



**Asia-Pacific
Economic Cooperation**

Advancing Free Trade
for Asia-Pacific **Prosperity**

APEC Capacity Building Workshop on RTA/ FTA Negotiation Skills on Transparency

APEC Committee on Trade and Investment

March 2022



**Asia-Pacific
Economic Cooperation**

APEC Capacity Building Workshop on RTA/FTA Negotiation Skills on Transparency

13-14 January 2022

SUMMARY REPORT

APEC Committee on Trade and Investment

March 2022

APEC Project: CTI 07 2019A

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APEC Capacity Building Workshop on RTA/FTA Negotiation Skills on Transparency

13-14 January 2022

(Hybrid Event)

Summary Report

I. INTRODUCTION

On 13 and 14 January 2022, the APEC Capacity Building Workshop on RTA/FTA Negotiation Skills on Transparency, (hereforth referred to as “the Workshop”) initiated by Viet Nam and co-sponsored by Chile; China; Japan; Korea; Malaysia; Papua New Guinea; the Philippines; Russia; and Chinese Taipei was held in a hybrid mode. Speakers and participants came from international organizations, research institutes, APEC member economies, academic sector and few business associations/ companies.

The Workshop’s objective is to build capacity of negotiators, policymakers, and regulators to participate in FTA negotiations on transparency through presentations on how transparency practices can benefit trade and economic growth (including through greater knowledge of transparency commitments found in FTAs, relevant academic literature, and work in other international organizations).

II. BACKGROUND

The world has seen the proliferation of regional and free trade agreements (RTAs and FTAs). According to statistics of the World Trade Organization (WTO), as of January 2018, 284 RTAs were in force. As of June 2016, all WTO members now have an RTA in force.

In November 2014, APEC Economic Leaders encouraged economies “to design and conduct capacity building programs for specific sectors as lead economies.” APEC Ministers “welcomed the decision to approach capacity building activities with strategic foresight by undertaking multi-

year projects, such as supporting APEC’s work to strengthen and deepen regional economic integration, and facilitating the realization of FTAAP.”

Accordingly, Korea as a leading economy of the Capacity Building Needs Initiative (CBNI) and other APEC member economies have made efforts in developing a detailed work plan to implement the APEC Leaders’ Declaration, including on the topic of enhancing transparent regulatory environments. As an active economy in joining the CBNI initiative, Viet Nam proposed to select the area of transparency as one of the sectors to be explored in the 3rd CBNI¹. The results of the CBNI survey conducted by Korea and APEC member economies’ inputs have highlighted the needs of building and enhancing preparation capacities in the field of transparency.

In August 2017, an APEC workshop on “Strengthening Transparency and Participation in the Process of Negotiation of Trade Agreements”² held in Ho Chi Minh, Viet Nam, sought to facilitate the construction of a wide support base that enable agreements to achieve greater public approval and create better benefits from regional economic integration. Sessions in the 2017 workshop focused on (i) the importance of promote a more inclusive and participatory agenda on trade, (ii) how to improve communications and channels of engagement on trade, (iii) transparency and participation in processes of trade negotiations and confidentiality standards etc. The report³ of this Workshop⁴ revealed that it focused on transparency in negotiation process and bring stakeholders closer to the new developments on trade, recognizing their concerns and proposals so it was not a capacity building workshop for FTA negotiators.

The Workshop at building and enhancing RTA/FTA negotiation skills for personnel in transparency with basic information on transparency

¹ Sectors listed in the 3rd REI CBNI Framework include: competition policy, domestic consultation, small and medium enterprises, transparency etc. Committee on Trade and Investment emphasized that the 3rd Framework would be a living document; CTI can discuss and agree on including other sectors in the Framework to reflect interests of member economies

² Materials for the workshop can be found [here](#)

³ http://mddb.apec.org/Documents/2017/CTI/WKSP6/17_cti_wksp6_summary.pdf

⁴

<https://aimp2.apec.org/sites/PDB/Supporting%20Docs/Forms/Supporting%20Docs.aspx?RootFolder=%2fsites%2fPDB%2fSupporting%20Docs%2f3054%2fCompletion%20Report&FolderCTID=&View=%7bCA72D0E0%2d295E%2d45DF%2dB491%2dF7BF6581A22F%7d>

provisions/ chapter in RTA/FTA and a simulation exercise for participants to familiarize with negotiations.

The Workshop would address the capacity needs of APEC economies by a building capacity to equip negotiators with relevant information (including on effective transparency practices), preparation, and skills to participate in negotiating a Chapter on Transparency in an FTA. This was also be an opportunity of discussing possible problems arising from the application of transparency measures in practice and the steps that could be taken to identify and address these types of domestic regulatory or policy issues. Last but not least, this capacity building project is in among the sectors that are listed in the 3rd REI CBNI, which was endorsed in November 2017.

III. OPENING REMARKS

In the opening remarks, **Mr Trinh Minh Anh (Director General, Office of Inter-Agency Steering Committee for International Economic Integration, Viet Nam)** stressed that transparency is emphasized in many commitments in provisions of almost RTAs/FTAs and is always interested by the parties in the process of negotiating and approving these agreements. This has far-reaching effects on the implementation of promulgated policies and laws as well as the process of developing and admending the legal system of APEC members.

Mr Trinh stated that the sharing of information, knowledge and practical experience from negotiators on the domestic consultation, negotiation and implementation process of transparency obligations in RTAs/FTAs will contribute to narrowing capacity gap between developed and developing members in APEC. These activities help APEC prepare the foundation towards eventual realization of the Free Trade Area of the Asia-Pacific (FTAAP) in the future. Understanding and grasping the knowledge, information and techniques on transparency-related negotiation in RTAs/FTAs is of great significance for APEC economies in implementing commitments and taking advantage of the benefits brought by RTAs/FTAs.

According to the speaker, Viet Nam has been one of the pioneers in the process of implementing the first phase of CBNI since 2012 and organized training courses and capacity building workshops in various areas such as: environment, intellectual property (IPR), technical barriers to trade (TBT), sanitary and phytosanitary measures (SPS), government procurement (GP).

Through in-depth presentations and active discussions of this Workshop, Mr Trinh hoped that this Workshop will create opportunities for delegates, policy makers and scholars from Viet Nam and APEC economies to get and be updated with information on transparency in new generation FTAs, exchange experiences, improve understanding as well as capacity to negotiate future RTAs/FTAs in general and negotiate transparency provisions in particular.

IV. KEY ISSUES

A. Session 1: Introduction of Transparency Provisions/ Chapter in RTA/FTA

There were two speakers in the session: Professor Jaemin Lee, Professor of Law, Seoul National University, Korea and Ms Irene Olivan Garcia, Trade Policy Analyst, Trade in Services Division, OECD.

- To begin the session, Professor Jaemin Lee provided an overview on the current status of transparency in trade and the global situation especially with the breakout of the COVID-19 Pandemic. After that she talked about the eroding leadership of WTO recently with some examples of dispute settlement mechanism (DSM), panel discussion, new norm missing, etc. Professor Lee listed out CPTPP and RCEP as new RTA, and then went deeper into the transparency provision of the RTAs. According to the speaker, transparency provision was very important but it was a difficult part of the agreement with wide scope and broad coverage. It took time, was difficult to implement and depended on the domestic infrastructure and so on. The speaker also talked about the implementation and the Dispute Settlement Proceedings. She gave some examples of transparency provision in Korea's agreements such as UNCITRAL

Transparency Rules, UNCITRAL Transparency Convention, Korea-US FTA. At the end of the presentation, she concluded that it was important to realize transparency as a core pillar of future trade norms and that APEC was the best forum for this experiment.

- Ms Irene Olivan Garcia listed out some benefits of transparency for trade, such as lowering market search costs, reducing information asymmetries, improving quality of institutions, facilitating compliance and monitoring, inducing the needs for ensuring transparency of domestic services regulation, legal certainty and predictability, and regulatory quality and facilitation. The speaker then presented charts of Service Trade Restricted Index (STRI), the findings on regulatory transparency in Asia Pacific region and the importance of transparency for services trade openness, potential trade costs reductions related to certain domestic services regulations, regulatory transparency in the APEC region in recent years, and taxonomy of transparency provisions in RTAs. To conclude the presentation, Ms Olivan said that transparency was a key element of good regulatory practices and APEC had a leading role in promoting transparency. Transparency became increasingly central in trade agreements. The JSI on services domestic regulation made it a core principle of the agreement. Through the implementation of the JSI disciplines economies could significantly lower their trade costs, therefore implementation of transparency provisions would benefit everybody.

B. Session 2: Negotiating Transparency Provisions/ Chapter in an FTA

There were two speakers in the session: Ms Emma Boland, Assistant Director, Trade and Investment Law Branch, Office of Trade and Investment Law, Department of Foreign Affairs and Trade, Australia and Ms Alexandra Mochalova, Trade Policy Expert, WTO Expertise Center, Russia

- The focus of Ms Emma Boland's presentation was on providing information about best-practice transparency obligations and challenges negotiators face in negotiating best practice provisions.

Firstly, she cited best-practice cross-cutting transparency provisions, drawing on the CPTPP and Australia-UKFTA Transparency and Anti-Corruption chapters, and explained the overarching purposes of these provisions. She also noted the similarities of some of these provisions with the APEC Investment Transparency Standards. Next, she gave more details about the challenges faced by negotiators with negotiating publication, administrative proceeding, review and appeal, and provision of information articles. For the publication article, it is important to ensure the text appropriately balances transparency with the need to protect confidential and sensitive information. For the administrative proceeding article, it is important to ensure that all levels of government acted in a reasonable, objective and impartial manner. For the review and appeal article, it is important to ensure judicial, quasi-judicial and administrative tribunals are impartial and independent. Last, for the provision of information article it is important to ensure parties communicate with each other on certain proposed or existing measures that may materially affect the operation of the Agreement or the other Parties interests under it. It is also important to consider how cross-cutting transparency provisions interact with chapter-specific transparency provisions to ensure there is no unnecessary duplication or inconsistencies between them.

- The presentation of Ms Alexandra Mochalova was divided into two main parts: (i) why do we need transparency; and (ii) Russia's experience in negotiating transparency provisions in FTAs. In the first part, the speaker emphasized that WTO was not enough to ensure transparency of preferential trade. In this regard, Ms Mochalova noted that modern RTAs not only introduce instruments that deepen current multilateral transparency procedures (WTO-plus), but also expand them to new areas that do not have precedents in WTO agreements (e.g. anti-corruption provisions). . The speaker shared respective Russia's experience in fighting corruption (Russia's Anti-Corruption Plan 2021-2024, which is aimed at promoting informational openness, transparency of governmental activities and transparency of legislative

development), as well as evaluated the positive consequences of COVID-19 pandemic for promoting electronic transparency and emphasized the importance of WTO notifications. In the second part, the speaker elaborated on the key goals pursued by Russia in FTA negotiations, primarily the need to fix the level of Russia's WTO-plus transparency commitments. To illustrate this point, Ms Mochalova gave examples of transparency provisions from EAEU – Viet Nam (Article 1.13) and EAEU – Singapore (Chapter 13) FTAs. The speaker also discussed transparency provisions in the Commonwealth of Independent States FTA. At the end of the presentation, the speaker also touched upon the complications of negotiating transparency provisions in FTAs and concluded by stressing the importance of elaborating the benefits of advanced transparency commitments for all the parties involved.

C. Session 3: Experiences in Coordination and Stakeholder Consultation

There were three speakers in the session: Mr Rajan Sudesh Ratna, Deputy Head and Senior Economic Affairs Officer, United Nations ESCAP, Office of South and South-West Asia; Mr. Le Duc Ngoc, Official of WTO and International Trade Negotiation Division, Multilateral Trade Policy Department, Ministry of Industry and Trade, Viet Nam; and Ms Denise Cheska C. Enriquez, OIC-Division Chief, Department of Trade and Industry-Bureau of International Trade Relations, the Philippines.

- Mr Rajan Sudesh Ratna started his presentation by explaining evidence-based policies and then stakeholders' role. He divided implementation of the role of stakeholders into three stages: pre-negotiation, during negotiation and post-negotiation. He shared that stakeholder consultation was an essential part of policy making for economies like the U.S.A. and the E.U. However, stakeholders did not directly participate in negotiations. In the second part, Mr. Ratna shared the experience of India in terms of stakeholder consultation with an example of the first FTA of India with Sri Lanka. To conclude the presentation, he emphasized that proper research and stakeholder consultations were very important and essential for the

design of trade agreements. However, there were a few associated problems, namely conflicting interests, domestic policies, domestic policies, and large industry actors versus SMEs.

- The presentation of Mr Le Duc Ngoc focused on two main points: (i) transparency regulations on consultation during the negotiation process, and (ii) the actual implementation on coordination and stakeholder consultation. At the beginning, the speaker introduced some related legal documents of Viet Nam's government on stakeholder consultation such as the Law on Treaties No.108/2016/QH13, the Decision No. 06/2012/QD-TTg dated January 20, 2012 of the Prime Minister on consultation with the business community on international trade agreements, the Decision No. 06/2012/QD-TTg dated January 20, 2012 of the Prime Minister on consultation with the business community on international trade agreements, the Decision No. 06/2012/QD-TTg dated January 20, 2012 of the Prime Minister on consultation with the business community on international trade agreements. In the second part, he provided an overview on the current status of Viet Nam's signed FTAs and those being negotiated. The economy had three new generation FTAs, specifically CPTPP, EVFTA and VUKFTA. He continued by sharing Viet Nam's negotiation process to join the CPTPP and EVFTA in terms of stakeholder consultation with line ministries and private sectors. Based on that process, he pointed out three main challenges that Viet Nam faced: level of attention of stakeholders, insufficient information from stakeholders, and long time of responses from stakeholders.
- Also, on FTA consultation experience, Ms Denise Cheska C. Enriquez from the Philippines also introduced an important legal document of the economy: the Administrative Order No. 20 of 2011 on Reorganizing and Renaming the Philippine Council on ASEAN and APEC Cooperation into the Philippine Council for Regional Cooperation. The document provided mandate for stakeholder consultations and gave clear guidance on the objective and method of consultation. She shared that the Department of Trade and Industry of the Philippines (DTI)'s consultative mechanism was

launched in 2011 to allow stakeholder participation in trade policy formulation. It was responsible for facilitating inter-agency coordinating in the formulation and implementation of policies related to Philippines engagements under the AEC and its sectoral ministerial bodies. There were some other advocacy sessions and business briefings, such as Doing Business in Free Trade Areas, Briefings with Philippines Chamber of Commerce and Industry, Briefings with Philippines Exporters Confederation, Briefings with Philippines Exporters Confederation, etc. Besides, the Philippines also made use of such social media platforms as DTI Website, Facebook to reach stakeholders.

D. Session 4: Best Practices in Post-negotiation Implementation

There were three speakers in the session: Mrs Franciska Simanjuntak, SH., MSE., Senior Trade Negotiator/ Deputy Director at Directorate of Multilateral Negotiation, Ministry of Trade, Indonesia; Mr Pathkamol Dattibongs, Chief of European Affairs Section 2, Bureau of European Affairs, Department of Trade Negotiations, Ministry of Commerce, Thailand; and Dr Nguyen Thi Thu Trang, Director, Center for WTO and International Trade, Viet Nam's Chamber of Commerce and Industry.

- Mrs Franciska Simanjuntak divided her presentation into four main parts: (i) Main provision & transparency mechanism; (ii) Implementation in Indonesia; (iii) Case study: WTO trade facilitation agreement (TFA); and (iv) Challenges and benefits. First, she shared that transparency required publication, notification and trade policy review. Next, she talked about the experience of Indonesia in honoring the transparency commitments. She gave some examples of the implementation notification of categories A and B of the FTA. Indonesia was developing a Domestic Facilitation Committees website to enhance transparency. The challenges for Indonesia was the translation of documents and the limited knowledge of stakeholder about transparency. However, the speaker reaffirmed that transparency helped make trade flows smooth, predictable and

free.

- Mr Pathkamol Dattibongs shared that currently Thailand has 14 FTAs in effect, three under negotiation and more being considered. The speaker briefed about transparency provisions in Thailand's FTAs and transparency in the domestic legal context. He said that domestic legal/ regulatory context had important implications for post-negotiation implementation of transparency provisions in RTAs/FTAs. The domestic regulatory reforms helped set the stage for effective implementation of RTA/FTA transparency obligations. Robust transparency provisions in domestic legislation were a key enabler of effective implementation of transparency obligations both in regard to existing and potential future FTAs. At the end of the presentation, he concluded that it was important to focus on domestic agencies' awareness and perception of the importance and costs and benefits of FTA/RTA transparency provisions, close and active communication among parties in the post-agreement stage.
- Dr Nguyen Thi Thu Trang began her presentation by outlining the main issues of commitment on transparency and shared an analysis on transparency provisions of all FTAs of Viet Nam. Related to the commitments on publication, the speaker shared that it was important that compliance was ensured in all fields and no complaints were received as to publication of legal text once issued. To do this, official contact points for information exchanges between Viet Nam and FTA partners were designated and an FTA Portal for Viet Nam businesses was set up and kept operational. At the end of the presentation, Dr Nguyen concluded that information was power for business and obligations and tools for the government.

V. DISCUSSIONS

- Regarding the quick action to ensure transparency in the process of shortening the public consultation chapter, a speaker indicated that currently only about 30% of the measures on transparency was notified to the WTO and 60-70% was not.

- The requirement for notification of medical equipment and trade restriction was one of the most important elements of the WTO application for the transparency purposes. However, at that time not all those measures were adequately notified to the WTO.
- Although full transparency to trading partners was very important, some economies and WTO members failed to give notification on time due to domestic unrest, such as chaos or emergency situations.
- Transparency was supposed to dispel misunderstanding among WTO members and to reduce trade disputes among WTO members, trading parties and FTA members. It became even more important under the hardship of the COVID-19 pandemic, so it was recommended to have adequate notification requirements and measures in the WTO.
- Regarding the relationship between the OECD's Services Trade Restrictiveness Index (STRI) and the number and impact of FTAs, a speaker specified that STRI measured the level of regulation of economies and looked at the applicable regulation on the most favored nation (MFN) basis. They did not consider the preferential treatment since it was very difficult to compare economies because the impact could be different. Transparency provision were implemented in domestic regulations and were not able to distinguish among economies. So STRI could not specifically measure the RTA and the impact in this school. However, if economies participated in an RTA and implemented domestic legislation on transparency then it could show that transparency was increasing and barriers on transparency was reducing over time.
- In response to the question on translation of transparency requirements in CPTPP, a speaker explained that the English translation requirement was for dispute settlement. Dispute settlement proceedings adapted full transparency requirements and all documents were provided to the public, particularly to the panelists, so many economies translated it into English.
- Related to other transparency requirements in FTAs, translation was not required and the economy can publish the documents in the local language. However, when it came to dispute settlement proceeding, disputing parties would want full understanding, and then translating all

documents into English correctly to submit to decision makers was necessary.

- Another finding was that the WTO was quite weak and low in term of transparency requirements. Notification requirements were given by many different committees such as SPS, TPT, anti-dumping committee, etc. All of them were called WTO's transparency requirements. FTAs/RTAs were doing well in adapting many transparency provisions that had not appeared in WTO agreements.
- At the moment there was no general application on transparency for negotiation and there was still room for improvement so that the public can access information regarding the evidence base of the bilateral documents. But it was difficult to be fully transparent and it depended on the objectives and purposes of the negotiation.
- A speaker shared experience on transparency in dispute settlements. Under the Korea-US FTA, dispute settlement proceeding was subject to full transparency requirements. All proceeding must have been open to the public and every document about the dispute be disclosed, too, except for those related to regional security issues.
- Korean experienced a language issue. Similar to Japan, China and other economies in which English was not the mother tongue, they relied on attorneys from the U.S. and Europe. The problem was when a dispute involving Korea arose, all arguments of the Korean government were made by a foreign lawyer instead of the government itself. That may involve some politically sensitive issues. That was why Korea adopted all transparency requirements in the Korea-US FTA and other new FTAs with caution and struggled in dispute settlement.
- Related to the specific scope of transparency provisions, there were not any requirements that the publication must have been made only on the government website. In Australia different agencies had different responsibilities for law regulation, procedures, and administrative ruling of general application in any matter covered by trade agreements. Many organizations uploaded the publication, including the taxation office, departments and agencies related to goods and services, intellectual property, customs, foreign affairs, etc. They were encouraged to consult relevant trade experts to ensure the transparency of the acting system and current trade applications. Open

communication channels were important and necessary for them to look for information and issues.

- Relating to the provision of information, if changes to any laws or commitments were likely to be included in the provision of information in the agreement, or if any measures or proposals made by any parties had to be notified to trading partners, all parties should be informed of such measures and changes. Enforcement would affect the agreement and the parties in different aspects, such as consultation procedures, payment restriction, etc.
- Studies showed that FTAs with transparency commitments were associated with higher trade flows. Another benefit was that once an economy undertook a transparency commitment, the commitment could not be directed at only one economy. Deeper transparency commitment undertaken within an FTA would be automatically directed at all the other trading partners of that economy. Sometimes, for this reason, transparency commitments become integrated into the domestic legislation of that economy. . To sum up, all international trade participants may benefit from deeper and more comprehensive transparency provisions in FTAs.
- An example of cross-cutting transparency chapters was the provision on accessible and open government data. “To extent possible, each party shall endeavor to ensure that information published by its central level of government with respect to any matter covered by this agreement is accessible in open, machine-readable format”. It meant that when publishing information on the website it was important to have a suitable format, voice recognition and/ or software that could be read out loud to assist people’s access. It also meant that governments should build a website and encourage trading partners to do so to enhance transparency in the future.
- About the different types of transparency provisions and in particular how difficult it was to negotiate each type, the answer was that it depended on the negotiating partners, the topic of negotiation, whether the domestic law was ready or not and whether there were resources to implement the transparency promotion mechanism.
- A speaker shared that when the corruption rule was included in the transparency chapter and considered to be put into the FTA or not, it

was advisable to balance the conversation with trading partners, the objective and coverage of the trading agreement. It was helpful to consult with experts for specific subject matters because trade agreement did not cover every domestic policy initiative that they wanted.

- The India-Sri Lanka FTA was given as an example to explain how to understand and get opinion from SMEs/ MSMEs in the consultation process, It may involve various ministries, agencies and associations from interested sectors where both SME and larger enterprises existed. So when it came to negotiation with partners, 16 sectors, e.g. textile, plastic, automobile components, were clearly identified and 11 of 16 sectors had representatives from SMEs/ MSMEs. India was a huge economy and SMEs/ MSMEs were scattered over the territory. They were organized into clusters; 3-4 satellite towns were identified to serve as the clusters for SME/ MSME concentration purposes.
- In Viet Nam, SMEs/ MSMEs was supposed to take an important role for consultation during FTA negotiation. In practice, when the consultation took place, a dispatch would be sent to enterprises and business associations, e.g. VITAS⁵, to collect opinions and feedback from the related industries. After all feedback was collected through the contact point of business associations, the dispatch would be sent back to the government agencies/ ministries in charge so that the government could understand the points of view of the whole industries. This process was perceived to be more efficient than asking every single company about the matter being consulted.
- In the Philippines, the MSME Development Enterprise Council and the Bureau of SME were responsible for coordination and support for SMEs/ MSMEs. SME/ MSME consultation was carried out by these agencies, so they were the first ones to contact if any information was required for the consultation purposes. In addition, there was one more channel for SME/ MSME consultation, namely going through the SME/ MSME contact points within chambers of commerce and business associations and ensuring their participation in the consultation process. SMEs/ MSMEs were not familiarized with international trade rules so separate consultation with the target group would offer the

⁵ Viet Nam Textile and Apparel Association (VITAS)

opportunity to explain the situation and the possible impact of the agreements on their business.

- With respect to best practices on transparency applied in the economy, a speaker talked about the Indonesia's single window system set up by the government. This portal provided information about all FTAs and regulations in Indonesia for bilateral and multilateral agreements. It was also accessible for all WTO members to get specific information if needed and to access the Indonesia's single window system. It was important for transparency because better information was made available to more people and SMEs to understand the Indonesian market and all Indonesia's FTAs and trade agreements.
- Another best practice was to put in place domestic systems and laws to support transparency principles. The better we did on transparency, the more we could support various stakeholders to utilize and reap benefits from trade agreements. Therefore, providing frequent updates of domestic systems and laws to the contact points of stakeholders would help make sure the information were given to the stakeholders.
- In the case of Viet Nam, the government launched the e-Government, an important tool to handle administrative procedures online. It was also used for public consultation on the draft of legal text. This was the most effective commitment on transparency being implemented by Viet Nam. It was vital that the public and business community understood the legal text of trade agreements at the very early conception stage. Only then they could raise opinions, give inputs, and be fully aware of the situation and get ready for implementation.

VI. RECOMMENDATIONS

- In order to improve coordination, negotiation and implementation on transparency in RTAs/FTAs, it was necessary to expand information exchange and stakeholder consultation through dialogues, proposals and recommendations during RTA/FTA coordination, negotiation and implementation on transparency. These activities would help promote stakeholder participation in the process and make it more and more effective.
- Another idea promoted at the workshop was to speed up the application of information technology in the process of domestic

consultation, negotiation and implementation on RTA/FTA transparency. It would help save administrative costs and reduce unexpected delays.

- At the same time, it was necessary to strengthen supervision of people and businesses in this process, to further expand e-Government and to put more public administrative services on digital platforms.
- Other recommendations for transparency commitment negotiation included:
 - ✓ Formulating transparency regulations in more details, with larger binding effects;
 - ✓ Introducing transparency commitments to more specific areas, for example government procurement, competition, customs, etc.
- The participants and speakers referred to this workshop as an example of APEC useful support to member economies. They highly appreciated that:
 - ✓ The key achievement/ result of this workshop was the exchange of points of view, practical experience and best practices among the APEC members, including the examples of negotiated transparency provisions/ chapters, the problems and complications the negotiators had faced while negotiating transparency provisions, as well as the options to address such difficulties in the negotiation processes;
 - ✓ The workshop provided a great opportunity of sharing information, knowledge, practical experience and most effective practices in domestic consultation, policy research and trade barrier removal for FTA negotiators. It was very useful and important to gain traction. It also helped narrow the capacity gap between developed and developing APEC member economies;
 - ✓ The participants were able to get fundamental knowledge about transparency in FTAs and to become fully aware of its importance and impact to the economy, based on the respective presentations on those topics. Most importantly, they were well informed of practices and experience of different APEC economies in FTA negotiation on transparency, which they could choose for adoption back home;

- ✓ Analyses and insights about FTA/RTA negotiation on transparency were shared among the speakers and the participants, particularly the analyses on the challenges and best practices. They also thoroughly discussed the points that needed reconciling or balancing, as well as the importance of a linear/streamlined publication for consultation of stakeholders.
- ✓ The workshop was successful in highlighting the importance of transparency provisions during the COVID-19 pandemic and in preparation for post-pandemic recovery. Sharing of best practices from the APEC member economies also took place specifically on this topic, which was very helpful. The project also highlighted the important role of stakeholder consultations with both the public and private sectors. It aimed to ensure that all interests were considered before entering negotiations.
- ✓ Information on conducting public consultations, and drafting rules and regulations, as well as consultations with other agencies and stakeholders were found useful.
- ✓ The participants planned to use the knowledge gained in the ongoing FTA negotiations that they were participating in. For instance, a participant shared that he was given a proper warning by the other APEC members about the challenges in negotiating transparency commitments and why it was so difficult for them to negotiate and enforce such commitments. That gave him a better idea of how to approach such negotiating processes in the future.
- Regarding expectation for future support from APEC to member economies, a number of recommendations were made at the workshop. They included:
 - ✓ Organizing a series of APEC capacity building workshops and training courses on RTA/FTA negotiation skills in various specific areas, including “non-traditional” themes such as development and environment-related issues;
 - ✓ Providing more technical assistance to implementation of: (i) information provisions, and (ii) publication of adopted text in a focal point;

- ✓ Sharing more best practices in stakeholder consultation and actual negotiation, sharing experience from both developed and developing economies in order to see different considerations and options;
- ✓ Organizing workshops/ trainings on other important provisions in FTAs/RTAs such as E-commerce, dispute settlement, MSME/ SME development, investment facilitation, etc.
- ✓ Implementing similar projects but applied to specific sectors such as financial services, telecommunications, etc.
- ✓ Arranging longer workshops/ trainings so that the participants could spend time on mock negotiation rounds;
- ✓ Organizing a larger group, network, or forum with participation of fellow FTA negotiators from every APEC member economy to learn about the respective negotiating experience and practices of the other APEC members.

VII. CONCLUSIONS

In her closing remarks, **Ms Pham Quynh Mai (Viet Nam' Senior Official to APEC)** observed that through highly informative presentations, the speakers and experts provided in-depth knowledge and understanding of transparency provisions in RTA and FTA. Participants have benefited from rich experience, practical skills and case studies shared and discussed, not only by speakers but more importantly between speakers and participants. They covered a wide range of topics related to RTA and FTA transparency provisions, including negotiation of transparency provisions and chapters, coordination and stakeholder consultation, and post-negotiation implementation.

The Senior Official highlighted a number of practical recommendations, including but not limited to: realization of transparency as a core pillar of future trade norms, exploration and experiment of new norms and rules, innovative ways and tools for RTAs/FTAs coordination, negotiation and implementation on transparency, practical topics for continuous capacity building for negotiators, policymakers, and regulators from APEC member economies.

VIII. ANNEX 1: FINAL AGENDA OF THE WORKSHOP

13 January 2022 (Thursday)	
13:30 – 14:00	Registration and Test Run
14:00 – 14:10	<p><u>Opening Remarks</u></p> <ul style="list-style-type: none"> - <i>Mr Trinh Minh Anh, Director General, Office of Inter-Agency Steering Committee for International Economic Integration, Viet Nam</i>
14:10 – 15:00	<p>Session 1: Introduction of Transparency Provisions/ Chapter in RTA/FTA</p> <p>Speakers will present transparency chapters/ texts of the Transparency Provisions/ Chapter in RTA/FTA or may highlight how transparency provisions have evolved over time and in various trade agreements.</p> <p>Moderator:</p> <ul style="list-style-type: none"> - <i>Mr Nguyen Anh Duong, Director, Department for General Economic Issues and Integration Studies, Central Institute for Economic Management, Viet Nam</i> <p>Speakers:</p> <ul style="list-style-type: none"> - <i>Professor Jaemin Lee, Professor of Law, Seoul National University, Korea;</i> - <i>Ms Irene Olivan Garcia, Trade Policy Analyst, Trade in Services Division, OECD</i>
15:00 – 15:20	Q&A
15:20 – 15:30	Coffee Break
15:30 – 16:15	<p>Session 2: Negotiating Transparency Provisions/ Chapter in an FTA</p> <p>In this Session, speakers will share practical experience in negotiating Transparency Chapters/provisions in trade agreements. This Session will also discuss typical challenges in the negotiation of Transparency Chapters/provisions in trade agreements.</p> <p>Moderator:</p>

	<ul style="list-style-type: none"> - <i>Ms Irene Olivan Garcia, Trade Policy Analyst, Trade in Services Division, OECD</i> <p>Speakers:</p> <ul style="list-style-type: none"> - <i>Ms Emma Boland, Assistant Director, Trade and Investment Law Branch, Office of Trade and Investment Law, Department of Foreign Affairs and Trade, Australia;</i> - <i>Ms Alexandra Mochalova, Trade Policy Expert, WTO Expertise Center, Russia</i>
16:15 – 16:45	Q&A

14 January 2022 (Friday)	
08:30 – 09:00	Registration and Test Run
09:00 – 09:45	<p>Session 3: Experiences in Coordination and Stakeholder Consultation</p> <p>Speakers will share various experience in coordinating and consulting stakeholders, including public engagement and social media. In this Session, speakers will be invited from negotiation team or the private sector, to share relevant perspectives.</p> <p>Moderator:</p> <ul style="list-style-type: none"> - <i>Mr Suresh Kaliyana Sundram, Minister Counsellor of Economic, Embassy of Malaysia in Viet Nam.</i> <p>Speakers:</p> <ul style="list-style-type: none"> - <i>Mr Rajan Sudesh Ratna, Deputy Head and Senior Economic Affairs Officer, United Nations ESCAP, Office of South and South-West Asia;</i> - <i>Mr Le Duc Ngoc, WTO and International Trade Negotiation Division, Multilateral Trade Policy Department, Ministry of Industry and Trade, Viet Nam.</i> - <i>Ms Denise Cheska C. Enriquez, OIC-Division Chief, Department of Trade and Industry-Bureau of International Trade Relations, the Philippines.</i>
09:45 – 10:05	Q&A
10:05 –	Coffee Break

10:15	
10:15 – 11:00	<p>Session 4: Best Practices in Post-negotiation Implementation</p> <p>(Action plan, legislative action plan, cost/opportunities/benefit analysis, dissemination, review)</p> <p>Moderator:</p> <ul style="list-style-type: none"> - <i>Dr Cao Thi Hong Vinh, Lecturer, Foreign Trade University, Viet Nam</i> <p>Speakers:</p> <ul style="list-style-type: none"> - <i>Mrs Franciska Simanjuntak, SH., MSE., Senior Trade Negotiator / Deputy Director at Directorate of Multilateral Negotiation, Ministry of Trade, Indonesia;</i> - <i>Mr Pathkamol Dattibongs, Chief of European Affairs Section 2, Bureau of European Affairs, Department of Trade Negotiations, Ministry of Commerce, Thailand;</i> - <i>Dr Nguyen Thi Thu Trang, Director, Center for WTO and International Trade, Viet Nam’s Chamber of Commerce and Industry.</i>
11:00 – 11:20	Q&A
11:20 – 11:50	<p>Session 5: Recommendations</p> <p>Moderator:</p> <ul style="list-style-type: none"> - <i>Ms Nguyen Huong Tra, National University of Viet Nam</i>
11:50 – 12:00	<p><u>Closing Remarks</u></p> <ul style="list-style-type: none"> - <i>Ms Pham Quynh Mai, Viet Nam’s Senior Official to APEC</i>