

Third China Round Table on WTO Accessions Dushanbe, 2-5 June



Post-Accession: Concept, Framework and Support

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Outline

- Background
- Concept
- Survey on Post-Accession Practices
- Emerging Best Practices on Post-Accession
- Participation of Article XII Members in WTO
- Secretariat Support for Post-Accession

Background

- LDC Accessions: Vanuatu, Samoa, Lao PDR and Yemen (2012-2014)
- First TPRs for Nepal & Cambodia (2011 & 2012)
- LDC Group's Proposal for the Establishment of a Work Programme on "Post-Accession" for Recently Acceded LDCs (April 2011)
- First CRT (2012) and Second CRT (2013)
- TA Plan 2012-2013
- DG's Annual Report 2014 on WTO Accessions: Thematic Focus on Post-Accession
- Third CRT (2015): Post Accession – Maximizing the Benefits of WTO Membership



Article XII Members (33)

- Ecuador (1996)
- Bulgaria (1996)
- Mongolia (1997)
- Panama (1997)
- Kyrgyz Rep. (1998)
- Latvia (1999)
- Estonia (1999)
- Jordan (2000)
- Georgia (2000)
- Albania (2000)
- Oman (2000)
- Croatia (2000)
- Lithuania (2001)
- Moldova (2001)
- China (2001)
- Chinese Taipei (2002)
- Armenia (2003)
- FYROM (2003)
- Nepal (2004)
- Cambodia (2004)
- Saudi Arabia (2005)
- Viet Nam (2007)
- Tonga (2007)
- Ukraine (2008)
- Cabo Verde (2008)
- Montenegro (2012)
- Samoa (2012)
- Russian Fed. (2012)
- Vanuatu (2012)
- Lao PDR (2013)
- Tajikistan (2013)
- Yemen (2014)
- Seychelles (2014)

Concept : DG Annual Report 2014

- Stage 1: Immediate “Post-Accession”
 - Officially, starts from the date of membership
 - Practically, starts soon after the approval of Accession Protocol by Ministerial Conference/General Council
 - Preparations for WTO membership start during the domestic procedures for acceptance/ratification: 3-6 months or 130 days on average, based on 33 accessions
 - Implementation of commitments and obligations “upon accession”
- Stage 2: Between Day 1 and First Trade Policy Review

First Trade Policy Reviews after Accessions

2-Year & 4-Year Cycle		6-Year Cycle	
China	04/2006 (4 years 4 months)	Ecuador	06/2005 (9 years 5 months)
Chinese Taipei	06/2006 (4 years 5 months)	Bulgaria	10/2003 (6 years 10 months)
Saudi Arabia	01/2012 (6 years 1 month)	Mongolia	03/2005 (8 years 2 months)
Russian Fed	[09/2016] (4 years 1 month)	Panama	09/2007 (10 years)
		Kyrgyz Rep.	10/2006 (7 years 10 months)
		Jordan	11/2008 (8 years 7 months)
		Georgia	12/2009 (9 years 6 months)
		Albania	04/2010 (9 years 7 months)
		Oman	06/2008 (7 years 7 months)
		Croatia	03/2010 (9 years 4 months)
		Moldova	[10/2015] (14 years 3 months)
		Armenia	04/2010 (7 years 2 months)
		Nepal	03/2012 (7 years 11 months)
		Cambodia	11/2011 (7 years 1 month)
		Viet Nam	09/2013 (6 years 8 months)
		Tonga	02/2014 (6 years 7 months)
		Ukraine	[04/2016] (7 years 11 months)
		Cabo Verde	[10/2015] (7 years 3 months)
		Average:	8 years 3 months

Source: WTO Secretariat

First Trade Policy Reviews after Accessions

Article XII Members Yet to be Reviewed

- 6-Year Cycle:
 - FYROM (04/2003)
 - Montenegro (04/2012)
 - Samoa (05/2012)
 - Vanuatu (08/2012)
 - Lao PDR (02/2013)
 - Tajikistan (03/2013)
 - Yemen (06/2014)
 - Seychelles (04/2015)

Post Accession Practices

Post-Accession Practices: Objective

- Review 33 completed accessions to date on their experiences and practices on:
 - Transition from accession to membership
 - Participation in WTO work
 - Exercising WTO membership
- With a view to identifying good practices

Collection of Post-Accession Practices

- Post-Accession Questionnaire
- Desk-based study, based on Trade Policy Review reports, presentations, news and other publications
- Interviews with Article XII Members
- Round Table discussion in Dushanbe

Post-Accession Framework: 6 Areas & 3 Levels

- I. Policy Framework for Domestic Implementation
- II. Institutional Structural Adjustment
- III. Legislative Framework for Domestic Implementation
- IV. Transparency
- V. Technical Assistance and Capacity Building
- VI. Outreach

Post-Accession Framework: 6 Areas & 3 Levels

1. Implementation of WTO obligations
 - ✓ General and accession specific notifications
2. Participation in the work of WTO
 - ✓ Attending meetings & reporting back
3. Becoming Pro-Active Member : Transition from "listening mode" to "active member"
 - ✓ Submission of proposals/requests
 - ✓ Coalition with Members around common interests
 - ✓ Collection of trade intelligence through diplomatic representations

I. Policy Framework for Domestic Implementation: Emerging Practices

- Adopt National Post-Accession Implementation Strategy (Samoa, Tajikistan, Vanuatu, Vietnam)
- Incorporate the implementation of accession commitments into the overall national trade policy and development plans (China, Jordan, Nepal, Tonga, Chinese Taipei)
- Synchronize WTO accession commitments to regional integration agreements (Albania, Armenia, Bulgaria, Croatia, FYRM, Georgia, Vietnam)

II. Institutional Structural Adjustment: Emerging Practice - I

- Identify the lead ministry for dealing with overall WTO trade-related issues (Armenia, Chinese Taipei)
- Restructure the existing inter-ministry body for coordination of WTO affairs or establish a new one (Armenia, Cambodia, China, Georgia, Jordan, Russian Federation, Samoa, Chinese Taipei, Ukraine, Vietnam)
- Refocus the mandate of the negotiating team to implement obligations and Membership responsibilities (Russian Federation, Vietnam)
- Identify focal points in line ministries (Samoa, Vanuatu, Vietnam)

II. Institutional Structural Adjustment: Emerging Practice - II

- Establish sectoral or issue-specific working groups (Jordan, Chinese Taipei, Vietnam)
- Establish a coordination mechanism with sub-national levels (Cambodia, China)
- Establish a coordination mechanism with industry associations, the private sector and/or civil society (Armenia, Cambodia, China, FYRM, Samoa, Ukraine)
- Establish/appoint a representative/ambassador to the WTO (Armenia, China, Ukraine, RF)
- Enhance staffing of the Geneva mission (China, RF, Vietnam)

III. Legislative Framework for Domestic Implementation Emerging Practices

- Implement Accession Legislative Action Plans
- Adopt a work programme/action plan of legislative and regulatory actions (Cambodia)
- Establish a mechanism to review laws to be WTO compliant (Cambodia, China)
- Unified implementation at central and local levels (China, Vietnam)
- Establish judicial review process (Cambodia, China, Russia Federation.)

IV. Transparency

Emerging Practice - I

- Set up WTO Notification and Inquiry Centre/Mechanism (China, Kyrgyz Rep., Samoa, Vanuatu)
- Set up SPS, TBT, Services Enquiry points (Cambodia);
- Set up central documentation point for all legislation (Vanuatu)
- Identify the implementation mandate of each line ministry regarding the WTO transparency obligation (China, Georgia, Jordan)

IV. Transparency

Emerging Practice - II

- Publish laws, regulations and other measures related to or affecting trade, including through a website (China, FYRM, Georgia, Kyrgyz Rep., Samoa, Tajikistan)
- Conduct a wide range of translation work on the trade related laws and regulations (China)
- Establish legislation public hearing system (China)

V. Technical Assistance and Capacity Building

Emerging Practice - I

- Establish general training and capacity building programme on WTO matters for government officials, including at sub-central levels (China, Tajikistan, Ukraine, Viet Nam)
- Develop specialized knowledge and expertise for each specific WTO agreement, with particular attention to training of the specialists on different WTO agreements (Cambodia)
- Engage in consultation with relevant ministries to identify TA and CB needs (Samoa)
- Conduct training and CB activities involving government officials, the private sector, parliamentarians, academia and NGOs (Samoa, Ukraine, Vanuatu)

V. Technical Assistance and Capacity Building Emerging Practice - II

- Request technical assistance from WTO Secretariat, other WTO Members and international organizations (Cambodia, Samoa)
- Participate in WTO capacity building programmes (Croatia, FYRM)
- Conduct capacity building programs through bilateral consultations and exchange of views with WTO Members on economic and trade issues (China)
- Participate in the work of regular WTO bodies and engage in Doha Negotiations (Armenia, China, Croatia, FYRM, Tajikistan)
- Participate in DSB meetings for real-time legal capacity building (China)

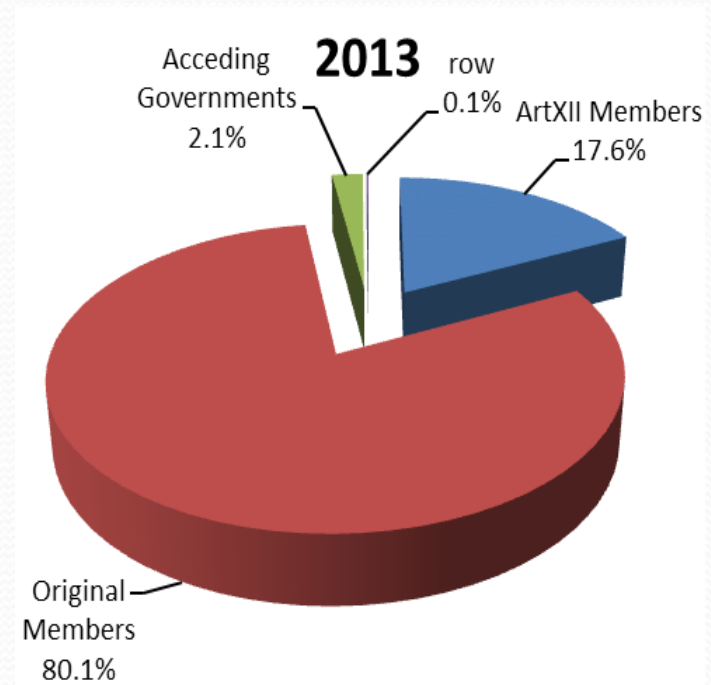
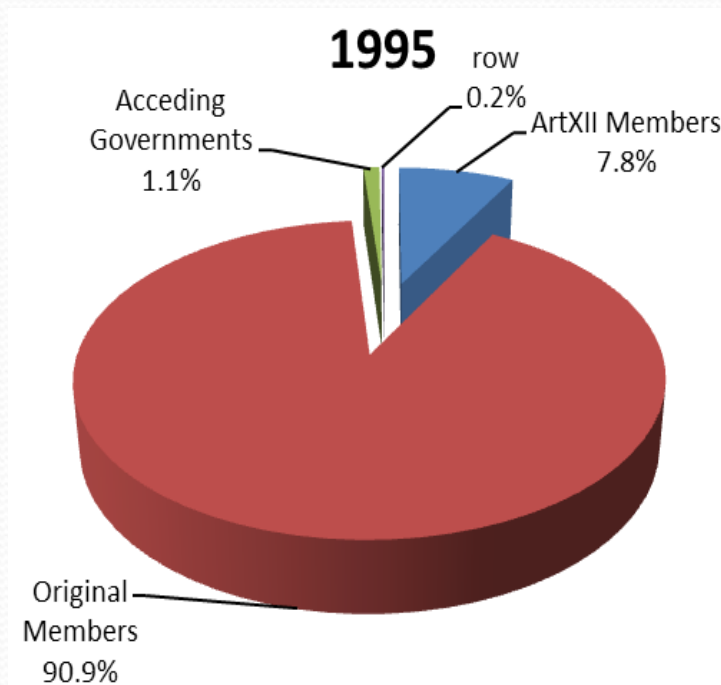
VI. Outreach

Emerging Practice

- Set up specialized courses on WTO subjects in higher educational institutions (Cambodia, China, Samoa)
- Set up outreach and awareness programs through symposiums, public hearings, conferences and seminars (Cambodia, China, Samoa, Chinese Taipei, Ukraine, Vietnam)
- Prepare special-reference materials, guides and books on WTO issues (Cambodia, China, Vietnam)
- Establish WTO Research Centres and WTO institutes (China, RF).
- Establish WTO Reference Centre (Samoa, Vanuatu)

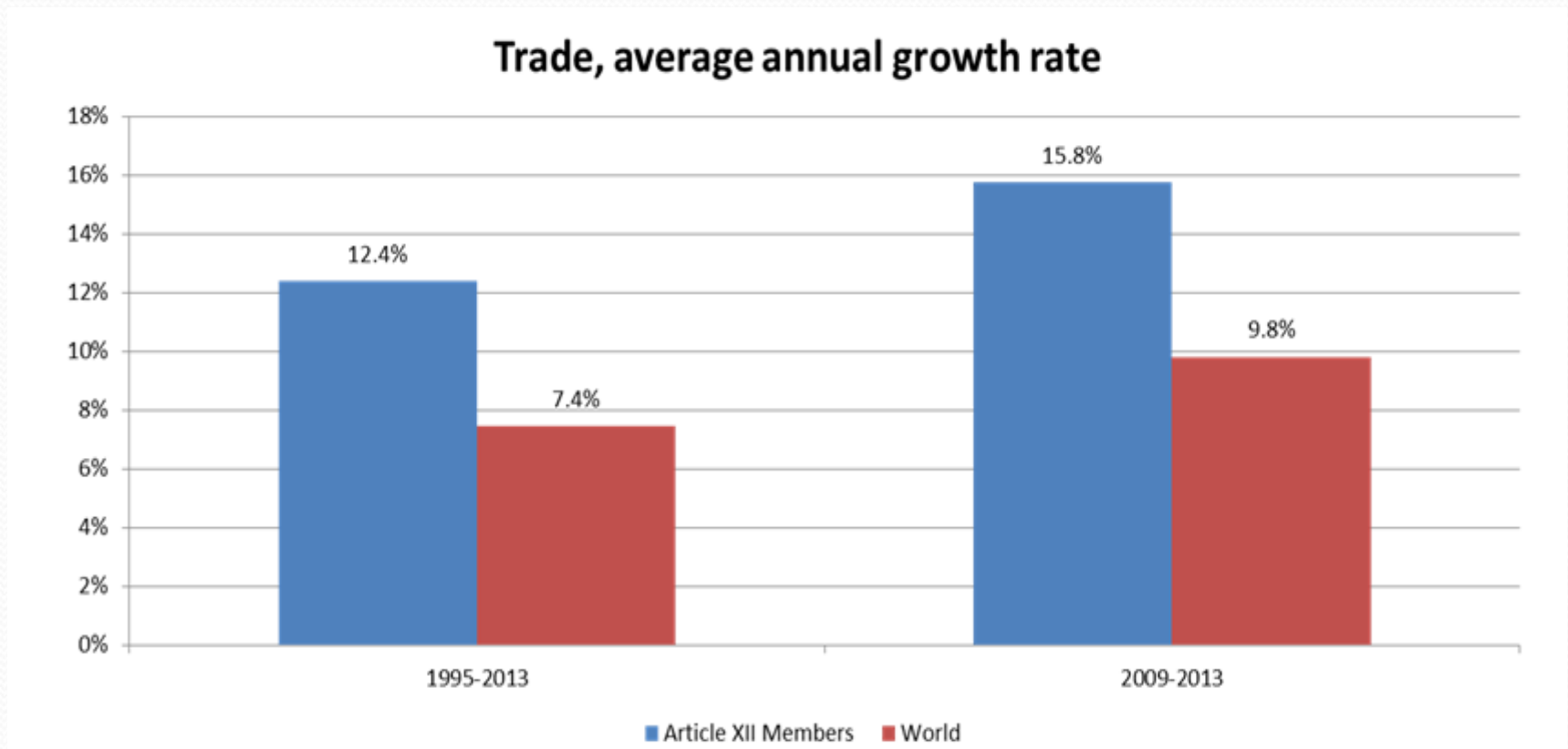
Participation of Article XII Members in the WTO

Coverage of World Trade by Article XII Members



Source: WTO Secretariat

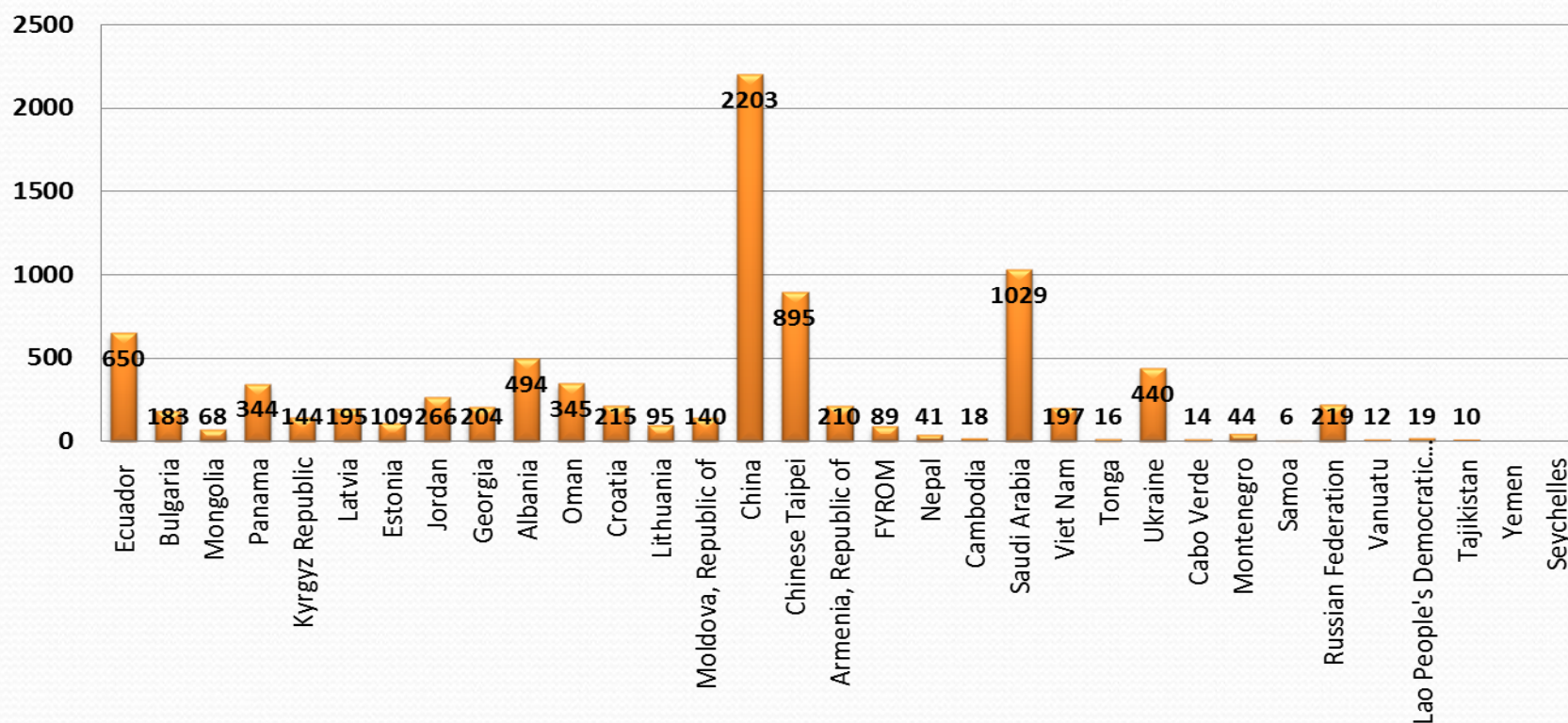
Trade Performance of Article XII Members



Source: WTO Secretariat

Participation of Article XII Members in WTO Notifications

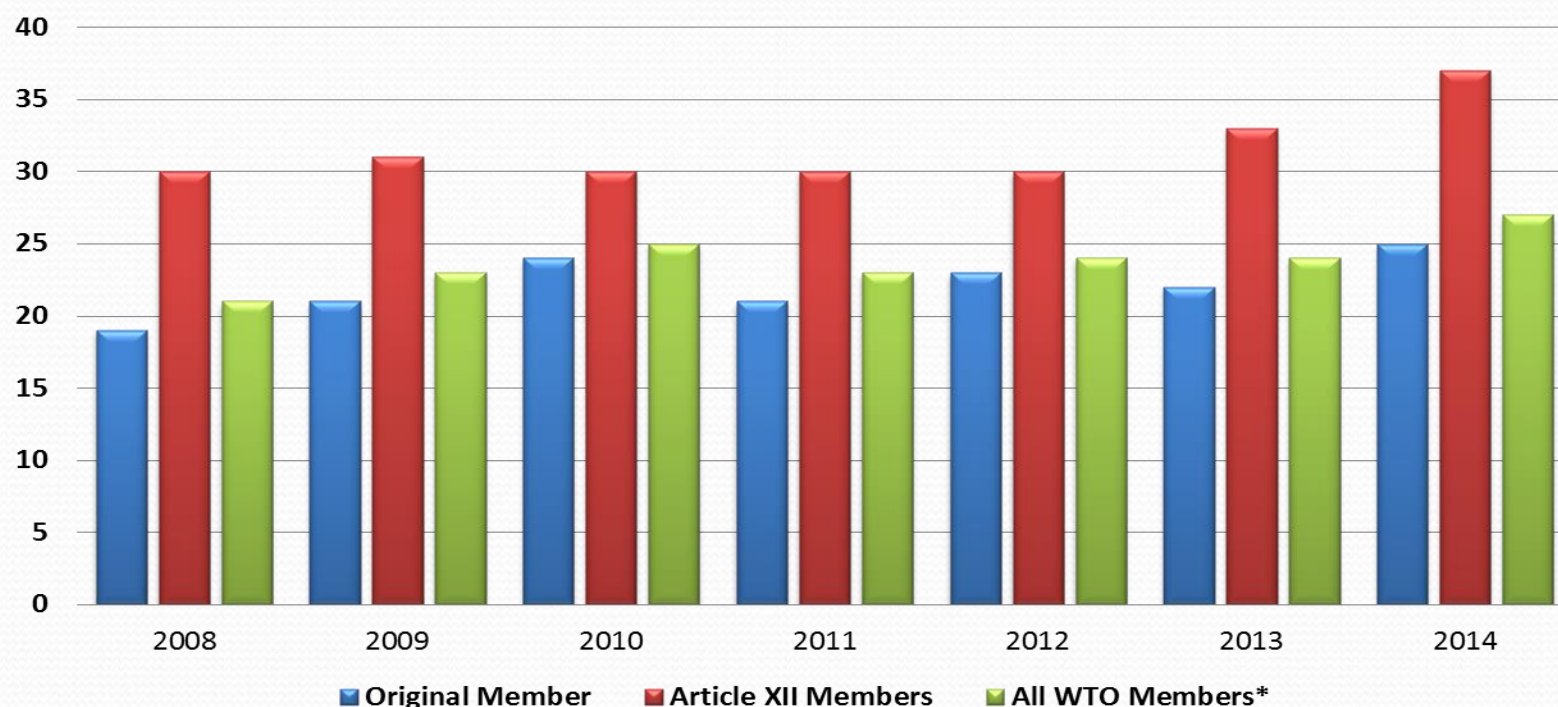
Total number of notifications (as of December 2014)



Source: WTO Secretariat

Participation of Article XII Members in WTO Notifications

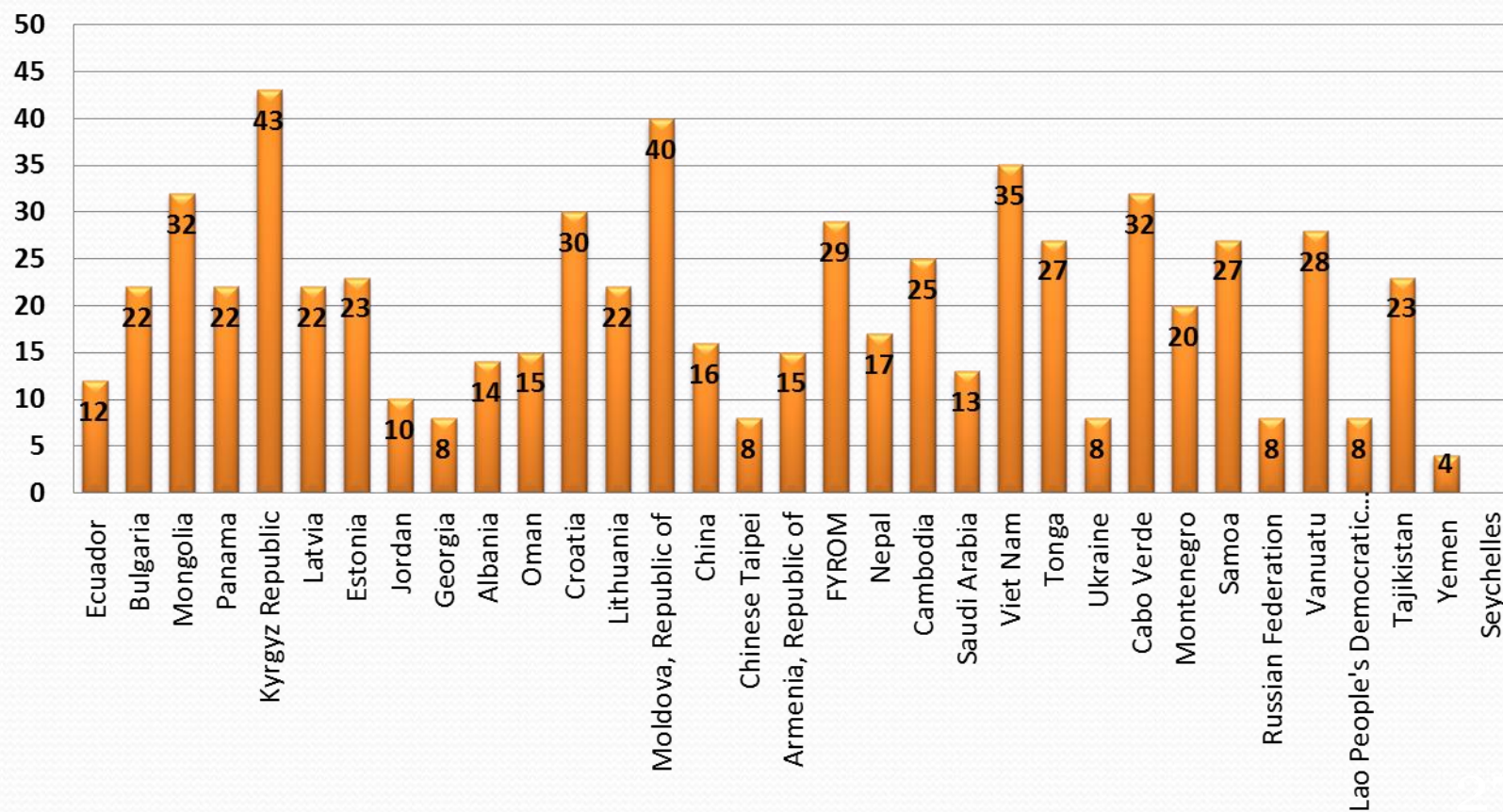
Average Notifications made annually, period 2008-2014



Source: WTO Secretariat

Participation of Article XII Members in WTO Notifications

Outstanding notifications (as of September 2014)

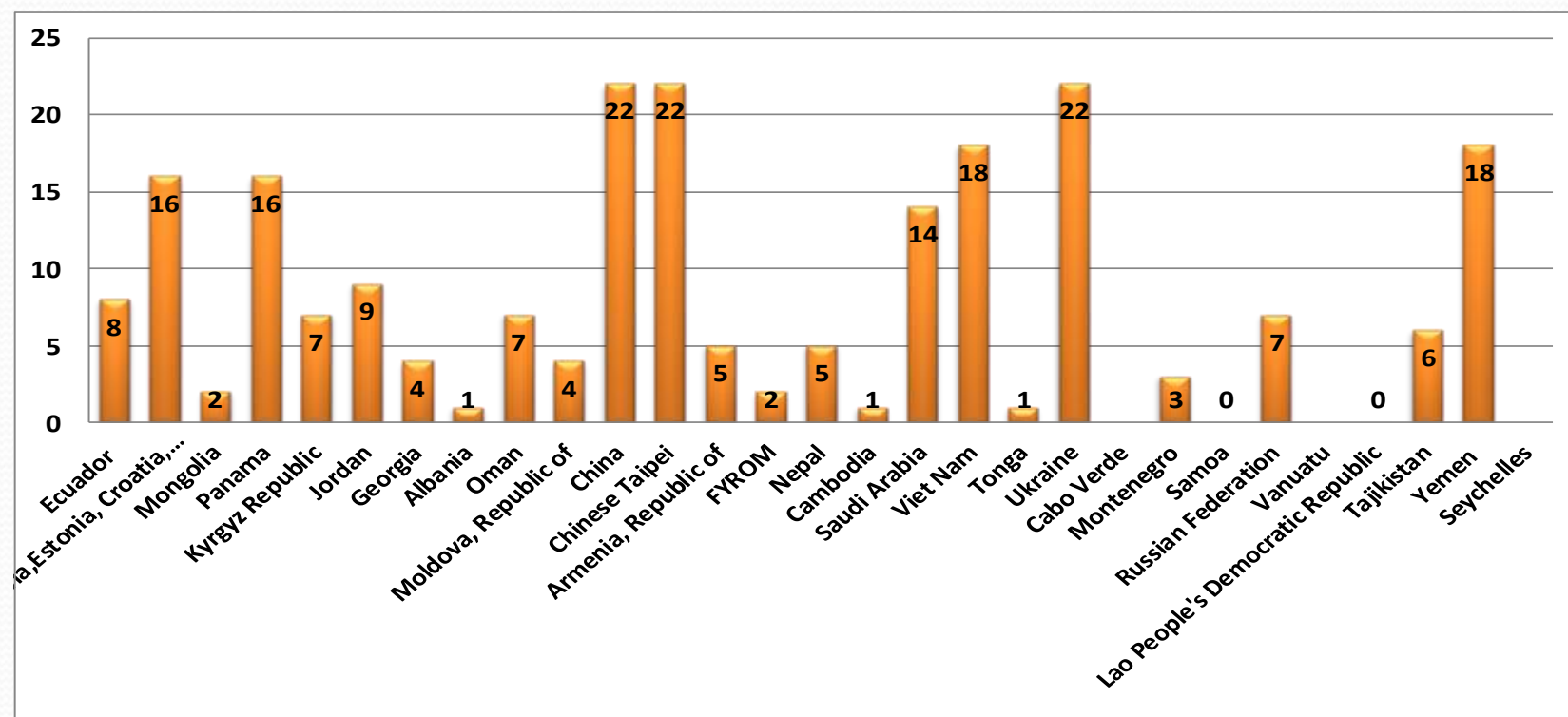


Participation of Article XII Members in WTO Dispute Settlement Mechanism (as of 04/2015)

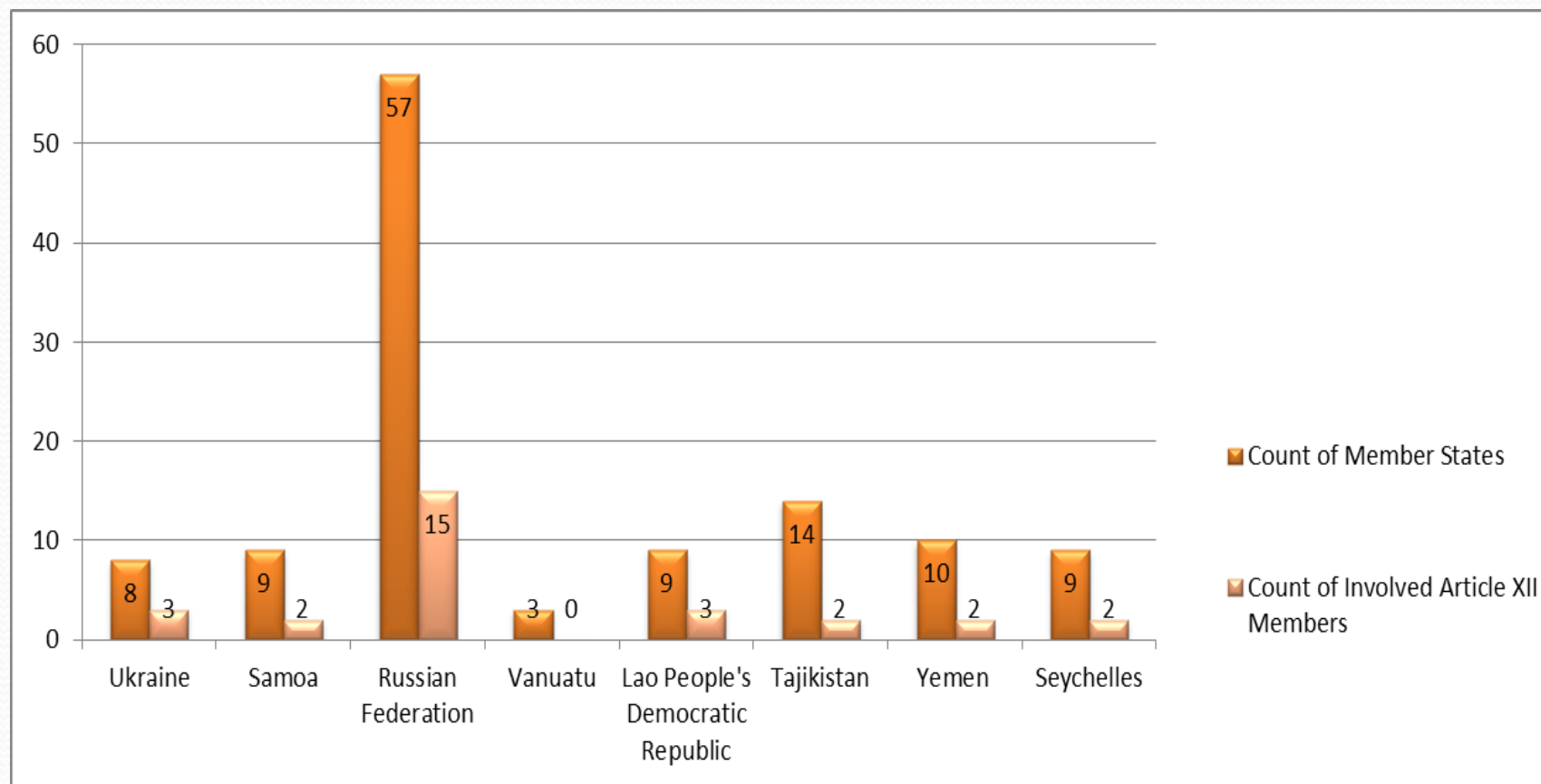
Article XII Member	Date of WTO Membership	As Complainant	Date of 1 st Request for Consultations	As Respondent	Date of 1 st Response for Consultations	As Third Party	Date of 1 st Reservation of Third-Party Rights
Ecuador	21/01/1996	3 cases	05/02/1996	3 cases	24/11/2003	27 cases	25/02/1997
Panama	06/09/1997	7 cases	24/10/1997	1 cases	16/03/2005	8 cases	29/01/2003
Oman	09/11/2000	-		-		8 cases	23/07/2012
Croatia	30/11/2000	-		1 case	09/07/2003	-	
Moldova	26/07/2001	1 case	03/03/2011	1 case	17/02/2011	2 cases	28/09/2012
China	11/12/2001	12 cases	26/03/2002	33 cases	18/03/2004	119 cases	04/07/2002
Chinese Taipei	01/01/2002	5 cases	01/11/2002	-		84 cases	16/07/2002
Armenia	05/02/2003	-		1 case	20/07/2010	-	
Saudi Arabia	11/12/2005	-		-		27 cases	20/01/2009
Viet Nam	11/01/2007	2 cases	01/02/2010	-		18 cases	08/02/2007
Ukraine	16/05/2008	3 cases	20/07/2010	2 cases	03/03/2011	9 cases	25/09/2013
Russian Fed.	22/08/2012	2 cases	23/12/2013	5 cases	09/07/2013	20 cases	05/11/2012

Participation of Article XII Members in WTO Accession Negotiations

Membership in Accession Working Parties – As of May 2015



Participation of Article XII Members in WTO Accession Negotiations



Participation of Article XII Members in DDA Negotiations - Recently Acceded Members (RAMs)

DDA Document	Reference to RAMs
2001 Doha Ministerial Declaration	9. We welcome the accession as new Members ... and note the extensive market-access commitments already made by these countries on accession.
July 2004 Framework	Agriculture 47. The particular concerns of recently acceded Members will be effectively addressed through specific flexibility provisions. NAMA 11. We recognize that newly acceded Members shall have recourse to special provisions for tariff reductions in order to take into account their extensive market access commitments undertaken as part of their accession and that staged tariff reductions are still being implemented in many cases.
2005 Hong Kong Ministerial Declaration	58. We recognize the special situation of recently-acceded Members who have undertaken extensive market access commitments at the time of accession. This situation will be taken into account in the negotiations.
2008 Draft Modalities	Agriculture RAM-specific paras in Domestic Support (9, 19, 32, 51) and Market Access (66-70, 113, 131) NAMA RAM-specific paras in 18, 19, 20

Participation of Article XII Members in Trade Facilitation Agreement

WTO Members which ratified TFA Agreement and deposited Instrument of Acceptance	Article XII Members which made Category A Notifications
Hong Kong China (Deposited: 8 December 2014) Singapore (8 January 2015) US (23 January 2015) Mauritius (5 March 2015) Malaysia (26 May 2015)	59 WTO Members
Members which ratified but yet to deposit Instrument of Acceptance: Tajikistan (6 May 2015) Chinese Taipei (19 May 2015)	16 Article XII Members: Ecuador, Mongolia, Panama, Kyrgyz Republic, Jordan, Albania, Oman, Moldova, China, Chinese Taipei, FYROM, Saudi Arabia, Viet Nam, Ukraine, Montenegro and Tajikistan

Participation of Article XII Members in GPA Negotiations

Article XII Members with GPA commitments	GPA Parties	GPA Observers	GPA Accession Negotiations
Bulgaria, Mongolia, Panama, Kyrgyz Republic, Latvia, Estonia, Jordan, Georgia, Albania, Oman, Croatia, Lithuania, Moldova, China, Chinese Taipei, Armenia, FYROM, Saudi Arabia, Viet Nam, Ukraine, Montenegro, Russian Federation, Tajikistan, Seychelles	Bulgaria (2007) Latvia (2004) Estonia (2004) Croatia (2013) Lithuania (2004) Chinese Taipei (2009) Armenia (2011) [Montenegro - June 2015]	Mongolia (1999) Panama (1997) Kyrgyz Republic (1999) Jordan (2000) Georgia (1999) Albania (2001) Oman (2001) Moldova (2000) China (2002) FYROM (2013) Saudi Arabia (2007) Vietnam (2012) Ukraine (2009) Montenegro (2012) Russian Federation (2013) Tajikistan (2014)	Kyrgyz Republic Jordan Georgia Albania Oman Moldova (June 2015?) China Ukraine (2015?) Montenegro Tajikistan
24 out of 33 Article XII Members	3/5 out of 15 GPA Parties	16 out of 31 GPA Observers	10 out of 11 GPA Accessions

WTO Secretariat Support for Post-Accession

- Ratification support, after the approval of Accession Protocol (Vanuatu, Samoa & Seychelles)
- Post Accession TA & CB
 - Notifications
 - General CB (line ministries, outreach, universities)
 - TA on specific areas with accession commitments
- Secretariat support
 - Post-Accession Secretariat Implementation and Monitoring Note: “Hand-over Note” for Secretariat’s internal coordination



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Accessions Guidelines/2015-01

27 April 2015

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Original: English

**POST-ACCESSION SECRETARIAT IMPLEMENTATION
AND MONITORING NOTE**

SEYCHELLES

This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

Accession Working Party Report: WT/ACC/SYC/64	Specific Commitment	WTO Division responsible for monitoring the implementation	Implementation status	Technical Assistance and Capacity Building ¹
ECONOMIC POLICIES				
Monetary and Fiscal Policy				
Paragraph 14	The representative of Seychelles said that new implementing regulations under the "Customs Management Act 2011" were being enacted. These implementing regulations were, the: "Customs Management (Tariff and Classification of Goods) Regulations 2014"; "Customs Management Regulations 2014" (consolidation); and "Customs Management (Border Measures) Regulations 2014". He confirmed that any new implementing regulations under the "Customs Management Act 2011" would be notified to the WTO. The Working Party took note of this commitment.	Market Access Division		
State Ownership and Privatization; State-trading entities				
Paragraph 75	The representative of Seychelles confirmed that his Government would ensure the transparency of its ongoing privatization programme. He stated that his Government would provide periodic reports to WTO Members on developments in its privatization programme as long as the programme would be in existence, and along the lines of the information already provided to the Working Party during the accession process. The Working Party took note of this commitment.	Rules Division		
Paragraph 76	The representative of Seychelles confirmed that, from the date of accession, State-owned and State-controlled enterprises (including State-trading enterprises, enterprises with special or exclusive privileges, and unitary enterprises) in Seychelles would make any purchases or sales, which were not for the Government's own use or consumption, solely in accordance with commercial considerations, including price, quality, availability, marketability, transportation and other conditions of purchase or sale. He further confirmed that these enterprises would afford the enterprises of other Members adequate opportunity, in accordance with customary business practice, to compete for participation in purchases from or sales to Seychelles' State enterprises. He also confirmed that Seychelles would notify any of its enterprises falling within the scope of the Understanding on the Interpretation of Article XVII of the GATT 1994. The Working Party took note of these commitments.	Rules Division		

¹ ITTC is responsible for updating information related to Technical Assistance and Capacity-Building.



Thank you

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