperation within the CPTPP is instead largely member-driven and organised through committees and rotating chairs, which may limit capacity for certain forms of complex and resource-intensive cooperation between the EU and the CPTPP. However, CPTPP members have recently agreed to establish an administrative 'unit' to support the implementation and operation of the agreement (Elms, 2026). While its precise functions and structure remain under discussion, such a unit could facilitate more structured engagement with external partners, including the EU.

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<sup>1</sup> The EU and New Zealand Free Trade Agreement is used as a reference point for the EU's standard model because it is one of the EU's most recently concluded free trade agreements and thus reflects the EU's current ambitions and priorities in trade in services. Moreover, New Zealand is a CPTPP member, which makes it possible to compare the different agreement models while limiting the influence of country-specific conditions.

## 2.1 Investments/establishment

Provisions on investment and establishment regulate the conditions under which foreign investors may enter, operate, and expand in a market. Both the CPTPP agreement and the EU–New Zealand agreement build on GATS principles but reflect different traditions in structuring investment rules.

**Table 1. Key provisions in investment and establishment, similarities and differences**

Issue	Similarities	Differences
<b>Scope</b>	Both frameworks regulate conditions for the entry and operation of investors and include core liberalisation disciplines.	The CPTPP agreement adopts an asset-based definition of investment and includes investment protection, while EU–NZ focuses on commercial presence (enterprise-based approach) and only includes liberalisation. EU–NZ also more explicitly preserves policy space for subsidies and public procurement.
<b>National treatment and MFN</b>	Both provide pre- and post-establishment non-discrimination on a negative list basis, using similar ‘like circumstances/situations’ tests.	EU–NZ contains more explicit carve-outs, for example it excludes recognition of qualifications, licensing recognition from MFN. The CPTPP is less detailed in this regard.
<b>Market access</b>	Both establish disciplines governing entry and operation of investments.	EU–NZ includes a GATS-style market access provision, while CPTPP relies more on scheduling and related disciplines.
<b>Performance requirements</b>	Both prohibit key TRIMs-plus measures, including local content requirements, export requirements, and forced technology transfer.	CPTPP places greater emphasis on public policy safeguards and exceptions, while EU–NZ includes additional prohibitions relating to headquarters location, employment requirements, and research and development activities.
<b>Senior management and boards</b>	Both prohibit nationality requirements for senior management.	EU–NZ is stricter as it also prohibits nationality requirements for board members. CPTPP allows more flexibility for states to require local board representation.
<b>Transfers and capital movements</b>	Both ensure the free movement of investment-related capital and transfers, subject to safeguards and exceptions for the application of domestic laws.	EU–NZ regulates payments and capital movements through a dedicated horizontal chapter, while CPTPP addresses transfers relating to a covered investment within the investment chapter. CPTPP contains more detailed provisions on the types of covered transfers, including returns in kind.
<b>Non-conforming measures</b>	Both use a negative list approach (Annex I and II), allowing continuation, renewal, and amendment of measures provided they are not made more restrictive (standstill).	EU–NZ excludes subsidies and public procurement at the scope level while CPTPP excludes them at the reservation level. CPTPP also includes an additional consultation mechanism regarding certain regional-level non-conforming measures.

<b>Information requirements and special formalities</b>	Both allow Parties to require information from investors for informational or statistical purposes and require protection of confidential business information.	CPTPP additionally clarifies that Parties may impose certain administrative formalities, such as registration or legal incorporation requirements, provided these do not materially impair investment protections.
<b>Denial of benefits</b>	Both contain denial-of-benefits provisions allowing Parties to withhold treaty benefits in specified circumstances	CPTPP includes a ‘substantial business activities’ test aimed at preventing treaty shopping and provisions addressing the circumvention of measures directed at non-parties. EU–NZ does not include a treaty-shopping test but permits denial of benefits in connection with measures relating to international peace and security, including the protection of human rights.

The comparison shows that the CPTPP and EU–New Zealand agreements are broadly similar in their main rules on investment and establishment. Both ensure non-discrimination, prohibit key performance requirements and use similar negative-list approaches to scheduling commitments, indicating a relatively high level of convergence in core liberalisation disciplines.

However, important differences in legal design remain. The CPTPP agreement uses a broad investment framework based on an asset definition and includes investment protection and dispute settlement. By contrast, the EU–New Zealand agreement focuses on establishment and does not include protection elements, which may shape the expectations of CPTPP partners. The EU also places greater emphasis on preserving regulatory space, particularly in relation to subsidies and sensitive sectors such as financial services.

Cooperation on investment could focus on a few concrete steps:

- **Test cooperation through pilot projects:** for example, a small-scale initiative between interested EU and CPTPP members to simplify approval procedures for foreign investments in a specific sector.
- **Exchange practices on denial of benefits:** compare how countries apply ‘substantial business activities’ tests to reduce treaty shopping in future agreements.

## 2.2 Cross- border trade in services

Cross-border trade in services concerns the supply of services without the need for commercial establishment or long-term movement of persons. Under GATS, this includes both cross-border supply (Mode 1), such as digitally delivered services, and consumption abroad (Mode 2), where consumers travel to another country to consume a service.

**Table 2. Key provisions in cross-border trade in services, similarities and differences**

<b>Issue</b>	<b>Similarities</b>	<b>Differences</b>
<b>Scope</b>	Both follow a GATS-based approach, covering measures affecting cross-border trade in services and excluding procurement, subsidies, labour market access, and most air services.	EU–NZ excludes audio-visual services and national maritime cabotage. CPTPP does not include these exclusions at the horizontal level.
<b>Market access</b>	Both prohibit quantitative restrictions, economic needs tests, and limitations on legal form, closely reflecting GATS Article XVI.	CPTPP is marginally broader as it also prohibits limits on the total number of natural persons employed in a sector.
<b>National treatment and MFN</b>	Both establish standard non-discrimination obligations based on ‘like circumstances/Situations’.	EU–NZ clarifies that formally identical or different treatment may still be discriminatory if it modifies conditions of competition. EU–NZ also includes more explicit safeguards limiting automatic spill over from recognition arrangements, prudential measures and third-country treaties, thereby preserving regulatory autonomy.
<b>Local presence</b>	Both prohibit requiring establishment, a representative office, or residency as a condition for cross-border supply.	No significant differences.
<b>Non-conforming measures</b>	Both use a negative list approach (Annex I and II), allowing continuation, renewal, and amendment of listed measures provided amendments do not make them more restrictive (standstill).	CPTPP includes an additional consultation mechanism where a regional-level non-conforming measure creates a material impediment to cross-border supply.
<b>Domestic regulation</b>	Both include disciplines on transparency, objectivity, and licensing procedures.	CPTPP contains a relatively concise domestic regulation provision for cross-border trade in services. By contrast, the EU–NZ agreement establishes a detailed, stand-alone sub-section on domestic regulation that applies across modes and includes extensive procedural obligations such as electronic applications, indicative timeframes, and publication requirements, among others.
<b>Professional services</b>	Both include provisions encouraging mutual recognition and cooperation between relevant bodies.	CPTPP includes a dedicated annex with operational and sector-specific provisions while EU–NZ uses a horizontal, committee-based mechanism.

<b>Payments and transfers</b>	Both ensure the free movement of payments and transfers related to cross-border trade in services, subject to safeguards and exceptions for the application of domestic laws.	CPTPP regulates payments and transfers that relate to the supply of cross-border trade in services within the services chapter, whereas EU–NZ addresses them through a broader horizontal chapter. EU–NZ also includes additional exceptions relating to social security, public retirement, and compulsory savings schemes.
<b>Denial of benefits</b>	Both contain denial-of-benefits provisions allowing Parties to withhold treaty benefits in specified circumstances.	CPTPP includes a ‘substantial business activities’ test aimed at preventing treaty shopping and provisions addressing the circumvention of measures directed at non-parties. EU–NZ does not include a treaty-shopping test but permits denial of benefits in connection with measures relating to international peace and security, including the protection of human rights.

The comparison shows a very high degree of convergence between the CPTPP and the EU–New Zealand agreement in cross-border trade in services. Both frameworks are based on the GATS model, and the core disciplines – market access, national treatment, MFN, and local presence – are closely aligned. The agreements are similar in both structure and overall ambition, suggesting that the level of liberalisation is comparable and provides a strong basis for further cooperation.

Differences mainly concern regulatory design and the treatment of specific sectors. The EU maintains explicit exclusions in areas such as audio-visual services and national maritime cabotage, reflecting established policy sensitivities. The EU approach to domestic regulation is also more detailed and procedural, reflecting the outcomes of the WTO Joint Initiative in Services Domestic Regulation. Additional differences in legal technique – such as MFN clarifications, denial-of-benefits clauses, and approaches to professional services – indicate that divergences concern how commitments are structured rather than their overall level of ambition.

Given the high level of convergence, cooperation in cross-border services can focus on improving how existing rules are applied in practice:

- **Apply domestic regulation disciplines:** use the WTO Joint Initiative on Services Domestic Regulation as a common basis and organise joint EU–CPTPP workshops on applying these rules (e.g., licensing procedures, processing times, online applications).
- **Make procedures easier for businesses:** develop a shared online information portal with clear guidance on licensing requirements, applicable regulations, and contact points in participating countries.
- **Test digital solutions through pilot projects:** for example, mutual recognition of electronic applications or documents in selected sectors (e.g., professional or business services), building on existing rules on paperless processes.
- **Strengthen cooperation in professional services:** bring together regulators and professional bodies to identify sectors where mutual recognition agreements could be developed or better aligned.

- **Use existing CPTPP mechanisms:** make greater use of CPTPP consultation mechanisms on non-conforming measures to address practical barriers in specific sectors.

Over time, cooperation in technical and regulatory areas could provide a basis for addressing more complex differences, such as politically sensitive sectors, given sufficient political will on both sides.

## 2.3 Entry and temporary stay of natural persons for business purposes

Provisions on the entry and temporary stay of natural persons for business purposes (Mode 4 under GATS) regulate the conditions under which individuals may enter and remain in a foreign market to supply services or carry out investment-related activities. This area is closely linked to labour mobility and immigration policy, making it one of the more politically sensitive aspects of trade agreements.

**Table 3. Key provisions in entry and temporary stay of natural persons for business purposes, similarities and differences**

Issue	Similarities	Differences
<b>Scope and definitions</b>	Both exclude access to the labour market and permanent residence and preserve the right to regulate entry and stay, subject to a non-nullification clause. Both frameworks cover similar categories of business persons.	EU–NZ defines categories in detail in the main text, whereas CPTPP provides broad definitions and relies on country-specific annexes, resulting in greater heterogeneity.
<b>Structure of commitments</b>	Both link categories of persons to commitments and conditions of stay.	EU–NZ provides a consolidated and uniform framework. CPTPP commitments are fragmented across members, with varying categories and conditions.
<b>Application procedures</b>	Both include provisions on transparency, processing of applications, and reasonable fees.	CPTPP includes binding procedural provisions in the chapter, while EU–NZ regulates these mainly through an annex. EU–NZ is more detailed, covering additional steps like requests for information, appeals, and electronic applications.
<b>Transparency</b>	Both provisions require parties to make information publicly available (preferably online) on entry and temporary stay requirements, including processing times, and aim to enhance transparency for applicants.	The EU–NZ provision is broader and more detailed, requiring publication of additional elements such as documentation, fees, appeal procedures, and relevant laws, while CPTPP is narrower, focusing on requirements and timelines but adds an obligation to establish enquiry mechanisms for applicants.

<b>Categories of business persons</b>	Both include key categories such as business visitors, intra-corporate transferees (ICTs), contractual service suppliers (CSS), and independent professionals.	CPTPP members may include additional or broader categories while EU–NZ uses a more standardised set of categories.
<b>Duration of stay</b>	Both specify maximum periods of stay depending on category.	EU–NZ provides standardised durations at the horizontal level whereas CPTPP commitments vary significantly across members.
<b>Economic needs tests and quotas</b>	Both frameworks seek to limit the use of quotas and economic needs tests for key categories of business persons.	EU–NZ includes clearer prohibitions in certain categories, while CPTPP commitments vary by member and sector.
<b>Qualification requirements</b>	Both allow Parties to maintain qualification and licensing requirements.	EU–NZ includes more detailed and often stricter qualification criteria (particularly for CSS/IP), while some CPTPP members apply broader or more flexible requirements.
<b>Family members</b>	Both frameworks may allow accompanying family members in certain cases.	EU–NZ provisions are more limited (primarily for ICTs), while several CPTPP members extend rights to additional categories.
<b>Dispute settlement</b>	Both agreements allow issues related to temporary entry and stay of natural persons to be addressed through their dispute settlement mechanisms.	CPTPP includes specific limitations within the chapter, restricting disputes to cases involving a pattern of practice and requiring exhaustion of domestic remedies, whereas EU–NZ relies on its general dispute settlement chapter without such explicit limitations.

The comparison shows a moderate level of convergence between the CPTPP and the EU–New Zealand agreement in the overall objectives of provisions on the entry and temporary stay of natural persons. Both frameworks draw on GATS concepts and include similar categories of business persons as well as comparable safeguards preserving the right of Parties to regulate entry and stay.

At the same time, important differences affect the scope for closer alignment. The CPTPP agreement adopts a more flexible and decentralised approach: commitments are set out in country-specific annexes and often cover a broader range of categories, with some CPTPP members including more generous conditions such as longer durations of stay. By contrast, the EU–New Zealand agreement provides a consolidated framework with clearly defined categories and more uniform conditions. The EU approach also tends to include stricter qualification requirements and more limited provisions on accompanying family members. These differences reflect the political sensitivity of labour mobility, which concerns broader migration and labour policies and is not solely a matter of trade measures (European Economic and Social Committee, 2005).

Opportunities for cooperation are therefore more limited than in other services areas and largely depend on political appetite for mobility liberalisation. The CPTPP's annex-based approach results in heterogeneous mobility commitments across members. Updating existing EU bilateral agreements with individual CPTPP members may offer greater flexibility and allow for more targeted adjustments in line with the EU's standardised approach.

This does not preclude deeper engagement with the CPTPP as a whole, where cooperation could focus on technical and procedural aspects such as:

- **Improving transparency for business travellers:** develop clearer and more accessible online information on entry requirements, categories, documentation, and processing times, for example through linked EU–CPTPP information portals.
- **Simplifying application procedures:** exchange information on visa processing, digital applications, and handling times to simplify procedures for short-term business travel. The CPTPP already contains mechanisms that could support such cooperation, including a dedicated Committee on Temporary Entry for Business Persons.
- **Focus on low-sensitivity categories:** prioritise cooperation for business visitors and intra-corporate transferees, where commitments are already relatively aligned.

## 2.4 Telecommunications services

Telecommunications provisions regulate access to and use of telecom networks and services, as well as the broader regulatory framework governing market entry, competition, and infrastructure. Telecommunications is a key enabling sector for trade in services, underpinning digital connectivity, cross-border data flows, and the functioning of modern economies. Both the EU and CPTPP frameworks build on the principles of the WTO Telecommunications Reference Paper, including non-discriminatory access, interconnection, and competitive safeguards (World Trade Organization, n.d.b).

**Table 4. Key provisions in telecommunications, similarities and differences**

Issue	Similarities	Differences
<b>Scope</b>	Both define a broad scope covering measures affecting telecommunications services, exclude broadcasting-related activities while preserving certain telecommunications obligations relating to public telecommunications services.	CPTPP includes explicit links to access and use obligations, whereas EU–NZ places greater emphasis on clarifying exclusions, particularly regarding content services and broadcasting.

<b>Approach to regulation</b>	Both recognise the role of competitive markets and allow flexibility in regulatory approaches.	CPTPP allows regulators to forbear from applying regulation if competition or consumer protection objectives are satisfied and if doing so serves the public interest. EU–NZ emphasises structural or ex ante regulatory tools, such as market structure rules to replicate competitive market conditions.
<b>Access and use</b>	Both ensure access to and use of public telecommunications networks on reasonable and non-discriminatory terms, including interconnection, use of equipment, and cross-border data transmission.	No substantive differences.
<b>Interconnection and number portability</b>	Both require inter-connection between suppliers, ensure regulator involvement, protect confidentiality, and guarantee number portability.	Differences mainly arise in structure and drafting but there are no major differences in obligations.
<b>Competitive safeguards</b>	Both require measures to prevent anti-competitive practices by major suppliers, including cross-subsidisation and misuse of information.	No substantive differences.
<b>Major suppliers</b>	Both aim to prevent anti-competitive behaviour by dominant operators.	CPTPP focuses on non-discriminatory treatment while EU–NZ focuses on access to essential facilities based on regulatory assessment.
<b>Licensing/ authorisation</b>	Both include procedural disciplines for authorising telecom services.	EU–NZ reflects the EU’s general-authorisation approach, where market entry typically relies on authorisation regimes rather than individual licences. CPTPP focuses more on procedural disciplines governing licensing processes.
<b>Regulatory authority</b>	Both require independent and impartial telecommunications regulators.	EU–NZ provides more detailed institutional and procedural requirements while CPTPP focuses on core independence principles and includes a specific non-discrimination rule on state-owned enterprises.
<b>Universal service</b>	Both allow Parties to define universal service obligations, subject to transparency and proportionality ensuring universal service does not distort competition.	EU–NZ includes more detailed provisions on designation and financing mechanisms.

<b>Scarce resources</b>	Both require objective, transparent and non-discriminatory spectrum allocation and promote market-based mechanisms.	No substantive differences.
<b>Dispute resolution</b>	Both ensure access to dispute resolution and regulatory oversight.	CPTPP provides more detailed procedural rules. EU–NZ relies more on general principles and domestic systems.
<b>International mobile roaming</b>		CPTPP includes provisions promoting cooperation on international roaming. EU–NZ does not address this.
<b>Institutional framework</b>		CPTPP establishes a dedicated telecommunications committee. EU–NZ relies on broader institutional structures without a telecom-specific body.

The comparison shows a high degree of convergence between the CPTPP and the EU–New Zealand agreement in the core principles governing telecommunications. Both frameworks are based on internationally recognised standards and ensure non-discriminatory access to networks, interconnection, and competitive safeguards.

Differences mainly concern regulatory design and approach. The EU–New Zealand agreement reflects the EU’s internal electronic communications code, including detailed provisions on regulatory authorities, authorisation regimes, and universal service (European Commission, n.d.a). The CPTPP agreement adopts a more flexible and principle-based approach and includes specific provisions on tools such as resale and co-location. In some areas, the CPTPP agreement goes beyond traditional telecommunications disciplines – for example by addressing international mobile roaming.

Given the high level of convergence, telecommunications offer several avenues for cooperation:

- **Use existing CPTPP structures:** work with the CPTPP telecommunications committee to establish exchanges with EU regulators, focusing on the implementation of core disciplines such as interconnection, access, and competitive safeguards.
- **Launch targeted regulatory pilot projects:** for example, cooperation between selected EU and CPTPP regulators on spectrum allocation practices or authorisation regimes, where regulatory approaches differ most.
- **Improve international mobile roaming cooperation:** consider voluntary cooperation on the transparency of roaming charges and regulatory approaches, building on CPTPP provisions and EU experience.
- **Support capacity-building and implementation:** use EU expertise in telecom regulation to support CPTPP members with limited regulatory capacity, for example through technical workshops.

## 2.5 Digital trade/e-commerce

Digital trade or e-commerce provisions regulate trade enabled by electronic means, including data flows, digital services, online consumer protection, and the broader governance of the digital economy. Both the EU and CPTPP frameworks build on WTO discussions on e-commerce, such as the E-commerce moratorium and the Joint Statement Initiative on E-commerce (World Trade Organization, n.d.c).

Digital trade has also gained increasing strategic importance in bilateral EU–CPTPP relations. Recent discussions between the EU and CPTPP members indicate growing political interest in developing a dedicated digital trade agreement, with digital trade identified as a potential ‘deliverable’ of inter-bloc cooperation (Horseman, 2026). This suggests that digital trade is likely to be a priority area for future engagement, making a comparison of regulatory approaches particularly relevant.

**Table 5. Key provisions in digital trade/e-commerce, similarities and differences**

Issue	Similarities	Differences
<b>Scope</b>	Both apply to measures affecting trade conducted or enabled by electronic means and exclude government-held data.	EU–NZ excludes audio-visual services. CPTPP excludes government procurement.
<b>Custom duties</b>	Both prohibit customs duties on electronic transmissions and allow internal taxes if applied consistently with the agreement.	No substantive differences.
<b>Electronic authentication and signatures</b>	Both ensure legal validity of electronic signatures and allow flexibility in authentication methods.	EU–NZ is slightly more detailed also including electronic seals and documents in addition to electronic signatures.
<b>Consumer protection</b>	Both require protection against fraudulent and deceptive practices and promote cooperation.	EU–NZ includes more detailed obligations such as redress, fair practices, and equivalence between online and offline protection.
<b>Paperless trading</b>	Both promote the use of electronic trade documents and their legal equivalence.	EU–NZ includes more detailed provisions on, for example, formats, automation, cooperation and international standards.
<b>Unsolicited communications</b>	Both require measures to address unsolicited electronic messages and provide user protection.	EU–NZ adopts a stricter and more detailed opt-in regime and transparency requirements.
<b>Open internet access</b>	Both recognise principles of access to online services, device choice, and transparency.	EU–NZ includes more explicit limitations on network management and is closer to net neutrality.
<b>Cooperation</b>	Both promote cooperation on digital trade issues such as SMEs, consumer protection and cybersecurity.	CPTPP has a broader and more detailed cooperation framework while EU–NZ excludes data protection from cooperation.

<b>Personal data protection</b>	Both recognise the importance of personal data protection and privacy for consumer trust in digital trade and require transparency regarding applicable protections.	CPTPP requires Parties to maintain a legal framework for personal information protection and promotes interoperability between different regimes. EU–NZ frames data protection and privacy as a fundamental right and preserves full regulatory autonomy.
<b>Cross-border data flows and localisation</b>	Both address cross-border data flows and restrictions on localisation.	CPTPP permits exceptions only where restrictions are no greater than required to achieve a legitimate public policy objective. EU–NZ instead relies on broader general exceptions, including for objectives such as privacy and personal data protection.
<b>Source code</b>	Both prohibit mandatory transfer of source code as a condition for market access.	EU–NZ includes significantly broader exceptions allowing regulatory and enforcement access. CPTPP provides stronger and more restrictive protection.
<b>Digital products</b>		CPTPP includes a non-discrimination obligation for digital products, which is absent in the EU–NZ agreement. This reflects a more liberal approach in CPTPP while EU–NZ preserves regulatory flexibility, particularly in light of its exclusion of audio-visual services.
<b>Right to regulate</b>		EU–NZ includes an explicit and detailed 'right to regulate' clause, reaffirming regulatory autonomy across a wide range of public policy objectives including environment, privacy, and cultural diversity. CPTPP does not include an equivalent provision in the digital trade chapter.

The comparison shows a moderate level of convergence between the CPTPP and the EU–New Zealand agreement in core digital trade disciplines. Both recognise that digital trade is central to modern trade and aim to facilitate digital transactions by establishing predictable, rules-based environments and building trust online. Both frameworks include provisions reducing administrative burden, such as paperless trading and electronic authentication. Convergence is also reflected in the active participation of both the EU and several CPTPP members in the WTO Joint Statement Initiative on e-commerce, suggesting a potential common baseline for future rule-making.<sup>2</sup>

However, important differences in regulatory approach remain. The CPTPP agreement follows a trade-facilitating model, emphasising the free flow of data, strong protections for digital products and source code, and interoperability between regulatory systems. By contrast, the EU–New Zealand agreement reflects a more comprehensive and rights-based framework, consistent with the EU's GDPR model data protection as a fundamental right and prioritising high standards and regulatory autonomy. While

<sup>2</sup> At the time of writing, all CPTPP members except Chile, Mexico and Viet Nam participate in the WTO Agreement on Electronic Commerce.

stricter data protection rules may create additional barriers and compliance costs for cross-border digital trade, they may also strengthen trust in digital markets and thereby facilitate digital trade and regulatory cooperation over the longer term (National Board of Trade Sweden, 2025b). Moreover, only a limited number of CPTPP members are recognised by the European Commission as providing an adequate level of data protection, limiting the scope for full alignment in this area (Folkman et al., 2025).

At the same time, CPTPP countries have agreed to modernise their digital chapter, and several CPTPP members have already moved toward additional commitments going beyond the regional CPTPP agreement in more recent digital trade deals (Fabry et al., 2026; Wunnerlich, 2026). Simultaneously, the EU has begun to include data-flow and anti-localisation disciplines in recent agreements while continuing to protect its privacy model (Wunnerlich, 2026).

Cooperation could proceed through a number of concrete steps, many of which have already been proposed in earlier analysis from the National Board of trade (National Board of Trade Sweden, 2025c, 2025d, 2025b):

- **Launch a joint scoping exercise for a digital agreement:** map existing EU digital agreements with CPTPP countries (e.g., with Singapore and ongoing negotiations with Canada) and CPTPP provisions to identify a common baseline of rules and areas for further alignment.
- **Focus first on areas where rules are already similar:** prioritise areas such as paperless trading, electronic authentication, consumer protection, and cybersecurity cooperation, where rules are broadly aligned and implementation gaps remain.
- **Prioritise commercially meaningful cooperation:** promote measures to facilitate the cross-border flow of data. One natural step is evaluating the possibility of the EU granting adequacy decisions to more CPTPP countries; another is investigating the possibility of allowing forward transfers of data between the EU and all CPTPP countries with adequacy decisions.
- **Use the WTO and OECD as supporting platforms:** support the effective implementation of the WTO Joint Statement Initiative Agreement on e-commerce and exchange experiences on its application. Utilise the OECD's Data Free Flow with Trust (DFFT) format and broader digital trade discussions.
- **Draw on soft cooperation formats:** use the EU's digital partnerships and trade and technology councils (TTCs) to facilitate cooperation on trusted technology principles and regulatory dialogues on emerging technologies. Consider also innovative formats such as the module-based Digital Economy Partnership Agreement (DEPA), which includes several CPTPP countries.
- **Address data issues through interoperability:** consider practical solutions where regulatory differences remain, including adequacy dialogues, regulatory cooperation, or 'data free flow with trust'-type approaches that allow data transfers while preserving regulatory autonomy.

- **Utilise domestic regulatory reviews to simplify digital trade:** Make use of ongoing regulatory review processes, including the EU's digital rulebook review ('digital omnibus'), and engage with emerging digital trade frameworks relevant for CPTPP members, such as the ASEAN Digital Economy Framework Agreement (DEFA), to identify opportunities for greater interoperability and reduce unnecessary barriers to digital trade.

Over time, a more interoperable framework for digital trade between the EU and the CPTPP could help expand digital trade disciplines into new areas such as digital identities, fintech, AI governance, and open government data (Fabry et al., 2026).

## 2.6 Sectoral coverage

In addition to the comparison of horizontal disciplines, sectoral reservations provide further insight into how market access and liberalisation operate in practice. While the horizontal provisions establish the general legal framework, the actual level of openness depends on the reservations and non-conforming measures maintained by the Parties.

This section does not provide an exhaustive overview of all sectoral reservations. Instead, it focuses on four selected areas: audio-visual services, telecommunications, professional services, and land and real estate-related foreign ownership restrictions. These sectors were selected because they illustrate key themes identified in the earlier horizontal comparison, including regulatory autonomy, digital trade and telecommunications governance, movement of natural persons and professional qualifications, and investment-related restrictions linked to establishment and foreign ownership. The selected sectors therefore provide insight into how the broader horizontal disciplines are reflected in practical market access commitments.

Audio-visual services reflect broader tensions identified in the earlier analysis between regulatory autonomy and cultural policy objectives, particularly in the context of digital trade and cross-border services. The EU–New Zealand agreement excludes audio-visual services at the horizontal level, reflecting the EU's longstanding sensitivity regarding cultural policy. As previously noted, the CPTPP agreement does not apply the same type of general horizontal exclusion. However, several CPTPP members maintain country-specific reservations, including local content requirements, broadcasting licences, foreign ownership limits, co-production preferences, and measures designed to protect cultural industries or indigenous cultural expression. Examples include Australian local content measures, Canadian cultural industry reservations, Peruvian content quotas, and Vietnamese restrictions on foreign investment in motion picture services.

Telecommunications is particularly relevant because it illustrates how broad convergence in regulatory principles may still coexist with significant strategic and security-related restrictions in practice. The horizontal comparison demonstrated a high degree of convergence in core regulatory principles; the sectoral reservations, however, nuance this picture. Several CPTPP members maintain restrictions related to foreign ownership, licensing, local incorporation, spectrum management, or national security screening. Canada, for example, maintains foreign investment limits for

facilities-based telecommunications suppliers. Japan reserves the right to adopt or maintain any measure relating to investments or the supply of services in the broadcasting industry, while Viet Nam maintains equity limits and joint venture requirements in certain telecommunications services. By contrast, the EU–New Zealand annexes contain fewer telecom-specific restrictions, although the EU reserves policy space for satellite broadcast transmission services in Belgium.

Professional services are particularly relevant because they connect the analysis of cross-border services, domestic regulation, and the temporary movement of natural persons. Both frameworks preserve restrictions linked to qualifications, licensing, residency, nationality, and legal form requirements. In the EU–New Zealand agreement, these restrictions are especially visible in legal services, patent agency services, accounting, auditing, tax advisory services, architecture, engineering, and health-related professions, with several EU Member States maintaining nationality, residency, establishment, or professional registration requirements. CPTPP reservations reveal similar sensitivities, including restrictions relating to legal services, auditing, architecture, engineering, veterinary services, and other regulated professions. This suggests that even where market access commitments appear ambitious, professional services remain constrained by domestic regulatory systems.

Finally, restrictions relating to land, real estate, and foreign ownership are relevant to the investment dimension of the analysis. Both frameworks preserve policy space in this area. Under the EU–New Zealand agreement, several EU Member States maintain authorisation requirements or restrictions concerning the acquisition of real estate, agricultural land, or land in sensitive regions. CPTPP members similarly maintain restrictions linked to agricultural land, border areas, coastal land, foreign land ownership, or land-use rights.

Overall, the sectoral reservations confirm that convergence in horizontal disciplines does not automatically translate into full market access in practice. Both the EU and CPTPP frameworks combine relatively ambitious liberalisation commitments with significant reservations in politically, culturally, and strategically sensitive sectors. The main difference lies less in the existence of reservations than in their structure. Reservations under the EU–New Zealand agreement are generally organised around EU and Member State policy areas, whereas CPTPP reservations are more fragmented and country-specific, reflecting the agreement's broader and more heterogeneous membership. This supports the broader finding that differences between the frameworks often concern regulatory structure and domestic policy priorities rather than fundamentally different levels of ambition.

### 3 Conclusion and policy implications

**Table 6. Summary of convergence between the EU and CPTPP in trade in services and investment**

Chapter	Level of convergence	Additional EU liberalisation needed	Likely EU red lines
<b>Investment/ Establishment</b>	High	Low–Medium	ISDS / protection
<b>Cross-border trade in services</b>	High	Low	Audio-visual
<b>Entry and temporary stay of natural persons for business purposes</b>	Medium	Medium	Labour-sensitive mobility
<b>Telecommunications services</b>	High	Low	No major
<b>Digital trade/ e-commerce</b>	Medium	Medium–High	Privacy, audio-visual, regulatory autonomy

#### 3.1 Level of convergence between EU and CPTPP

This analysis shows that EU and CPTPP approaches to trade in services are characterised by a high degree of convergence in core disciplines, particularly in cross-border trade in services, telecommunications, and investment and establishment. In these areas, differences relate mainly to legal design and regulatory structure rather than the level of market openness.

More significant divergences arise in digital trade and the temporary entry of natural persons, where differences reflect broader regulatory choices and political sensitivities. In digital trade, the key difference lies in the balance between free data flows and data protection. In mobility, differences stem from labour market considerations and the heterogeneity of CPTPP commitments.

Overall, the findings suggest that trade in services does not constitute a structural barrier to closer EU–CPTPP cooperation, but that progress will depend on how regulatory differences are managed in specific areas.

#### 3.2 Options for EU–CPTPP cooperation

While full EU accession to the CPTPP would offer the most comprehensive form of integration, this presents significant political and practical challenges. Updating existing bilateral agreements with CPTPP members provides greater flexibility and allows for targeted improvements in certain areas. However, the comparative analysis of CPTPP and EU–New Zealand provisions suggests that structured inter-bloc cooperation emerges as the most feasible and effective approach in the area of trade

in services. This is also consistent with earlier analysis by the National Board of Trade Sweden on cooperation with like-minded partners (National Board of Trade Sweden, 2025c).

The choice between different cooperation pathways is also shaped by institutional factors. As the CPTPP lacks a strong central institutional structure and permanent secretariat, the scope for complex and resource-intensive forms of cooperation is limited. Cooperation based on incremental and targeted initiatives therefore appears most suitable. The EU can leverage its institutional capacity by proposing pragmatic forms of cooperation – such as pilot projects, technical exchanges, and knowledge-sharing platforms – while relying on light coordination mechanisms that do not overburden CPTPP partners. Closer cooperation is also likely to depend on the EU engaging with CPTPP members on the basis of concepts, terminology, and commitments already embedded in the CPTPP framework, thereby facilitating broader support among CPTPP partners.

In practical terms, this structured approach could focus on:

- **Investment and establishment:** strengthen cooperation through exchanges on denial-of-benefits provisions and pilot projects aimed at simplifying approval procedures and improving investment facilitation in selected sectors.
- **Cross-border services:** improve implementation of domestic regulation disciplines through workshops and technical exchanges, simplify administrative procedures through digital tools and shared information portals, and strengthen cooperation on professional services and mutual recognition.
- **Telecommunications:** use existing CPTPP institutional mechanisms to establish exchanges between regulators, launch targeted pilot projects on issues such as authorisation regimes and spectrum allocation, and cooperate on transparency and regulatory approaches to international roaming.
- **Temporary entry of natural persons:** focus on improving transparency of entry requirements, simplifying visa and digital application procedures, and strengthening cooperation for less sensitive categories such as business visitors and intra-corporate transferees.

In digital trade, a more structured and forward-looking approach is required. Digital trade is explicitly highlighted in EU–CPTPP discussions as a priority area, and ongoing discussions indicate interest in exploring a possible EU–CPTPP digital trade agreement. A pragmatic next step would be to launch a joint scoping exercise, building on existing EU agreements with CPTPP members and proceeding in parallel with the modernisation of the CPTPP digital chapter as suggested by the EU–CPTPP Dialogue. Initial cooperation could focus on areas of existing convergence, such as paperless trading, electronic authentication, consumer protection, and cybersecurity, while addressing more sensitive issues such as data flows through gradual and interoperability-based approaches.

### 3.3 Contribution to multilateral rule-making

Enhanced EU–CPTPP cooperation could also contribute to the development of multilateral rules on trade in services, particularly in areas where WTO disciplines remain limited or underdeveloped.

Cooperation in areas such as digital trade, domestic regulation, and investment facilitation could help develop approaches and standards suitable for promotion in plurilateral or multilateral settings, including the WTO. Both the EU and several CPTPP members are actively engaged in initiatives such as the WTO Joint Statement Initiative on e-commerce, which further supports this possibility.

At the same time, the extent to which CPTPP members would seek to translate EU–CPTPP cooperation into broader multilateral initiatives remains uncertain, as CPTPP members may differ in their ambitions regarding the multilateralisation of new rules or regulatory approaches.

Nevertheless, the development of new rules through smaller groups of economies before broader multilateralisation has historically been a common feature of the WTO system. EU–CPTPP cooperation could therefore provide a useful platform for developing and testing approaches in areas where multilateral progress has been limited. If the EU and CPTPP members are able to reach common understandings despite differences in regulatory models, levels of development, and economic structures, this could also strengthen the prospects for wider multilateral acceptance over time.

Closer EU–CPTPP cooperation could strengthen high standards in areas related to trade in services, particularly in digital trade, while also creating tensions in multilateral fora – especially if competing regulatory models emerge or if cooperation among advanced economies is perceived as exclusionary. This highlights the need to ensure that EU–CPTPP initiatives remain compatible with, and open to, future multilateral development.

In a trade policy landscape increasingly shaped by digital trade and geopolitical fragmentation, closer cooperation with the CPTPP could provide the EU with an opportunity to strengthen its position as a trusted and constructive partner in the development of international digital trade rules. This may require not only active engagement in multilateral and plurilateral initiatives, but also a degree of flexibility and willingness to promote interoperable approaches to digital regulation while maintaining core EU principles and objectives.

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## Sammanfattning

### Summary in Swedish

Denna analys undersöker möjligheterna till fördjupat samarbete mellan EU och CPTPP (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) inom handeln med tjänster. Studien tar sin utgångspunkt i den ökande pressen på det multilaterala handelssystemet och EU:s ambition att stärka samarbetet med likasinnade ekonomier för att värna regelbaserad handel. Mot denna bakgrund analyseras i vilken utsträckning EU:s och CPTPP:s regelverk för tjänstehandel överensstämmer och vilka möjligheter som finns för närmare samarbete.

Analysen bygger på en systematisk jämförelse mellan CPTPP-avtalet och frihandelsavtalet mellan EU och Nya Zeeland, som används som referenspunkt för EU:s nuvarande modell för tjänstehandel. Fem centrala områden analyseras: investeringar och etablering, gränsöverskridande handel med tjänster, tillfällig inresa för affärspersoner, telekommunikation samt digital handel.

Resultaten visar att EU och CPTPP i stora delar har liknande regler och ambitioner inom tjänstehandel. Särskilt hög grad av konvergens finns inom gränsöverskridande tjänstehandel, telekommunikation samt investeringar och etablering. Skillnaderna handlar där främst om juridisk struktur och regleringsteknik snarare än om graden av marknadsöppning. Detta tyder på att tjänstehandel i sig inte utgör något större hinder för fördjupat samarbete mellan EU och CPTPP.

Samtidigt identifieras större skillnader inom digital handel och tillfällig inresa för affärspersoner. Inom digital handel skiljer sig parterna framför allt i synen på balansen mellan fria dataflöden och skyddet av personuppgifter. CPTPP har generellt en mer handelsfrämjande och flexibel modell, medan EU:s regelverk bygger på en mer rättighetsbaserad ansats där dataskydd och regulatorisk autonomi prioriteras. Analysen lyfter samtidigt fram att starka regler för dataskydd också kan bidra till ökat förtroende för digitala marknader och därigenom underlätta digital handel på längre sikt.

Studien bedömer att ett fullt EU-medlemskap i CPTPP sannolikt skulle innebära betydande politiska och praktiska utmaningar. I stället framstår ett mer strukturerat och pragmatiskt samarbete mellan EU och CPTPP som den mest realistiska vägen framåt. Analysen identifierar flera möjliga områden för fördjupat samarbete, bland annat digital handel, inhemsk reglering, telekommunikation, investeringsförenkling och regulatoriska utbyten. Samtidigt konstateras att CPTPP saknar ett starkt centralt institutionellt ramverk och permanent sekretariat, vilket kan begränsa möjligheterna till mer resurskrävande och institutionellt avancerade samarbetsformer.

Slutligen pekar analysen på att ett fördjupat EU–CPTPP-samarbete också skulle kunna bidra till utvecklingen av framtida multilaterala regler för tjänstehandel, särskilt inom områden där WTO:s regelverk fortfarande är begränsat eller underutvecklat.

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Our goal is a well-functioning internal market, an external EU trade policy based on free trade and an open and strong multilateral trading system.

We provide the Swedish Government with analyses, reports and policy recommendations. We also participate in international meetings and negotiations.

The National Board of Trade, via SOLVIT, helps businesses and citizens encountering obstacles to free movement. We also host several networks with business organisations and authorities which aim to facilitate trade.

As an expert agency in trade policy issues, we also provide assistance to developing countries through trade-related development cooperation. One example is Open Trade Gate Sweden, a one-stop information centre assisting exporters from developing countries in their trade with Sweden and the EU.

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