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Roberts Gray Lawyers

Submission

General Review of the Regional Comprehensive Economic Partnership Agreement (RCEP)

A practitioner submission on regional supply chains, operability and the next phase of the Agreement

22 October 2026

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Department of Foreign Affairs and Trade
By email to RCEP@dfat.gov.au

Dear Sir/Madam,

Thank you for the opportunity for Roberts Gray Lawyers to contribute to the General Review of the Regional Comprehensive Economic Partnership Agreement (RCEP), and for the Department's flexibility on timing.

Our firm advises on cross-border transactions, partnerships, investment structures, commercial disputes, regulatory strategy and market entry across the Indo-Pacific, with a particular depth of practice between Australia and China. Our clients increasingly organise their operations across several RCEP markets at once rather than one bilateral relationship at a time. This submission reflects that practical experience.

This submission is made by Roberts Gray Lawyers in its own capacity. References to the author's external appointments are included for context only and do not indicate that this submission is made on behalf of any other organisation.

As the Department has invited, this submission builds on the submission Roberts Gray Lawyers made to the General Review of the China-Australia Free Trade Agreement (ChAFTA) in April 2026. That submission argued that the next decade of trade with China will be won or lost on operability rather than on access. The same holds for RCEP, with one important addition. RCEP's distinctive value to Australia lies in what bilateral agreements cannot do, which is to connect production, processing and investment across fifteen economies under one set of rules.

RCEP is approaching five years in force. It has done what it was designed to do in its first phase. It consolidated a fragmented set of agreements, gave business a single set of rules of origin across the region, and kept the region's trading architecture open through a period of rising protectionism. The task of this review is not to reopen its foundations. It is to make the Agreement work harder as a platform for regional supply chains in which Australia is a co-creator of value, not only a supplier of inputs.

Australia should approach this review as an opportunity to position itself at the centre of higher value, more resilient and more technologically advanced regional supply chains, and to ensure RCEP is commercially usable enough for Australian business to get there.

Yours sincerely,



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1. EXECUTIVE SUMMARY

RCEP has succeeded as a consolidating agreement. Its second phase should make it succeed as a supply chain agreement.

Since entering into force on 1 January 2022, RCEP has brought the ten ASEAN Member States, Australia, China, Japan, the Republic of Korea and New Zealand under one framework covering roughly 30 per cent of global GDP. Before RCEP, Australian traders could choose from ten different agreements to do business among these fifteen economies, each with its own rules and procedures. RCEP replaced that patchwork with a single set of rules of origin, regional cumulation and a common institutional architecture.

For Australia, much of RCEP's tariff value overlaps with bilateral agreements that often offer equal or better preferences, including ChAFTA, AANZFTA and the agreements with Japan, Korea and individual ASEAN members. That is not a weakness. It means RCEP's real value to Australia lies elsewhere, in regional cumulation, in a common rulebook across fifteen markets, and in its capacity to support supply chains that run through several of them.

That value is not yet being fully realised. In our experience, three things hold it back.

- **Operability.** The way origin rules, certification, customs treatment and regulatory approvals are administered still varies in practice across Parties. For many firms, especially SMEs, the effort of proving eligibility outweighs the preference on offer.
- **Ambition.** Discussion of RCEP still centres on lower tariffs and fewer barriers. The larger opportunity is to co-create robust, sustainable and higher value supply chains across the region, and to share in the value they produce.
- **Two-way thinking.** Australia benefits most from regional supply chains when it treats them as two-way. That includes being open to regional partners, China among them, as suppliers of technology and equipment into supply chains that strengthen Australia's long-term position.

RCEP should be measured not by the tariffs it removes, but by the supply chains it helps the region build.

This submission recommends that the review give priority to the following areas.

- reframing RCEP as a platform for regional supply chain co-creation, not only market access
- completing and extending regional cumulation so that more Australian value counts across the region
- reducing the cost of using RCEP, with a particular focus on SMEs and the utilisation gap
- converging regulatory, certification and digital trade processes across Parties
- using the built-in agenda on investment, electronic commerce and dispute settlement to raise predictability
- strengthening RCEP's institutions so they solve implementation problems rather than record them

- supporting a rules-based, high-standard approach to accession
- building Australian business capability to operate across several RCEP markets at once

In short, ChAFTA's next test is whether access works. RCEP's next test is whether the region can build things together under it, and whether Australia is at the table when it does.

2. RCEP HAS DELIVERED AND THAT SHOULD BE RECOGNISED

Any general review should begin by recognising what RCEP has achieved in under five years.

First, it simplified the region. A single set of rules of origin now applies across fifteen economies. A business trading with several RCEP Parties can work to one framework and one set of documentation requirements rather than several, with expanded options for self-declaration and electronic proof of origin.

Second, it opened the door to regional value chains. Regional cumulation means Australian inputs such as iron ore, wheat, barley, milk powder, copper, nickel and wool can count towards originating status when processed in one RCEP Party and exported to another. No bilateral agreement can do this.

Third, it connected Australia's major Asian trading partners in one agreement for the first time. RCEP is the first free trade agreement linking China, Japan and the Republic of Korea, alongside ASEAN, Australia and New Zealand. That gives Australia a seat in the architecture through which much of the region's production is organised.

Fourth, it held the line on openness. Through a period of rising tariff action and supply chain disruption, RCEP Parties have reaffirmed their commitment to keep markets open, free and rules-based. That signal has commercial value in itself.

Fifth, it is attracting new members. Hong Kong, Sri Lanka, Chile and Bangladesh have applied to join, and in September 2026 RCEP Ministers established an Accession Working Group to take those applications forward.

An agreement that others want to join is an agreement that is working.

This matters for the same two reasons we gave in our ChAFTA submission. It grounds the review in reality, because RCEP is not an agreement in need of rescue. And it frames the task correctly. The question is not whether RCEP has value. It is how that value can be made more usable for business and more ambitious in what it helps the region build.

3. WHERE RCEP SITS IN AUSTRALIA'S TRADE ARCHITECTURE

RCEP's value to Australia is best understood as a regional layer above its bilateral agreements, not a substitute for them.

Australia already holds bilateral or plurilateral agreements with every other RCEP Party. In many tariff lines those agreements match or exceed RCEP's preferences. For a business exporting a single product

to a single market, the bilateral agreement will often remain the better choice. ChAFTA, for example, remains the primary instrument for most Australia-China trade in goods.

This is why measuring RCEP by its tariff utilisation alone understates its worth. Its distinctive contribution is in what sits above the bilateral layer.

- **Regional cumulation**, allowing value added in several Parties to count towards originating status.
- **A common rulebook** across fifteen markets for origin, customs procedures, trade remedies, services, investment, intellectual property and electronic commerce.
- **A regional institution**, the RCEP Joint Committee and its subsidiary bodies, through which all fifteen Parties can address implementation issues together.
- **A route to new members** on agreed terms, extending Australia's preferential network without separate bilateral negotiations.

The review should therefore ask a different question of RCEP than of a bilateral agreement. Not only "is it being used?" but "is it enabling the regional production, processing and investment that bilateral agreements cannot?"

It should also look at how RCEP and Australia's bilateral agreements work together. Where an exporter must choose between overlapping agreements with different origin rules, documentation and preference schedules, the choice itself is a compliance cost. Clear guidance, better tools and, over time, convergence between RCEP and the bilateral agreements would reduce that cost.

4. FROM TARIFF PREFERENCE TO REGIONAL SUPPLY CHAINS

The review should move the conversation beyond lower tariffs and fewer barriers, towards co-creating robust and sustainable regional supply chains and sharing in the value they produce.

For most of its trading history, Australia's engagement with the region has followed a familiar pattern. Australia supplies resources, energy, agriculture and education. The region processes, manufactures and consumes. That model has served Australia well and will remain important.

But it leaves value on the table. The higher value stages of regional supply chains, in processing, advanced manufacturing, clean energy, food technology and services, are where returns, skills and long-term resilience sit. RCEP's cumulation rules are the mechanism that allows Australian participation in those stages to be recognised across the region.

4.1 Two-way trade and co-creation

In our experience, the clients who capture the most value from regional trade are those who treat it as a two-way relationship, sourcing inputs, equipment and know-how from the region as well as selling into it. Supply chains are built through joint investment, shared technology, co-located processing and long-term partnerships across borders.

Supply chains are not built by exporting alone. They are built by investing, sharing and creating together.

RCEP should be explicitly understood and promoted as a platform for this kind of co-creation, not only as a schedule of tariff preferences.

4.2 Completing regional cumulation

RCEP already commits the Parties to review the scope of cumulation, including whether it should extend to all production and value addition within the region. Completing that work would be one of the most commercially significant outcomes of this General Review. Full cumulation would allow processing, assembly and services value added in Australia to count more fully towards origin, wherever the final good is made. It would make Australian inputs more attractive to regional manufacturers.

4.3 Resilience as a design principle

The disruptions of recent years showed that concentrated supply chains carry real commercial risk. Regional supply chains built across several RCEP Parties, with Australia as a trusted participant, are more resilient than those that depend on any single market or route. The review should treat resilience and diversification as objectives of the Agreement in their own right.

5. THE COMPLIANCE HIGH WALL AT REGIONAL SCALE

The non-tariff friction we described in our ChAFTA submission is multiplied in a fifteen-party agreement.

In a bilateral relationship, a business faces one partner's regulatory system. In a regional supply chain, it may face four or five at once, each with its own administrative practice, approval timeframes and interpretation of common rules.

A common rulebook on paper does not guarantee a common experience in practice.

The frictions our clients report most often in regional trade include the following.

- uneven administration of origin rules, verification and certification between Parties
- differences in customs valuation, classification and advance ruling practice
- sanitary, phytosanitary and technical standards that are not mutually recognised
- data, privacy and localisation requirements that differ market by market
- investment screening and approval processes with unclear timeframes
- the cost of choosing between RCEP and overlapping bilateral agreements for each shipment

Individually, each of these is manageable. Together, they form a compliance high wall that determines whether a regional supply chain is commercially viable. In modern trade, delay and uncertainty function as de facto tariffs.

5.1 The utilisation gap and SMEs

Large firms can absorb this burden. They retain specialist advisers, run dedicated trade compliance teams and spread the cost across volume. SMEs and mid-market firms often cannot. For them, the effort of establishing origin and choosing the right agreement can exceed the value of the preference.

The review should measure how Australian businesses, and SMEs in particular, are using RCEP. It should identify where the preference is not being claimed and why. Better data would allow targeted support where it would make the most difference.

5.2 Predictable process is market access

The principle from our ChAFTA submission applies with greater force here. Access that cannot be used reliably, predictably and efficiently is of diminished practical value. Clearer guidance, defined administrative timeframes, consistent treatment of origin documentation and fully digital certification would reduce the cost of using RCEP across all fifteen markets at once.

6. CHINA'S ROLE IN REGIONAL SUPPLY CHAINS

Australia's ability to participate in higher value regional supply chains will depend in part on how it engages with China within RCEP.

China is Australia's largest trading partner and the largest economy in RCEP. It is a major consumer market for Australian goods and services. It is also, increasingly, a supplier of technology and equipment into regional supply chains, particularly in clean energy, electric vehicles, batteries, advanced manufacturing and digital infrastructure.

6.1 China as a supplier as well as a market

For Australia to take a pivotal role in sustainable and technologically advanced regional supply chains, it will need to be open to China's role as a technology and equipment supplier where this supports Australia's long-term participation and national interest. This is consistent with Australia's existing foreign investment, security and critical infrastructure frameworks, which remain the right place to manage risk.

Within those frameworks, two-way engagement in regional supply chains is a source of Australian advantage, not a concession.

6.2 Influencing China's import regulation through co-development

China's regulatory framework for imports continues to evolve, including in food safety, registration of overseas producers, product standards and data. These changes present both challenges and opportunities for Australian exporters. Experience in wine, barley, beef and seafood has shown how quickly regulatory settings can affect commercial outcomes.

Where Australian firms co-develop supply chains for critical and high value products exported to China, they are better placed to understand, anticipate and constructively engage with China's regulatory settings. RCEP's Committee on Goods and Committee on Business

Environment offer a multilateral channel through which regulatory issues can be raised alongside other Parties with similar interests.

6.3 The value of a regional platform

A regional, multilateral platform also sits well with Australia's strategic approach to engagement with China as a growing global power. RCEP allows Australia to engage China on trade and investment rules within an ASEAN-centred framework, alongside Japan, the Republic of Korea and New Zealand. That gives Australia's bilateral relationship with China a stabilising regional context, and gives Australian business a second avenue, alongside ChAFTA, through which practical issues can be addressed.

7. WHERE THE REGIONAL OPPORTUNITY IS HEADING

The strongest opportunities under RCEP are in sectors where value is created across several markets and where reduced friction would have the greatest commercial return.

7.1 Clean energy and critical minerals

Australia holds globally significant reserves of lithium, rare earths, nickel, cobalt and other critical minerals, along with large renewable energy potential. The region holds much of the world's processing, refining and manufacturing capacity for batteries, solar, wind and electric vehicles. RCEP supply chains that combine Australian resources and processing with regional manufacturing, under clear origin and investment rules, are among the largest economic opportunities available to Australia this decade.

7.2 Higher value agriculture and food

Australia's premium food and agricultural exports compete on quality, safety and provenance. Regional cumulation allows Australian ingredients to retain preferential status when processed elsewhere in the region. Co-investment in processing, cold chain and food technology across RCEP Parties would move Australian agriculture further up the value chain.

7.3 Services and professional services

Education, legal, financial, engineering and other professional services underpin every regional supply chain. RCEP's services commitments are uneven across Parties and in several cases fall short of those in Australia's bilateral agreements. Clearer, more consistent services and mobility settings would allow Australian firms to support regional projects from end to end.

7.4 Digital trade

RCEP's electronic commerce chapter established a foundation but is less ambitious than more recent agreements. Regional supply chains increasingly depend on cross-border data, digital documentation, electronic invoicing and paperless trade. Raising the ambition of the digital trade rules would reduce friction in every other sector.

7.5 Advanced manufacturing and technology

Advanced manufacturing increasingly depends on components, equipment and know-how moving across several economies. Australia's strengths in research, design, specialist

components and high-trust regulation make it a natural participant in these supply chains if the rules allow its contribution to be recognised.

The point is not that RCEP should try to solve every sectoral issue. It is that the review should target its effort where better operability and deeper integration would have the highest economic return.

8. INSTITUTIONS, THE BUILT-IN AGENDA AND ACCESSION

RCEP's institutions and built-in work programs are the means by which the Agreement can keep improving after this review, and they should be used more actively.

8.1 From recording to problem-solving

The RCEP Joint Committee and its subsidiary bodies are now fully operational, supported by the RCEP Support Unit. Discussion is under way on whether the Support Unit should become a fuller RCEP Secretariat. Whatever form it takes, the institutional architecture should be resourced and tasked to identify recurring implementation problems, escalate commercially material delays, and report on their resolution. Business should have a clear channel to raise those problems.

8.2 The built-in agenda

RCEP was concluded with several matters deliberately left for further work. These include the scope of regional cumulation, the application of dispute settlement to the electronic commerce chapter, and a work program on aspects of the investment chapter. This General Review is the natural point to make progress on them. Each bears directly on the predictability that regional supply chains need.

On investment, Australia's position on particular dispute mechanisms is a matter of government policy. Our focus is practical. Clearer investment facilitation, transparent approval processes and reliable timeframes across all Parties would do more for regional supply chains than any single procedural reform.

8.3 Accession on high standards

In September 2026, RCEP Ministers established an Accession Working Group to progress applications from Hong Kong, Sri Lanka, Chile and Bangladesh. Accession can extend Australia's preferential network and deepen regional supply chains. Hong Kong's accession would be of particular relevance to Australian business, given its role as a financial, legal and logistics hub for trade and investment with mainland China and the wider region.

Australia should support an accession process that is rules-based, transparent and requires applicants to meet the Agreement's existing standards in full. The credibility of RCEP depends on it.

8.4 Lessons from other agreements

Since RCEP was concluded, Australia has implemented the ASEAN-Australia-New Zealand FTA upgrade and continued to develop the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, alongside its digital economy agreements such as the Singapore-Australia Digital Economy Agreement. The review should draw on those agreements where they offer

stronger models, particularly in digital trade, services, regulatory cooperation and SME provisions, and consider how RCEP can converge with them over time.

9. RECOMMENDATIONS

The review should be ambitious in purpose and practical in method. The following recommendations are offered.

9.1 Reframe RCEP as a supply chain co-creation platform

Australia should advocate that the General Review explicitly recognise RCEP's purpose as supporting the co-creation of robust, sustainable and higher value regional supply chains, and the fair sharing of the value they create, not only the reduction of tariffs.

9.2 Complete and extend regional cumulation

Australia should press for the review of cumulation to be concluded, with the objective of extending cumulation to all production and value addition within the RCEP region.

9.3 Measure and close the utilisation gap

The review should assess how Australian businesses, and SMEs in particular, are using RCEP, where preferences go unclaimed and why. The findings should inform targeted guidance, digital tools and support.

9.4 Make choosing between agreements easier

Australia should provide practical tools that help exporters compare RCEP with overlapping bilateral agreements for a given product and market. Over time, it should pursue convergence of origin rules and documentation across agreements.

9.5 Converge administration across Parties

The review should prioritise consistent administration of origin verification, advance rulings, customs valuation and certification across all Parties. It should also pursue greater mutual recognition of standards and conformity assessment in priority sectors.

9.6 Move to fully digital trade processes

Parties should commit to timeframes for fully electronic proof of origin, paperless trade documentation and interoperable digital systems across the region.

9.7 Raise the ambition of digital trade rules

The review should strengthen the electronic commerce chapter, drawing on more recent agreements, and resolve the application of dispute settlement to that chapter.

9.8 Improve investment facilitation

The review should advance the investment work program with a focus on transparent approval processes, reliable timeframes and practical facilitation across all Parties.

9.9 Use regulatory engagement to support exporters

Australia should use RCEP's committees, alongside bilateral channels, to engage regional partners on evolving import regulation, particularly in food safety, producer registration and product standards.

9.10 Strengthen RCEP's institutions

Australia should support a properly resourced RCEP secretariat function and a clear, business-facing mechanism for raising and escalating recurring implementation problems, with regular public reporting on their resolution.

9.11 Support high-standard accession

Australia should support a transparent, rules-based accession process that requires applicants to meet RCEP's existing commitments in full.

9.12 Build multi-market business capability

Government, peak bodies and advisers should help Australian firms build the capability to operate across several RCEP markets at once, including origin management, regulatory literacy, partner selection and supply chain risk management.

10. CONCLUSION

RCEP has delivered real value in its first five years and should be recognised as a success.

It brought fifteen economies under one set of rules, connected Australia's largest trading partners in a single agreement, and kept the region's trading architecture open at a time when openness could not be taken for granted.

But the next five years will be judged differently.

The question is no longer whether the region can agree on common rules. It is whether those rules help the region build things together, through supply chains that are higher value, more sustainable, more technologically advanced and more resilient. And it is whether Australian business can use the Agreement easily enough to take part.

That requires a shift in ambition, from lower tariffs to shared value, and a shift in focus, from access in principle to operability in practice.

If this review completes regional cumulation, lowers the cost of using the Agreement, converges administration across Parties and equips its institutions to solve problems, RCEP can become what it was always capable of being. That is the framework through which Australia secures a pivotal place in the region's most important supply chains.

The next test of RCEP is not whether the region trades together, but whether it builds together.

SUBMITTED BY

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