



INTERNATIONAL
TRADE
ADMINISTRATION

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

Sigrid Simpson

Sr. International Trade Specialist

U.S. Department of Commerce

June 2019



INTERNATIONAL
TRADE
ADMINISTRATION



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



INTERNATIONAL
TRADE
ADMINISTRATION



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.



INTERNATIONAL
TRADE
ADMINISTRATION

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.



INTERNATIONAL
TRADE
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).





INTERNATIONAL
TRADE
ADMINISTRATION



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.