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
Article XII Members (33)

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

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

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)

<table>
<thead>
<tr>
<th>Article XII Member</th>
<th>Date of WTO Membership</th>
<th>As Complaint</th>
<th>Date of 1st Request for Consultations</th>
<th>As Respondent</th>
<th>Date of 1st Response for Consultations</th>
<th>As Third Party</th>
<th>Date of 1st Reservation of Third-Party Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ecuador</td>
<td>21/01/1996</td>
<td>3 cases</td>
<td>05/02/1996</td>
<td>3 cases</td>
<td>24/11/2003</td>
<td>27 cases</td>
<td>25/02/1997</td>
</tr>
<tr>
<td>Panama</td>
<td>06/09/1997</td>
<td>7 cases</td>
<td>24/10/1997</td>
<td>1 cases</td>
<td>16/03/2005</td>
<td>8 cases</td>
<td>29/01/2003</td>
</tr>
<tr>
<td>Oman</td>
<td>09/11/2000</td>
<td>-</td>
<td></td>
<td>-</td>
<td></td>
<td>8 cases</td>
<td>23/07/2012</td>
</tr>
<tr>
<td>Croatia</td>
<td>30/11/2000</td>
<td>-</td>
<td></td>
<td>1 case</td>
<td>09/072003</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Moldova</td>
<td>26/07/2001</td>
<td>1 case</td>
<td>03/03/2011</td>
<td>1 case</td>
<td>17/02/2011</td>
<td>2 cases</td>
<td>28/09/2012</td>
</tr>
<tr>
<td>China</td>
<td>11/12/2001</td>
<td>12 cases</td>
<td>26/03/2002</td>
<td>33 cases</td>
<td>18/03/2004</td>
<td>119 cases</td>
<td>04/07/2002</td>
</tr>
<tr>
<td>Chinese Taipei</td>
<td>01/01/2002</td>
<td>5 cases</td>
<td>01/11/2002</td>
<td>-</td>
<td></td>
<td>84 cases</td>
<td>16/07/2002</td>
</tr>
<tr>
<td>Armenia</td>
<td>05/02/2003</td>
<td>-</td>
<td></td>
<td>1 case</td>
<td>20/07/2010</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>11/12/2005</td>
<td>-</td>
<td></td>
<td>-</td>
<td></td>
<td>27 cases</td>
<td>20/01/2009</td>
</tr>
<tr>
<td>Viet Nam</td>
<td>11/01/2007</td>
<td>2 cases</td>
<td>01/02/2010</td>
<td>-</td>
<td></td>
<td>18 cases</td>
<td>08/02/2007</td>
</tr>
<tr>
<td>Ukraine</td>
<td>16/05/2008</td>
<td>3 cases</td>
<td>20/07/2010</td>
<td>2 cases</td>
<td>03/03/2011</td>
<td>9 cases</td>
<td>25/09/2013</td>
</tr>
<tr>
<td>Russian Fed.</td>
<td>22/08/2012</td>
<td>2 cases</td>
<td>23/12/2013</td>
<td>5 cases</td>
<td>09/07/2013</td>
<td>20 cases</td>
<td>05/11/2012</td>
</tr>
</tbody>
</table>
Participation of Article XII Members in WTO Accession Negotiations

Membership in Accession Working Parties – As of May 2015

Source: WTO Secretariat
Participation of Article XII Members in WTO Accession Negotiations

Source: WTO Secretariat
Participation of Article XII Members in DDA Negotiations - Recently Acceded Members (RAMs)

<table>
<thead>
<tr>
<th>DDA Document</th>
<th>Reference to RAMs</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001 Doha Ministerial Declaration</td>
<td>9. We welcome the accession as new Members ... and note the extensive market-access commitments already made by these countries on accession.</td>
</tr>
</tbody>
</table>
| 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

<table>
<thead>
<tr>
<th>WTO Members which ratified TFA Agreement and deposited Instrument of Acceptance</th>
<th>Article XII Members which made Category A Notifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hong Kong China (Deposited: 8 December 2014)</td>
<td>59 WTO Members</td>
</tr>
<tr>
<td>Singapore (8 January 2015)</td>
<td></td>
</tr>
<tr>
<td>US (23 January 2015)</td>
<td></td>
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<tr>
<td>Mauritius (5 March 2015)</td>
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<tr>
<td>Malaysia (26 May 2015)</td>
<td></td>
</tr>
<tr>
<td><strong>Members which ratified but yet to deposit Instrument of Acceptance:</strong></td>
<td>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</td>
</tr>
<tr>
<td>Tajikistan (6 May 2015)</td>
<td></td>
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<tr>
<td>Chinese Taipei (19 May 2015)</td>
<td></td>
</tr>
</tbody>
</table>
# Participation of Article XII Members in GPA Negotiations

<table>
<thead>
<tr>
<th>Article XII Members with GPA commitments</th>
<th>GPA Parties</th>
<th>GPA Observers</th>
<th>GPA Accession Negotiations</th>
</tr>
</thead>
</table>

| 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
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.
<table>
<thead>
<tr>
<th>Accession Working Party Report:</th>
<th>Specific Commitment</th>
<th>WTO Division responsible for monitoring the implementation</th>
<th>Implementation status</th>
<th>Technical Assistance and Capacity Building(^1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>WT/ACC/SYC/64</td>
<td><strong>ECONOMIC POLICIES</strong>&lt;br&gt;Monetary and Fiscal Policy&lt;br&gt;Paragraph 14 The representative of Seychelles said that new implementing regulations under the &quot;Customs Management Act 2011&quot; were being enacted. These implementing regulations were, the: &quot;Customs Management (Tariff and Classification of Goods) Regulations 2014&quot;; &quot;Customs Management Regulations 2014&quot; (consolidation); and &quot;Customs Management (Border Measures) Regulations 2014&quot;. He confirmed that any new implementing regulations under the &quot;Customs Management Act 2011&quot; would be notified to the WTO. The Working Party took note of this commitment.</td>
<td>Market Access Division</td>
<td></td>
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<td></td>
<td><strong>State Ownership and Privatization; State-trading entities</strong>&lt;br&gt;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.</td>
<td>Rules Division</td>
<td></td>
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<tr>
<td></td>
<td>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.</td>
<td>Rules Division</td>
<td></td>
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</tr>
</tbody>
</table>

\(^1\) ITTC is responsible for updating information related to Technical Assistance and Capacity-Building.
Thank you

accessions@wto.org