National Interest Analysis [2024] ATNIA 17

with attachment on consultation

Indo-Pacific Economic Framework for Prosperity Agreement Relating to a Clean Economy

(Singapore, 6 June 2024)

[2024] ATNIF 27

Attachments:

Attachment I - Consultation

NATIONAL INTEREST ANALYSIS: CATEGORY 1 TREATY

SUMMARY PAGE

Indo-Pacific Economic Framework for Prosperity Agreement Relating to a Clean Economy

(Singapore, 6 June 2024)

[2024] ATNIA 17

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Nature and timing of proposed treaty action

1. The proposed treaty action is ratification of the *Indo-Pacific Economic Framework for Prosperity Agreement Relating to a Clean Economy* ("Agreement") between Australia, Brunei Darussalam, the Republic of Fiji, the Republic of Indonesia, Japan, the Republic of Korea, Malaysia, New Zealand, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the United States of America ("Parties"), signed at Singapore on 6 June 2024.

2. Article 32(3) provides that the Agreement will enter into force 30 days after the date on which at least five of the States listed in Article 32(1) of the Agreement have deposited instruments of ratification, acceptance, or approval with the United States as the Depositary for the Agreement ("Depositary"). The Agreement will then enter into force for any additional Party 30 days after the date on which that Party deposits its instrument of ratification, acceptance, or approval with the Depositary.

3. We propose that Australia deposit its instrument of ratification as soon as practicable following the completion of Australia's domestic treaty-making requirements.

Overview and national interest summary

4. On 9 September 2022, the Minister for Trade and Tourism launched the negotiations for the Indo-Pacific Economic Framework for Prosperity ("IPEF") with representatives from Australia, Brunei Darussalam, Republic of Fiji, Republic of India, Republic of Indonesia, Japan, Republic of Korea, Malaysia, New Zealand, Republic of the Philippines, Republic of Singapore, Kingdom of Thailand, the United States and the Socialist Republic of Viet Nam.

5. IPEF reinforces the Australian Government's commitment to building a stronger and more resilient economy by diversifying our trading relationships, creating new commercial opportunities for our exporters, and driving greater employment and inclusive economic growth for all Australians. It will promote regional economic integration, through aligning high-quality standards and commitments among the Parties.

6. IPEF covers four pillars of work, comprising: Pillar I (Trade); Pillar II (Supply Chain Resilience); Pillar III (Clean Economy); and Pillar IV (Fair Economy). A separate international agreement is intended to be concluded under each Pillar (together, the IPEF agreements). The Pillar II, III and IV Agreements have been concluded and signed, while negotiations for the Pillar I Agreement (Trade) remain ongoing. A fifth component of IPEF, the Agreement on IPEF, will establish a governance framework to ensure coherence and complementarity among the four pillars.

7. IPEF Ministers substantially concluded negotiations for the Agreement in November 2023 in the margins of the APEC Leaders' Summit in San Francisco. The Minister for Trade and Tourism signed the Agreement on behalf of Australia in Singapore on 6 June 2024. We are seeking ratification of this Agreement concurrent with the Pillar IV Agreement (Fair Economy) and the Agreement on IPEF.

8. The purpose of the Agreement is to strengthen regional efforts and cooperation to advance the transition to clean economies aligned with respective net-zero pathways while enhancing climate resilience. It is the first regional treaty-level arrangement that facilitates cooperation on the clean economy and identifies core areas of cooperation including:
   - energy security and transition;
   - advancing low-greenhouse-gas ("GHG") technologies and solutions in the industrial and transport sectors;
   - sustainable land, water, and ocean solutions;
   - innovative technologies for GHG capture and removal;
   - incentives to enable the clean economy transition;
   - just transition; and
   - stakeholder engagement and institutional arrangements.

Reasons for Australia to take the proposed treaty action

9. Our trade partnerships are critical enablers to building a strong and resilient Australian economy, maximising the economic and industrial benefits of the net zero transition to secure Australia's place in a changing global economic and strategic landscape. The Agreement is an important tool for Australia to achieve our goal of becoming a clean energy superpower, presenting a modern lever for Australia to influence the region's net zero transition. It will deepen our engagement with key trading partners, particularly Southeast Asia, in line with our *Southeast Asia Economic Strategy to 2040*.

10. Climate change is a global problem which requires a collective response. The Agreement establishes a framework for Parties to collaborate to meet net zero targets. This includes a mechanism for Australia to develop cooperative work programs with support from IPEF Parties to facilitate practical projects and initiatives that can advance the objectives of the Agreement in line with our clean energy priorities.

11. The International Energy Agency estimates that investment in clean energy needs to reach US$4.5 trillion per year by 2030 to limit global warming to 1.5 degrees Celsius. The Agreement will promote the mobilisation of capital necessary to accelerate the region's clean economy transition. It provides for Parties to collaborate on convening an annual investor forum to facilitate business matching between private and institutional investors, catalysing finance for sustainable infrastructure and climate technology projects. It also provides for Parties to cooperate on approaches to address climate-related financial risk to boost resilience of the region's interconnected financial sector.

12. The Agreement will facilitate the interoperability of policies and standards critical for a clean economy transition. Interoperable standards and mechanisms in the region will ensure Australia and our key trading partners are developing consistent and credible approaches to a clean economy transition, including on building regional taxonomies for sustainable finance and technical regulations on clean energy technology. It will ensure Australian businesses remain competitive and positioned to navigate complex regulatory and policy environments. It will create the certainty and predictability needed to spur innovation for the deployment of new clean technologies.

13. The Agreement also incorporates provisions for a just and inclusive clean economy transition. Regional cooperation to secure quality jobs and decent work, including promotion of international labour standards and protection of labour rights, will lift standards in the region and create more economic opportunities to upskill and reskill workers affected by the transition. Strong engagement with micro, small, and medium-sized enterprises (MSMEs), women, Indigenous Peoples, persons with disabilities, rural and remote populations, and vulnerable, disadvantaged and minority groups, will promote socially inclusive clean economy transitions across the Indo-Pacific.

Obligations

14. The Agreement is centered around a common recognition by Parties that accelerated and meaningful efforts are necessary to achieve a just transition to clean economies. The Agreement contains minimal legally binding obligations. No legislative or regulatory changes are required to ratify the Agreement. All commitments, binding and non-binding, can be fulfilled within existing policy settings and practices consistent with Australian domestic law.

Binding obligations

15. Article 24 of the Agreement establishes an IPEF Clean Economy Committee, comprised of relevant senior officials from each Party's central level of government. Each Party must notify the other Parties of its designated representative within 30 days of the Agreement's entry into force for that Party, and must notify the Committee of any changes to the designated representative as soon as practicable thereafter. Within 60 days of the Agreement's entry into force, the Committee must elect a Chair for a two-year term with two-thirds majority approval. Within 120 days of the Agreement's entry into force, the Committee must establish terms of reference, including procedures for its meetings and decision-making, as well as procedures and guidelines for submission of information as described in Article 25.

16. The Committee must meet annually in person or virtually, or as otherwise decided, and has authority to:
    - consider matters concerning the implementation or operation of the Agreement;
    - review Party submissions under Article 25;
    - create, merge, or dissolve working groups, subcommittees or similar bodies to advance the implementation of the Agreement;
    - promote cooperative activities among Parties;
    - support and monitor cooperative work programs under Article 23;
    - maintain a list of cooperative work programs, detailing participation, implementation status, and outcomes;
    - amend the Standard Template specified in Article 23.3;
    - update its own terms of reference; and
    - exercise any other function relating to the implementation or operation of the Agreement.

17. Delegates and designees of signatory parties to the IPEF Clean Economy Committee may participate in the Committee or subsidiary body until the Agreement enters into force for a Party or for one year from the Agreement's entry into force, whichever occurs first.

18. Article 23 contains procedural obligations relating to how Parties to the Agreement interact with each other and the IPEF Clean Economy Committee with respect to the development of cooperative work programs. The development of cooperative work programs is optional, but if States propose the development of one, they must follow the procedural requirements.

For example, if Australia is one of a group of Parties proposing a cooperative work plan the group is obliged to 'provide a written notification to the IPEF Clean Economy Committee containing a description of the program' (Article 23(3)). There are other mandatory procedural obligations contained in Article 23 that will be relevant to Australia if it is one of a group of Parties proposing a cooperative work plan, or if Australia is a Party objecting to a proposed cooperative work plan.

19. Article 27(1) and (2) provides information handling requitements relating to designating information as confidential and public under the Agreement, and how such information should be managed to ensure information shared under this Agreement is appropriately handled. Article 27(3) provides that all reports and materials produced by the IPEF Clean Economy Committee, a subsidiary body, or a cooperative work program must be designated as confidential and must not be made public by any Party, unless the Agreement expressly provides otherwise or the Parties decide otherwise.

20. Article 30 contains procedural obligations regarding the required procedures for raising and responding to concerns about a Party's implementation of the Agreement.

21. Article 31 provides that upon or promptly after the Agreement's entry into force for a Party, that Party must appoint one or more contact points for official communications related to the Agreement. The Party must inform the depositary in writing about these contact points and specify the means to *communicate* with them. Any changes to these contact points or communication methods must be also promptly reported to the depositary in writing.

22. Article 32 provides that the Agreement shall be open for signature by all Parties and shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval must be deposited with the Depositary. The Agreement shall enter into force 30 days after the date on which at least five of the Parties have deposited their instrument of ratification, acceptance or approval with the Depositary.

23. Under Article 37, the original text of the Agreement, and any amendments thereto, must be deposited to the Depositary. The Depositary must promptly provide a certified copy of the text, and any amendments, to all Parties. The Depositary must promptly inform all Parties of any notifications or instruments deposited pursuant to Articles 31 through 36.

Non-binding commitments

Inclusive Transitions to Clean Economies – Article 3

24. Parties acknowledge the diverse social, cultural and geographical contexts of each Party, and recognise the role that Indigenous Peoples and local communities, as understood in each Party's domestic framework, play in the clean economy transition. Parties intend to partner with their Indigenous Peoples and local communities, including through their enabling

participation and drawing on their traditional knowledge and practices to enhance the clean economy transition.

Clean Energy Technology Development and Capacity Expansion – Article 4

25. The Parties intend to cooperate on achieving energy security and accelerating the deployment of clean energy technology. Cooperation may include policy discussions, technical analyses, knowledge transfer, technology exchange on voluntary and mutually agreed terms, financing, and workforce development.

26. The Parties recognise the importance of rapidly increasing research on, and deployment of, clean energy technologies that expand access to power that is clean, affordable and reliable.

27. The Parties aim to support, adopt or maintain measures that facilitate clear and open processes for licensing, siting, and permitting clean energy projects across electricity generation, transmission, distribution and storage sections, supporting a goal of collectively spurring at least US$120 billion for clean energy storage by 2030.

28. Further collaboration on technologies and information sharing will be important in developing regulations and standards for hydrogen. Low-carbon and renewable hydrogen and their derivatives, including ammonia, will also be important as a versatile pathway to decarbonisation. Parties intend to develop a hydrogen ecosystem by building up key supply chain enablers needed to support a global market for low-carbon and renewable hydrogen.

29. Parties recognise recycled carbon fuels and gases can reduce emissions that cannot be avoided otherwise. Interested Parties intend to consider research, development and utilisation of recycled carbon fuels and gases, and intend to collaborate to develop arrangements which facilitate recycled carbon fuels and gases.

30. Parties that support the use of nuclear energy recognise the important role that nuclear energy and civil nuclear cooperation play in ensuring energy security and providing affordable low-carbon energy. Parties that support the use of nuclear energy intend to:
    - ensure sound policy and regulatory frameworks in nuclear safety and waste management are in place when considering the adoption of nuclear energy technologies;
    - support frameworks consistent with international best practices and the highest standards of safety, security and safeguards, including those of the International Atomic Energy Agency, to facilitate safe and secure deployment of such technologies; and
    - consider collaborations to enable the deployment of advanced nuclear energy technologies.

31. The Parties emphasise the importance of enhancing investment to drive clean energy sector development through improvement of regulatory, legal, and policy frameworks that incentivise participation in energy markets and take into account grid integration and flexibility.

Electrification, Regional Grid Interconnection, Energy Efficiency, and Conservation – Article 5

32. The Parties recognise the value of energy efficiency for accelerating clean energy transitions, promoting economic growth, and enhancing energy security. They intend to cooperate on advancing energy efficiency and conservation measures and investments.

33. The Parties intend to promote energy efficiency and conservation schemes that can help monetise energy savings and emission reductions and accelerate investment into energy efficiency.

34. Interested Parties intend to work together to develop a regional cross-border electricity framework and intend to encourage regional energy interconnections; collaborate on technical and regulatory measures to reduce costs and emissions of interconnected grids; support frameworks for cross-border clean energy and supply chain development; and explore cooperation on subsea electricity cables.

35. The Parties acknowledge the benefits of subsea electricity cables to facilitate cross-border electricity trade. The Parties that engage in cross-border electricity trade intend to work together to facilitate secure transport of electricity and the development of offshore electricity infrastructure for unrestricted cross-border electricity trade according to the applicable domestic laws and regulations of each Party.

36. The Parties recognise the urgent need for reductions in global GHG emissions to achieve global net-zero emissions. Parties intend to promote the deployment of renewable energy, support the goal of catalysing at least US$20 billion in investment for renewable energy in the region by 2030, share knowledge, best practices and expertise to reduce dependence on unabated fossil fuels, and cooperate on the deployment of advanced planning and forecasting techniques to reduce emissions and increase the use of clean energy.

37. Interested Parties intend to collaborate on capacity building, research and development, knowledge transfer, and technology exchange to support mini-grid renewable energy solutions that enable economically viable and affordable clean energy access in security to rural areas.

Market Stability and System Resiliency – Article 6

38. The Parties recognise the importance of energy market stability and systems resilience. They intend to cooperate on energy market stability and systems resilience through capacity building and mobilising investment as part of their transitions to clean economies.

39. Interested Parties intend to share information and promote best practices regarding oil and gas security. This could include cooperation to efficiently utilise and store surplus petroleum storage.

40. The Parties recognise the importance of diverse, resilient and sustainable clean energy supply chains and intend to cooperate on reducing vulnerabilities and risks posed by monopolisation.

41. In developing cross-border energy connections, the Parties intend that power sector investment do not impact each Party's ability to regulate its power systems, according to its domestic laws and regulations.

Energy Sector Methane Abatement – Article 7

42. The Parties recognise the benefits of capturing wasted methane, particularly through cost-effective measures in the energy sector, and intend to support efforts that contribute to the reduction of global methane emissions, associated with human activities, by 2030. The Article outlines ways that Parties intend to reduce methane emissions in the energy sector, including by reducing emissions in oil and natural gas value chains, minimising methane leaks from underground mining, supporting methane monitoring, reporting and verification and incentivising infrastructure and equipment investments that reduce methane emissions.

Advancing Low- GHG Emissions and Solutions in Industries – Article 8

43. The Parties recognise the importance of research, development, commercialisation and promotion of low-GHG technologies to reduce GHG emissions in industries. Parties intend to promote means to generate greater demand for low- and zero-emission solutions, which could include incentives or central government procurement. Parties also intend to cooperate on the development of product disclosure and measurement systems for embodied GHG emissions in relevant products, including industrial products, as well as hydrogen and construction materials.

Advancing Low- and Zero-GHG Technologies and Solutions in Aviation, Maritime, Rail and Road Transport – Article 9

44. The Parties recognise the importance of decarbonising and reducing the climate impact of aviation, maritime, and rail and road transport. The Parties intend to cooperate to facilitate the development and deployment of clean and innovative technologies, such as sustainable aviation refueling capability, and related policies and strategies, to catalyse, plan, and manage the use of low- and zero-emission transport.

45. The Parties intend to promote initiatives to scale up the battery recycling market and its supply chains. This may include advancing research on reuse, repurposing and recycling technologies, encouraging tracking systems, and developing associated standards.

46. The Parties recognise the need to address the climate impacts of aviation. The Parties intend to work together to achieve the collective long-term global aspirational goal for international civil aviation of net-zero carbon emissions by 2050 (as adopted in the International Civil Aviation Organization Assembly Resolution Assembly Resolution A41-21), recognising that each Party's circumstances will inform its ability to contribute to this goal.

47. The Parties intend to cooperate to enhance implementation of the Carbon Offsetting and Reduction Scheme for International Aviation in the region in accordance with the Chicago Convention (Volume IV of Annex 16). Parties also intend to cooperate to achieve maximum progress on the implementation of aviation in-sector emissions reductions measures, including by increasing the availability of sustainable aviation fuels (SAF).

48. The Parties recognise the need to address the climate impacts of maritime transport and affirm their support for the 2023 (International Maritime Organization) IMO Strategy on Reduction of GHG Emissions from Ships. Parties intend to work to increase the production and availability of zero or near-zero GHG emission technologies, fuels, or energy sources in accordance with IMO adopted methodologies. They also intend to cooperate to develop a network of green shipping corridors, and intend to establish at least five green shipping corridors in the region by 2027, and zero or near-zero GHG emission inland water transport.

49. Parties recognise the need to accelerate the transition towards net-zero emissions from the road and rail transport sectors. The Parties highlight the importance of decarbonising these sectors and intend to work towards increasing production and uptake of zero-emission light-duty vehicles reducing emissions from medium and heavy-duty vehicles; and investing in charging and refueling infrastructure. Parties intend to consider developing enabling policies, such as incentives or government procurement goals, and cooperate to advance the use of vehicle labelling schemes that provide transparency on energy use.

50. The Parties also intend to support expanding electrification, battery power and sustainable fuels for transport; support the reduction of GHG emissions from rail systems; and expand rail networks (where beneficial) to provide a more efficient choice for passengers and goods shipments. Each Party intends to encourage all levels of government to improve transport planning and infrastructure to enable higher mode share of public transport and active transport.

Advancing Low-GHG Technologies and Solutions in Economic Clusters – Article 10

51. The Parties recognise that economic clusters are important engines of transition to clean economies and growth. Interested Parties intend to identify existing economic clusters engaged in decarbonisation projects with a view to advancing at least 20 new or upgraded economic clusters across the region focused on clean technologies and low-and zero-emission goods and services. Parties intend to cooperate with each other and relevant stakeholders to advance decarbonisation efforts in economic clusters.

Sustainable Agricultural Practices – Article 11

52. The Parties recognise the importance of the agriculture sector and its potential contribution to the clean economy transition. Parties intend to work together to improve the environmental outcomes of agricultural production through sustainable water and land use,

and to accelerate efforts on climate-smart and resilient agriculture as part of their transitions to clean economies, including increasing investment.

53. The Parties also recognise the importance of clear policies and practices, along with partnerships with diverse communities, including women, Indigenous Peoples, and persons with disabilities, to achieve their shared objectives.

Sustainable Management of Forests and Other Natural Ecosystems – Article 12

54. The Parties recognise the benefits of sustainably managed forests and other natural ecosystems for climate change mitigation; the transition to clean economies, and enhancing biodiversity, ecosystem services and human health.

Sustainable Water Solutions and Ocean-Based Solutions – Article 13

55. Parties recognise the need to accelerate action to promote sustainable water solutions and ocean-based solutions with social and environmental safeguards as effective contributions to a clean economy transition. Parties intend to cooperate on ocean-based clean energy supply chain development and integration, share best practices to support ocean-based clean energy deployment and where appropriate, drive the development of offshore wind energy.

56. Parties recognise the important role of ocean-based clean energy. Parties intend to cooperate on ocean-based clean energy supply chain development and integration, and sharing information, technical expertise and best practices on project development, mapping and assessing the potential for ocean-based clean energy deployment.

57. Parties also recognise the importance of blue carbon ecosystems for climate change mitigation and adaptation. They intend to cooperate to strengthen protection and restoration of blue carbon and mobilise finance for blue carbon protection and restoration.

GHG Removal – Article 14

58. Parties recognise the importance of scaling up and reducing the cost of GHG removal technologies, value chains and approaches for advancing their respective net-zero emission targets. Parties intend to enhance efforts to support demand and supply for carbon capture, usage and storage ("CCUS"), and collaborate on the development of, and affordable access to regional and international CCUS value chains.

Strengthening Demand-Side Measures – Article 15

59. The Parties recognise the importance of strengthening the demand for low- and zero-emission goods and services to accelerate the development of clean technologies and solutions.

60. The Parties recognise the critical role of the public and private sectors as it relates to the demand for low- or zero-emission goods and services. The Parties intend to position the

region to take advantage of the growing economic opportunities of low- or zero-GHG production capabilities.

61. The Parties may also work with the private sector to take advantage of the growing economic opportunities of low or zero GHG production capabilities, including through supporting promotion efforts, supportive policy measures and fiscal incentives.

Carbon Markets – Article 16

59. The Parties intend to collaborate to promote and facilitate carbon market activities in the region. This cooperation may involve participation in other carbon market partnerships and capacity building efforts. It may include:

- sharing information and best practices to promote consistency, credibility, and stability in developing and implementing carbon markets;
- enhancing capabilities within the region for engaging in carbon markets;
- promoting the availability, application, and alignment of carbon credit certification standards with transparency, environmental and social integrity safeguards and principles;
- encouraging public and private entities to invest in and support high-quality mitigation activities, such as those under Article 6, to generate credible supply and demand in international carbon markets; and
- promoting partnerships involving carbon market activities that enable the implementation and achievement of nationally determined contributions and increased mitigation and adaptation ambition within the region.

Mobilising Investment and Sustainable Finance and Addressing Climate-related Financial Risk – Article 17

62. The Parties recognise the significant scaling up of public and private investment, private-sector financing, and sound investment policy and regulatory frameworks for mobilising the finance necessary in a clean economy transition. The Parties intend to cooperate with international partners to mobilise and expand access to financing, including concessional financing and transition finance, as well as between each other to mobilise all forms of investment and finance, and share best practices on scaling up clean technology and infrastructure investments.

63. The Parties also intend to share best practices regarding the measurement, disclosure and management of climate-related financial risk, recognising it will help to safeguard their citizens and economies against the effects of climate change.

Technical Cooperation and Capacity Building – Article 18

64. The Parties intend to work together to facilitate technical cooperation and capacity building for the transition to clean economies. Key areas of cooperation and capacity building may include workforce development, infrastructure modernisation, project development, policy

support to reduce GHG emissions and research and development of climate technologies or policies.

Promoting Just Transition Policies – Article 19

65. The Parties recognise the importance of just transition policies in the transition to clean economies. The Parties intend to cooperate on integrating just transition into policymaking by sharing knowledge and best practices, including facilitating collaboration between government, international organization, representative employers' and workers' organisations, and communities. Parties recognise the importance of the International Labour Organization Guidelines for a Just Transition Towards Environmentally Sustainable Economies and Societies for All ("ILO Guidelines") and related multilateral initiatives, upskilling and reskilling initiatives, promoting decent work and quality jobs, social protection policies, labour market policies, and engaging with institutions which can advance just transition goals.

Promoting Decent Work – Article 20

66. The Parties recognise that transitions to clean economies are an opportunity to foster decent work and, in this context, intend to promote employment creation, social protection, social dialogue and international labour standards and labour rights. Parties also recognise the employment impact of policies related to clean economy transitions and intend to collaborate by sharing information about best practices that consider decent work and quality jobs, low-skilled workers, and communities impacted by transition and climate change.

67. The Parties intend to promote international labour standards and labour rights and cooperate to eliminate forced labour from supply chains and sectors covered by the Agreement, with attention to high-risk sectors. The Article outlines possible areas of cooperation, including sharing best practices on due diligence and supply chain mapping, supply chain management and procurement procedures.

Social Dialogue for Just Transition – Article 21

68. The Parties recognise the importance of social dialogue at all levels during the process of just transitions to clean economies. Each Party intends to consult with representative workers' and employers' organisations on the implementation of this Agreement, and to engage in social dialogue with these organisations and those affected by transitions to clean economies taking into consideration ILO Guidelines.

69. The Parties intend to share best practices identified through dialogue and foster international collaboration and information sharing. Each Party intends to provide regular public information on its social dialogue related to just transition.

Society Engagement – Article 22

70. Each Party intends to engage individuals and groups outside the public sector in developing policies and seeking to achieve the objectives of the Agreement.

Article 23 – Cooperative work programs

71. Under Article 23, a group of Parties may develop cooperative work programs to advance the Agreement's objectives. Where Parties choose to do so, such programs:
    - shall consist of actions, projects, or activities consistent with and within the Agreement's scope, including with respect to labour rights and environmental protection, on which the group of Parties intend to cooperate;
    - should be designed to actively involve Parties to accelerate transitions to clean economies;
    - shall be open to participation by any Party and non-governmental entities and other stakeholders where appropriate;
    - should include clear and observable outcomes; and
    - should be supported by resources provided or mobilised by Parties as per Article 17.

72. Parties proposing a program must notify the IPEF Clean Economy Committee and provide a description of the program in the Standard Template finalised by the States listed in Article 32.1 of the Agreement, and as modified under Article 24.5(g). Within 30 days of receipt of a notification, Parties may submit written questions or comments on, object to, or make notifications to a program before it is settled. The group must provide a written response to those questions or comments within 14 days of receipt. Other Parties are to be invited to participate. Periodic reports on program progress, changes in participation, and terminations are also required.

Information Sharing – Article 25

73. Each Party should provide regular updates to the IPEF Clean Economy Committee on matters related to its implementation of the Agreement. The first update should be no later than 60 days before the first annual meeting of the Committee and subsequent updates should be provided at least biennially or as provided in the Committee's terms of reference.

Relation to Other Agreements – Article 26

74. Each Party affirms its respective obligations and commitments under relevant existing international agreements.

Confidentiality – Article 27

75. Nothing in this Agreement mandates a Party to disclose, provide, or grant access to information if such disclosure would contravene its domestic laws; hinder law enforcement efforts; reveal confidential business details; or conflict with its public interests. This provision ensures that the Parties are not obligated to divulge information that could compromise legal compliance, law enforcement activities, business confidentiality, or broader public interests as defined by their respective laws and policies.

Consultations – Article 30

76. If a Party has concerns regarding another Party's implementation of a provision of the Agreement, it may request consultation with that Party setting out the reasons for the request. Should this occur, the Party with concerns must provide a copy of the request to all other Parties, and the Party which is the subject of the concern must provide a response in writing. If the concern is not resolved at this stage, consultations shall commence no later than 60 days after the date of receipt of the response. Consulting Parties shall attempt to arrive at a resolution as soon as practicable.

Designation of delegates – Article 33

77. Under Article 33, within 30 days of the Agreement's entry into force, a signatory that has not yet deposited an instrument of ratification, acceptance, or approval may designate a relevant senior official from its federal level of government as a delegate to the IPEF Clean Economy Committee by notifying the Depositary in writing. Each delegate shall be treated as a member of the IPEF Clean Economy Committee and can participate in relevant actions under the Agreement.

Implementation

78. No changes to domestic law are required to implement the Agreement, given the nature of the obligations. Under Article 29, each Party affirms its respective obligations and commitments under relevant existing international agreements.

Costs

79. Article 29 provides the Parties are to implement the Agreement within their available resources.

80. In the 2023-2024 budget measure, the Government committed $31.9 million over four years to support negotiations and implementation of IPEF. This included $25 million for the IPEF Fund for Technical Assistance and Economic Cooperation to provide support to ODA-eligible countries implementing the IPEF agreements, including this IPEF Clean Economy Agreement.

81. New funding is not required to implement this Agreement.

Impact Analysis

82. An Impact Analysis is not required for the Agreement consistent with the Australian Government Guide to Policy Impact Analysis and Office of Impact Analysis advice.

Future treaty action

83. Article 35 provides that the Agreement may be amended by the written agreement of the Parties. Amendments shall enter into force 30 days after the date on which all Parties have deposited an instrument of ratification, acceptance, or approval of the amendment with the

Depositary, or on such other date as the Parties may agree. The Agreement may not be amended until one year after the entry into force of the Agreement, or the date on which the Agreement has entered into force for all States listed in Article 32(1), whichever comes first.

84. Article 36 provides that any State and separate customs territory may accede to the Agreement subject to the consent of the Parties and any agreed terms and conditions. The Agreement shall enter into force for the acceding Party 30 days after they provide their instrument of accession to the Depositary. No accessions shall be accepted until one year after the date of entry into force of the Agreement or after the date on which the Agreement has entered into force for all States listed in Article 32(1), whichever comes first.

85. Article 38 provides that the Parties are required to commence a general review of the Agreement every five years in the anniversary month of the date of entry into force. The review should be completed within six months. Any amendments shall be made in accordance with Article 35(1).

86. Any future treaty action, such as an amendment of the Agreement, would be subject to Australia's domestic treaty-making processes.

Withdrawal

87. Article 34(1) provides that a Party may withdraw from the Agreement at any time after three years from the date of entry into force, by providing written notification of its withdrawal to the Depositary. The withdrawal will take effect six months after the Depositary receives notification of withdrawal unless the Parties agree on a different period. The confidentiality obligations in Article 27 remain in effect with respect to a Party that has withdrawn in relation to any material covered by Article 27 that the Party retains after the withdrawal takes effect (Article 34(2)).

Contact details

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ATTACHMENT I - CONSULTATION

Indo-Pacific Economic Framework for Prosperity Agreement relating to a Clean Economy

Singapore, 6 June 2024

[2024] ATNIA 17

[2024] ATNIF 27

CONSULTATION

1. The Department of Foreign Affairs and Trade ("DFAT") consulted extensively across Government, industry, civil society, and state and territory governments during the negotiation of the Agreement to ensure Australia's interests were reflected in the Agreement.

2. Consultation and stakeholder engagement commenced prior to the launch of negotiations in September 2022. DFAT welcomed submissions from interested stakeholders as part of the negotiations process and received 10 public submissions.

3. DFAT also held in-person stakeholder consultations in Sydney (October 2022), Melbourne (October 2022), Brisbane (November 2022) and virtually in other states and territories, and *ad hoc* briefings to stakeholders on request to discuss any areas of interest or concern.

4. In addition to receiving written submissions, DFAT conducted stakeholder consultations after every second negotiation round with industry and civil society, and separately with states and territory governments. This was an opportunity for DFAT to update stakeholders on negotiations, hear the key concerns and recommendations from stakeholders and answer and questions that stakeholders had.

5. During the Brisbane negotiating round (December 2022), Australia launched the first in-person stakeholder session, inviting stakeholders from business, academia, and civil society to present views directly to IPEF negotiators. Following its success, this model was replicated at each subsequent round of negotiations by the IPEF country host.

6. A list of businesses and organisations that were consulted for the IPEF agreements is set out below, together with a list of public submissions received.

DFAT- consulted stakeholder list

1. A Touch of Madness Studios
2. Accord Australasia Limited
3. ActionAid
4. AFTINET
5. Amazon Web Services
6. American Chamber of Commerce in Australia
7. ANU's Asian Bureau of Economic Research
8. Asia Natural Gas and Energy Association (ANGEA)
9. Asia Pacific Forum on Women, Law, and Development (APWLD)
10. Asia Society Australia
11. Asialink
12. Astryx
13. Ausgold Sport & Tourism Agency
14. Austmine
15. Australasian Supply Chain Institute
16. Australia Fiji/PNG/Pacific Islands Business Councils
17. Australia India Business Council
18. Australia India Chamber of Commerce
19. Australia India Institute
20. Australia Indonesia Business Council
21. Australia Japan Business Co-operation Committee
22. Australia Japan Society
23. Australia Malaysia Business Council
24. Australia Pacific Business Council
25. Australia-India Council

26. Australia-Korea Business Council
27. Australian Aluminium Council
28. Australian APEC Study Centre
29. Australian Centre for International Trade and Investment
30. Australian Chamber of Commerce and Industry
31. Australian Conservation Foundation
32. Australian Council of Trade Unions
33. Australian Digital and Telecommunications Industry Association
34. Australian Food and Grocery Council
35. Australian Grape and Wine
36. Australian Industry Group
37. Australian Institute for International Affairs
38. Australian Logistics Council
39. Australian Manufacturing Workers Union
40. Australian Meat Industry Council
41. Australian Organic Limited
42. Australian Retailers Association
43. Australian Services Roundtable
44. Australian Services Union
45. Australian Sugar Milling Council
46. Australian Sustainable Finance Initiative
47. Australian Sustainable Finance Institute
48. BDO
49. BHP Group
50. BSA | The Software Alliance
51. Business Council of Australia
52. Business Council of Co-operatives and Mutuals

53. Business NSW
54. Canegrowers
55. CapralLimited
56. Carbon Disclosure Project
57. CBH Group
58. CFMEU
59. Chamber of Commerce and Industry Australia Philippines
60. Chamber of Commerce and Industry WA
61. Chartered Institute of Procurement and Supply
62. Cicada Innovation
63. Clean Energy Council
64. Climateworks Australia
65. Community and Public Sector Union
66. Complementary Medicines Australia
67. Consumer Healthcare Products Australia
68. COSBOA
69. Crawford School of Public Policy, ANU
70. Crop Life
71. CSL Behring
72. Dairy Australia
73. Deloitte
74. Entrepreneurs' Programme, AusIndustry
75. Exemplar
76. Export Council of Australia
77. EY
78. Fairtrade Australia and New Zealand
79. FinTech Australia

80. Freight & Trade Alliance / Australian Peak Shippers Association
81. Friends of the Earth
82. FundWA
83. Future Battery Industries
84. Gladstone Ports Corporation
85. Global Union Federation, Public Services International (PSI)
86. Grant Thornton
87. Group of Eight
88. H2Q Hydrogen Queensland
89. HH Global
90. Indigenous Network for Investment, Trade and Export
91. InfraBuild Steel (Representing Manufacturers' Trade Alliance)
92. INSEAD Business School
93. International Forwarders & Customs Brokers Association of Australia Ltd.
94. IQ Energy Australia
95. Lifespace Australia
96. Lowy Institute
97. Manufacturing Australia
98. Maritime Industry Australia
99. Meat and Livestock Australia (MLA)
100. Medical Technology Association of Australia
101. Medtronic
102. MetLife
103. Microsoft
104. Minerals Council of Australia
105. Monash University
106. Murdoch International

107. National Farmers Federation
108. National Foreign Trade Council
109. North Queensland Airports
110. Northstar Public Affairs
111. NSW Indigenous Business Chamber
112. NSW Nurses and Midwives Association; Australian Nursing and Midwifery Federation – NSW Branch
113. OBE Organic
114. Perth US Asia Centra
115. Port of Brisbane
116. Port of Melbourne
117. Ports Australia
118. Qantas Freight
119. Queensland Farmers Federation
120. Queensland Japan Chamber of Commerce & Industry (QJCCI)
121. Queensland Resource Council
122. RegTech Australia
123. Rigby Cooke Lawyers
124. RSPCA Australia
125. Seafood Industry Australia
126. Shipping Australia Limited
127. Standards Australia
128. Stone & Chalk / AustCyber
129. Suncable Energy
130. Supply Nation
131. Synod of Victoria and Tasmania, Uniting Church in Australia
132. TasRex

133. TC Beirne School of Law, University of Queensland
134. Technology Council of Australia
135. The American Association of the Indo-Pacific (AAIP)
136. The Australasian Institute of Mining and Metallurgy
137. The Australian Worker's Union
138. TOLL Group
139. Toowoomba Airport
140. Trade Justice Education Fund
141. Transparency International Australia
142. UnionsWA
143. Universities Australia
144. University of Adelaide
145. US Studies Centre, University of Sydney
146. Victorian Chamber of Commerce and Industry
147. Virgin Australia
148. Vriens & Partners
149. VTara Energy Group
150. Wellcamp Airport
151. Westpac
152. Wine Australia
153. Woodside Energy
154. Wool Industries Australia
155. Wool Producers Australia
156. ZENAIDA GLOBAL

List of public submissions received.

1. Australian Council of Trade Unions
2. Australian Fair Trade and Investment Network
3. Consumers Association of Penang
4. Microsoft
5. Motion Picture Association Asia Pacific
6. The Software Alliance
7. Trade Justice Education Fund
8. Uniting Church in Australia
9. Australian Services Roundtable