USAID
DEL PUEBLO DE LOS ESTADOS UNIDOS DE AMÉRICA

INFORME DE AVANCES INSTITUCIONES DR-CAFTA

Marzo 2012

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INTRODUCCION

En el mes de diciembre del año 2007 se elaboró "La Matriz de Roles de Responsabilidades por Instituciones Prioritarias para R.D. en el DR-CAFTA", preparado por la Consultora Lynette Batista. Dos años más tarde, los Consultores Robert S. Landmann y Elka Scheker, hicieron la "Evaluación de Medio Término de la Capacidad Institucional de la R.D. para Implementar el DR-CAFTA", en el mes de abril del años 2009.

Tomando en cuenta las informaciones resultantes de estos trabajos previos y al cumplirse 5 años, en el mes de marzo del 2012, de la entrada en vigencia del DR-CAFTA se ha querido evaluar el impacto que ha tenido la implementación del proyecto en las siguientes instituciones que se han elegido por ser las instituciones llamadas a jugar un papel activo e importante en estos primeros años del Acuerdo: Dirección de Comercio Exterior, DICOEX; Oficina Nacional de Propiedad Intelectual, ONAPI; Dirección General de Aduanas, DGA; Dirección General de Contrataciones Gubernamentales, DGCG; Ministerio de Salud Pública, MISP; y la Oficina de Tratados Comerciales Agrícolas ,OTCA. Del Sector Privado se entrevistó al Observatorio de Comercio Internacional.

Para ello se ha completado la matriz previamente existente con los datos a marzo del 2012, donde se recogen los logros alcanzados y necesidades de las diferentes instituciones entrevistadas con el propósito de determinar las acciones a tomar en cuenta para un mejor aprovechamiento del DR-CAFTA.

CUADRO DE ROLES Y RESPONSABILIDADES DE LAS INSTITUCIONES DOMINICANAS

PROYECTO DE IMPLEMENTACION DEL DR-CAFTA
ESTADO DE LAS PRINCIPALES INSTITUCIONES PUBLICAS Y ORGANIZACIONES PRIVADAS DE CARA A LA IMPLEMENTACION Y APROVECHAMIENTO DEL DR-CAFTA

INSTITUCIÓN	ÁREA DE ACCIÓN	ANTES DE LA IMPLEMENTACION DEL TRATADO	ASISTENCIA TÉCNICA PROVISTA	HALLAZGOS AL 5TO AÑO DE IMPLEMENTACION DEL TRATADO	NECESIDADES
1. MIC	Administrador del Acuerdo. Monitorea y supervisa el cumplimiento de los compromisos asumidos.	-Mejor definición del rol de la Secretaría en el Tratado -Liderazgo	Procedimientos y propuesta dominicana para la operación del Comité de Libre Comercio.		
1.1. Vice-Ministerio de Comercio Exterior	Administrador del Acuerdo. Monitorea y supervisa el cumplimiento de los compromisos asumidos	- Débil estructura organizativa			
1.2.DICOEX	Administrador del Acuerdo. Monitorea y supervisa el cumplimiento de los compromisos asumidos. Texto Completo.	1. Situación Legal ambigua o Insuficiente. Las funciones de DICOEX no están bien definidas.	Propuesta modificación estructura organizacional. Propuesta de reglamento de operación interno Manual de procedimiento y definición de puestos y funciones	DICOEX es una agencia certificada ISO 9001 lo que implica: 1. Cuentan con procesos estandarizados de cada unidad y de cada departamento 2. Cuenta con Plan Estratégico, Misión, Visión , Filosofía. 3. Establecimiento de	4. Necesidades Capacitación continúa de entrenamiento por los procesos dinámicos que se dan al interno de los tratados.

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		responsabilidades con otras agencias del Estado			
		5. Relaciones de DICOEX con otras Instituciones son informales e ineficientes			
		6. Existe una necesidad grande de entrenamiento de los temas del Tratado 7. Falta de comunicación entre sector público y sector privado			
1.3. DIGENOR	-Capítulo 3. Obligaciones Trato Nacional y Acceso de Mercancías al Mercado. -Capítulo 6. Medidas Sanitarias Y Fitosanitarias. -Capítulo 7. Obstáculos Técnicos al Comercio.	-Débil estructura administrativa. -Poco personal capacitado. -Carencia de procedimientos claros y específicos. -Bajo nivel de conocimiento de los compromisos asumidos en el acuerdo. -Infraestructura precaria. -Autoridad Nacional en	Asistencia técnica para desarrollar el Sistema Nacional de Calidad		

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		-Personal técnico capacitado.	Directrices de Derecho de Propiedad Intelectual para los Jueces (Sept. 2011).	una universidad de España. -Ha aumentado la cantidad de examinadores a 8. Con la ayuda de los CATI se enseña cómo hacer la redacción de las Patentes. - En el caso de las Falsificaciones, están sensibilizando a los Jueces. Dan apoyo a los mismos en caso de solicitud de Peritaje. Las Falsificaciones son de Orden Público. En caso de irregularidad de Patentes la parte interesada es la que interpone los recursos. La página Web es muy visitada en los temas de Signos Distintivos y Marcas. Los mayores usuarios son de Santo Domingo. - En la página Web falta digitalizar los archivos de las Patentes, Indexación de las Patentes. -Próximamente se van a	

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				Han ampliado las instalaciones, y adquirido equipos. -Hace falta más personal, por la vigencia que ha tomado el tema de las marcas y patentes nacionales.	

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		-Bajo nivel de comunicación y coordinación con DICOEX.	Funciones de la Oficina de Tratados Comerciales Agrícolas (Marzo 2009) Documentación final en el Portal de la Comisión Nacional de Medidas Sanitarias y Fitosanitarias (NCSPS) (	-Tiene mecanismos formales e informales de comunicación con DICOEX, y relaciones muy buenas. - Han mejorado sus relaciones con el Ministerio de Relaciones Exteriores, por los mecanismos de comunicación que éstos últimos han creado. -Su único vínculo con el Banco Central es a través del Comité Interinstitucional de Estadísticas. -Colaboración estrecha con la Subdirección Técnica de la DGA para la captura de datos. Pueden medir el uso que se le dan a los Contingentes. -Se firmó un Acuerdo recientemente con la DGA de Ventanilla Única , y está pendiente de firmar el Acuerdo de Operador Económico Autorizado con esta misma institución	

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		administración de acuerdos comerciales agrícolas..	automático y transparente para asignación de contingentes arancelarios. -Entrenamientos en contingentes y manejo de medidas de salvaguardas. -Establecimiento de reglamento y mecanismo de aplicación de medidas de salvaguarda agrícolas.	Salvaguarda. Publican boletines digitales trimestrales. -Se encuentran reorganizando su Centro de Documentación digital e Impreso para uso del público. -No necesitan más personal. El personal administrativo ha aumentado. Han reclutado 2 técnicos para trabajar con los Contingentes. -Para Análisis de Mercado tienen una persona encargada.	

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			CAFTA.		
3. DGA	-Capítulo 3. Obligaciones Trato Nacional y Acceso de Mercancías al Mercado. -Capítulo 4.Reglas de Origen. -Capítulo 5. Administración Aduanera y Facilitación al Comercio. -Capítulo 6. Medidas Sanitarias Y Fitosanitarias. -Capítulo 7. Obstáculos Técnicos al Comercio. Capítulo 15. Propiedad Intelectual.	Buen nivel de comunicación con DICOEX -Manejo diversidad de temas. -Falta de procedimientos en algunos temas.	Formación Especializada En Derecho de Propiedad Intelectual y Derechos de Autor de la DGA. El Cumplimiento de los Derechos de Propiedad Intelectual en la Frontera. (Julio 2008) -Asistencia técnica para entrenamientos y manuales de operación para aplicar medidas en frontera de propiedad intelectual. -Asistencia técnica para procedimientos de valoración de mercancías.	- Se trabaja de manera constante con los archivos de ONAPI. - Con el MISP se trabaja con el tema de los Registros Sanitarios. -Las Medidas de Fronteras vienen funcionando desde la implementación del DR-CAFTA, y cada vez son más eficientes en: Ropas y Marcas, bisuterías, importación de computadoras, Derechos de Autor. -Cuentan con estadísticas	Más capacitación. Hay un Procurador General y Fiscal de Propiedad Intelectual desde antes del Tratado, pero no hay Jueces especializados.

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		específicos. -Bajo nivel de conocimiento de los compromisos asumidos en el acuerdo. -Infraestructura precaria. -Personal consciente y deseoso de realizar los cambios necesarios	datos de pruebas. -Establecimiento de manuales y procedimientos de acción.	-Trabajo regular con el Comité de Propiedad Intelectual y todas las instancias participantes. -Con ONAPI las relaciones son muy fluidas. Desde el 2011 existe un Convenio de Cooperación para crear capacidades en tema de medicamentos, potenciar la capacidad del personal, marcas farmacéuticas, criterios sanitarios, aprobación de marca, uso racional de medicamento. - Han mejorado la infraestructura con fondos propios. - Han mejorado tecnológicamente. Ahora tienen incluidos 100 usuarios en el SIAMED .Antes sólo tenían 30 usuarios.	(Es una opinión personal de la entrevistada.) Para que sea más práctico y flexible. Sobre todo en el caso de cosméticos

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				registros ambientales, Establecimiento de servicios de salud y licencias de profesionales. Se está diseñando en base a la aplicación de Ventanilla única del SIAMED ,de ahí la vinculación al proyecto. - Confiabilidad de datos que provee el SIAMED, les permite contar con información fidedigna, dar respuesta en temas de fármaco vigilancia, falsificaciones. - Pasaron las 2 etapas del proceso de certificación del ISO9001, y están aprobados. Se certificaron la Dirección de Drogas y Farmacias , la Dirección General de Normas, la Oficina de Acceso a la Información Pública, y el Laboratorio Nacional de Salud Pública Dr. Defilló. Están esperando la aprobación definitiva. - Se encuentran recibiendo asistencia Técnica en el tema del DR-CAFTA sólo del Proyecto de Implementación. -Viene un consultor para dar capacitación próximamente. -Están trabajando con el tema de normativas y	

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				del decreto. - Se hizo el Manual de procedimiento de veterinarios. Y cada Reglamento tendrá su manual. - Trabajan las normas con DIGENOR. -La Dirección General de Ganadería, el Ministerio de Agricultura, el Laboratorio Dr. Defilló, la Junta Agroempresarial son las instituciones con las que más necesitan trabajar de cerca.	

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		información estadística. -Bajo nivel de comunicación y coordinación con DICOEX. -No existencia de procedimientos claros. -Necesidad de entrenamiento y equipos. -Institución con posibilidad de reestructuración -Personal dispuesto a ejecutar cambios			
6. SEMARENA	-Capítulo 17. Ambiental. -Capitulo 19. Creación de Capacidades Relacionadas al Comercio.	-Débil estructura organizativa. -Personal con poca experiencia en administración de acuerdos comerciales. -Carencia de plataforma de información. -Bajo nivel de comunicación y coordinación con DICOEX. -Institución con posibilidad de reestructuración	-Entrenamientos. -Integración con sociedad civil y manejo de información. -Establecer programas de protección ambiental.		
7. SET 7.1. Oficina de Seguimiento al DR-CAFTA en los Aspectos Laborales	Capítulo 16. Laboral	-Carencia de plataforma de información -Bajo nivel de comunicación y coordinación con DICOEX-Personal capacitado en temas referente al Tratado. -Plan de Trabajo basado en compromisos del Tratado. -Personal capacitado en temas referente al Tratado.			

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				Transaccional, para realizar las compras, Pero no contiene información importante sobre la institución, como son los procedimientos. - Posee Autoridad para obligar a las empresas e Instituciones Públicas que no están cumpliendo con sus obligaciones a que lo hagan. Han anulado contratos que violan la Ley y el Reglamento. - No actúan de Oficio sino a solicitud del Proveedor.	
9. INDOTEL	Capítulo 13. Telecomunicaciones.	-Poca comunicación con DICOEX. -Personal capacitado. -Recursos Disponibles	Entrenamientos.		
10. BANCO CENTRAL 10a. Super-intendencia Bancos 10b. Super-intendencia Seguros 10c. Super-intendencia Valores	-Capítulo 10. Inversión. -Capítulo 11. Servicios. -Capítulo 12. Servicios Financieros.	-Baja comunicación y coordinación con DICOEX. -Poco personal en el tema. -Manejo diversidad de temas. -Poco seguimiento a los compromisos del Tratado. -Personal Capacitado e integrado a las negociaciones comerciales. -Recursos disponibles	Revisión leyes necesarias para cumplir compromisos DR-CAFTA.		

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	Gubernamentales. -Capítulo 10. Inversión.				
14. AMCHAM	Todo el Texto.	-Percepción general de que está muy relacionada a los intereses de EEUU. -Personal capacitado y dedicado a temas relacionados con DR-CAFTA.	-Creación de una comisión para seguimiento y administración del DR-CAFTA desde el sector privado. -Misiones comerciales -Estudios sobre diferentes temas del DR-CAFTA. -Entrenamientos.		
15. JAD	-Capítulo 3. Obligaciones Trato Nacional y Acceso de Mercancías al Mercado. -Capítulo 5. Administración Aduanera y Facilitación al Comercio. -Capítulo 6. Medidas Sanitarias Y Fitosanitarias -Capítulo 7. Obstáculos Técnicos al Comercio.	-Percepción del DR-CAFTA como una amenaza entre algunos miembros. -Escaso personal para implementar proyectos. -Establecimiento de un plan de acción orientado a cumplir compromisos DR-CAFTA. -Personal capacitado. -Buenas relaciones con DICOEX.	-Sistema de información y monitoreo. -Entrenamientos Campaña de concientización a los productores sobre compromisos DR-CAFTA en el sector agrícola.		

CONCLUSION

Los resultados del "Informe de Avances de Instituciones DR-CAFTA", que contiene la Matriz, refleja que los objetivos de la Asistencia Técnica solicitada por las instituciones evaluadas en el 5to año de Implementación del Proyecto superaron las expectativas.

Esto se puede verificar al analizar las evaluaciones previas al último año, las cuales demuestran que ha habido una evolución positiva de estas instituciones en los siguientes aspectos que se citan a continuación, donde los entrenamientos han jugado un papel importante:

1- Mejoría en la comunicación y coordinación de las instituciones con DICOEX y entre las mismas.
2- Fortalecimiento Institucional: Organización Administrativa, Existencia de Organigramas, Existencia de Plan Estratégico.
3- Personal Técnico más profesional.
4- Avance Tecnológico.
5- Incorporación del personal en muchas de las instituciones al Servicio de la Carrera Administrativa.
6- Transparencia.
7- Mejor comunicación y capacidad de informar al público a través de la implementación de páginas WEB.
8- Algunas de las instituciones han conseguido la Certificación ISO 9000. Otras están trabajando en ella.
9- Todas las instituciones expresaron la necesidad de recibir más entrenamiento debido a los cambios constantes de las regulaciones, en especial, de los Estados Unidos.
10- Algunas de las instituciones ya no sólo están recibiendo asistencia de USAID sino también de la Unión Europea.
11- La Implementación del Proyecto se ha convertido en un referente para otros países que tienen Acuerdo de Libre Comercio con la República Dominicana.
12- La única institución, de las evaluadas este 5to Año, que necesita tener más conocimiento del DR-CAFTA es la Dirección General de Contrataciones Públicas.
13- El Observatorio de Comercio Internacional cuenta con las herramientas para desempeñar un rol muy importante en la Implementación del DR-CAFTA.

ANNEX B. STATUS OF KEY DOMINICAN STAKEHOLDERS AND ORGANIZATIONS IMPLEMENTING AND ADMINISTERING DR-CAFTA

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
Ministry of Industry and Trade (MIC)				
Leads Treaty administration Monitors and oversees compliance with the assumed commitments	Lack of leadership and support for trade agreement implementation		Engaged minister takes lead role in procedures and proposal from the Dominican Republic for operation of the Free Trade Committee	
Foreign Trade Deputy Ministry				
Supervises DICOEX's role as the trade administration agency Monitors and oversees compliance with trade commitments	Weak organizational structure Delegated authority of trade administration to DICOEX			
Foreign Trade Directorate (DICOEX)				

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
Serves as trade agreement administrator Monitors and oversees compliance with commitments Coordinates with other GODR agencies implementation of DR-CAFTA and other trade agreements	DICOEX's role not clearly defined Lack of coordination with other GODR agencies and private-sector institutions	Proposal for organizational structure modification based on regional best practices to obtain ISO-9001 certification Proposal for international operations rules Procedure and job description manual Dominican Republic legislation compilation for DR-CAFTA implementation Comparison matrix of best practices in international procedures, legislation, and norms of international arbitration entities	DICOEX is an ISO-9001 certified agency, which implies that 1. Each unit and department has standardized processes 2. A strategic plan, mission, vision and philosophy are in place. 3. General goals and objectives have been established 4. Its legal situation is determined by Decree No. 610-05, which defines the roles DICOEX and CONIAT 5. It has a legal unit for state-state and investor-state dispute settlement Increased coordination with other Dominican agencies and private-sector representatives Better management systems in place to communicate the progress of DR-CAFTA and other free trade agreements and monitor and track implementation of agreements	Continuous capacity-building through training on dynamic processes that occur within treaties Work is pending regarding changes to comply with requirements to maintain the Ministry of Public Administration's ISO-9001 certification Increase cooperation with other Dominican institutions to prevent unjustifiable barriers to trade

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
	Reduced technical capacity and knowhow for trade agreement administration Inexperienced young professionals Reactive structure	Study tour to Costa Rica as DR-CAFTA partner to learn best practices in trade administration and monitoring Internal and external training on DR-CAFTA and trade-related topics Toward the end of 2011, 13 direct trainings to DICOEX's staff registered on management, conflict resolutions, trade and environment, communications, DR-CAFTA implementation, IPR, communications and information technological systems management.	Most staff integrated into the Public Sector Career Service Staff professional profiles improved through training and study tour provided by the project Increased capacity to respond to technical requests regarding trade agreement administration Document management and library unit developed for technical staff and public Training provided to DICOEX and DICOEX Santiago staff in subjects to related DR-CAFTA	Strengthen DICOEX trade capacity-building offer: DICOEX has proposed that the Dominican International Trade Observatory take the lead on this role

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
	Established information systems and produced reliable trade data and information	Database for the DR-CAFTA tariff elimination schedule designed and developed Structure and content developed for DICOEX's institutional website Evaluation and effective technical solution recommended for creation of a trade information system on the Dominican Republic's Foreign Trade Directorate Monitoring and tracking system for DR-CAFTA implementation designed and developed Developed matrix with timelines of fulfillment schedule of DR-CAFTA commitments by the Dominican Republic: six months into its entry into force Case management system designed and developed to respond to private- and public-sector needs for trade administration and implementation	DICOEX administers the automated monitoring system for treaty commitments. Only system among DR-CAFTA countries Internal and external visitors are using Web page with up-to-date information DICOEX has an automated consultation system that responses within 48 hours DICOEX Economics Studies Unit works with Customs (DGA),the Agricultural Trade Agreements Office (OTCA) and other entities in elaboration of trade statistics and reports DICOEX belongs to the Inter-institutional Committee for Foreign Trade Statistics	Lack of up-to-date database and streamlined with foreign trade statistics

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
	Roles and responsibilities overlapping with other GODR agencies	Roles and responsibilities defined by entity and subject matter Training provided to each institution that is party to treaty implementation Implementation plan developed for pending commitments DICOEX's support units defined with regard to dispute settlement, technical barriers to trade, and trade capacities Rules of procedure developed for the 14 committees and working groups in DR-CAFTA professional services Report on the proposal presented to the Dominican Republic Lawyer's Association pursuant to commitments related to legal services established in DR-CAFTA Annex I DICOEX's role regarding arbitration in contracts that involve the Dominican State defined Rules of procedure for investor-state and state-state dispute settlement developed	DICOEX is recognized as the trade agreements administrator in the Dominican Republic and as the coordinator for dispute settlement mechanisms	Define procedure for DICOEX's role in negotiating and renegotiating FTAs Define institutions' roles and responsibilities in dispute settlement cases Develop inter-institutional rules of procedure for commercial arbitration cases

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
	DICOEX's relationships with other institutions informal and inefficient	Monitoring system created for DR-CAFTA commitments by commitment and responsible institution Rules of procedure for inter-institutional committee developed	Relationships with the public sector are tight and cooperative; communication is handled through formal and informal mechanisms, especially with Customs (DGA) and the National Industrial Property Office (ONAPI) Improved coordination of the Technical Barriers to Trade Committee Participates in the trade committees on: • Sanitary and phytosanitary measures • National statistics Serves as coordinator for trade committees on: • Services • Trade capacity-building • National Council for Treaty Implementation and Administration (CONIAT); the first meeting took place in 2012	Develop procedures and tools with the National Congress for supervision of legislative projects

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
	Lack of training in Treaty subjects	Seminars, training activities, and technical capacity-building developed for in more than thirty events directly linked to DR-CAFTA implementation and administration The Dominican Republic's profile and the capacity of economic entities for social investigation and analysis to produce trade studies strengthened Best practices shared on drafting trade policy reports on free trade agreements in Latin America and the Caribbean Analysis of the tariff treatment duality between the Free Trade Agreement with Central America and DR-CAFTA conducted Consequences of denouncing a Free Trade Agreement (DR-Central America vs. DR-CAFTA) identified	Staff is better trained on technical issues More information available on new and complex issues	Build capacity in areas such as: • Technical barriers to trade • Dispute settlement • Environment • Trade in service

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
	Lack of communication between the public and private sectors	Public and private sector organized for administration of international trade agreements Four impact studies for DR-CAFTA and teaching methodology developed Technical assistance provided to determine the private sector's role in treaty implementation Rules of procedure developed to form the consultative committee for treaty implementation 15 events carried out with private-sector participation in more than 20 locations around the country Training provided to professional associations to improve knowledge of DR-CAFTA commitments	Active participation in development and launch of the Dominican International Trade Observatory as a platform for public-private dialogue where DICOEX plays an important role	Develop clear understanding of action items for the private sector to benefit from the free trade agreement Establish clear communication protocols with the private sector Support strengthening of the Dominican Foreign Trade Observatory
Regulatory Commission for Unfair Trade Practices and Safeguard Measures Chapter 15. Intellectual Property Chapter 18. Transparency **Action Area under DR-CAFTA:** Chapter 8. Trade Remedies				
Chapter 8. Trade Remedies	Need to designate members of the commission to make it operational Need to make the commission operational	Implementing regulation drafted for Law 1-02 on Unfair Trade Practices Capacity of commissioners built to make the commission operational	Commissioners were designated and have an office and administrative structure Inter-institutional policy and administrative procedures, such as the ethics code for consumers, prepared Since its creation in 2008, the commission has worked one five safeguard cases and one anti-dumping measure.	Build capacity needed in anti-dumping and safeguard monitoring processes Establish a communication protocol with OTCA Increase resources, funds, equipment, advanced software, and office space to operate efficiently Develop and implement fundraising strategy to respond to funding needs

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
National Industrial Property Office (ONAPI)				
Chapter 15. Intellectual Property Chapter 18. Transparency	Good relations with DICOEX and other institutions	Drafted, developed, and built capacity in: • Procedural manual on border measures • Procedural manual for non-traditional trademarks • Procedural manual for collective trademarks • Intellectual property guide for judges.	Open relationship with DICOEX through formal and informal mechanisms; actions coordinated through Internet and formal communication Two Dominican non-traditional trademarks registered since DR-CAFTA implementation The first seven collective trademarks from Dominican productive sectors registered, including the two only artisan collective trademarks in the Central American region	Achieve greater cohesiveness and awareness of the Intellectual Property Committee Strengthen communication with the Judicial Branch
	Low level of communication with the public regarding the obligations and benefits of intellectual property rights within the framework of DR-CAFTA	Specialized training on intellectual property and copyrights provided to Customs General Directorate: • Compliance with intellectual property rights in borders • DR-CAFTA: Intellectual Property Rights Relations with the Ministry of Health strengthened with regard to IPR through coordinated and capacity-building activities for procedures, policies, and systems within the DR-CAFTA framework	Collaboration with DGA for creation of Intellectual Property Department and training in border measures 7 capacity-building activities on intellectual property issues carried out in areas such as non-traditional trademarks, counterfeit duties and measures, and copyrights, among others. Three guides on intellectual property in DR-CAFTA prepared Increased awareness of IPR in the framework of DR-CAFTA within the Dominican judicial system Increased number of trademark registrations since 2007 for Dominican productive sectors, particularly SMEs	Conduct more research on IPR for productive issue, market access, services, and copyrights Design a communications campaign geared toward the general public on opportunities and importance of IPR Increase coordination with the National Copyrights Office (ONDA) on copyright matters Strengthen communications with the Ministry of Health Develop programs focused Dominican SMEs with the potential to incubate innovations and new technologies

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
	Limited number of trained personnel	IPR guidelines developed for judges Four capacity-building activities carried for staff of intellectual property-related entities	Increased expertise of technical staff Most of staff integrated into the Public Sector Career Service Patent examiners have increased from two to eight Judges are more aware of counterfeit issues and solutions Support is being provided in cases where there is a request for expertise request Claims filed by interested parties National Intellectual Property Academy created; it provides constant training and industrial dissemination Investment in infrastructure and equipment to improve trademark registry First Dominican non-traditional trademarks registered in country	Deepen technical knowhow and increase human capital in topics related to trademarks and patents Increase capacity and technical knowhow of other institutions to ensure appropriate enforcement of IPR at every level of the economy
	Lack of information and management platform	Platform designed to improve publication of issued patents and information in coordination with the Ministry of Public Health	Website is highly visited for distinctive signs and trademarks; most visitors are in Santo Domingo	Digitize patent files and indexing and make them available on the ONAPI website Design and coordinate mechanisms among ONDA, ONAPI and PUCMM to determine each institution's IPR responsibility for Web content

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
	Ad hoc decision-making regarding IPR processes	Designed and developed proposal to implementation technical processes to strengthen pharmaceutical sector with the Drug and Pharmacy General Directorate Guide developed on using collective trademarks for SMEs and other productive groups	Service to the public has improved Time to issue a trademark reduced from six to three months. Streamlined processes have reduced time to 45 days after publication compared to up to three years for patents Expedited process to issue patents that had been backlogged for years, particularly in the pharmaceutical area	Increase capacity to grant patents Review patent term adjustment and application of the "existing matter" provision within the framework of DR-CAFTA Design and coordinate mechanisms among ONDA, ONAPI and PUCMM to determine of each institution's IPR responsibility for Web contents
National Copyright Office (ONDA)				
Chapter 15. Intellectual Property Chapter 18. Transparency	Weak administrative structure Staff with little experience in administering trade agreements	Reports prepared regarding DR-CAFTA commitments on copyrights Capacity-building activity on copyright for film screenwriters conducted	Weak administrative structure Staff is not well trained Need to modify legal framework under which it operates	Create procedure for periodic publication of copyright reports and bulletins Strengthen administrative organization Invest in training and equipment

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
Ministry of Agriculture (MA)				
Agricultural Trade Agreements Office (OTCA)				
Chapter 3. Commitments Regarding National Treatment and Market Access of Goods Chapter 6. Sanitary and Phytosanitary Measures Chapter 7. Technical Barriers to Trade Chapter 8. Trade Remedies Chapter 15. Intellectual Property	Weak administrative structure No clear procedures regarding administration of trade agreements	Assistance provided for administrative restructuring within OTCA Study, analysis, and redesign of the structure and functions of Agricultural Trade Agreements Office conducted Website designed for National Commission for Sanitary and Phytosanitary Measures (NCSPS) Monitoring Program for Flies in Fruits evaluated Implementation of Program for Integrated Management of Plagues and Pre-Inspection of Oriental Vegetables in the Dominican Republic evaluated OTCA website implemented Sanitary and Phytosanitary Measures Committee website implemented System developed for statistical monitoring of tariff quotas Program developed to manage tariff quotas assignments	OTCA has gone through an administrative restructuring with functions outlined and objectives and defined organization chart OTCA's new structure has two main areas: negotiation and administration of trade agreements and market analysis division Has staff to administer tariff quotas	Implement safeguard mechanisms Develop information regarding productive sectors Implement recollection of information for tariff quotas database

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
	Low level of communication and coordination with DICOEX	Developed rules of procedure for Foreign Trade Statistics committee Provided support to OTCA to function as Secretariat for the MSFS committee	Formal and informal communication mechanisms and a good working relationship with DICOEX Improved relationship with the Ministry of Foreign Affairs, given the communication mechanisms that the ministry created Only link to the Central bank is through the Inter-institutional Statistics Committee Tight collaboration with the DGA's Technical Deputy Directorate for data collection; can measure use of tariff quotas Agreement recently signed with DGA for a one-stop shop	Signing of the Authorized Economic Operator agreement with DGA pending Develop a control and communication mechanism for notification of tariff quotas
	Lack of a statistical information platform Lack of administration mechanisms for managing tariff quotas	Software developed for administration of DR-CAFTA tariff quotas in the Dominican Republic Automatic and transparent mechanism for assignment of tariff quotas designed	Website is one of its star products Digital bulletins are published quarterly Digital and print documentation center has been reorganized for use by the public Staff in charge of the market unit Program for management of tariff quotas has not been implemented efficiently	Strengthen human capital for operation and administration of DR-CAFTA tariff quotas software Provide training in software use Exchange statistical data with DGA for better control of tariff quota statistics

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
	Training need for management and administration of tariff quotas Staff with little experience in administering agricultural trade agreements	Procedure for agricultural safeguards developed Training provided in tariff quotas and safeguard management User Guide for the Trade Community in the Dominican Republic: Tariff Quotas in the DR-CAFTA developed User manual, Administration of the Tariff Quota System in the Dominican Republic, developed Program designed and training provided on management of the Dominican Republic's tariff-related quota (TRQ) statistics in DR-CAFTA Regulation and mechanism for application of agricultural safeguard measures established User Guide for the Trade Community: Dominican Republic: Special Agricultural Safeguards Database of Sanitary and Phytosanitary Measures from the DR-CAFTA Member Countries. Understanding DR-CAFTA: A simple guide for the Dominican Republic's Agricultural Sector	Received training from Analysis Unit staff Administrative staff increased Has a guide for application of special agricultural safeguards and management of tariff-related quotas	Increase technical capacity in safeguards

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
Customs General Directorate (DGA)				
Chapter 3. National Treatment and Market Access Commitments Chapter 4. Rules of Origin Chapter 5. Customs Administration and Trade Facilitation Chapter 6. Sanitary and Phytosanitary Measures Chapter 7. Technical Barriers to Trade Chapter 15. Intellectual Property	Good level of communication with DICOEX Managed various trade facilitation issues and lack of adequate procedures	Technical and human capital developed in: • Specialized training in intellectual property and copy rights for DGA • Compliance with intellectual property rights in the borders • Technical assistance for training and operation manuals to apply intellectual property measures in the borders • Technical assistance for procedures regarding origin verification of goods • Implications of DR-CAFTA Article 3.4 regarding special regimes after 2010 • Regulation for application of textile safeguards in DR-CAFTA	Constant work with ONAPI files Works on sanitary registries with the Ministry of Public Health (MISP) Border measures have been ongoing since DR-CAFTA's implementation; increased efficiency in brand clothes, costume jewelry, computer imports, and copyrights Intellectual property department created Statistics are up to date Register of title holders created	Strengthen capacity in customs valuation, intellectual property and origin verification Increase capacity of judges regarding issues with contraband and counterfeit goods Improve system to manage tariff related quotas statistics
	Little training available for low-level employees and the majority of the staff regarding treaty-related issues	Capacity-building activities on DR-CAFTA issues developed	Staff trained in origin verification and in market access issues Specialized staff Mid- and high-level staff trained and aware of treaty commitments	

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
Ministry of Public Health (MISP) **Norms Department** **Drugs and Pharmacy Department**				

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
Chapter 15. Intellectual Property Chapter 3. Market Access	Weak administrative structure and precarious infrastructure Occasional relations with other institutions and lack of clear procedures Few trained staff Little knowledge of the importance of the MSP's role in trade issues, specifically for pharmaceutical products, cosmetics, and personal and home hygiene products	Deputy Ministry for Quality Assurance: • Organizational restructuring plan for the Drugs and Pharmacy General Directorate • Improvements in technical processes in the Deputy Ministry for Quality Assurance for the Ministry of Public Health and Social Assistance • External communication plan for the Deputy Ministry of Quality Assurance of the Ministry of Public Health and Social Assistance. • Administrative restructuring proposal for the Environmental Health General Directorate (DIGESA) • Design and implementation of an automated system for the sanitary registry for medical and pharmaceutical products, cosmetics, and home and personal hygiene products • Procedural proposal for establishment of verification mechanisms and patent linkage with medicine sanitary registries for the sanitary authority • Development of a one-stop shop for the sanitary registry • Proposal for modification of sanitary regulations for beef, pork, fish, milk, foodstuffs, and poultry	Economic investment from the Ministry to improve infrastructure to implement one-stop shop for management of sanitary registry, pharmacy, and professional registration applications The Drug and Pharmacy Directorate, National Laboratory Dr. Defillo, and Access to Public Information Office are being evaluated for certification Works closely with DICOEX. Fluid relationship for support and follow-up Fluid relationship with ONAPI; since 2011 there has been a cooperation agreement for capacity-building in areas pertaining to medicines, staff capacity, pharmaceutical brands, sanitary criteria, mark approval, and rational use of a medicine Regular work with the Intellectual Property Committee and all member entities Technological strengthening of the DGDF: 100 users included in SIAMED SIAMED has an efficient and up-to-date medicines and pharmacies database; the system has served as a reference point for several countries in the region, enabling them to handle registries and modifications. The Ministry has redesigned and invested in infrastructure for SIAMED's supporting documentation maintenance The sanitary registry is issued in about 90 days, depending on the evaluation, compared with the previous period of nine months New sanitary system for production and importation of beef	Increase technical capacity to revise Law 246-06 on medicine and its modifications and Decree 625-06, especially the timeframe to make it more practical and flexible to obtain the sanitary registry in cosmetics and hygiene products Increase technical capacity in patent data protection Revise internal procedures for registration of all food related products Reinforce the sanitary oversight unit for beef, poultry, and foodstuffs in general Work with DICOEX and DIGENOR in procedures for sanitary registry and technical barriers to trade Increase capacity of technical staff in new sanitary regulations to increase the sanitation level of the country's food products Revise procedures to obtain permits for the importation of food products and medicines Work with the Ministry of Agriculture (MA) to improve the evaluation system for cattle, pork, poultry, etc.

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
	Staff with little experience in administering trade agreements No clear procedures Need for capacity-building and equipment Staff willing to execute changes.	Technical assistance for training and operation manuals provided Specialized training in intellectual property rights and copyrights from the Customs General Directorate (DGA) and fulfillment of intellectual property rights in the border		
	Low level of communication and coordination with DICOEX Lack of a statistical information platform	Communication campaign designed Copyrights commitments inventory for the Dominican Republic conducted	Strong communication campaign implemented Website is receives numerous visits	
TREASURY **Government Procurement General Directorate**				
Chapter 9. Government Procurement Chapter 18. Transparency	Lack of an information and dissemination platform for tenders Low level of communication and coordination with the public Little knowledge regarding DR-CAFTA commitments	Capacity-building program on DR-CAFTA commitments in government procurement conducted Law regarding Public Contracts and the operating regulation revised for conformity with DR-CAFTA commitments Guide to the Government Procurement Chapter prepared	Tight and fluid relationship with DICOEX with direct and formal communications. DICOEX follows on all treaties and articles that have to be taken in consideration. Every two years, new thresholds are established with DICOEX for the Treaty. It has two websites: 1. "Dominican procurement" 2. *Portal de Desarrollo Transaccional*, to conduct procurement and provide information about procedures	Establish procurement procedures for SMEs Modify Law No. 322 regarding the State's Contract for Public Goods to reduce compensatory conditions established for foreign suppliers Establish a consultation mechanism and progressive oversight for the tariff schedule pertaining to conditions for contract services for public goods

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
	Limited staff but willing to cooperate Unit created for state procurement management Focused on compliance of national legislation and not geared toward DR-CAFTA	Training provided to procurement units of various state entities on: • Government procurement and DR-CAFTA • General guidelines of Dominican Republic's commitments in DR-CAFTA regarding government procurement, sale of assets, and privatization • Operations procedures, frequently asked questions manuals, and application of the Government Procurement Chapter of DR-CAFTA • Revised government procurement commitments under DR-CAFTA • Analysis of Dominican Republic commitments regarding government procurement	Offers training on the National Framework, but needs to train in compliance with the treaty Has a procedural manual for public tender Has the authority to oblige entities and public entities to comply; has annulled contracts that breach the law and regulation Respond to suppliers' requests Increased number of new government procurement suppliers	Strengthen know-how in diverese areas of trade agreements, particularly DR-CAFTAExiste mucha necesidad de capacitación sobre especificaciones del Tratado
Dominican Telecommunications Institute (INDOTEL)				
Chapter 13. Telecommunications.	Limited communication with DICOEX	Technical assistance provided by from DICOEX on numerical portability of telephone numbers Report on network audits for numerical portability to comply with DR-CAFTA commitment prepared	Excellent and tight relationship with DICOEX Numerical portability implemented	
CENTRAL BANK Bank Superintendence Insurance Superintendence Securities Superintendence				

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
Chapter 10. Investment Chapter 11. Services Chapter 12. Financial Services	Limited communication and coordination with DICOEX Limited administration of treaty commitments Trained staff; integrated in trade negotiations	Proposal developed on modifying the insurance law in the Dominican Republic to comply with DR-CAFTA commitments Proposal developed for establishing an authorized supplier registry and new insurance products in accordance with DR-CAFTA commitments in Annex 12.15 Recommendations made for dispute settlement in the Dominican Republic Rules of procedures developed for the Financial Services Committee Proposal prepared for code of conduct for DR-CAFTA arbiters Guide developed for national arbiters for the dispute settlement mechanism in Chapter 20	There is a list of arbiters in financial matters for dispute settlement cases	Approve modification of the Insurance Law for approval of the figure of branches and commercialization of new financial products Draft proposal for implementation of collective investment schemes in the country
			Training on dispute settlement issues in Financial Services Chapter	
Private Sector AIRD AEIH JAD				

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
Chapter 3. National Treatment and Market Access Commitments Chapter 4. Rules of Origin Chapter 5. Customs Administration and Trade Facilitation Chapter 6. Sanitary and Phytosanitary Measures Chapter 7. Technical Barriers to Trade Chapter 9. Government Procurement. Chapter 10. Investment	Concentration on negotiation Handles a variety of issues Great concentration of businesses that are treaty beneficiaries within memberships Lack of an institution that influences and follows up with international trade	DR-CAFTA and Foreign Direct Investment in the Dominican Republic: Methodology and revision of literature Comparative study of legislative changes in Central American countries for DR-CAFTA implementation conducted Study on complementary issues of DR-CAFTA countries conducted Impact studies and opportunities conducted and shared with different public-and private-sectors actors Study on exporting potential of micro, small and medium-sized enterprises with DR-CAFTA countries conducted	Involved private sector; private-sector participation as founders for Dominican Foreign Trade Observatory. Capacity-building program in issues regarding: • Agricultural trade • Rules of origin • Government procurement for SMEs • Unfair Trade practices • Intellectual property rights and marks	Modify Free Zones Law Implement sanitary regulation for food products, milk, poultry, and pork Create an integrated waste management system
Public-Private Sector Coordination				

Scope to Implement DR-CAFTA	Status Before DR-CAFTA Implementation	Technical Assistance Provided by DR-CAFTA Implementation Project	Findings after Five Years of DR-CAFTA Implementation	Next steps
		Design and develop public-private sectors dialogue platform as the first Dominican International Trade Observatory	DICOEX and the private and academic sectors joined the Foreign Trade Observatory initiative. All involved sectors have shown interest in and support for the observatory. Public-sector participation, support, and follow-up have been particularly relevant in making the observatory a reality. The observatory is currently in the initial phase, calling on the supporting entities. Memorandum of understanding was signed on March 30, 2012. Physical space and staff are available to start the project. The observatory has a work plan. Actions are geared to working in parallel on issues that the observatory will take on: academic, research, business linkages, and information services. In the short term, a seminar on first research projects and information services to the general public is envisioned.	Develop fundraising strategy that guarantees sustainability Develop strategic communications materials and tools to disseminate ODCI's work Design technological platform for mapping the geo-referenced data of the national agricultural an industrial production designed