

**ASEAN-US Technical Assistance &
Training Facility, Phase II**



WORKSHOP SUMMARY AND EVALUATION

**ASEAN Work Program: Inventory of Legal and
Regulatory Measures Affecting Services Workshop**
(February 18, 2008 in Siem Reap Cambodia)



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SUBMITTED BY
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The ASEAN Economic Community Blueprint calls for liberalization of substantially all services sectors by 2015. In order to remove restrictions to trade, ASEAN Leaders have recognized the need to identify them. The AEC Blueprint calls for an inventory of all measures restricting trade in services to be completed by August 2008. By identifying all measures that impede trade in services, the inventory will help Member Countries ascertain the scope of their commitments and define modalities to remove the barriers. The Coordinating Committee on Services (CCS) requested training to equip member countries to compile this inventory and the Facility, in response, convened a workshop on February 18, 2008 in Siem Reap, Cambodia.

The workshop discussed challenging areas for inventory compilation, including what constitutes a limitation, how member countries should classify these limitations - particularly between market access and national treatment, and how can the inventory facilitate liberalization. 53 CCS members from nine member states participated in the workshop and went on to share their findings with colleagues at the larger CCS meeting the following days.

Nathan Associates' services specialist Victoria Waite drew on her experience in compiling a similar inventory in Egypt to prepare workshop materials. Ms. Waite recommended that inventory compilers air on the side of compiling more limitations rather than less, noting that the inventory should include domestic regulations. Due to sudden illness, Ms. Waite was not able to attend the workshop. With all of the materials pre-prepared by Ms. Waite, the Facility, in consultation with the ASEAN Secretariat, chose to implement the workshop as planned so as not to delay completion of the inventory. Nathan Associates Principal Associate Stephen Magiera drew of his experience of sector based inventories in Indonesia to deliver portions of the workshop. In addition, ASEAN Secretariat desk officers Tan Tai Hiong and Yap Lai Peng delivered several presentations, giving them an opportunity to discuss the challenges they encountered in compiling a draft inventory for member countries.

Afternoon exercises raised points for consideration. Participants discussed what the definition of "barrier" and "limitation" should be for the purposes of the workshop. The ASEAN Secretariat in had taken a broad definition, by including domestic regulations in its draft inventory. Some member countries agreed with this approach. Participants also discussed practical matters such as whether or not to list each CPC code separately or to consolidate as appropriate and whether to include verbatim legal text or simply a reference to applicable laws in the inventory. As for an methodological approach to compiling the inventory, Mr. Magiera suggested starting by designating sector leads in each of the countries, requesting that they compile a simple list of all laws affecting their sector, and build from that to complete the text. Member countries concluded that each would have to define a methodology that works best for them.

Participant evaluations rated the workshop moderately with an average score of four out of six for each presentation. Participants would have liked to hear more about experiences of other countries in compiling inventories - a topic that was lacking due to the last minute change in speakers. In addition, concrete examples from an ASEAN context were limited as ASEAN declined to share portions of the draft inventory with Facility consultants. Some member country participants - namely from Laos and Indonesia - requested follow up bilateral technical assistance in compiling their inventories. The ASEAN Secretariat has suggested turning efforts to capacity building exercises in scheduling to facilitate further rounds of commitments for liberalization and review of progress in telecommunications liberalization.

Agenda

ASEAN-US Technical Assistance & Training Facility

ASEAN Work Program: Inventory of Legal and Regulatory Measures Affecting Services Workshop

February 18, 2008 in Siem Reap, Cambodia

- | | |
|----------------------------|--|
| 8:30 – 9:00 | Arrival/Registration/Coffee |
| 9:00 – 9:20 | Welcome and Workshop Overview
<i>Venetta Miranda, CCS Chair</i>
<i>ASEAN-US Facility Representative, Cena Maxfield</i> |
| Session 1
9:20 – 10:00 | Introduction: Putting the Services Inventory into Context
<i>Victoria Waite</i> <ul style="list-style-type: none">— What is the Inventory?— Why do this?— Goals towards liberalizing services, including addressing trade limitations |
| 10:00 – 10:20 | Coffee Break |
| Session 2
10:20 – 12:00 | Overview of Legal and Regulatory Measures Affecting Trade in Services, <i>Victoria Waite</i> <ul style="list-style-type: none">— What Constitutes a Measure/Limitation under the GATS and AFAS?<ul style="list-style-type: none">○ Domestic Regulation○ Market Access○ National Treatment○ Horizontal / MFN○ |
| 12:00 – 1:20 | Lunch |
| Session 3
1:20 – 2:40 | Overview of the ASEAN Framework and Methodology for Services Measures Inventory, <i>Yap Lai Peng and Victoria Waite</i> <ul style="list-style-type: none">— ASEAN Template— ASEC's first cut of inventory— Other country examples<ul style="list-style-type: none">○ Private sector initiatives○ Government initiatives— Moving forward<ul style="list-style-type: none">○ Filling in the inventory○ Compiling the results |
| 2:40 – 3:00 | Coffee Break |
| Session 4
3:00 – 4:30 | Identifying Legal and Regulatory Measures Affecting Trade in Services – Exercises, <i>Victoria Waite</i> |
| 4:30 – 5:00 | Wrap-up/Evaluations |

Evaluation

ASEAN Work Program: Inventory of Legal and Regulatory Measures Affecting Services Workshop

ASEAN-US Technical Assistance & Training Facility

February 18, 2008

Siem Reap, Cambodia

Your answers to this questionnaire will help us to improve our training programs. Thank you for taking the time to fill it out.

Personal data

Country of representation

Brunei Darussalam, Cambodia, Indonesia,
Lao PDR, Malaysia, Philippines, Singapore,
Thailand, Vietnam

Select one: Male: 28 Female: 25 – Total 53 Attendees

Presentations

On a scale of 1 to 6, please rate how informative each session was for you. A rating of 6 indicates that you found the session highly informative; a rating of 1 that you did not find it informative.

Session	Presentation	Not	Average	Highly
1	Introduction: Putting the Services Inventory into Context, <i>Victoria Waite (replaced by Yap Lai Peng)</i>		4	
2	Overview of Legal and Regulatory Measures Affecting Trade in Services, <i>Victoria Waite (replaced by Steve Magiera)</i>		4	
3	Overview of the ASEAN Framework and Methodology for Services, <i>Yap Lai Peng and Victoria Waite (replaced by Tan Tai Hiong and Steve Magiera)</i>		4	
4	Identifying Legal and Regulatory Measures Affecting Trade in Services (Exercises), <i>Victoria Waite (replaced by Steve Magiera)</i>		4	

Subject Matter

Would you like to see more, the same, or less time devoted to the following negotiation topics:

Session	Presentation	More	Same	Less
1	Introduction: Putting the Services Inventory into Context	21	17	7
2	Overview of Legal and Regulatory Measures Affecting Trade in Services	27	16	2
3	Overview of the ASEAN Framework and Methodology for Services	21	18	6
4	Identifying Legal and Regulatory Measures Affecting Trade in Services (Exercises)	33	10	2

General

1. What part of this course did you like the most?

- Exercise (x 14)
- Group exercise
- The interaction w/ other countries (activity)
- The exercises in identifying measures
- Interactivity, and inventory compilation
- Discussion and sharing information
- Session 4 (x 3)
- Identifying legal and regulatory measures affecting trade in services
- Inventory of Legal & Regulatory
- Terms and reference in Inventory of Legal and Regulatory Measures
- Session 1 and 2
- Session 1 (x 2)
- Introducing putting the services inventory into context
- Session 2 and the exercises
- Understand the market access and national treatment
- 2
- 2 and 3 - ASEAN Framework with Methodology for services and exercises
- Overview of the ASEAN Framework and Methodology (session 3)
- Practical and exercise doing part
- All
- Every parts

2. What part of this course did you like the least?

- Session 3 (x 3)
- Overview of ASEAN Framework & Methodology for Services
- 1 (x 2)
- Introduction: putting the services inventory into context (x 2)
- Introduction
- Inventory into context (difficult to understand)

- Overview/background (participants are fully aware on this matter/topic)
- Overview of services
- Session 2 (x 2)
- Presentation
- Limited time given to identifying what should form part of the inventory
- Presentations - was not targeted for the audience. We are in process of getting our computation done + countries would have liked to learn about the experience of others who have gone through the exercise before + all the obstacles and how to overcome them. Instead this was more like the presenter asking information of the participants instead of baring insightful or motivating/encouraging.
- Did not really present the topic as expected
- Criteria to identify the barrier/measures in Trade in Services
- Exercise because people don't really discuss anything
- To collect and develop the inventory list
- To collect information from unknown sources
- Just repetition of already familiar areas
- Scheduling sector specific commitments

3. What other topics would you like to see included?

- Sample of inventory from of the agreements other than ASEAN
- More time on analyzing the inventory of each member states
- Inventory case
- Example of existing inventories, if any.
- Experiences or some example from ASEAN Member Country or good practice
- Experiences from other countries (x 2)
 - Experience, practices from other countries/areas in formulating inventory of barriers to trade in services
 - Techniques, practical and benefits from formulation of inventory
- Example of which country that use inventory
- Idle inventory
- The actual impediments list compilation procedure feedback
- Practical exercise for inventory
- Practical exercise on drawing up inventory
- More of group exercise on identifying barriers to trade
- Technical issues
- CPC Codes (W120) with their detail services included in each CPC Code
- Also on Mode 1 & 2
- More cases in sector
- The real different between limitation and barriers
- Discussion and criteria for determining legitimate measures vs "barriers"
- A clearer definition of the trade barriers, and more examples of each and how it can be differentiated from domestic regulation
- Make the schedule of commitment
- Schedule of commitment
- More overview at the status of the negotiations
- Discussion on AFAS vis-à-vis agreements with dialogue partners - what is framework
- The implication of the legal binding on the inventory
- Identifying legal and regulatory measures affecting trade in services

4. Did this course use a good mix of lecture and interactive discussion?

- Yes (x 30)
- Yes, but need more time to understand the context first
- Yes, but more on putting the inventory in proper context please
- very well
- fine
- a bit
- Its okay
- Good try
- Should have more interactive discussion
- Need more time for lecture
- Not much
- It didn't

5. What sorts of follow-up activities for this course would you find useful?

- It's important to make a "book" guideline with all the information ex: definition and sample to make same understanding
- Pls, do the list of terminology in WTO; so each country have the same description on each WTO terminology ie.: impediment, barriers: none, unbound, etc
- More focus on secondary ministries of ASEAN instead in services liberalization attendance and invitation
- In depth discussion on criteria for clarifying legitimate vs. non-legitimate measures as well as on methodology for the letter's elimination
- Possible TA on compilation
- To do the inventory of each country
- Assistance in developing/identifying/formulation of/usage of the inventory of legal + regulatory measures
- Good suggestions for timeline
- Issues on compiling to inventory
- Using inventory for negotiating purposes and/or to identify possible offers
- Not everyone is well versed with barriers, impediments and limitation. Need to start from the intro part.
- General Comments:
 - Content was a little disappointing
 - Scope was not as per what the CCS Leaders had in mind
 - Speakers should have been better able to draw from personal experiences and case studies. This was hardly the case.
 - It would have been much more useful to use concrete examples to show how/what/why the barriers lists would be useful and how business would benefit and suggest ways to go about exercise.
 - Overall, the speaker negated the ambition set by the Ministers.
- Training workshop with a bit more detail (a 2 day workshop)
- Continue to organize workshop (in depth) workshop, at least 2 days is may consider to be a more appropriate
- In depth instead of layman's information since COS reps have a fair bit of experience in services trade
- Providing some specific workshops (ie. MA & AT limitations, different definition on barriers)

- Realistic summary and formulation of inventory of barriers to trade in service in each country
- Practical session on this issue for some TFAs
- Future workshop or meeting
- More discussions and group exercises
- Exercise/discussion with lecturer
- Exercise
- More exercise on the inventory that can help everyone to get a clear idea of the procedure
- Whole session at exercise
- The exercise work
- Questionnaire
- ASEAN Framework and Methodology for Services Measures Inventory

Thank you for filling out this questionnaire. Additional comments on any aspect of this course are welcome.