Notice & Comment and Cooperation on Other Transparency Best Practices: U.S. Experience on Cooperation in Commercial Dialogues and Other Initiatives

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U.S.-Brazil Commercial Dialogue

- Created in 2006 to grow bilateral trade and investment.

- **Strategic Priorities:**
  - Reduce/eliminate non-tariff barriers, including technical barriers to trade;
  - Facilitate increase in bilateral investment; and
  - Promote commercial opportunities.

- **Five working groups:** (1) Trade Partnership; (2) Industry and Investment; (3) Intellectual Property and Innovation; (4) Standards; (5) Services
Memorandum of Intent on Joint Cooperation on Regulatory Coherence and Meaningful Engagement with the Private Sector

• Signed in 2015
• Recognizes the importance of GRPs and provides a framework for continued exchanges of best practices for institutionalizing GRPs
• In 2018, reaffirmed through a Memorandum of Understanding (MOU) on Good Regulatory Practices
  – Expanded to include U.S. OIRA and Brazil’s Casa Civil
• 12 DVCs and five workshops conducted since 2015 on topics such as
  – Public consultation; notice and comment practices, including WTO commitments; GRP commitments in FTAs; regulatory impact assessment; e-rulemaking; public participation in the elaboration of metrological technical regulations; global trends in GRPs
U.S.-Argentina Commercial Dialogue

- Created in 2016 to strengthen economic and commercial ties.
- **Four working groups:**
  1) Good Regulatory Practices;
  2) Trade Facilitation;
  3) Economic Development and Investment Promotion;
  4) Trade Remedies.
MOU on Joint Cooperation on Regulatory Coherence and Meaningful Engagement with the Private Sector

• Signed in 2017
  – Signed by Small Business Administration and Department of Commerce for the United States and Ministry of Production for Argentina

• Eight DVCs and four workshops conducted since 2017 on topics such as
  – Public consultation and advancements in e-rulemaking; taking comments into account; regulatory impact assessment; ex-post evaluation and regulatory stock management
Positive Developments in GRPs

**Brazil**

- Casa Civil issued Regulatory Impact Analysis (RIA) guidelines for regulators.
- CAMEX reviewed existing trade-related regulations, resulting in consolidation of 156 regulations and elimination of 125, making it easier for traders to find relevant information.
- Attorney General issued requirement for legal counsels to conduct GRP review of draft regulations and created a working group to provide training and legal guidance.

**Argentina**

- Technical Regulations Unit created to “elaborate and submit proposals of technical regulations and conformity assessment measures,” in accordance with the WTO TBT Agreement.
- Secretariat of Productive Simplification created to simplify processes and de-bureaucratize public administration.
Positive Developments in GRPs, cont.

**Regional**

- In December 2018, MERCOSUR member countries signed an Agreement on Good Regulatory Practices and Regulatory Coherence (CMC Decision 20/19).
Lessons Learned

• Visionary leadership and political will are key to regulatory reform.
• Support from the top is also important.
• Relationship building and creation of network of GRP leadership.
• Regulators must be part of the discussion.