

Good Regulatory Practices

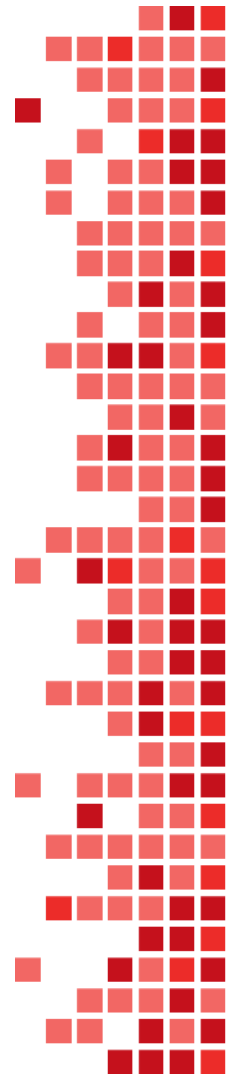
Maputo, Mozambique

May 2018

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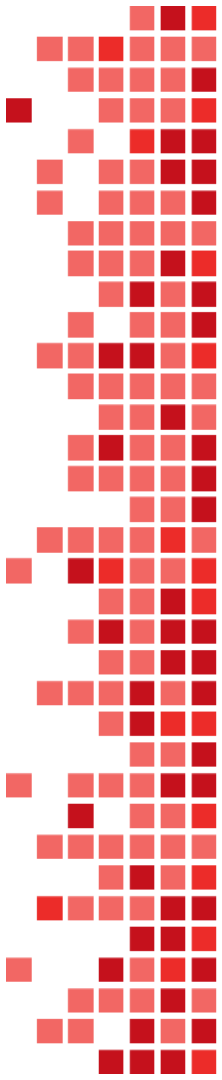
Today's discussion

- Principles and application of Good Regulatory Practices to support the implementation of the obligations of the WTO TBT Agreement
- The U.S. experience with improving technical regulations and the connection to economic growth



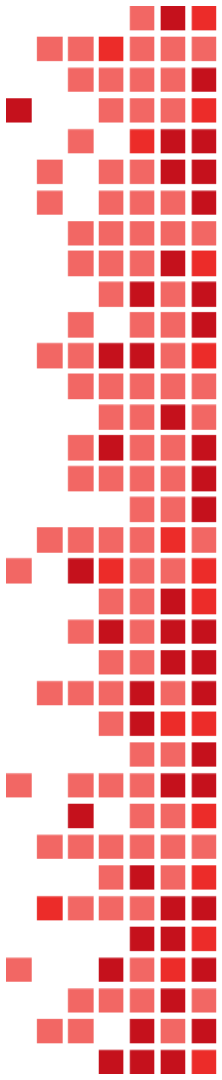
What are Good Regulatory Practices

- No one consensus definition of GRP
- GRP are internationally recognized administrative processes and procedures that can be used to improve the effectiveness of domestic regulations



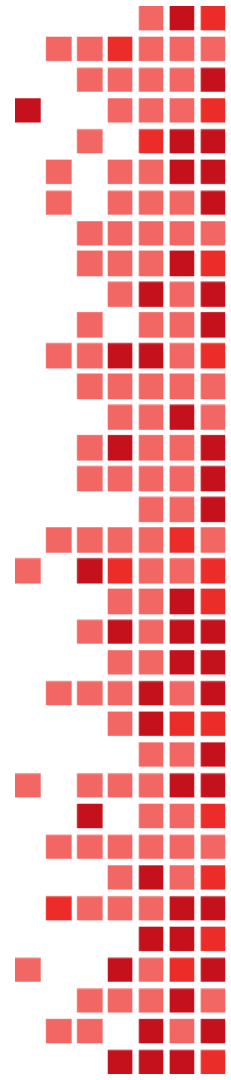
GRP goals

- Promote good governance in the regulatory process, in particular transparency, predictability and accountability
- **Overarching principles**
 - Transparency and Proportionality



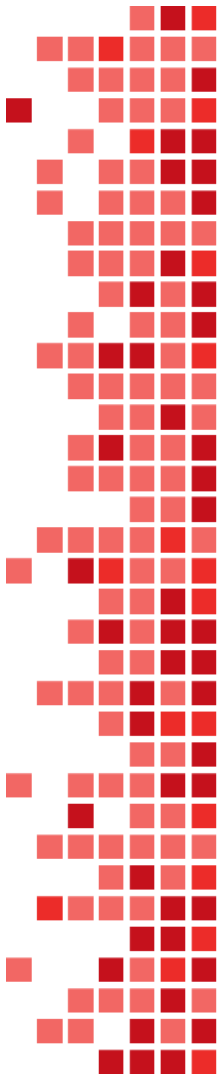
GRP and the TBT-A

- The term GRP is not mentioned in the TBT Agreement
- The TBT Committee has recognized GRP as key to the practical implementation of all provisions of the Agreement, not just regulations
- Good practices on standards and conformity assessment



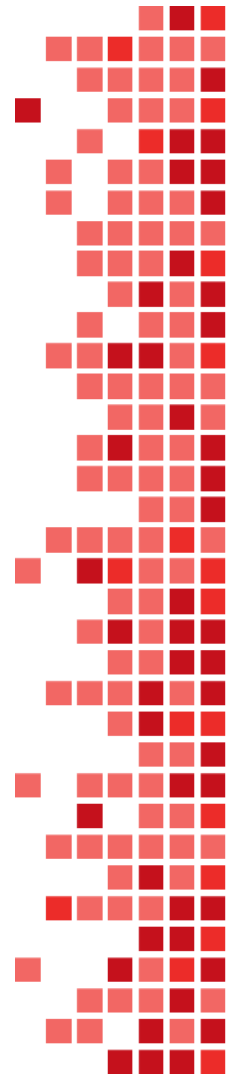
WTO TBT Committee

- WTO Secretariat administers a TBT Committee that meets 3 times a year
- The Committee discusses Specific Trade Concerns and the implementation of the Agreement. It publishes a Triennial Review
- The TBT Committee also publishes Decisions and Recommendations



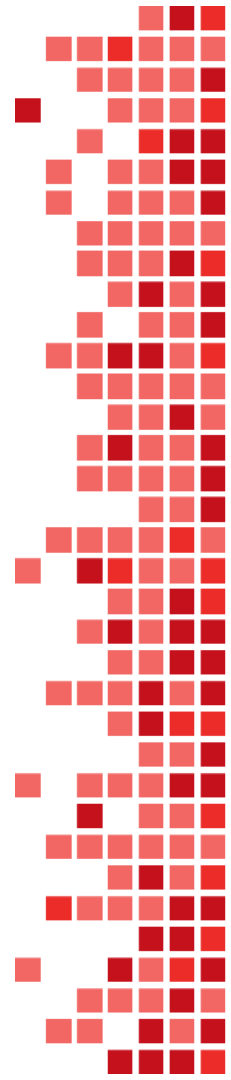
GRP in the WTO TBT Committee

- One of the important topics that the Committee addresses is Good Regulatory Practice (GRP)
- The TBT Committee has stressed importance of GRP since the beginning of its deliberations



Wide interest in GRP

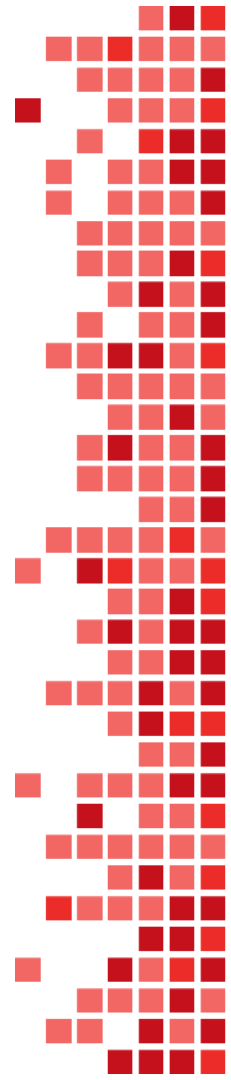
- APEC
- OECD
- ASEAN
- WHO, ICAO, UNECE, World Bank,
- Many countries have guidance on good regulatory practices



GRP Core Principles

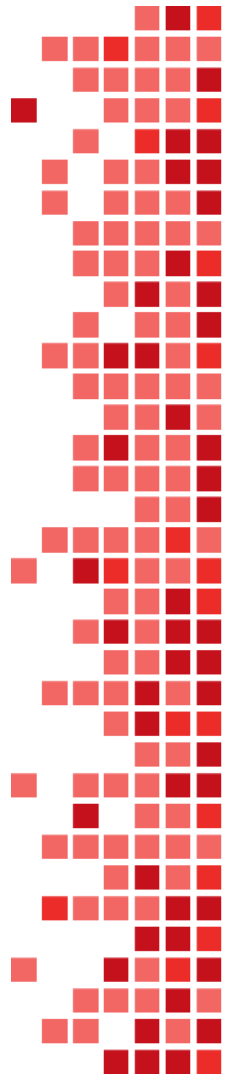
GRP core principles may be grouped as:

- Planning
- Designing
- Issuing
- Implementing
- Reviewing



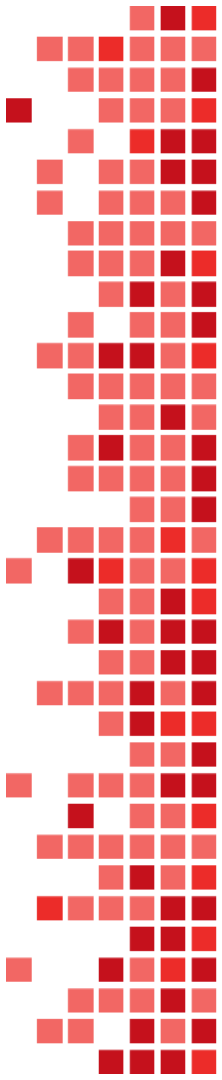
GRP - Planning

- Publish an annual agenda
- Establish the need to regulate
- Define problem and set policy objectives
- Have a mechanism to coordinate with other government entities
- Inform on the intent to regulate



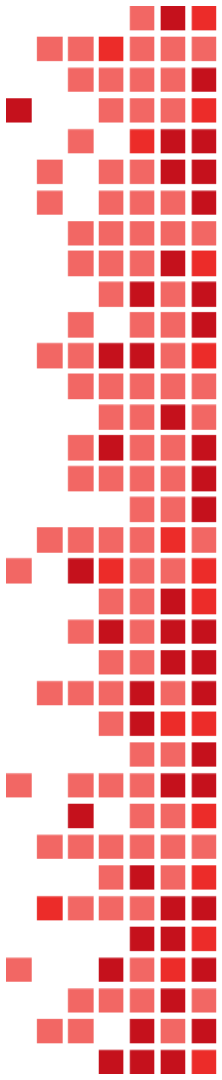
GRP - Designing

- Consider a variety of alternatives (including not regulate)
- Identify options and their costs
- Conduct an evidence based impact assessment for economic, trade and societal consequences



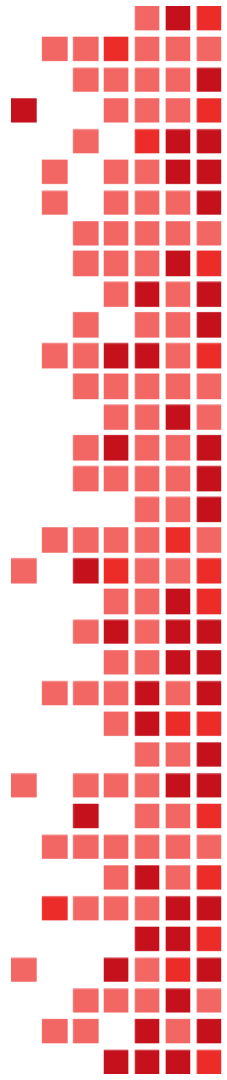
GRP - Issuing

- Publish the draft regulation for stakeholder comment for at least 60 days as recommended by the TBT Committee
- Take comments into account
- Allow reasonable to enter into force
- Publish the final regulation



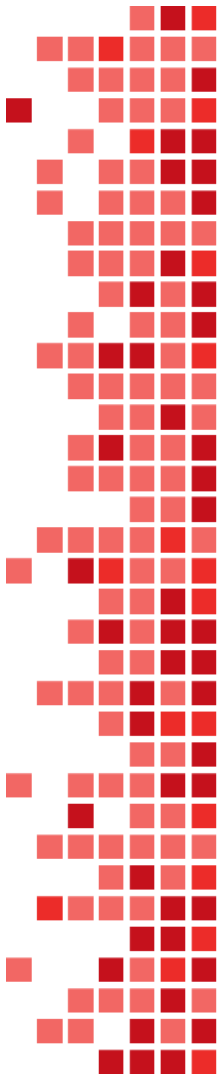
GRP - Implementing

- Make sure information on all regulations is publicly available in a database or other centrally accessible repository
- Consider providing guidance on compliance if the regulation does not provide it or issuing a separate regulation on conformity assessment



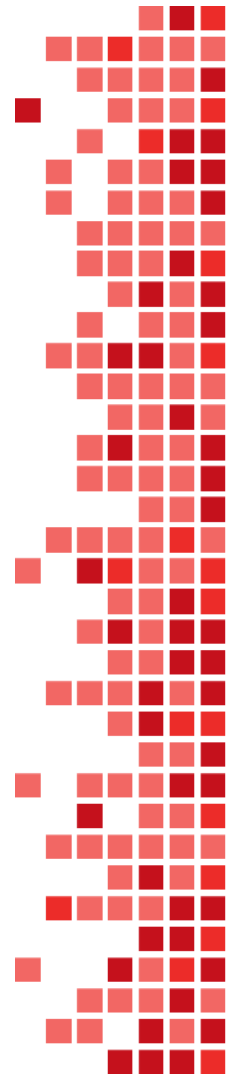
GRP - Reviewing

- Periodically review regulations for effectiveness and adequacy
- When necessary and justified, modify or withdraw the regulation



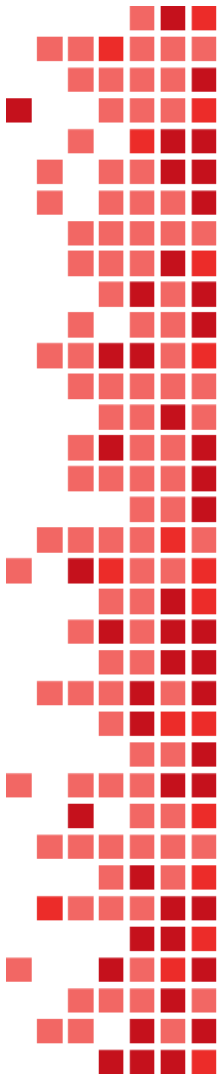
Good Practices on Standards

- Code of Good Practice for the Preparation, Adoption and Application of Standards – Annex 3 of the TBT Agreement
- Provisions of Annex 3 mirror many of the TBT Agreement



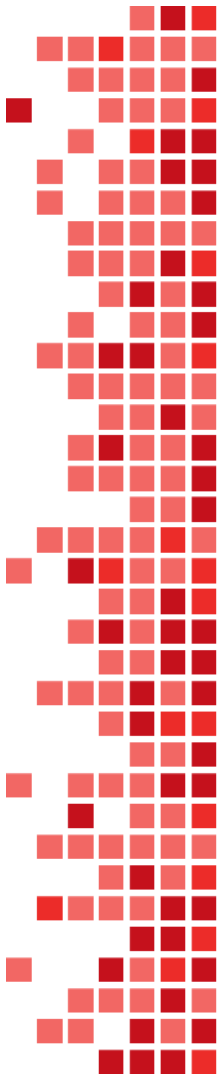
Good Conformity Assessment Practices

- TBT Agreement provisions
- ISO/IEC Guide 60
- APEC – including the report on “Good Regulatory Practices for Conformity Assessment in APEC Member Economies” (2013)



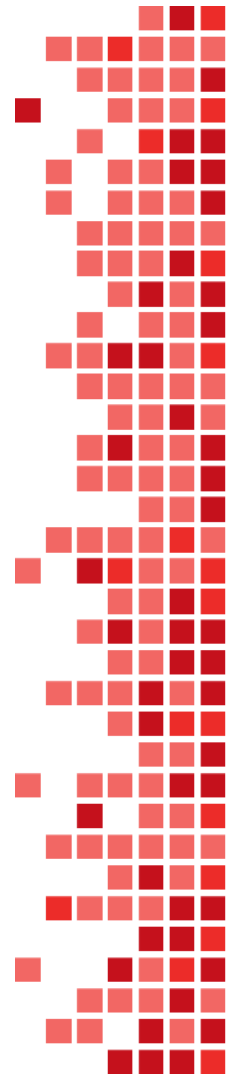
U.S. Experience improving TR

- Continuous efforts
- Procedural protections
- Increasing input from public / civil society
- Pre-proposal consultations – public hearings, workshops
- Federal agency, OMB/OIRA
- Executive Orders and Circulars



GRP and economic growth

- Best performing economies
 - ❖ are highly regulated
 - ❖ have robust and open regulatory systems yet are easiest to do business
- Why are they the easiest to do business?
 - ❖ rules are known
 - ❖ systems are predictable



Thank you for your attention

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Principal

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