

APEC Non-Binding Principles for Domestic Regulations. A Focus on Trade Agreements

METHODOLOGY AND STRUCTURE

- 7 Non-Binding Principles
- 19 paragraphs
- 5 trade initiatives
- Analysis
- Conclusions



How five free trade agreements address the APEC Non-binding Principles for Domestic Regulation of the Services Sector

How many of the **19 APEC NBP paragraphs** does the **FTA** address or partially address?

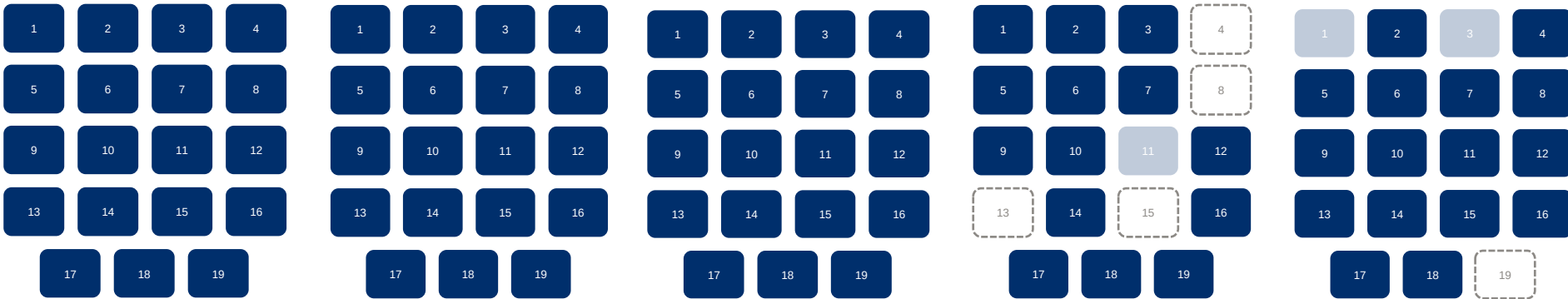
TCA
19 (of 19)

USMCA
19 (of 19)

CPTPP
19 (of 19)

RCEP
15 (of 19)

JSI
18 (of 19)



APEC NON-BINDING PRINCIPLES and their 19 paragraphs

A. GENERAL PRINCIPLES

1. General Principles
2. General Principles
3. General Principles

B. ADMINISTRATION OF MEASURES

4. Submission of Applications
5. Application Timeframes
6. Electronic Applications and Acceptance of Copies
7. Processing of Applications
8. Processing of Applications
9. Fees
10. Examinations

C. INDEPENDENCE

11. Independence

D. TRANSPARENCY

12. Publication and Information available
13. Publication and Information available
14. Enquiry Points
15. Opportunity to Comment and Information before Entry into Force

E. TECHNICAL STANDARDS

16. Technical Standards

F. DEVELOPMENT OF MEASURES

17. Development of Measures

G. OTHER AREAS

18. Supporting recognition efforts
19. Business Names

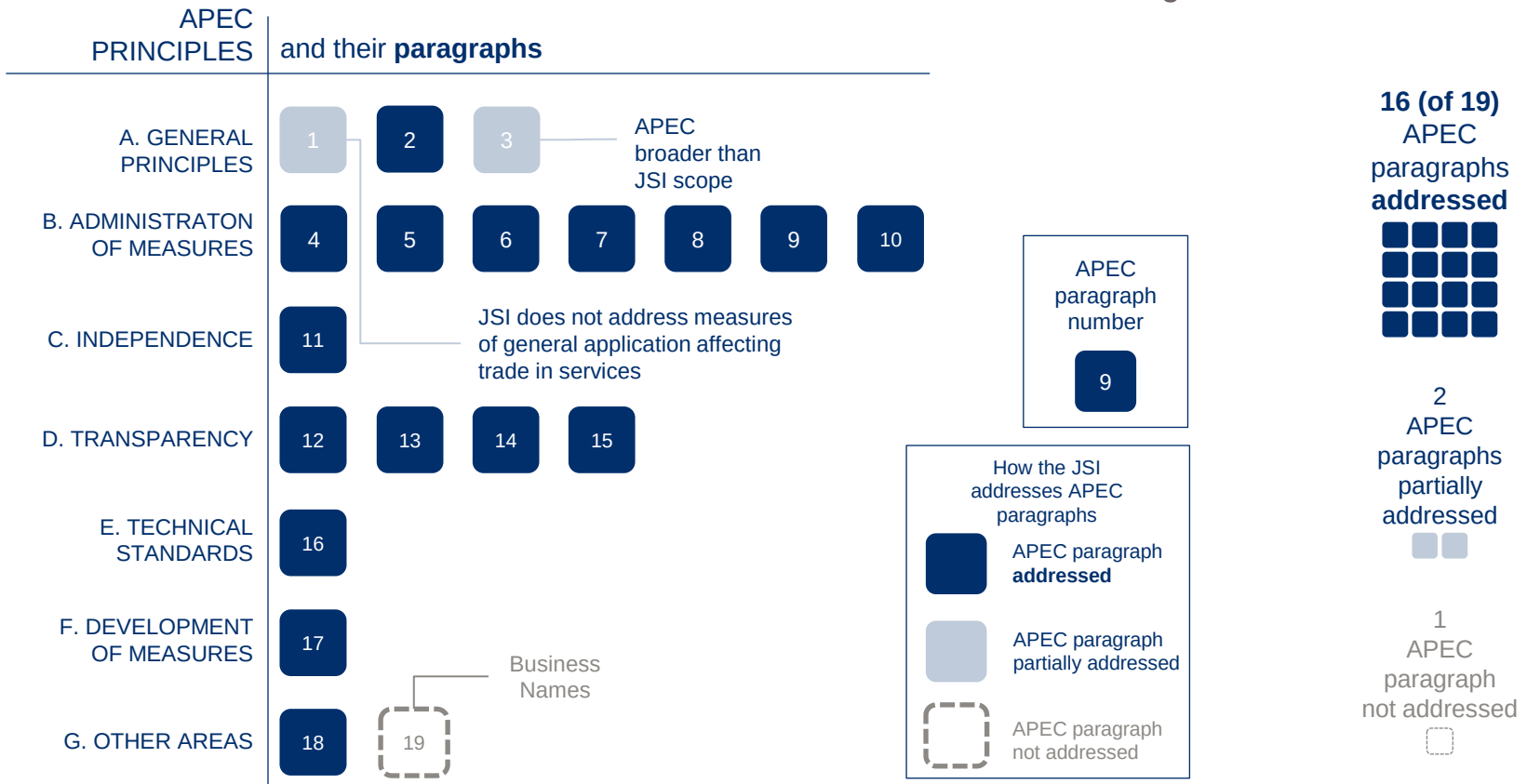
Sources:

Study on APEC's Non-binding Principles for Domestic Regulation of the Services Sector (January 2020); WTO-based plurilateral Joint Statement Initiative on Services Domestic Regulation; Regional Comprehensive Economic Partnership; EU-UK Trade and Cooperation Agreement; Comprehensive and Progressive Agreement for Trans-Pacific Partnership; United States-Mexico-Canada Agreement; (design by Nathan)



APEC and the JSI:

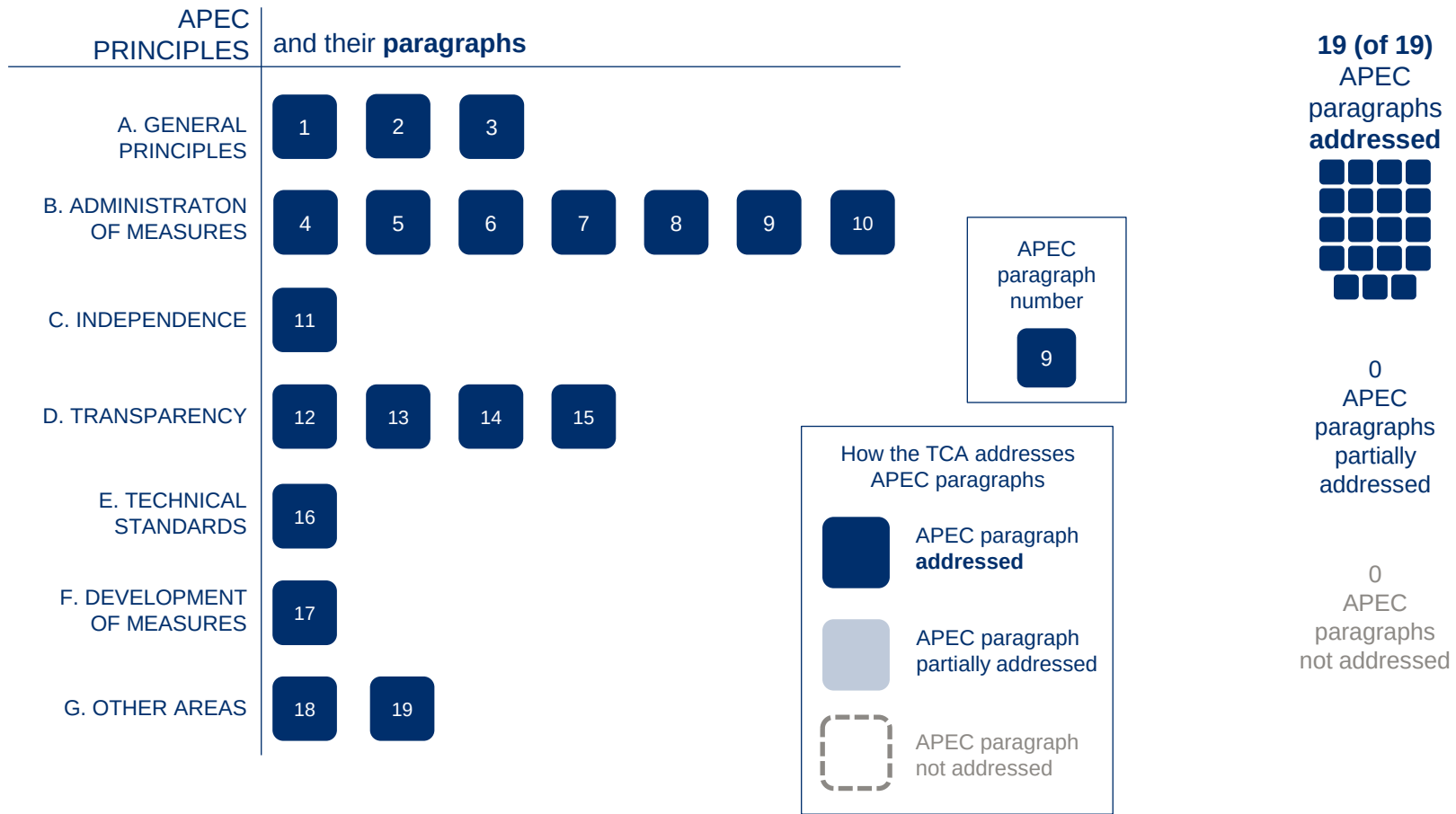
How the WTO-based plurilateral Joint Statement Initiative (“JSI”) on Services Domestic Regulation addresses the APEC Non-binding Principles for Domestic Regulation of the Services Sector





APEC and the TCA:

How the EU-UK Trade and Cooperation Agreement (“TCA”) addresses the APEC Non-binding Principles for Domestic Regulation of the Services Sector

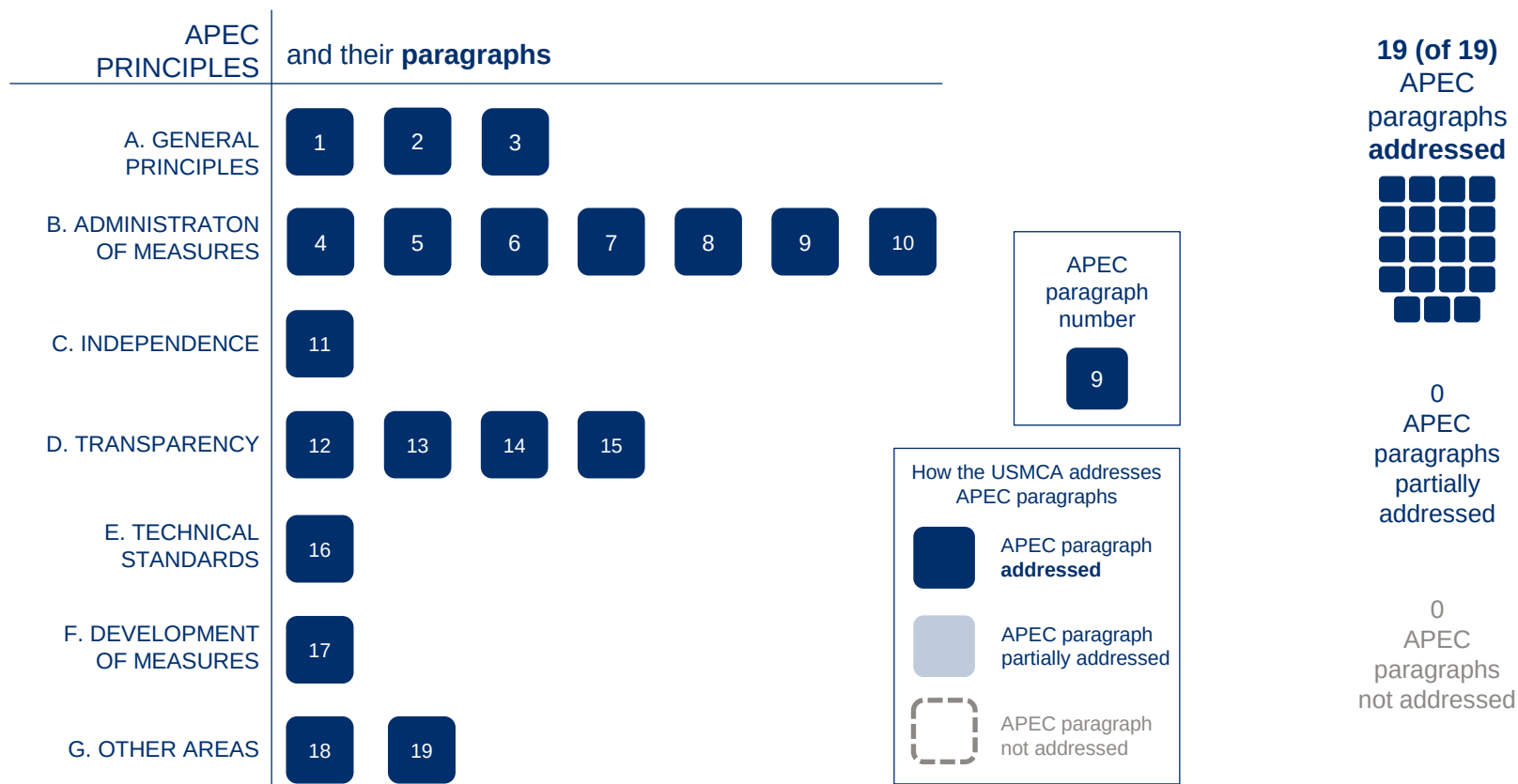


Sources:
Study on APEC's Non-binding Principles for Domestic Regulation of the Services Sector (January 2020);
EU-UK Trade and Cooperation Agreement; (design by Nathan)



APEC and the USMCA:

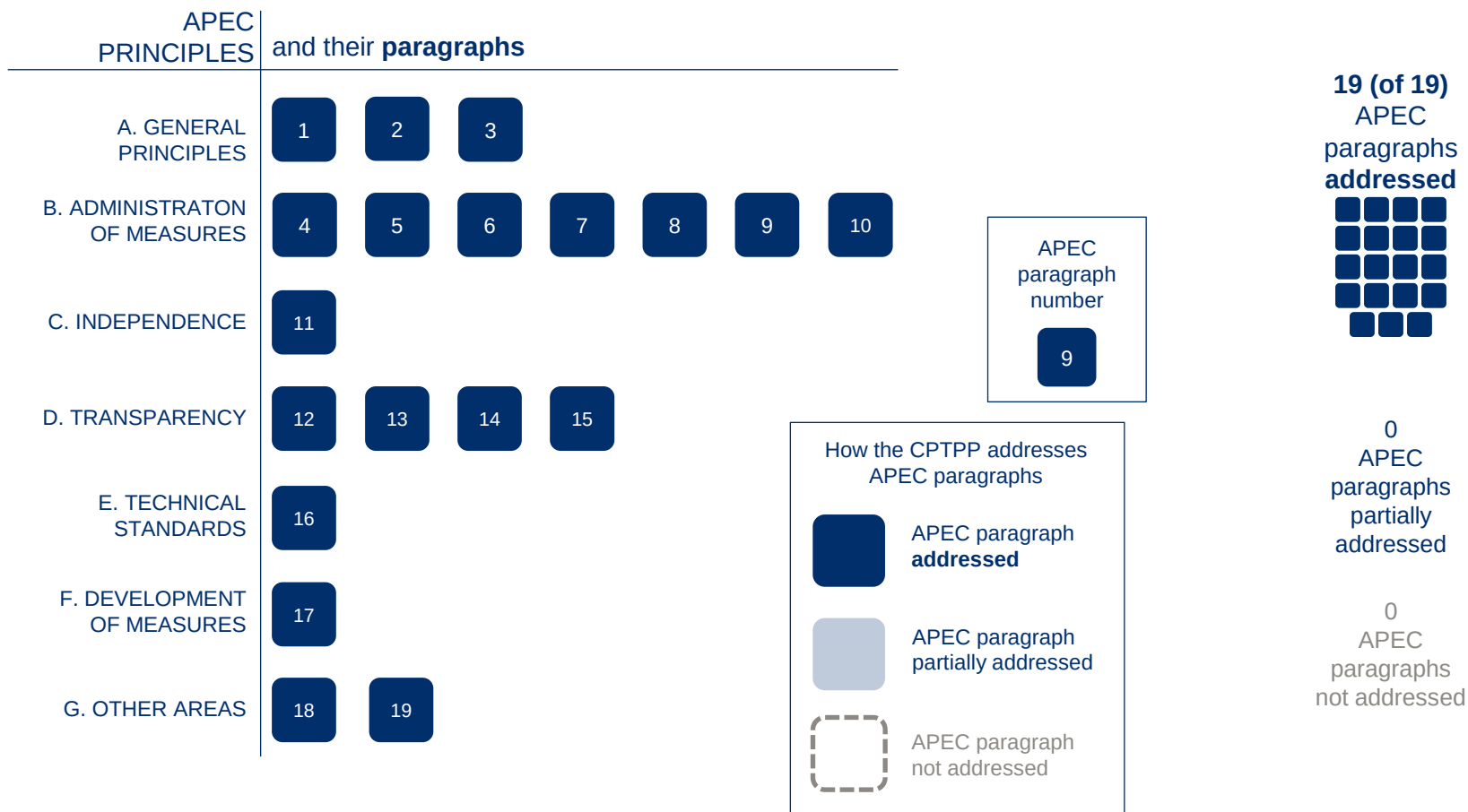
How the United States–Mexico–Canada Agreement (“USMCA”) addresses the APEC Non-binding Principles for Domestic Regulation of the Services Sector





APEC and the CPTPP:

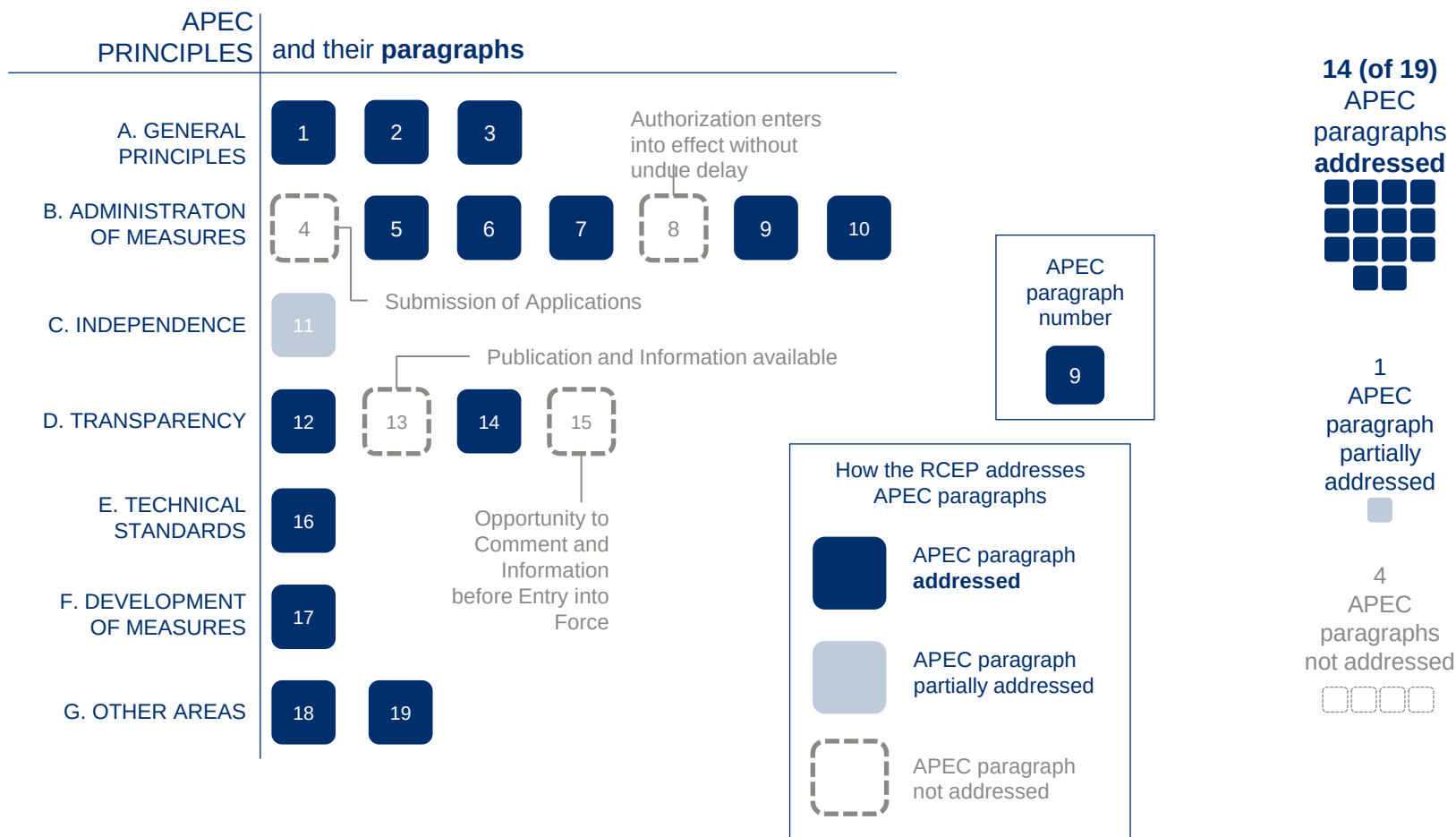
How the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (“CPTPP”) addresses the APEC Non-binding Principles for Domestic Regulation of the Services Sector





APEC and the RCEP:

How the Regional Comprehensive Economic Partnership (“RCEP”) addresses the APEC Non-binding Principles for Domestic Regulation of the Services Sector



MAIN FINDINGS

- All 5 agreements address all 7 principles
- Some agreements go beyond the NBP
- Most challenges under NBP Transparency (12-15)
- JSI and EU-UK follow same structure
- JSI and NBP only hold minor differences (3)
- JSI and NBP use “not so different” legal standards

CONCLUSIONS

- APEC is very influential
- The APEC NBP are broader in scope than JSI
- Specific elements of JSI should not dissuade larger participation. After all is tailor made and disciplines are softer than regular GATS language.
- Differences are more systemic than subject specific

Thank you!

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