

# TRAINING COURSE ON TRADE IN SERVICES NEGOTIATIONS

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Session 6: Implementation, monitoring and enforcement

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# Points to cover

Concluding negotiations – is that the end?

Implementation and enforcement

Review? Who, why, when?

# Concluding negotiations – is that the end?

Technical finalization

WTO transparency mechanism

Legal scrubbing

Initialing

Signing

Ratification

Public awareness, advocacy

Private sector capacity

# Preparation for implementation, monitoring and evaluation

- consider capacity of implementing departments – do they need strengthening?
- joint committees
- are the targeted beneficiaries aware of the opportunities?
- trade adjustment programme?

# Implementing negotiated outcomes

There are potentially significant recurring costs that new trade rules typically bring in their wake in many sectors prone to high regulatory intensity.

Such costs may range from setting-up or strengthening regulatory agencies following service sector liberalisation or establishing independent regulatory agencies in the financial, telecommunications or energy fields.

The administrative and financial burden of complying with WTO obligations will tend to be particularly acute for WTO-acceding economies, especially the LDCs, as accession is almost certain to involve far-reaching commitments to substantive legal and institutional reforms and the setting up of judicial review mechanisms.

## Implementing negotiated outcomes (2)

For other WTO Members, as for members to PTAs, the scope that exists for making commitments at or below the regulatory *status quo* will almost certainly influence (and potentially lessen) the nature and extent of the implementation costs flowing from negotiated outcomes.

In resource-constrained environments, these costs and requirement need to be assessed and prioritised within the scope of the country's developmental and negotiating strategies.

# Addressing regulatory weaknesses

To engage meaningfully in services negotiations, a country needs to feel confident in its ability to manage the regulatory, sectoral and economy-wide implications of liberalised competitive conditions.

**Sound domestic regulation is critical to realising the full benefits of open service markets and in mitigating or responding to potential downsides.**

Regulatory institutions are costly and require staff with sophisticated legal and economic skills.

If there is one area where TRTA assistance can make a decisive contribution in the services field, it is in strengthening regulatory agencies and their staff in developing countries.

# Addressing regulatory weaknesses (2)

That is why efforts directed at assisting developing countries...

- To acquire and adopt best practice regulatory regimes; and
- To benchmark their regulatory regimes with prevailing international standards;

...may be of considerable benefit to recipient countries in the services field, with likely positive externalities in terms of:

- Facilitated trade and investment;
- Improved investment climates; and

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