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# DR-CAFTA IMPLEMENTATION

## Annual Report September 2007 to September 2008 October 2008

October 2008

This document was produced for review by the United States Agency for International Development under Contract No. EEM-I-00-07-00008, TO No. 1. It was prepared by Chemonics International Inc.

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## ACRONYMS

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<b>ADOZONA</b>	Dominican Free Trade Zone Association
<b>AEIH</b>	Association of Industrial Enterprises of Herrera
<b>AIRD</b>	Industrial Association of the Dominican Republic
<b>AMCHAM</b>	American Chamber of Commerce
<b>DR-CAFTA</b>	Dominican Republic-Central America-United States Free Trade Agreement
<b>CARICOM</b>	Trade agreement with the Caribbean Community
<b>CCPSD</b>	Santo Domingo Chamber of Commerce and Production
<b>CEI-RD</b>	Center for Exports and Investments of the Dominican Republic
<b>CNC</b>	National Competitiveness Council
<b>CODOPYME</b>	Dominican Confederation of Small and Medium Enterprises
<b>CONEP</b>	National Council of Private Enterprises
<b>CONIAT</b>	Council for Implementation and Administration of Trade Agreements
<b>COP</b>	Chief of Party
<b>CPP</b>	Competitiveness and Policy Program
<b>CRT</b>	USAID DR-CAFTA Regional Trade Program
<b>CTO</b>	Cognizant Technical Officer
<b>DASA</b>	Despradel & Asociados, S.A.
<b>DGA</b>	General Directorate of Customs
<b>DICOEX</b>	Directorate of Foreign Trade
<b>DIGEGA</b>	Dominican Republic General Directorate for Livestock
<b>DR</b>	Dominican Republic
<b>FAO</b>	Food and Agriculture Organization
<b>FDA</b>	Federal Drug Administration
<b>FSIS</b>	Food Safety Inspection System
<b>FTAA</b>	Free Trade Agreement of the Americas
<b>FO</b>	Field office
<b>GATT</b>	General Agreement on Tariff and Trade
<b>GBTI</b>	General Business Trade and Investment
<b>GDP</b>	Gross Domestic Product
<b>GODR</b>	Government of the Dominican Republic
<b>GPO</b>	DR Office of Government Procurement (Dirección General de Contrataciones Públicas)
<b>HACCP</b>	Hazard Analysis of Critical Control Point
<b>IICA</b>	Inter-American Institute for Cooperation in Agriculture
<b>IDB</b>	Inter-American Development Bank
<b>IDIAF</b>	Dominican Institute for Agricultural and Forestry Research
<b>INDOTEL</b>	National Telecommunications Institute
<b>INTEGRA</b>	INTEGRA
<b>IPR</b>	Intellectual Property Rights
<b>IQC</b>	Indefinite Quantity Contract
<b>ISA</b>	Superior Institute of Agriculture
<b>JAD</b>	Dominican Agribusiness Board

<b>KMD</b>	Chemonics Knowledge Management Division
<b>LAC</b>	Latin America and Caribbean
<b>LAVECEN</b>	Central Veterinary Laboratory
<b>LOE</b>	level of effort
<b>MOU</b>	Memorandum of Understanding
<b>NAP</b>	DR National Action Plan
<b>NAFTA</b>	North America Trade Agreement
<b>ONAPI</b>	National Office for Industrial Property Rights
<b>ONDA</b>	National Office for Copyrights
<b>OPTIC</b>	Presidential Office for Information and Communication Technology
<b>OAS</b>	Organization of American States
<b>OTCA</b>	Commercial Agricultural Agreements Office
<b>PART</b>	Program Assessment Rating Tool
<b>PATCA</b>	Support Project to the Transition to Competitive Agriculture
<b>PARETO</b>	Grupo de Consultoría Pareto
<b>PBMS</b>	Performance-Based Management System
<b>PSE</b>	Project Sub Element
<b>PE</b>	Project Element
<b>PIU</b>	Project Implementation Unit
<b>PMU</b>	Project Management Unit
<b>PMP</b>	Performance Monitoring Plan
<b>PUCMM</b>	Pontificia Universidad Católica Madre y Maestra
<b>PSE</b>	Project Sub Element
<b>RFP</b>	Request for Proposal
<b>SAF</b>	Strategic Activities Fund
<b>SEA</b>	State Secretariat of Agriculture
<b>SEIC</b>	State Secretariat of Industry and Commerce
<b>SESPAS</b>	State Secretariat of Health and Social Assistance
<b>SIAMED</b>	Automated System to Register Pharmaceuticals
<b>SPS</b>	Sanitary and Phytosanitary Measures Agreement
<b>STDF</b>	Standards and Trade Development Facility
<b>TBT</b>	Technical Barriers to Trade
<b>TRQ</b>	Tariff Rate Quota
<b>US</b>	United States
<b>USG</b>	United States Government
<b>UNIBE</b>	Universidad Iberoamericana
<b>UPOV</b>	Union for the Protection of New Varieties of Plants
<b>USAID</b>	United States Agency for International Development
<b>USAID</b>	
<b>DR-CAFTA IP</b>	USAID DR-CAFTA Implementation Project
<b>USTR</b>	United States Trade Representative
<b>WAHO</b>	World Animal Health Organization
<b>WB</b>	World Bank
<b>WHO</b>	World Health Organization
<b>WTO</b>	World Trade Organization

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## EXECUTIVE SUMMARY

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## EXECUTIVE SUMMARY

This document presents the results of the first year of the Central America-Dominican Republic-United States Free Trade Agreement (DR-CAFTA) Implementation Project contracted by the United States Agency for International Development (USAID) through Task Order Number EEM-I-00-07-00008-00 under the General Business, Trade and Investment (GBTI) II Indefinite Quantity Contract (IQC). The contract is for a total of \$5,018,735 for a period of three years, from September 12, 2007 to September 30, 2010, with an option of two additional years.

The purpose of the Project is to support the efforts of the Government of the Dominican Republic's (GODR) institutions, especially the Directorate of Foreign Trade (DICOEX) in the State Secretariat of Industry and Commerce (SEIC), private firms and business associations, and civil society organizations to implement fully the DR-CAFTA in the Dominican Republic. The overarching objective is to have within the next five years: **(i)** the GODR implementing effectively all 22 chapters of DR-CAFTA; **(ii)** the Dominican private sector benefiting from improved trade and investment policy implementation; and **(iii)** Dominican civil society groups capable of monitoring, analyzing, and assessing the real impacts, shortcomings and results that this treaty will have had on the Dominican economy and society.

The Project was organized in 5 tasks, 3 were for the initiation of the Project and 2 are to be implemented throughout the contract. This summary only presents the key results and deliverables, as the detail of the results are presented in the main body of the report. After presenting an introduction, the activities were organized starting with agricultural related activities, followed by the direct support to DICOEX, tasks 1, 2 and 3, task 4, and task 5. The report is completed with cross cutting activities, followed with financial information and the performance monitoring program (PMP) of the Project. An annex presents details of the PMP.

### **Key Results and Deliverables**

The following are the key results and deliverables for this first year of the Project:

- Task 1 was completed. The Project Implementation Unit (PIU) was formed.
- Task 2 was completed. The Baseline Assessment of Dominican Institutional Capacity to Implement DR-CAFTA was completed and delivered.
- Task 3 was completed:
  - The Project Five Year Work Plan with details for the First Year was completed and delivered.
  - A Research Agenda on DR-CAFTA related topics was completed and delivered.
- The work plan for the second year of the Project was completed and delivered.

- A matrix defining the roles and responsibilities of public and private sector entities was completed and delivered.
- Action plans for the following institutions were complete and delivered:
  - The Directorate for International Trade (DICOEX);
  - The Government Procurement Office (GPO);
  - The Association of Industrial Enterprises of Herrera (AEIH);
  - State Secretariat for Public Health and Social Assistance (SESPAS);
  - Association of Industries of the Dominican Republic (AIRD);
  - American Chamber of Commerce (AMCHAM); and
  - Office for Agricultural Trade Agreements (OTCA).
- The following Memorandums of Understanding (MOUs) were drafted and signed or are ready for signature:
  - The Project and DICOEX;
  - The Project, DICOEX, the Inter-American Development Bank (IADB) funded Project on Strengthening Trade Capacity (IDB Loan No. 1511), and the Dominican Agribusiness Board (JAD);
  - Directorate of International Trade and Administration of Trade Agreements (DICOEX) and the Treasury Department's Government Procurement Office (GPO)
  - DICOEX and the State Secretariat for Public Health and Social Assistance (SESPAS)
- 1,889 people (659 women or 35%) were trained in the following seminars:
  - Negotiating with the United States Government under DR-CAFTA;
  - How to Use the Tariff Rate Quotas (TRQs) of Agricultural Products in DR-CAFTA;
  - Unfair Trade Practices;
  - Two on Opportunities for Small and Medium Size Companies in DR-CAFTA;
  - Drafting scopes of work (DICOEX Personnel/Santo Domingo);
  - DICOEX Communications Workshop;
  - Quality standards, labeling and packaging to commercialized products in the US and Puerto Rico (Santo Domingo);
  - Two on DR-CAFTA as a trade tool (Santo Domingo);
  - Three on Sanitary and Phytosanitary Measures in DR-CAFTA (Santo Domingo and Santiago);
  - Transparency in DR-CAFTA (Santo Domingo);
  - Association of Industries of the Dominican Republic (AIRD) - Creating a Newsletter Workshop;
  - Creating Alliances in the New York State Market;
  - Two on Number Portability in Telecommunications in DR-CAFTA;
  - Dispute Settlement in DR-CAFTA;
  - Customs General Directorate (DGA) Intellectual Property Rights (IPR) Training;
  - Three on Competition Policy;
  - The Incidence of Corruption in the Development of the Dominican Republic;

- Two Workshops on DR-CAFTA requirements in government procurement;
  - Overcoming the challenges and taking advantage of the opportunities of DR-CAFTA for the following groups throughout the country:
    - **Agricultural sector** in Santo Domingo;
    - Two to the **Rice** sector in La Vega;
    - **Poultry** producers in Moca;
    - **Dairy** sector in El Seybo;
    - **Bean** producers in San Juan de la Maguana;
    - **Onion** producers in Baní;
    - **Garlic and Potato** producers in Constanza;
    - **Oriental vegetables** producers in La Vega;
    - **Pineapple** producers in Cotuí;
    - **Milk and sugar** producers in San Pedro de Macorís;
    - **Coffee** producers in Barahona;
    - **Banana** producers in Valverde Mao;
    - **Cacao and Rice** producers in San Francisco de Macorís;
  - Market Access in the graphics, textiles and shoe manufacturing sector;
  - Arbitration and appeals mechanisms for investor – state under DR-CAFTA; and
  - Unfair trade practices.
- The Performance Monitoring Plan (PMP) was prepared and delivered.
  - USAID DR-CAFTA IP's PMP was updated to include Portman-Bingaman relevant indicators.
  - The Performance-Based Management System (PBMS) is up and running on line. USAID and DICOEX were provided with password access to the Project site.
  - The Special Activities Fund (SAF) procedures designed and approved. Two requests for proposals have been issued.
  - An analysis of the steps required to export meat the use drafted, reviewed and delivered.
  - The regulation for meat and meat products for export was drafted, reviewed, edited, updated and delivered.
  - The sanitary regulation for poultry and poultry products drafted and under review.
  - The Web page of the Office for Agricultural Trade Agreements (OTCA) of the State Secretariat of Agriculture (SEA) was designed and is under review.
  - DR National Action Plan (NAP) to be presented to the TCB Committee of November in Santo Domingo in process of completion.
  - Proposal to modify the insurance law to comply with DR-CAFTA commitments drafted and delivered.
  - Technical assistance to assess the selection criteria for panelists for financial services, labor, environmental and conflict resolutions panelist positions delivered.
  - Technical assistance to evaluate DICOEX's internal communication mechanisms and Microsoft SharePoint implementation delivered.
  - Comparative matrix of all arbitration procedures in operation of an investment appeal mechanism drafted and delivered.

- Ethics Code for arbitrators drafted and delivered.
- A benchmark of trade administrators menu of services was completed and delivered.
- A DR's proposal for investments appeal mechanisms was drafted, reviewed, completed and delivered.
- Technical assistance to review DICOEX's organizational structure provided and still in process.
- Definition of DR-CAFTA working committee's roles and responsibilities, participation, requirements and working procedures drafted, reviewed, produced and delivered.
- The proposed regulation of Law 01-02 on Unfair Trade Practices reviewed.
- The general procedures for the Government Procurement Office (GPO) and detailed action plan to comply with DR-CAFTA commitments in government procurement drafted and delivered.
- The procedure to prepare the list of entities that are not eligible to sell to the Government of the Dominican Republic (GODR) drafted and delivered.
- Manuals and procedures for Customs management of Intellectual Property Rights (IPR) related issues at the border drafted and delivered.
- Ability of SESPAS to manage the applications of pharmaceutical data protection according to DR-CAFTA commitments assessed.
- The State Secretariat of Public Health and Social Assistance (SESPAS) initiated the establishment of a single window to receive applications of new authorizations and renewals to commercialize pharmaceuticals through the use of an Automated System to Register Pharmaceuticals (SIAMED).
- Operation manuals for SESPAS' General Direction of Drugs and Pharmacies partially completed. Work is still in process.
- The President of the Dominican Republic issued a Decree instructing the use of licensed software by selected Government agencies, in compliance with DR-CAFTA commitments.
- Database of local trade research and consulting companies with interest in DR-CAFTA completed and delivered.
- The need and availability of DR-CAFTA related information and the evaluation of DR-CAFTA impact on the Dominican Republic was completed and delivered.
- A profile of economic and social research institutions with capacity to conduct international trade studies was completed and delivered.
- The methodology to conduct DR-CAFTA evaluations was completed and delivered.
- An evaluation of the impact of DR-CAFTA during the first year of implementation was completed and delivered.
- An analysis of positive outcomes of DR-CAFTA during the first year was completed and is under review.
- The work flow to produce a newsletter at DICOEX was completed, and the relevant people were trained.
- A benchmark study on policies to improve the business environment in DR-CAFTA countries in Central America produced and is under review.

- The DR-CAFTA IP internal communications plan was completed and delivered.

A list of all the technical reports produced and delivered during the first year follows:

## REPORTS FINANCED BY USAID THE DR-CAFTA IMPLEMENTATION PROJECT

No.	Title of the Report	Date Finished	Collaborating Institutions	Consultant
1	Initial Evaluation of the Dominican Institutional Capacity to Implement DR-CAFTA	October 2007	USAID/SEIC /DICOEX	Donald Hart, Elka Scheker and Patricia Mejía
2	Matrix of the Roles and Responsibilities of Dominican Institutions to Implement DR-CAFTA	November 2007	USAID/SEIC/ DICOEX	Lynette Batista
3	List of Relevant Research with the Context of the USAID DR-CAFTA Implementation Project	November 2007	USAID/DICOEX	Apolinar Veloz and Rolando Guzmán
4	Characterization of the Profile of Dominican Economic and Social Research Institutions, and Analysis of their Capacity to Conduct Trade Studies	February 2008	USAID/DICOEX	Jonathan Liz
5	Proposal Regulation of Law 1-02 on Unfair Trade Practices	March 2008	USAID/SEIC /DICOEX	Mario Pujols
6	Profile of the Needs and Availability of Relevant Information on DR-CAFTA	April 2008	USAID/SEIC /DICOEX	Wilfredo Contreras
7	Appeal Entity or Similar Mechanism for Dispute Settlement Investor - State	April 2008	USAID/SEIC /DICOEX	Natalia Polanco
8	Consultant Report on the Sanitary Regulation for Meat and Meat Products in the Dominican Republic	June 2008	USAID/DICOEX/ SESPAS	Mercedes Erazo
9	Comparative Study of Services Offered by Trade Administration Units	June 2008	USAID/SEIC/ DICOEX	Velia Govaere
10	Impact Analysis of DR-CAFTA in the Dominican Republic	July 2008	USAID/SEIC /DICOEX	Apolinar Veloz
11	Methodology to Conduct Impact Analysis of DR-CAFTA in the Dominican Republic	July 2008	USAID/SEIC /DICOEX	Apolinar Veloz and Jonathan Liz
12	Consultant Report on the Sanitary Regulation for Processed and Canned Meat in the Dominican Republic	August 2008	USAID/SESPAS/S EIC/DICOEX	Mercedes Erazo
13	Report on Requirements to Export Meat to the US	September 2008	USAID/DICOEX/ EIC/SESPAS	Luis Ramon Rodriguez

## **SECTION I**

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### **INTRODUCTION**

## SECTION I

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### INTRODUCTION

#### A. Background

The Dominican Republic (DR) began a transformation process to open its economy in the early nineties with an active participation in the Uruguay Round of negotiations of the General Agreement on Tariff and Trade (GATT)<sup>1</sup> that concluded with the opening of the World Trade Organization (WTO) in 1995.

Due to the limitations reached with the conclusion of the Uruguay Round, countries continued negotiating with close partners to engage in trade agreements that would accelerate market access. The DR was no exception. It participated actively in the negotiations of the Free Trade Agreement of the Americas (FTAA), signed free trade agreements with Central America and the Caribbean countries, and a partial free trade agreement with Panama.

In 2003 the DR was accepted in the negotiations of the Free Trade Agreement between the United States (US) and Central America (CAFTA), and on August 5, 2004 the DR signed the Central America-Dominican Republic-United States Free Trade Agreement (DR-CAFTA). On March 1<sup>st</sup> 2007, the Dominican Republic complied fully with the DR-CAFTA requirements and the treaty came into force. The Dominican Government views regional integration initiatives as a critical tool in addressing its urgent economic and social needs, and is strongly committed to the implementation of DR-CAFTA and other Free Trade Agreements (FTAs), as a way of achieving broad-based sustainable economic growth. USAID has been supportive of the DR's efforts over many years, helping to strengthen the country's business and trade environment, and most recently, through the Competitiveness and Policy Project (CPP), building its trade capacity and assisting in legal and regulatory reform in preparation for DR-CAFTA implementation.

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The USAID financed DR-CAFTA Implementation Project contract was awarded to Chemonics International in September 2007. The purpose of this activity is to support the efforts of the Government of the Dominican Republic's (GODR) institutions, especially the Directorate of International Trade and Trade Agreements Administration (DICOEX) in the State Secretariat of Industry and Commerce (SEIC), private firms and

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<sup>1</sup> Contrary to most of its Central America partners, the DR is a founding member of the GATT.

business associations, and civil society organizations to fully implement the DR-CAFTA agreement in the Dominican Republic. The overarching objectives of this Project is to have within the next five years: **(i)** the GODR implementing effectively all 22 chapters of DR-CAFTA; **(ii)** the Dominican private sector benefiting from improved trade and investment policy implementation; and **(iii)** Dominican civil society groups capable of monitoring, analyzing, and assessing the real impacts, shortcomings and results that this treaty will have had on the Dominican economy and society.

## **B. Description of Project Objectives and Results Framework**

This Project was designed to facilitate implementation of DR-CAFTA and ensure that local institutions are fully competent to carry out their respective roles and responsibilities in support of implementation and compliance with DR-CAFTA. By working closely with and providing technical assistance to the public institutions and private organizations related to DR-CAFTA implementation, this Project is expected to achieve the following general objectives upon completion of its 3-year timeline:

1. Strengthened communications and coordination among GODR institutions, particularly DICOEX, to monitor and evaluate the implementation of all the provisions in the 22 chapters of DR-CAFTA;
2. Greater support for public policy and procedural reforms required to implement DR-CAFTA effectively, improved overall investment climate, and greater private business investment and competitiveness in the Dominican Republic;
3. Enhanced capacity in key public and private sector institutions to monitor the implementation of DR-CAFTA and carry out quality applied research and analysis on its economic and social impact on various sectors of the Dominican economy; and
4. Improved awareness and understanding by all sectors in DR-CAFTA implementation issues, impacts and opportunities across all sectors.

The methodology for achieving results is based on four guiding principles:

1. ***“Dominicanization” of the institutional strengthening process.*** To be successful, Dominicans must lead the institutional strengthening and policy reform process. The Dominicanization begins with predominantly Dominican core and implementing teams. The Project will make our partners, particularly DICOEX, the face of Project implementation activities, quickly positioning them as trusted DR-CAFTA administrators, sources of information and technical support in their areas of responsibility.
2. ***A flexible, responsive approach to Project implementation.*** Potential political, economic, and institutional changes require a flexible approach to Project implementation, grounded in continuous evaluation of needs and opportunities. The Project will develop solid relationships with public and private-sector stakeholders, and a robust Performance-Based Management System (PBMS), to

allow us to quickly respond to critical changes in the Project operating environment and the needs of Project partners.

- 3. *Clear, continuous internal and external communication.*** Open, constant communication among stakeholders is essential to foster and reinforce the values of transparency and coordination needed to facilitate DR-CAFTA implementation. We will develop consultative mechanisms to facilitate public/private dialogue, and assist DICOEX and other private institutions to develop effective communications tools, such as websites and newsletters. We engaged DICOEX from day one to ensure the entity is providing input on Project design and implementation, and communicating regularly with USAID and stakeholders through progress reports and other means.
- 4. *Coordinated efforts and resources.*** Close coordination with stakeholders, donors, and other USAID programs will be a hallmark of this Project.

Our Project fits within the USAID/Santo Domingo Mission's objective of "Economic Growth" - to generate rapid, sustained, and broad-based economic growth, Program Area "4.2 Trade and Investment," and "Program Element 4.2.2 Trade and Investment Capacity".

The Program Element 4.2.2: The Trade and Investment Capacity activity has three program sub-elements:

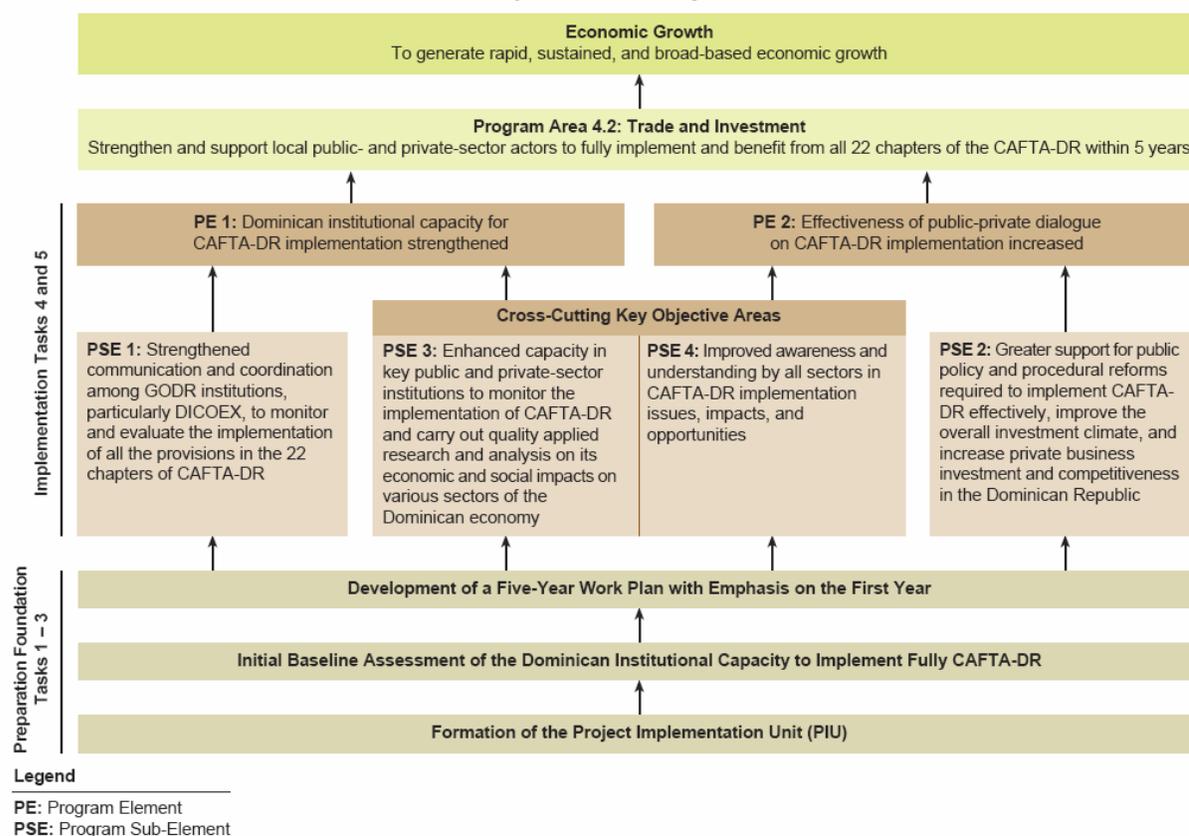
- Program Sub-Element 4.2.2.1: Trade Communication and Technologies;
- Program Sub-Element 4.2.2.2: Trade Knowledge and Skills; and
- Program Sub-Element 4.2.2.3: Non-Agricultural Standards Compliance.

The above general USAID objectives will be achieved through the following results framework (see Exhibit 1 below):

- Task 4:** Dominican institutional capacity for DR-CAFTA implementation strengthened
- a. Strengthened inter-institutional framework
  - b. Empowered DICOEX and strengthened research and data capability

- Task 5:** More effective public-private dialogue on DR-CAFTA
- a. Increase the capacity of the private sector to monitor and evaluate DR-CAFTA
  - b. Create consultative mechanisms for public-private sector dialogue
  - c. Develop and implement a DICOEX communication and public relations campaign
  - d. Ensure that DICOEX systematically receives, analyzes, and responds to private-sector input

**Exhibit 1. CAFTA-DR Implementation Project Results Framework**



## C. Organization – Operation of the Project

The USAID DR-CAFTA Implementation Project’s organizational structure is shown in the chart below. The Project has a very streamlined staffing structure that includes only four full-time, long term professionals. This group of full-time professionals, designated as the Project Implementation Unit (PIU), is led by Chief of Party (COP), Dr. Rubén D. Núñez. Dr. Núñez directly supervises three managers, each representing the three functional areas of the Project: finance and administration, monitoring & evaluation/public outreach, and technical services. The finance and administration function is managed by the Financial Manager, Víctor Pérez. Mr. Pérez supervises the Operations Manager and the rest of the Project administrative support staff. The Monitoring and Evaluation and Public Outreach Specialist, Wendy Soto, has primary responsibility for Project reporting, monitoring and communications under the direction of the COP. She supervises a Communications Assistant, Yashara Canaan.

Technical service delivery is managed by the Technical Director, Lynette Batista, who works with the COP in the implementation of the work plan and the management of the Project’s other technical resources, such as the highly qualified group of local subcontractors including Integra, Pareto and DASA, as well as short term consultants and specialists. The Project has been designed as a demand-driven, deliverable-based activity. All subcontractors, local, and international consultants are contracted for

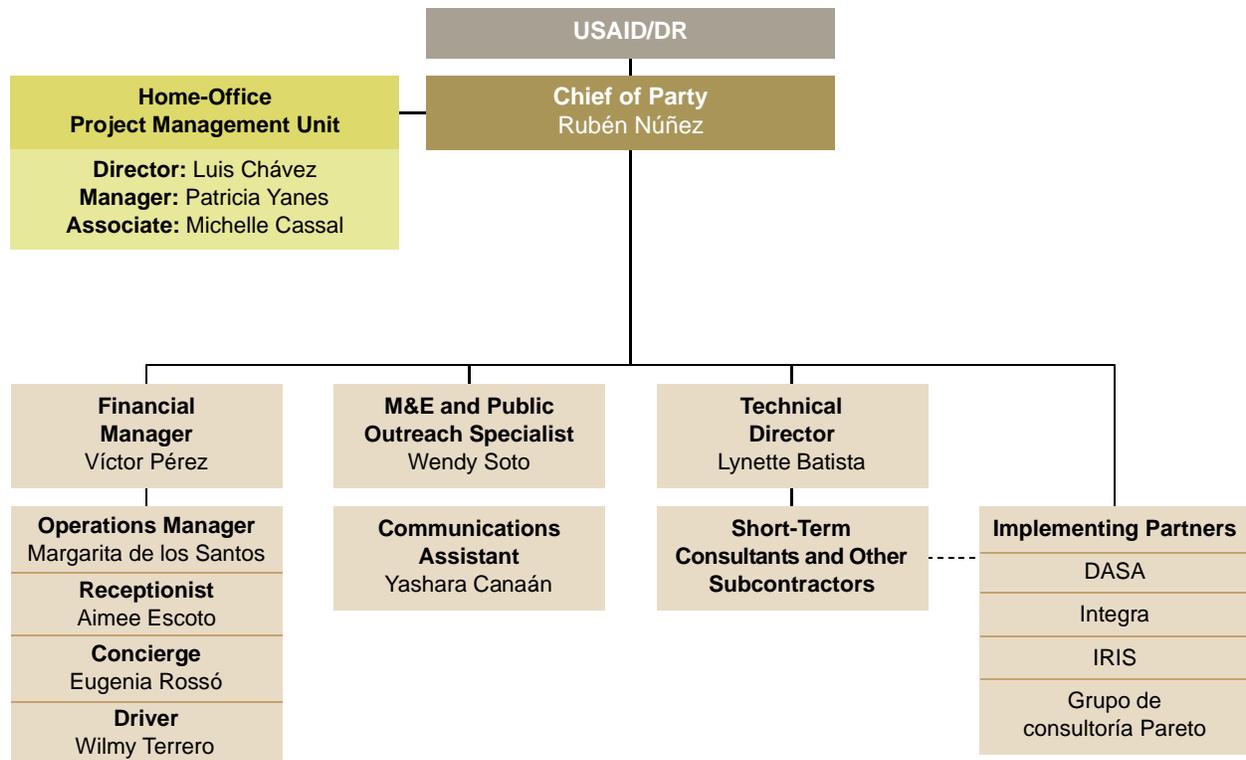
specific activities with well defined products and deliverables, to be delivered on a timely basis within prescribed level of effort (LOE) limits. The Performance Based Management System (PBMS) documents, monitors and reports on these activities on a monthly, quarterly and annual basis.

The PIU is supported by the Home Office Project Management Unit (PMU), including the PMU Director, Luis Chávez, PMU Manager, Patricia Yanes, and PMU Associate, Michelle Cassal.

The USAID DR-CAFTA Implementation Project administration and financial management is the responsibility of both the Home Office PMU and the financial manager and operations manager based in the field office (FO) in the Dominican Republic. They are both ready to respond to USAID requests as they arise. The PMU provides continual support to the FO by establishing approvals and contractual guidelines, providing administrative direction, and performing day-to-day backstopping.

The operations manager reports all Project expenditures in the Chemonics developed accounting software and is responsible for ensuring that the necessary documentation for all local expenses, including purchase orders, receipts, evidence of competition, etc, is included in the accounting files and in accordance with USAID and Chemonics procedures.

### DR-CAFTA Implementation Project: Updated Organizational Chart



## **SECTION II**

# **STRENGTHENING RURAL ECONOMIC DEVELOPMENT**

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## SECTION II

### STRENGTHENING RURAL ECONOMIC DEVELOPMENT

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Agricultural products were excluded from international trade negotiations until the General Agreement on Tariff and Trade (GATT) Uruguay Round that concluded with the opening of the World Trade Organization (WTO) in 1995. The Agriculture Agreement of this negotiation was highly limited as the compromise was for countries to change the non-tariff barriers to tariffs equivalence. This resulted in very high tariffs for certain products in each country. Industrialized nations also consolidated certain import and export subsidies.

The WTO Agricultural Agreement was complemented with the Sanitary and Phytosanitary Measures Agreement (SPS), which establishes rules on sanitary and phytosanitary measures affecting trade, under the principle that SPS measures can only be adopted to protect human, animal and plant health based on scientific evidence. DR-CAFTA makes reference to the WTO SPS agreement in all of its application.

The DR negotiated the protection of a group of “sensitive” products that were included in the “technical rectification” after the negotiations had concluded. The high level of protection was to be faced out through an increasing volume of Tariff Rate Quotas (TRQs) and a reduction in tariffs for imports beyond the quotas.

Due to the limitations of this Agricultural Agreement, Article 20 mandated new negotiations starting on the year 2000. This is what has been called the Doha Development Agenda that was supposed to conclude in 2004, but it has not come to closure in 2008 mainly due to disagreement on the liberalization process of agricultural products. This liberalization includes tariff reductions and the elimination or reduction of subsidies, mainly export subsidies.

DR-CAFTA was no exception. The only sector that excluded some products was agriculture, except for the DR that did not exclude any products from trade liberalization. However, it negotiated TRQs and/or Special Agricultural Safeguards for certain sensitive products, with a transition period of up to 20 years for the case of rice.

DR-CAFTA IP has provided assistance to the DR in its process to comply with its commitments in DR-CAFTA through the following actions:

- Assist the DR in complying with DR-CAFTA agricultural commitments;
- Assist the DR in complying with US regulations for meat imports;
- Assist the DR in complying with SPS Measures; and
- Assist the DR in the implementation of the UPOV Agreement.

## A. DR Compliance with DR-CAFTA Commitments

DR compliance with DR-CAFTA commitments requires the full participation of both the Government and the private sector. Thus, the Project worked in:

- Strengthening the Office of Agricultural Trade Agreements (OTCA) at the State Secretariat of Agriculture (SEA); and
- Improving the knowledge of the agricultural private sector about DR-CAFTA

**A1. Strengthening OTCA to Implement DR-CAFTA.** OTCA is in charge of administering the agricultural components of international trade agreements, including the administration of the TRQs and the Special Agricultural safeguards in DR-CAFTA. We strengthened OTCA by providing assistance in:

- The design of its Web Page; and in
- TRQs administration.

**A1a. OTCA's Web Page.** OTCA is the office responsible for of the administration of agricultural trade agreements, including the Agriculture Agreement and the Sanitary and Phytosanitary Measures Agreements (SPS) of the World Trade Organization (WTO), as well as the agricultural issues in the Central America Free Trade Agreement, the trade agreement with the Caribbean Community (CARICOM) and DR-CAFTA. OTCA is also in charge of negotiating agricultural issues in all the agreements and in new negotiations.

OTCA administers the Tariff Rate Quotas in the WTO and in DR-CAFTA, as well as the Special Agricultural Safeguard Measures in DR-CAFTA. The DR committed to transparency in DR-CAFTA; thus, it is very important for OTCA to have a good Web page.

In response to OTCA's request, USAID DR-CAFTA IP assisted OTCA in the design of its Web Page by contracting two local consultants who worked with OTCA and the Presidential Office for Information and Communication Technology (OPTIC) in the design of the Web Page. The work is nearly completed and the Web page will be available for the public in November 2008.

**A1b. TRQs Administration.** Due to the USAID DR-CAFTA IP mandate, the assistance was limited to the administration of the TRQs in DR-CAFTA, and not the TRQs in other agreements, as it is the case for the WTO, also know as the products in the "technical rectification."

OTCA published the announcement of TRQs availability for 2008 on November 15, 2007. The deadline for presenting offers to import products under the TRQs was December 7, 2007. However, the Commission responsible for distributing the TRQs was not able to meet until January, 2008 due to the lack of basic information required for the Commission to do its job. OTCA did not have the statistical information on

imports for the last three years, classified by importer, because Customs was not able to provide such information until the last week of January. OTCA needed this information to identify the traditional importers, as the regulations state that for most products 70% of the TRQs would be assigned to traditional importers. A traditional importer of a particular product is one that has imported that product during the last three consecutive years. OTCA also needed the exact amount imported by each importer that was assigned TRQs during 2007 in order to identify those that did not use the TRQs in their totality and did not return the unused amounts. When this happens the importer is punished by not receiving TRQs for the following two years.

As a strategy to facilitate the TRQs understanding by the public and private sectors, USAID assisted DICOEX and JAD in conducting a seminar on How to Use the TRQs of Agricultural Products in DR-CAFTA. The seminar was held at Hotel Santo Domingo on December 4, with the presence of key stakeholders, such as the President of the Agricultural Committee in the DR Senate.

The seminar was attended by 104 participants (34 or 33% women), of which 60 (58%) were from the private sector and 44 (42%) from the public sector. USAID provided the international consultant, who explained how the TRQs work in DR-CAFTA. He also provided information on the Special Agriculture Safeguard contained in DR-CAFTA. A representative from Customs explained how they manage the TRQs, and a representative of the private sector expressed his experience with TRQs in 2007. The participation of the audience was very active, and the questions were answered not only by the international consultant, but by the representatives from Customs and OTCA.

On December 5, 2007, the international consultant made a presentation to media directors at DICOEX on TRQs. There were 11 participants (5 or 45% women). The consultant provided direct assistance to DICOEX employees on the administration of TRQs and agricultural safeguard measures on December 5. The topics discussed included: a detailed explanation on how to calculate the additional tariff when the special agricultural safeguard is activated; a quick review and general comments on the draft of reforms to the procedures (“Reglamento”) for the administration of TRQs. He made several observations, but due to time limitations he could not complete an analysis and proposal of alternative wording.

The international consultant was interviewed on December 5 in the program “Ahora...Yolanda,” that is transmitted at 9:00 p.m. The interview on TRQs and its impact on Dominican importers and consumers was conducted by a former Director of DICOEX.

OTCA finally published the distribution of the TRQs on February 13, 2008.

OTCA had difficulties in the administration of the quotas for 2008; thus, they decided to modify the Regulation in an attempt to correct the experienced deficiencies. They requested the DR-CAFTA IP assistance in reviewing the proposed modifications. The assistance was delivered with recommendations to improve the proposed regulation.

## A2. Improving the Knowledge of the Agricultural Private Sector on DR-CAFTA.

The expansion of the knowledge of DR-CAFTA was achieved by two approaches:

- Seminars throughout the country; and
- Production of a brochure on DR-CAFTA for agriculture in simple terms.

**A2a. Seminar series.** The Project was able to conduct a series of seminars all over the country through a collaborative effort between DICOEX through its component of IADB loan 1511 on strengthening DR trade agreements capabilities, and the Dominican Agribusiness Board (JAD). The Project provided the consultant to conduct the seminars, JAD invited agricultural producers and DICOEX paid for the logistics expenses through the IADB Loan 1511.

In additions to this collaborative effort, the Project also conducted seminars on TRQs and SPS measures, in coordination with DICOEX.

With this seminar series, 877 agricultural producers were trained in seminars titled: “Facing the Challenges and Taking Advantage of the Opportunities of DR-CAFTA.” Each seminar was tailored to each particular group, as they were focused to the particular product produced by each group. The following table presents a summary of the conducted seminars:

**Agriculture Sector DR-CAFTA Awareness Sessions**

	<b>Seminar Title</b>	<b>Date</b>	<b>Place</b>
<b>1</b>	How to take advantage of the Tariff Rate Quotas in DR-CAFTA	December 2007	Hotel Santo Domingo
<b>2</b>	Sanitary and Phytosanitary measures in DR-CAFTA	January 2008	Hotel Santo Domingo
<b>3</b>	Sanitary and Phytosanitary measures in DR-CAFTA	January 2008	Pontificia Universidad Católica Madre y Maestra
<b>4</b>	Sanitary and Phytosanitary measures in DR-CAFTA	January 2008	Recinto TEP/PUCMM, Santiago
<b>5</b>	Taking advantage of DR-CAFTA in the Agricultural Sector	January 2008	Salón Avícola, JAD
<b>6</b>	Impact of DR-CAFTA on National Rice Producers	January 2008	Federación Provincial de Parceleros, La Vega
<b>7</b>	Quality Standards and Commercial Opportunities to Export to the United States and Puerto Rico	February 2008	Hotel Santo Domingo
<b>8</b>	Impact of DR-CAFTA on National Poultry Producers	March 2008	Consejo Nacional de Instituciones Pecuarias, (Moca)

	Seminar Title	Date	Place
9	Impact of DR-CAFTA on National Milk Producers	March 2008	Salón de Conferencias, Restaurante Wao, El Seybo
10	Impact of DR-CAFTA on National Bean Producers	April 2008	Asociación de Productores Agrícolas de San Juan de la Maguana
11	Impact of DR-CAFTA on National Rice Producers	April 2008	Cooperativa de Productores Arroceros (La Vega)
12	Impact of DR-CAFTA on National Onion Producers	April 2008	Estación Experimental del IDIAF, Sombrero Baní
13	Impact of DR-CAFTA on National Garlic and Potatoes Producers	May 2008	Altocerro, Villas Hotel & Camping (Constanza)
14	Impact of DR-CAFTA on Oriental Vegetables Producers	May 2008	Centro Norte IDIAF (La Vega)
15	Small and Medium Sized Businesses Opportunities in DR-CAFTA	May 2008	Hotel Santo Domingo
16	Creating Alliances in the New York Market	May 2008	Salón Multiusos, AIRD
17	Impact of DR-CAFTA on Pineapple Producers	June 2008	Ayuntamiento de Cevicos, Cotuí
18	Impact of DR-CAFTA on Milk & Sugar Producers	June 2008	Local Asociación de Colonos de Consuelo (San Pedro de Macorís)
19	Impact of DR-CAFTA to National Coffee Producers	July 2008	Cobo Country Club (Barahona)
20	Impact of DR-CAFTA to National Banana Producers	August 2008	Valverde Mao
21	Impact of DR-CAFTA to National Cacao and Rice Producers	August 2008	Mata Larga, El Limón, San Francisco de Macorís

**A2b. Brochure on DR-CAFTA for the Agricultural Sector.** A document describing the DR-CAFTA for the agricultural sector in simple terms was drafted and it is under review. This document will be used as a tool to facilitate the learning process on DR-CAFTA of people in the agricultural sector.

## **B. DR Compliance with US Regulations to Export Meat**

The DR used to export beef to the US, but exports ceased in the mid nineties due to high internal prices. USDA now requires exporting countries to have a good regulatory system in place, as well as certified slaughterhouses to process the beef for export. The DR has never exported poultry products to the US, but the producers are interested in exporting chicken breast. This activity will require a certification process. The Project envisioned working on this activity during its second year, but due to the interest shown by DICOEX, a DR-CAFTA IP consultant conducted the initial assessment to determine

if there was enough interest, as well as identifying the initial steps required to comply with the regulatory framework.

The consultant's findings indicated that the DR ceased its beef exports and walked out voluntarily from the list of certified countries to export to the US. Ten years later, new additional regulations, such as Hazard Analysis of Critical Control Point (HACCP), were introduced by the US Food Safety Inspection System (FSIS), which the DR never implemented in the past. The country applied for recertification and FSIS inspectors came to evaluate the Dominican system. During the evaluation it was obvious the existence of serious public health problems was obvious, as the State Secretariat for Public Health and Social Assistance (SESPAS) was not able to implement neither the food safety inspection law nor the required monitoring procedures.

Furthermore, there was a lack of an animal health inspection program and a strong program of laboratory testing, as well as significant deficiencies in slaughter houses installations and export procedures.

On March 11<sup>th</sup>, 2008 the Dominican Republic General Directorate for Livestock (DIGEGA) called for a technical meeting with private sector meat processors and meat safety and inspection personnel from SESPAS as well as the members of the sanitary and phytosanitary component of the Project to Support a Competitive Agricultural Transition (PATCA) to review progress and the status of the slaughter houses certification process.

The meeting came to the conclusion that the public and private sectors are interested in continuing with the Project and accomplish the goal in a realistic time frame. However, there is a need for technical assistance from international and local experts to prepare the working document that can support the need for financial and personnel resources that will be required to implement and administer the national meat inspection system.

DIGEGA appointed Dr. Bienvenido Núñez to lead and coordinate the actions required for the certification of the DR to export beef to the US. This is critical, as many of the required actions did not take place in the past due to the lack of a point person that could lead the process.

The required equipment to conduct the lab tests were finally installed at the Central Veterinary Laboratory (LAVECEN). This is also required for the certification process. The tests will be operational around October 2008, as the equipment needs to be calibrated and the personnel trained.

The DR-CAFTA IP's consultant drafted a report outlining the steps needed to achieve the certification goal for Dominican exports to the U.S. This report included the most recent questionnaire from FSIS, which includes the new regulations. The questionnaire was translated by the Project and distributed to the authorities involved. The final draft of the report was completed, delivered and distributed.

As noted above, the certification process requires the following three components:

- Government regulation and inspection;
- Laboratory capacity to conduct the required tests; and
- Private sector participation in good production practices at the farm level and good processing practices at the slaughterhouses.

USAID DR-CAFTA IP provided an international consultant who drafted the required regulation for fresh meat. This regulation was reviewed by SESPAS, completed, delivered and distributed.

In a second assignment to draft the regulations on processed and canned meat, the international consultant was requested to integrate both regulations into one; that is, the regulation for fresh meat and the regulation for processed and canned meat. This task was achieved, and the draft regulation was produced, reviewed, completed, delivered and distributed.

## **C. DR Sanitary and Phytosanitary Regulations**

In addition to drafting the regulation to export beef to the US, DR-CAFTA IP provided assistance to the DR in:

- Strengthening the Sanitary and Phytosanitary Measures (SPS) Committee; and
- Drafting other food related regulations.

**C1. Committee on Sanitary and Phytosanitary Measures (SPS).** The Committee met on January 16 for the presentation of a Project implemented by the Inter-American Institute for Cooperation in Agriculture (IICA) with financing from the Standards and Trade Development Facility (STDF). This project provides institutional strengthening to SPS committees. The STDF was established by the World Trade Organization (WTO) jointly with the World Bank (WB), the World Animal Health Organization (WAHO), World Health Organization (WHO), and Food and Agriculture Organization (FAO) to provide SPS-related technical assistance and capacity building Projects. It covers national as well as regional Projects. The Project coordinated by IICA is for US\$580,000, covering several countries, including the Dominican Republic. The DR-CAFTA IP team coordinates with IICA to avoid duplication of efforts, complementing the activities they do in support of the DR SPS Committee.

USAID assisted DICOEX and JAD in conducting a seminar on Sanitary and Phytosanitary Measures under DR-CAFTA. The seminar was held at Hotel Santo Domingo on January 15, and attended by 128 participants (38 or 30% were women), of which 33 were from the private sector and 95 from the public sector. The Project coordinated with the Inter-American Institute for Cooperation in Agriculture (IICA) to provide the specialist on SPS. This was an activity coordinated between IICA, USAID and DICOEX.

The consultant explained the SPS measures in DR-CAFTA and how they are linked to the SPS agreement in the World Trade Organization (WTO). His presentation was followed by a presentation on the US import alerts due to pesticide residues made by one of the professionals of the USAID Rural Economic Development Project, who also spoke on the Food and Drug Administration (FDA) procedures to import food into the USA. One of the local experts from IICA spoke on the progress made by the DR in compliance with SPS, while one of the staff from the Office for Agricultural Trade Agreements (OTCA) of the State Secretary for Agriculture (SEA) presented the activities of the DR SPS committee to comply with SPS. OTCA is the secretary of the DR SPS Committee.

The same day, the international consultant made a presentation to students at the Pontificia Universidad Católica Madre y Maestra (PUCMM) (Pontificia Catholic University Mother and Teacher).

On January 16, a similar seminar was held in Santiago, but only with the participation of the international consultant and the expert from the USAID RED Project. There were 94 participants (33 or 35% were women). Many of them were students from the Superior Institute for Agriculture (ISA), who provided a very rich discussion with their interesting questions.

**C2. Other Food Related Regulations.** In addition to the regulation for meat (beef and pork), the USAID DR-CAFTA IP also provided assistance in drafting:

- The regulation on poultry; and
- The regulation on risk of food and beverages.

**C2a. Regulation on Poultry and its Products.** USAID DR-CAFTA IP provided an international consultant to assist SESPAS in drafting a regulation on poultry and poultry products. The consultant produced a first draft that is under review, and final draft is expected for final production and delivery in October 2008.

**C2b. Regulation on Risk Control for Food and Drinks.** USAID DR-CAFTA IP provided an international consultant to assist SESPAS in drafting a regulation on risk control for food and drinks. The consultant produced an initial draft of the regulation. Final draft of the report will be produced and delivered before the end of October.

## **D. Union for the Protection for New Varieties of Plants (UPOV)**

The DR approved the law that ratifies its membership in the UPOV as one of the requirements of DR-CAFTA before entering into force. The Law calls for the issuance of a Resolution creating the Technical Commission and the Office of Registration of Plant Varieties within 120 days of enacting the law. A USAID-DR-CAFTA IP local consultant was assigned to work on this task. He met with and motivated SEA's Undersecretary of Agricultural Research and Extension, who would be the president of the Technical Commission, according to the law.

The private sector has been very demanding on this issue, as several local and Central American private companies are willing to initiate the registration process of vegetable seed varieties. Several meetings were conducted at IICA to follow up on the commitment by SEA to draft the UPOV Law regulation, and create the Office for Registration of Varieties as well as the technical Committee to apply the law. The draft texts for the required documents were prepared and submitted for revision and implementation by SEA. Final decision is still pending.

## **SECTION III**

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### **STRENGTHENING DICOEX'S CAPACITY FOR DR-CAFTA ADMINISTRATION**

## SECTION III

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### STRENGTHENING DICOEX'S CAPACITY FOR DR-CAFTA ADMINISTRATION

DICOEX is the institution responsible for the administration of DR-CAFTA in the DR; thus, it is the main institution that receives assistance from the USAID DR-CAFTA Implementation Project. The Project not only provides direct assistance to DICOEX, but coordinates with them the assistance provided to other institutions. The first year the Project assisted DICOEX on the improvement of its capacity in the following areas:

- Its ability to contract and analyze research and make policy recommendations;
- Its capacity for DR-CAFTA administration; and
- Its ability to analyze and respond to implementation issues.

An analysis of the results achieved during the first year in each of these areas follows.

#### ***A. DICOEX's Ability to Contract and Analyze Research and Make Policy Recommendations***

DICOEX is an institution with the mandate to administer trade agreements, and not to conduct research. However, it could tap the local capabilities to contract third parties, including consultants and institutions capable of conducting research and analysis. Thus, DICOEX can make a better use of its resources and focus on its mandate.

USAID DR-CAFTA IP strengthened DICOEX's ability to contract, analyze and make policy recommendations through the following direct assistance:

- Development of a research agenda;
- Development of a database of consultants and organizations able to conduct research on trade;
- Identification of the needs and availability of information on DR-CAFTA;
- Analysis of the impact of DR-CAFTA during the first year; and
- Analysis of positive outcomes of DR-CAFTA.

**A1. Research Agenda on DR-CAFTA.** Before conducting research it is necessary to identify the topics and issues to be analyzed, and this identification should include the opinion of other stakeholders and not just DICOEX. This research agenda should be prioritized and scheduled over time. USAID DR-CAFTA IP assisted DICOEX in developing a research agenda on DR-CAFTA by subcontracting one of the local partners, who sent out a questionnaire to relevant institutions and individuals, reviewed the literature on relevant topics, including other trade agreements as the North America Trade Agreement (NAFTA). The subcontractor analyzed the information and produced a report with a list of research topics that would be of interest for DICOEX. The final report was completed, reviewed, produced and distributed.

This research agenda will be used to contract consultants and institutions capable of conducting the analysis. This agenda is also used by USAID DR-CAFTAP IP in sending requests for proposals through the Special Activity Fund (SAF) that is described in the section of Cross-Cutting activities.

**A2. Assist DICOEX in Developing a Database of Consultants and Organizations Able to Conduct Research on Trade.** To facilitate the identification of local institutions capable of conducting trade related research, mainly DR-CAFTA, USAID DR-CAFTA IP contracted one of the local partners that completed an analysis on all the research institutions and individuals with interest in international trade. The report and database were delivered and distributed in June. This report was used to request proposals to conduct the studies that will be financed with the Special Activities Fund (SAF).

**A3. Needs and Availability of Information on DR-CAFTA.** In addition to designing the research agenda, DICOEX identified the need of collecting information from stakeholders on the needs and availability of information on DR-CAFTA. This information will be useful when conducting the quarterly reports and yearly impact analyses. USAID DR-CAFTA IP subcontracted a local partner to draft a report identifying the needs and availability of information on DR-CAFTA. The report was completed, reviewed, produced and delivered.

**A4. DR-CAFTA First Year Impact Analysis.** This is the first time DICOEX conducts an impact analysis of a trade agreement; thus, this task required the development of a methodology, training DICOEX's staff, and conducting DR-CAFTA first year impact analysis.

**A4a. Methodology to Conduct an Impact Analysis of DR-CAFTA.** USAID DR-CAFTA IP subcontracted one of the local partners to draft a document describing the methodology to conduct the impact analysis on DR-CAFTA. The report was completed, reviewed, produced and delivered. DICOEX technicians received training on the use of the methodology.

**A4b. DR-CAFTA First Year Impact Analysis.** USAID DR-CAFTA IP subcontracted one of the local partners to conduct an evaluation of DR-CAFTA during the first year since entering into force in the DR. The draft was completed, reviewed, produced and delivered.

**A5. Analysis of Positive Outcomes of DR-CAFTA.** DR-CAFTA has been locally criticized by certain sectors that were negatively affected by the agreement; therefore, DICOEX and the American Chamber of Commerce (AMCHAM) identified the need of conducting an analysis of positive outcomes of DR-CAFTA. This analysis would be used by both institutions in promoting the agreement. USAID DR-CAFTA IP subcontracted one of the local partners to produce a document analyzing the positive outcomes of DR-CAFTA. This activity involved developing an index for the activity,

conducting interviews with people from the public and private sectors, and analyzing secondary data. The first draft was completed and being reviewed.

## **B. Assess and Strengthen DICOEX Capacity for DR-CAFTA Administration**

DICOEX was established in 2002, by Resolution No. 182-02 as a Department of the State Secretary of Industry and Commerce (SEIC) and reports directly to the Undersecretary of Foreign Trade. For DR-CAFTA implementation, DICOEX changed to a new organizational structure, after the enactment of Decree No. 610-05 in November 2, 2005. The new structure includes a National Council comprised of authorities from other government institutions that have relevance in the implementation and the beneficial use of international trade agreements, called CONIAT (National Council for Implementation and Administration of Agreements). DICOEX also has 4 technical units: Business Intelligence, Market Access, Trade Disciplines, and International Cooperation. Each unit handles specific subjects related to the DR-CAFTA content. The CONIAT is not in operation yet, but the units represent DICOEX's organizational structure.

The Institutional Assessment conducted at the beginning of the USAID DR-CAFTA IP identified that DICOEX needed to define more clearly its areas of responsibility and intervention, and modify its organizational structure for the task of implementation and administration of the DR-CAFTA.

Although the IDB funded Project (Loan No. 1511) conducted a legal analysis of the Council and drafted a bill to support DICOEX's role and responsibilities, the USAID DR-CAFTA IP worked with the IDB funded Project to ensure that DICOEX has the optimal organizational structure, as well as management, and administrative systems in place.

USAID DR-CAFTA IP strengthened DICOEX's organizational structure by:

- Conducting a benchmark analysis of other trade administration units in DR-CAFTA countries;
- Conducting an evaluation of DICOEX's organizational structure; and
- Identifying DR-CAFTA Committees.

**B1. Benchmark of Other Successful Models that May Be Used to Develop and Implement DICOEX's Menu of services.** USAID DR-CAFTA IP contracted an international consultant to conduct a benchmark study within the DR-CAFTA countries implementation units to analyze the menu of services that could be used and implemented by DICOEX. This study encourages DICOEX to adopt best international practices for customer satisfaction. The study was completed and delivered.

**B2. Review DICOEX's Organizational Structure.** USAID DR-CAFTA IP contracted an international consultant to assist DICOEX in developing an adequate organizational structure, as well as management and administrative systems to fulfill commitments in DR-CAFTA. The consultant analyzed the drafted bill proposal for DICOEX that was conducted by the IDB funded Project and recommended some institutional changes.

The consultant also worked closely with the team that is implementing ISO 9001 at DICOEX to coordinate activities. This consultancy is still in progress.

**B3. Facilitate and Define Group Roles and Responsibilities for DR-CAFTA Committees.** DR-CAFTA calls for the creation of about 14 committees, commissions and working groups:

- Free Trade Commission
- Free Trade Agreement Coordinators
- Trade Capacity Building Committee
- Committee on Agricultural Trade
- Committee on Trade in Goods
- Committee on Sanitary and Phytosanitary Measures (SPS)
- Committee on Technical Barriers to Trade (TBT).
- Financial Services Committee
- Labor Affairs Council
- Environmental Affairs Council
- Administration of Dispute Settlement
- Ad-hoc Committee on Customs Administration and Trade Facilitation
- Secretariat for Environmental Matters
- Environmental Cooperation Commission
- Commission on Agricultural revisions (matters)

Many of them have not been activated because other countries have been waiting for the agreement to enter into force in Costa Rica. USAID DR-CAFTA IP assisted DICOEX in establishing DR-CAFTA local working committees; organizing and planning meetings and developing written procedures and policies on reporting requirements. The assistance included coordination procedures for the 14 committees in DR-CAFTA and local working committees. Rules of procedures for all 14 committees and working group were done. The report is under review by DICOEX for further distribution.

### **C. Increase DICOEX's Ability to analyze and Respond to Implementation Issues**

USAID DR-CAPTA IP performed the following tasks to assist DICOEX in increasing its ability to analyze and respond to implementation issues:

- Proposed the creation of an appeal body or a similar mechanism that can review and harmonize the arbitration sentences mandated in relation to Chapter 10 of the DR-CAFTA agreement;
- Developed a matrix of all arbitration procedures in operation of an investment appeal mechanism;
- Drafted an ethics code for arbitrators; and
- Drafted the selection criteria for panelists.

**C1. Investments Appeal Mechanism.** Decree 610-07 empowered DICOEX as the authority for the creation and implementation of an investment appeals mechanism. USAID DR-CAFTA IP worked with DICOEX in its internal organization to structure and to develop manuals and procedures for the creation and implementation of an investments appeals mechanism. The Project also worked on the Dominican proposal for the creation of an appeal body or a similar mechanism that reviews and harmonizes the arbitration sentences stipulated in Chapter 10 of DR-CAFTA. USAID RD-CAFTA IP is also working with DICOEX in evaluating the institutions that should be part of investors vs. state dispute settlement mechanisms and the goals that the GODR needs to achieve. The Project will continue working during year two in the dissemination, distribution and approval of the proposal.

**C2. Matrix of Arbitration Procedures.** USAID DR-CAFTA IP assisted DICOEX in evaluating investments appeal mechanisms to adopt best international practices. It assisted DICOEX in drafting a comparative matrix of all arbitration procedures of an investments appeal mechanism in operation and presented an analysis of the different systems in place. The matrix was reviewed, produced and delivered.

**C3. Ethics Code for Arbitrators.** USAID DR-CAFTA IP assisted DICOEX in drafting an ethics code for arbitrators that adopts best international practices and codes. These codes represented the Dominican Republic proposal for an Ethics Code in DR-CAFTA countries as established in DR-CAFTA. The code was reviewed, produced and delivered.

**C4. Assess the Selection Criteria for Panelists.** DR-CAFTA requires the selection of panelist on Financial Services, Environment, Labor and Conflict Resolution through a bidding procedure. USAID DR-CAFTA IP assisted DICOEX and other related institutions in evaluating the required qualifications for language and technical expertise of candidates that participate in the selection. The technical assistance provided by the Project included interviews with the candidates and the evaluation of questionnaires for the selection. Questionnaires for labor and environmental panelists have been reviewed up to September 2008. The Project will continue working during year two until the selection of the panelist is completed.

## **SECTION IV**

### **RESULTS IN TASKS 1, 2 AND 3**

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## SECTION IV

### RESULTS IN TASKS 1, 2 AND 3

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Tasks 1, 2 and 3 were basically start ups of the Project. The following is a description of each one.

#### A. Results under Task 1

**Expected results:** Formation of the Project Implementation Unit (PIU). Completed.

The PIU was formed and the organization chart was presented to USAID within 15 days of contract award, on September 26, 2007, as specified in the contract. This organization chart was later modified in the work planning process (see Section I).

The COP, Rubén D. Núñez, started on September 12; the Technical Director, Lynette Batista (DASA) started on September 14; the Financial Manager, Víctor Pérez, started on September 25; the M&E and Public Outreach Specialist, Wendy Soto started on October 29; and the support staff from the Competitiveness and Policy Project (CPP) was transitioned on November 1. The present structure appears in Section I.

Sub-contracts were signed with Integra, Grupo de Consultoría Pareto and DASA. The Project worked with them throughout the year. The Project has benefited from the participation of Lynette Batista on the PIU team. Lynette is a long term technical advisor that is participating in the Project through a subcontractor arrangement with DASA.

COP orientation at Chemonics HO was from November 26 through 29. Even though the COP has been working with Chemonics since 2003 in the Competitiveness and Policy Project (CPP), and he was COP in a previous Project during the nineties, Chemonics has since developed new management systems and support units. The orientation was useful in exposing the COP to these tools and resources in order to be able to use them effectively in Project implementation.

#### B. Results under Task 2

**Expected results:** Initial Baseline Assessment of Dominican Institutional Capacity. Completed.

International consultant was in Santo Domingo from September 24 through October 11 of 2007, and was assisted by one of the Project's local implementing partners. They completed the assessment and made a presentation to stakeholders on October 11 of 2007. The draft report produced in October was reviewed, edited and observations incorporated to produce the final formatted report according to USAID branding guidelines, which was delivered.

A member of one of the local partners made a presentation of the matrix on the roles and responsibilities of each institutions at a meeting held in September 2008.

### **C. Results under Task 3**

**Expected results:** Development of a Five-Year Work Plan. Completed.

This task produced three results:

- A five year work plan with the details for the first year, an update of this work plan, and a work plan for the second year.
- A donors meeting; and
- A Research agenda.

**C1. Work plans.** The development of the first work plan had the active participation of the PIU, the Project Management Unit (PMU) from Chemonics's Home Office (HO), our key sub-contractors and key stakeholders, mainly DICOEX, and USAID. The selected activities for implementation under this work plan are the product of the consensus of the *Project Team*, taking into consideration their impact on the successful implementation of DR-CAFTA and the Project objectives. The draft work plan presented to USAID and DICOEX in October, 2007 was reviewed to incorporate their observations and produce a final draft that was submitted on Dec 12, 2007.

The Project submitted an update to the work plan on March 2008, and the second year work plan was delivered in September 2008.

**C2. Donors meeting.** Following the Project's recommendations, DICOEX had a donors meeting on October 24, 2007 where the COP presented an overview of the first work plan, and other donors presented their Project in support of DICOEX. DR Country Coordinator for the DR-CAFTA Regional Trade Project (CRT) presented the activities of this Project in the DR; Luis González talked about the other initiatives of the US Government in support of DR-CAFTA; Ivan Ogando and Astrid Wynter talked about the IDB funded Project; and Arsenio Jiménez talked about the EU funded Project. The objective of the meeting was to share what each project will be doing to avoid duplication of efforts; coordinate activities; and provide inputs for the Project and DICOEX's work plans.

**C3. Research agenda.** One of the local subcontractors developed a research agenda that was finalized, presented and delivered to USAID and DICOEX. The agenda will be used by DICOEX to contract research and studies related to DR-CAFTA implementation. This is the same agenda reported in Section III and it is repeated here because it is listed under Task 3 in the Contract.

## **SECTION V**

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### **ADDITIONAL RESULTS IN TASK 4: STRENGTHENING THE DOMINICAN INSTITUTIONAL CAPACITY FOR DR-CAFTA IMPLEMENTATION**

## **SECTION V**

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### **ADDITIONAL RESULTS IN TASK 4: STRENGTHENING THE DOMINICAN INSTITUTIONAL CAPACITY FOR DR-CAFTA IMPLEMENTATION**

This section presents additional results achieved in Task 4. The word “Additional” is used because some of the results presented in Sections II and III correspond to Task 4, but were presented in those sections for presentation purposes, as there is an interest in grouping all the results achieved in DR-CAFTA implementation in agriculture and to strengthen DICOEX’s capacity for DR-CAFTA administration.

The results have been organized by institution or by topic. Here we only present the results of activities designed to strengthen the institutions’ capacity to implement DR-CAFTA, as the outreach activities are presented in the following section VI in Task 5. The institutions and topics are:

- Identification of priority institutions;
- Drafting action plans;
- Drafting and signing memorandums of understanding;
- Government Procurement Office (GPO);
- State Secretariat of Health and Social Assistance (SESPAS);
- Central Bank of the Dominican Republic;
- Intellectual property rights; and
- Association of Industries of the Dominican Republic

#### **A. Identification of Priority Institutions**

The baseline assessment provided the information to identify the institutions that should be given priority attention by DR-CAFTA-IP. The project team, along with DICOEX, has identified the following priority institutions:

- DICOEX;
- Office of Agricultural Trade Agreements (OTCA) and other State Secretariat of Agriculture (SEA) dependants;
- National Office for Industrial Property Rights (ONAPI);
- National Office for Copyrights (ONDA);
- Government Procurement Office (GPO);
- State Secretariat of Public Health and Social Assistance (SESPAS);
- American Chamber of Commerce (AMCHAM);
- Dominican Agribusiness Board (JAD);
- Free Trade Zones Association (ADOZONA);
- National Council for Private Enterprises (CONEP);
- Association of Industries of the Dominican Republic(AIRD);

- Association of Industrial Enterprises of Herrera (AEIH);
- General Directorate of Customs (DGA);
- State Secretariat for the Environment and Natural Resources (SEMARENA);
- State Secretariat of Labor.

## **B. Action Plans**

The Project assisted selected institutions in the development of detailed action plans with well-defined implementation timeframes to strengthen their capacity to implement DR-CAFTA. During the first year, the project assisted the following institutions in the development of detailed action plans, which were completed and delivered:

- DICOEX;
- State Secretariat for Public Health and Social Assistance (SESPAS);
- Government Procurement Office (GPO);
- Dominican Agribusiness Board (JAD);
- The Association of Industrial Enterprises of Herrera (AEIH);
- Association of Industries of the Dominican Republic (AIRD);
- American Chamber of Commerce (AMCHAM); and
- Office for Agricultural Trade Agreements (OTCA).

## **C. Memorandums of Understanding**

Memorandums of Understanding (MOUs) define the roles, responsibilities, and expected contributions of both DR-CAFTA IP and the partner institution (including counterpart contributions in cash and/or in kind), as well as any other donor contributions. In these MOUs, partners are asked to designate a lead representative with whom the PIU will coordinate implementation of the action plan. During the first year the following Memorandums of Understanding (MOUs) were drafted and signed or are ready for signature:

- The Project and DICOEX;
- The Project, DICOEX, the Inter-American Development Bank (IADB) funded Project on Strengthening Trade Capacity (IDB Loan No. 1511), and the Dominican Agribusiness Board (JAD);
- DICOEX and the Treasury Department's Government Procurement Office (GPO);
- DICOEX and SESPAS;
- DICOEX and AIRD; and
- DICOEX and AEIH.

## **D. Government Procurement Office (GPO) or Dirección General de Contrataciones Públicas (DGCP)**

Chapter 9 of DR-CAFTA presents the commitments of DR-CAFTA countries in government procurement regulations in accordance with the fundamental principles of openness and transparency.

The legal framework that supported government procurement in the Dominican Republic was obsolete, as it dated back to 1967. Government procurement was regulated by Law 295-66 and Law 105-67. Interested parties had always influenced the Government and Congress to avoid passing new legislation, including a modern law proposal drafted at the State Secretariat of Finance through an IDB funded Project. As there was a national interest of having the DR-CAFTA entering into force, it was the agreement's requirements prior to entering into force that contributed to the approval of a new law.

DR-CAFTA entered into force on March 1<sup>st</sup> 2007. Law 340-06 was approved by Congress in 2006 in order to comply with DR-CAFTA requirements. This law was subsequently modified in the same year by Law No. 449-06 regarding concessions. In 2007 this legislation was again modified by Law No. 490-07, creating a new legal framework for government procurement that promoted transparency.

The new Government Procurement Office is responsible for implementing the Law and ensuring that all government procurement units, which are close to 100, follow the law. It also has the responsibility of developing guidelines, rules and regulations to assure the compliance of the Law and the DR-CAFTA commitments alongside with DICOEX.

Chapter 9 is complex; it covers procurement for most DR government entities, including key ministries, instructions in the public tendering process, national treatment and local suppliers, and specific matters regarding the award of contracts. Given the complexity of the requirements for government procurement under DR-CAFTA, and the equally complex Law 490-07, the Government Procurement Office worked with DICOEX and the USAID DR-CAFTA IP to ensure that its actions are in compliance with the DR-CAFTA.

**D1. Implementation of procedures.** USAID DR-CAFTA IP, in coordination with DICOEX, conducted a detailed action plan and general procedures with the activities required in government procurement to comply with DR-CAFTA. These commitments include the adoption of measures that disqualify (render "ineligible") from public procurement suppliers shown to be guilty of fraud, bribery, incompetence, and of other specified acts of commission or omission; maintaining the list of ineligible suppliers and to make that list available to other parties upon request; and the establishment of a non-discriminatory bid process on contracts from governments entities. The report is under review by DICOEX and the Government Procurement Office.

**D2. Train GODR procurement units' personnel on DR-CAFTA requirements for procurement procedures.** A USAID DR-CAFTA IP consultant conducted two training sessions to all GODR procurement units on DR-CAFTA commitments and requirements for government procurement. A total of 26 Dominican central Government institutions were trained.

## **E. State Secretariat of Health and Social Assistance (SESPAS)**

SESPAS is an institution created by Law No. 4378, as enacted on February 10<sup>th</sup>, 1956 and its legal framework is complemented with its own Regulation No. 1312 that was enacted on December 3<sup>rd</sup>, 1995.

The Dominican Republic's legal framework for the Health System changed substantially with the enactment of the General Health Law 42-01 in 2001, the Regulation for Medicines (Decree 246-06) and the law that creates the Dominican Social Security System (Law 87-01).

SESPAS is in charge of carrying out in all of the Dominican Republic's territory, directly or through its technical branches, all dispositions contained in the General Health Law, its regulation and other legal dispositions that are related to Public Health.

The Drugs and Pharmaceuticals Department and the Sanitation Registry are in charge of controlling all the roles that SESPAS has regarding the regulation of trade-in goods for human consumption and directly linked with the administration of the DR-CAFTA's Chapter 15, especially in subjects like the drug and pharmaceutical products sanitation registry and undisclosed data protection.

DR-CAFTA establishes the obligation of the countries that are party to guarantee the protection of pharmaceutical products and agricultural chemicals, for which it should require the presentation of protected data or any other undisclosed data as a condition to approve the commercialization or sanitation registry of these products and new products.

There is also the obligation to protect patented products, which cannot be commercialized by non-authorized third parties, and for this the Agreement establishes that the patent holder be informed for the identity of anyone who solicits the approval to enter a product in the market while the patent is valid.

Another of DR-CAFTA's dispositions that pertain directly to the actions that SESPAS must undertake is in regards to border measures, especially with the imports of counterfeit pharmaceutical products. The responsibility for the compliance of this commitment should be done in coordination with DGA and ONAPI. The authorities, therefore, could impose the necessary border measures (without a judge's authorization).

Even though the World Bank has funded a Project for the reform of the Health Department, USAID DR-CAFTA IP assisted SESPAS in the following activities:

- Train personnel that belong to the departments involved in the DR-CAFTA's implementation. These are the Drug and Pharmaceutical Department and Sanitation Registry.
- Create a technological tool to control products imported by third parties that do not present the pertaining authorizations related to protected data.
- Create and automate the processes that should be carried out in order to avoid that third parties commercialize patented products.

**E1. Assess and train personnel on DR-CAFTA commitments.** A USAID DR-CAFTA IP international consultant worked with SESPAS's Drugs and Pharmaceutical Department to create the awareness and strategies to comply with DR-CAFTA commitments and their relation with intellectual properties rights. The Project consultant worked with the DGDF personnel for two consecutive weeks to recommend procedures to manage the application of pharmaceutical data protection and IPR related issues. The final report and recommendations are being reviewing by DICOEX and DGDF personnel.

The USAID DR-CAFTA IP consultant also trained SESPAS personnel on DR-CAFTA commitments. The consultant conducted a seminar on May 30<sup>th</sup>, 2008 addressed to all Directors and Sub Secretaries of SESPAS during the General Administration Strategic Planning Workshop held in Juan Dolio, DR. A special training for DGDF technical personnel was also conducted on June 2<sup>nd</sup>, 2008.

**E2. Organize the Drugs and Pharmaceutical Department and provide information technology solutions.** A USAID DR-CAFTA IP consultant was hired to assess the General Administration of Drugs and Pharmacies (DGDF) technological ability to manage the registration of drugs and medicines in the country. The consultant adapted the World's Health Organization (WHO) SIAMED software at DGDF. This software designed by WHO helped DGDF organize registration procedures. The consultant also worked in the proposal for data protection of pharmaceuticals and the necessary World Wide Web links with ONAPI to create a mechanism for the inter-institutional interaction between DGA, ONAPI and SESPAS in order to coordinate border measures. The SIAMED is already in service in the DGDF and the final report with progress indicators is in review by the DGDF.

**E3. Technical Procedures Handbook.** USAID DR-CAFTA IP assisted DGDF in its organization process to draft and revise all DGDF technical procedures. These procedures include setting up efficient procedures to authorize medications for sale in the DR, and increasing public awareness on the dangers of not verifying the efficiency of drugs distributed for human consumption. All the procedures are expected to be completed by October 2008.

## **F. Central Bank of the Dominican Republic**

As stated in DR-CAFTA, the Central Bank of the Dominican Republic, in coordination with the Supervising Agency for Banks and Insurances, is the designated member of the Financial Services Committee and has the responsibility for the implementation of DR-CAFTA financial services commitments.

The Institutional Assessment conducted at the beginning of the USAID DR-CAFTA IP reveals the need to improve communication and interaction within DICOEX and the Central Bank. At the moment DICOEX does not have precise information regarding the state and level of preparation of actions to comply with the DR-CAFTA financial services commitments, as indicated below:

- a) Establishing experts to belong to the financial services panelist roster according to procedures and specifications of article 12.18.3.
- b) Development of investment dispute procedures according to article 12.19.
- c) Legal reforms or administrative provisions to ensure that:
  - ✓ Insurance Law allows the operation of foreign branches.
  - ✓ Cross border financial services can be provided in the DR following clear and simple procedures, which may include registration of providers.
  - ✓ Special law or provision that defines what is a collective investment scheme.
  - ✓ Foreign institutions in the DR can provide new financial products.
  - ✓ Clear definition of what constitutes "doing business" and "solicitation" for cross border financial services.
- d) Status of financial services chapter's suspension with Guatemala, and banking services provisions with all Central American countries (2-year hiatus requested by DR).
- e) Designate a member for DR-CAFTA Financial Services Committee.

During the first year, a USAID DR-CAFTA IP subcontractor worked with DICOEX and the Central Bank on improving communication between them and identified a contact person in the Central Bank and Superintendence of Insurance for DR-CAFTA purposes. The Subcontractor also worked to on assuring that these Institutions recognize the authority that DICOEX has to require information or the execution of determined actions in order to comply with DR-CAFTA commitments. On years two and three, the Project will continue working with the Central Bank and DICOEX to ensure DR-CAFTA compliance.

The following activities were supported by USAID DR-CAFTA IP:

- Selection of Financial Services Panelists
- Proposal of modification of the National Insurance Law to comply with DR-CAFTA.

**F1. Selection of Financial Services Panelists.** A USAID DR-CAFTA IP subcontractor worked with Central Bank in the rules of procedures and timeline for the selection of Financial Services Panelists. The assistance included the list of criteria for the selection of panelists, creation of a working group in the Central Bank for financial services commitments, and a detailed action plan for the selection procedure of panelist. The report was completed and the process for the selection will begin on October 2008.

**F2. Revision of Insurance Law.** A USAID DR-CAFTA IP subcontractor reviewed alongside with the Superintendence of Insurance the National Insurance Law, and drafted procedures on reforms needed for the Insurance Law to comply with DR-CAFTA Chapter 12 Annex III commitments. The modification of the Law will include the handling of branches as a legal entity in the DR. The USAID DR-CAFTA IP subcontractor worked directly with the Superintendent of Insurance in the revision of the law and the agreed proposal; and conducted a benchmark study of three Latin American countries with insurance laws that include branches as a legal entity to ensure better international practices in the drafted proposal. The proposal was completed and delivered.

## **G. Intellectual Property Rights**

ONAPI, the National Office for Industrial Property was established under Law 65-00 in August 2000. Its main purpose is to secure the protection of invention patents, utility models, industrial design registry and distinctive signs. In addition, it maintains the Registry for Commercial names. Chapter 15 obligations are responsibility of ONAPI with the collaboration of ONDA (National Office for Copyrights) and SESPAS (State Secretariat for Public Health and Social Assistance).

In addition to prosecute piracy and to secure border measures, ONAPI needs to coordinate actions with the Customs General Agency (DGA) and the General Prosecutors Office. Little progress has been made in securing adequate channels of communication and coordination activities with DGA. However, the DGA recently created and office for intellectual property violation.

Although a USAID funded Project (DR-CAFTA Regional Trade Project – CRT) is responsible for assisting Customs in Central America and the DR in implementing Chapter 4 and 5, plus rules of origin aspects included in Chapter 3, DGA needs assistance in areas such as IPR not assisted by other Projects.

Customs has a special function in solving IPR related issues with imported merchandise at the point of entry, mainly detecting and stopping imports of counterfeit merchandise.

USAID DR-CAFTA IP worked actively with ONAPI and DGA personnel to promote actions that help address IPR related issued with imported merchandise at the point of entry. The Project supported the following activities:

- Technical assistance to draft manuals and procedures for Customs management of IPR related issues.
- Train Customs officials on IPR related issues.

**G1. Technical assistance to draft manuals and procedures for Customs management of IPR related issues.** A USAID DR-CAFTA IP consultant, with the participation of DICOEX and ONAPI, drafted a manual on procedures for DGA management officials to handle IPR related issues. The manual and report are under review by DICOEX, ONAPI and DGA personnel.

**G2. Train Customs Officials on IPR related issues.** DGA personnel were trained on intellectual property rights in international trade. The training session included an introduction to intellectual property rights, importance of the safety and authenticity of traded goods, international agencies and their cooperation on IPR related issues, anti-piracy mechanisms, and infringement processes. A total of 24 DGA technicians were trained in a 4 hour session.

## **H. Association of Industries of the Dominican Republic**

The Association of Industries of the Dominican Republic (AIRD) is the largest industrial organization of the Dominican Republic, comprising the country's most important productive sectors, such as: food and beverages, agro industry, textiles, shoes, steel and metals, plastic products, construction, and pharmaceuticals, among others. At the same time, AIRD represents a great number of regional and sub-sector industrial associations. Founded in 1962, it has more than 130 direct members and close to 1,500 indirect members (through the membership of AIRD's member industrial associations).

Although AIRD did not support the DR-CAFTA negotiation process and was not in favor of the Agreement, they emerged as a relevant player during the congressional ratification process of the DR-CAFTA, requesting complementary measures for the national industry in light of both the market openings and the import tariffs reduction. In 2005 it promoted a fiscal reform geared towards finding a balance between the government's fiscal sacrifice and the industrial sector's needs. In a general sense, after the ratification of the DR-CAFTA by the Dominican Congress, AIRD has been supporting the Agreement's dispositions specially the ones that provide more transparency and assurance regarding the new market rules, chapters on trade facilitation, market access, government procurement, transparency, and dispute resolution.

AIRD's efforts and plan of action is to react to DR-CAFTA issues and prepare a market defense. Its main concern is in regards to the evaluation of the incentive patterns and the cost production analysis of the Dominican Republic versus the other Central American countries party to the Agreement.

USAID DR-CAFTA IP supported a **Benchmark study on Institutional Changes in Central America DR-CAFTA countries due to the implementation of the agreement.** A USAID DR-CAFTA IP international consultant worked in this assignment. The study included the analysis of socio economic development in DR-CAFTA countries and actions taken for the implementation of the agreement. The study also included a comparative analysis of competitiveness indexes and the recently created trade facilitation index. The study will be presented to the general public on the first week of October 2008.

## **SECTION VI**

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### **ADDITIONAL RESULTS IN TASK 5: MORE EFFECTIVE PUBLIC-PRIVATE DIALOGUE ON DR-CAFTA**

## SECTION VI

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### ADDITIONAL RESULTS IN TASK 5: MORE EFFECTIVE PUBLIC-PRIVATE DIALOGUE ON DR-CAFTA

As explained in Section V, this section presents additional results in Task 5, as other results were presented in Sections II and III for presentation purposes. There is an interest in grouping all the results achieved in DR-CAFTA implementation in agriculture and to strengthen DICOEX's capacity for DR-CAFTA administration.

The results have been organized in the following sections:

- Increase capacity of the private sector to monitor and evaluate DR-CAFTA; and
- Develop and implement DICOEX's communications and public relations campaign.

#### A. Increase the Capacity of the Private Sector to Monitor and Evaluate DR-CAFTA

The USAID DR-CAFTA Implementation Project works to provide technical assistance to increase the capacity of the private sector to monitor and evaluate DR-CAFTA by increasing its awareness and by stimulating its research capabilities. To increase awareness, the Project has conducted a series of seminars, workshops, trainings and other activities with the institutions detailed below. This section does not include the seminars conducted for the agricultural sector, as they were presented in Section II of this report. Furthermore, detailed information regarding all Project seminars and activities are included in Annex A.

These seminars were conducted in coordination with DICOEX, who supported the activities conducted by the private institutions. The institutions that received assistance the first year in conducting DR-CAFTA related seminars include:

- The American Chamber of Commerce (AMCHAM);
- The Association of Industries of the Dominican Republic (AIRD);
- The Association of Industrial Enterprises of Herrera (AEIH);
- Technological Institute of Santo Domingo (INTEC); and
- Iberoamerican University (UNIBE).

**A1. American Chamber of Commerce (AMCHAM).** The Project has provided AMCHAM with resources to implement its "*Capacitando para la Competitividad con el DR-CAFTA*" seminar series. The series, which initiated under the USAID CPP, equips Dominican businesses with the tools to comply with DR-CAFTA provisions and compete under the agreement. The following seminars were conducted in conjunction with DICOEX during the Project's first fiscal year. These seminars, however, will continue throughout the life of the Project to facilitate DR-CAFTA related dialogue among private and public sector institutions.

**A1a. The Importance of Competition Policy in International Trade: DR-CAFTA effects.** USAID DR-CAFTA IP assisted DICOEX and AMCHAM in conducting a seminar on the importance of competition policy in international trade for the private sector. The Project provided the assistance of an international consultant who made a presentation on competition policy and the participation of the Dominican Republic in DR-CAFTA. His presentation was followed by Angélica Noboa Pagán, who spoke on international commercial arbitration and its relationship to competition. Eduardo Jorge Prats presented a law proposal to create a market authority as an independent body to administer Law 42-08 on Competition Policy, the Law on Consumer Protection and the Law on Unfair Trade Practices. Finally, Magdalena Gil from SEIC made a presentation on the implementation of Law 42-08 on the defense of competition. USAID has a history of supporting the drafting and implementation of a competition policy in the DR. It started with the Competitiveness and Policy Project by providing a consultant to draft the law proposal, and then vetting this proposal with the public and private sector, including Congress.

**A1b. Disputes Settlement in DR-CAFTA.** USAID DR- CAFTA IP provided an international consultant to conduct a seminar on dispute settlement in international trade. The consultant introduced his presentation with the North America Free Trade Agreement (NAFTA) Transportation Services case. The consultant provided various examples, observations and key aspects of dispute settlement. He spoke about the importance of the proper skills and attitudes in order to settle conflicts. During the seminar, Ms. Yahaira Sosa, DICOEX Legal and Institutional Coordinator, presented the country's compliance with the DR-CAFTA disputes settlement chapter.

**A1c. The Incidence of Corruption in the Dominican Republic.** USAID DR-CAFTA IP sponsored a pro-bono participation of an international consultant as the keynote speaker at the seminar. The consultant spoke of "The Role of the Justice Department in the Fight Against corruption." The seminar was organized by AMCHAM and gathered participants from different sectors. Other speakers were: Dr. Victor José Castellanos, DR Supreme Court Judge, who presented the topic: "Role of the Judicial System in the Fight Against Corruption"; Ms. Rosario Espinal, Temple University Sociologist, who spoke of "Corruption Culture in the Dominican Republic and it's impact in the country's development"; Mr. Lisandro Macarrulla, President of the National Council of Private Enterprises (CONEP), who talked about the "Corruption's Impact on National Competitiveness"; Mr. José Luis Taveras, Editing Lawyer of the Judicial Official Journal or Gazette, who talked about persecuting corruption; Mary Fernández, AMCHAM Legal Committee President, who presented a Summary and Conclusions Report; and Judge Dr. Jorge Subero Isa, DR Supreme Court's President, who provided the closing remarks.



Participants at the Incidence of Corruption Seminar

**A2. Association of Industries of the Dominican Republic (AIRD).** USAID DR-CAFTA IP worked closely with AIRD and provided technical assistance to conduct a number of seminars on DR-CAFTA related topics.

**A2a. Unfair Trade Practices.** On December 11, 2007 a USAID DR-CAFTA IP international consultant conducted a one day seminar at AIRD where she trained members of the private and public sector on Unfair Trade Practices. The consultant focused on the topic as it relates to DR-CAFTA, the World Trade Organization (WTO), as well as local regulations and their challenges. The seminar was held at AIRD facilities from 8:30AM to 5:00 PM and a total of 21 people attended (10 or 48% of which were females). The main results from the seminar were:

- a. Training of public sector members, particularly the Transition Commission that was at the time in charge of the investigations related to unfair trade practices.
- b. Training of private sector members: AIRD members and candidates for the Commission to be appointed by the Executive and Legislative Branches of the Dominican Republic.
- c. Overview of the main challenges the country may face when using unfair trade practices defense mechanisms and the required components for the proper defense of the productive sectors.
- d. Discussion on the main relevant components of the local regulations and a revision of the “best practices” in other legislations and other Investigating Authorities.

**A2b. Quality Standards, Labeling and Packaging to Commercialize Products in the U. S. and Puerto Rico.** USAID DR-CAFTA IP provided an international consultant to conduct a one day seminar where he spoke about the requirements and quality standards to commercialize products in the United States and Puerto Rico. In his presentation, the consultant detailed the processes for importing and distributing consumer products in the United States as well as their quality, labeling and packaging requirements. He also highlighted the commercial opportunities that Hispanic consumers in the United States represent for exporting countries like Dominican Republic. Mrs. Circe Almánzar, AIRD Vice-president, and Pablo Espinal, DICOEX Director, both gave introductory speeches before the consultant's presentation.



Mr. Gabriel Pascual Interacting with the Audience

**A2c. Exporting Opportunities to New York State and the Pattern of Dominican Exports.** USAID DR-CAFTA IP provided an international consultant to conduct a seminar in which she presented her research, sponsored by the National Competitiveness Council (CNC), on how to create alliances with the Dominican Diaspora living in the New York City metropolitan area. She also detailed the requirements to successfully import and market products in New York. In her presentation, the consultant concluded by providing the audience with information on other relevant aspects for the successful distribution of products in New York. Dr. Circe Almánzar, AIRD Vice-president, provided the opening remarks and Mr. Roberto Despradel, AIRD consultant, presented the results of the research conducted on the attitudes and limitations of the exporting activities of Dominican manufacturing industries. Mr. Andres Van der Horst, CNC Executive Director, introduced the consultant's research and presentation.

**A2d. Communications Workshop on Creating a Newsletter.** The USAID DR-CAFTA IP M&E and Communications Specialist conducted a 6 hour workshop with the AIRD personnel responsible for the institution's newsletter. She spoke of the assessment and organization needed in order to identify the focus of the institution's newsletter; the need for an established workflow; roles and responsibilities of the personnel involved; design; style and overall layout of the publication. In the last session, held on May 29, 2008 she provided information on the different techniques for taking quality photographs, distribution strategies and mechanisms, as well as final conclusions.

**A3. Association of Industrial Enterprises of Herrera (AEIH).** USAID DR-CAFTA IP is working with DICOEX and AEIH in the coordination of several seminars: "Market Access by Industrial Sector in DR-CAFTA." A local consultant was provided by the Project to conduct the workshops. The following industrial sectors have been identified to receive the training:

- Graphics, Textiles and Footwear Manufacturing;
- Metal mechanics, Construction, Chemicals, Furniture and Mattresses; and
- Plastics, Cosmetics and Agricultural Businesses.



Mrs. Vilma Arbaje speaking of Market Access

The first training session was held on September 30, 2008 and was aimed at textile and footwear industries. The consultant gave an introduction to the framework of DR-CAFTA and its commitments. She then detailed the aspects in which DR-CAFTA applies to the textiles and footwear industries. The consultant also provided an introduction to the TRADEMAP tool, which was presented by Alicia Contreras from CEI-RD. This tool allows users to identify the potential of specific export items for export in the world markets.

**A4. Technological Institute of Santo Domingo (INTEC). Seminar on DR-CAFTA as a Trade Tool.** USAID DR-CAFTA IP Technical Director conducted two seminars for the International Trade graduate students at INTEC. The first seminar was held on January 16, 2008 from 6 p.m. –10 p. m. and 12 people (8 or 67% were women) attended. The second seminar was held on January 28, 2008 and 10 people attended (6 or 60% were women).

**A5. Iberoamerican University (UNIBE). Lecture on “International Arbitration: A New Era of Conflict Resolution.”** USAID DR-CAFTA IP provided an international consultant to conduct a lecture on international arbitration for the UNIBE law students. During the lecture, the consultant explained the different aspects of international arbitration, including, background information, arbitration rules and procedures, parties involved and case studies. Janet Wittaker, Emma Lindsay and Julissa Reynoso (international arbitration lawyers) and Mr. Jose Ricardo Feris, International Chamber of Commerce (ICC) Advisor also participated in the discussion.



UNIBE Students Learning about International Arbitration

## **B. Develop and Implement DICOEX's Communications and Public Relations Campaign**

USAID DR-CAFTA Implementation Project also assisted DICOEX in conducting a series of seminars by themselves or in coordination with other public institutions to enhance public and private dialogue on different topics related to DR-CAFTA implementation. The following seminars were held during this first year of the Project. The Project provided the consultant and the IDB Project financed the local costs. In the case of the participation of other institutions, such as DGA and INDOTEL, they also provided resources for the seminars. A description of each seminar or group of seminars follows.

**B1. Government Procurement: "Negotiating with the United States Government under DR-CAFTA."** In October 2007, USAID DR-CAFTA IP hosted an international consultant to conduct this seminar, which was held at the Hotel Santo Domingo from 9:30am to 5:30pm. The purpose of the seminar was to present to the audience how the DR business community can take advantage of DR-CAFTA by selling to the US government. The seminar included instructions on how to sell to different branches of the US government. The seminar was attended by 37 participants (17 or 46% females). Among the topics presented by the consultant included: Public Sector opportunities for buyers and vendors, Access Barriers, Trade Agreements and their Benefits to companies, Laws, Contract types and Contact information. The members of the panel that also participated in the event were Mr. Eric Hazim, Director General GODR Procurement Office (GPO), Lic. Pablo Espinal, DICOEX Director, Lic. Raúl Rodríguez, Director of ADOZONA, and Dr. Duty Greene, Economic Policy Advisor USAID/DR.

**B2. Transparency in DR-CAFTA.** On February 12, 2008, a USAID DR-CAFTA IP international consultant conducted a one day seminar regarding transparency in DR-CAFTA. This included a general overview of international treaties and the transparency commitments made by nations. He also emphasized the commitments made in DR-CAFTA, including Chapter 18 on transparency, and all its provisions in other chapters of the agreement. Yahaira Sosa, DICOEX's Legal Matters Coordinator, explained what the Government of the Dominican Republic has done to comply with transparency commitments in DR-CAFTA.

**B3. Competition Policy.** In addition to another seminar sponsored by AMCHAM and DICOEX, the same USAID DR-CAFTA IP international consultant conducted two additional seminars as follows:

**B3a. Keynote Conference on Competition Policy and Legislation – the General Law on the Defense of Competition, No. 42-08.** USAID assisted DICOEX and SEIC in conducting a seminar on competition policy for the judicial branch of the government of the Dominican Republic. The participants included judges, assistants to judges, and other employees of the judicial system and from the Dominican General Prosecutor's office. The President of the Supreme Court presented the opening remarks, delivering

an analysis of Law 42-08 on Competition Policy. His remarks were followed by a speech from the State Secretary of Industry and Commerce.

USAID provided an international consultant through the USAID DR-CAFTA IP. The consultant has been participating in the drafting and promotion of the law through the Competitiveness and Policy Program in the past. This time he made a general presentation on competition policy and key aspects of Law 42-08.

**B3b. Keynote Conference on Competition Policy and Legislation to Government Officials and Sector Regulatory Agencies.** USAID assisted DICOEX and SEIC in conducting a seminar on competition policy for Government officials and members of the regulatory institutions in the sectors. The seminar was assisted by public sector employees from several government institutions, including the decentralized regulatory agencies, such as INDOTEL. Opening remarks were presented by Pablo A. Espinal, DICOEX Director. USAID provided the assistance of an international consultant through the USAID DR-CAFTA IP. He spoke about Law 42-08 on Competition Policy and on the concept of a culture of competition. The activity ended with many questions from the audience.

**B4. The Opportunities for Small and Medium Enterprises (PYMES) in DR-CAFTA.** USAID assisted DICOEX in conducting two seminars (one in Santiago and one in Santo Domingo) on opportunities for PYMES in DR-CAFTA, directed to the private sector. USAID DR-CAFTA IP provided a local consultant to discuss the participation of the DR in international trade agreements, including the World Trade Organization (WTO) and other agreements, to conclude with DR-CAFTA. The major points presented on DR-CAFTA were related to market access, which is the topic of most interest for PYMES. The consultant's presentation was followed by a presentation on the available Business Support Tools at the US Embassy Commercial Section in the DR made by Mr. Robert O. Jones, Commercial Attaché for the Caribbean Region at the US Embassy.

Mr. Jones' presentation was followed by a presentation made by Rafael Capellán from the National Competitiveness Council (CNC) on the competitiveness programs for PYMES in the National Plan of Systemic Competitiveness. The audience showed a very high level of interest in the seminar, as demonstrated by their active participation and questions asked.

In addition to DICOEX and CNC, other institutions co-sponsoring the seminars included: the Center for Exports and Investments of the Dominican Republic (CEI-RD), the Association of Industries of the Dominican Republic (AIRD), the Association of Industrial Enterprises of Herrera (AEIH), and the IDB Project Loan No. 1511.

**B5. Dominican Judges Training on “Recognizing and Executing Arbitration Decisions (Laudos).”** USAID DR-CAFTA IP provided an international consultant to train Dominican judges on international arbitration decisions and sentences. The international consultant and judges engaged in a productive information session regarding the role of the local judges and the importance of their competency in recognizing and executing international arbitration decisions. Other panelists included Janet Wittaker, Emma Lindsay, Jose Ricardo Feris and Julissa Reynoso.



International Consultants Training Dominican Judges

**B6. Investment Arbitration and the State’s Defense.** USAID DR-CAFTA IP provided three international arbitration experts to conduct a two-day seminar on international arbitration. The consultants worked together as a team to deliver a successful seminar. The consultants engaged the participating audience in a constant discussion of information, concepts, components and definitions in regards to the following topics:

- Institutions and Concepts in International Arbitration;
- Investment Arbitration (basic concepts and foundation);
- International Centre for Settlement of Investment Disputes: the convention and rulings;
- Arbitration system of the International Court of Arbitration;
- Constitution and Organization of an Arbitration Court;
- International Arbitration Jurisdiction;
- Preparing written statements;
- Administration of evidence;
- Preparation of hearings; and
- Arbitration sentences.

The consultants and the other panelists spoke of DR-CAFTA's Chapter 10 on Investments. One of the consultants spoke of the International Arbitration Court and its system of arbitration. Leidylin Contreras, DICOEX Legal Issues coordinator, spoke of DICOEX as an entity responsible for the administration of alternative conflict resolution mechanisms for the different trade agreements in the Dominican Republic. Ms. Fabiola Medina explained the role of the Council of Arbitration Conciliation of the Chamber of Commerce and Production of Santo Domingo (CCPSD) and the Arbitration Bill currently in discussion.



International Arbitration Seminar Participants

**B7. Workshop “Creating a Newsletter.”** An expert from Chemonics Home Office (HO) was in Santo Domingo from January 2 to January 12, 2008 working with the Monitoring, Evaluation and Public Outreach Specialist on the Project’s communication strategies and DICOEX’s Newsletter. The workshop to develop DICOEX’s newsletter was conducted from January 7 through the 10, 2008, resulting in an excellent newsletter. The workshop had 15 participants (6 or 40% were women). A draft report on recommendations for producing a newsletter at DICOEX was produced and delivered. DICOEX is currently publishing a bi-weekly newsletter containing DR-CAFTA related information.

**B8. General Directorate of Customs (DGA)** – USAID DR-CAFTA IP provided a local consultant to train DGA personnel on intellectual property rights in international trade. The consultant began her presentation with an introduction to intellectual property and its corresponding rights. She spoke of the importance of the safety and authenticity of

traded goods; international agencies and their cooperation on IPR related issues; registration of intellectual property rights; DGA IPR department; anti-piracy mechanisms and infringement processes. Members of the following DGA departments participated in the training: intellectual property rights, legal, audit, customs intelligence and free trade zone control.

**B9. National Telecommunications Institute (INDOTEL).** USAID DR-CAFTA IP assisted INDOTEL in coordination with DICOEX in the process of complying with its commitment to establish telecommunications number portability in the DR. This commitment must be met by July 2009. Due to the technical and regulatory processes to achieve this goal, INDOTEL started in 2007. Our initial assistance was in helping INDOTEL, DICOEX and the private sector understand the basic characteristics and requirements to achieve number portability and share other best practices in other countries, including the US. This was done through the following seminars.

**B9a. Seminar on Telecommunications Numeric Portability in DR-CAFTA.** On May 28, 2008, USAID DR-CAFTA IP international pro-bono consultants conducted a one day seminar to INDOTEL technicians. Mr. José Alfredo Rizek, INDOTEL Executive Director, offered his opening remarks while highlighting the importance of moving towards numeric portability in the country, which is scheduled for July 2009. The consultants provided the reasons for moving towards numeric portability, described the relevant terminology, detailed the different types of numeric portability and spoke of the ways to ensure a successful numeric portability implementation. In their presentations, the consultants provided the audience with information of the different types of numeric portability; providing examples from the United States, Puerto Rico, Canada, Brazil, Taiwan and some countries in Europe. The seminar was held at INDOTEL from 9:00 a.m. to 5:00 p.m. and 21 INDOTEL technicians (8 or 38% women) participated.



Mr. Walter Ferrer Speaking on Numeric Portability at INDOTEL

**B9b. Seminar on Numeric Portability in DR-CAFTA especially for Dominican Telecommunications Companies.** On May 29, 2008, the same consultants conducted a one day seminar to the telecommunication companies established in the country. The participating companies were Claro Codetel, Orange, One Max, Turintel, Trilogy Dominicana, Satel, Skymax Dominicana, Tricom, Wind Telecom and DG-Tech. The consultants provided the reasons for moving towards numeric portability, described the relevant terminology, detailed the different types of numeric portability and spoke of the ways to ensure a successful numeric portability implementation. In their presentations, the consultants provided the audience with information of the different types of numeric portability; providing examples from the United States, Puerto Rico, Canada, Brazil, Taiwan and some countries in Europe. Mr. José Alfredo Rizek, INDOTEL Executive Director, offered his opening remarks while highlighting the importance of moving towards numeric portability in the country. The seminar was held from 9:00 a.m. to 5:00 p.m. at a conference room in the Hotel Santo Domingo. A total of 52 people (15 or 29% women) attended the event.

## **SECTION VII**

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### **CROSS CUTTING ACTIVITIES**

## **SECTION VII**

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### **CROSS CUTTING ACTIVITIES**

Cross cutting activities are those that affect more than one task. In the Project, the cross cutting activities are:

- The Strategic Activities Fund (SAF);
- Project communications; and
- The Performance Base Management System (PBMS)

Following is a description of the results achieved in each one of them during the first year.

#### **A. Strategic Activities Fund (SAF)**

The Project design included a SAF with the original intention of making available a sub grant mechanism that could be used to engage local institutions, such as universities, in areas such as research and analysis on themes deemed important to the overall DR-CAFTA implementation agenda.

As part of the Project start-up and work planning, one of the subcontractors carried out a study to identify research topics. The results of this study assisted DICOEX in developing a research agenda for the Project and a strategy for mobilizing resources for this effort. Part of this strategy includes the activation of the SAF to sub-contract local institutions to work with DICOEX in carrying out the research and analysis. Activation of the SAF began with the development of a SAF policy and procedures and the establishment of a selection committee. The procedures clearly state and establish the process by which awards are made and set forth the guidelines for management of the SAF program.

The selection committee is composed of DICOEX Director, USAID Cognizant Technical Officer, and the Chief of Party of the USAID DR-CAFTA Implementation Project. The selection committee chose nine priority topics for investigation. The SAF has been reduced to \$75,000 for the life of the Project; thus, it will be impossible to cover the nine studies through this mechanism. Requests for proposal were made for the first topic, but there was only one proposal received, indicating that it wasn't the time to conduct this research, as DR-CAFTA has not been in implementation long enough to have the required information. A second RFP was issued in September 2008, which is expected to be awarded at the end of October.

#### **B. USAID DR-CAFTA Implementation Project Communications**

Communications is an integral component of Project management. In Project management, there is a diverse group of participants and stakeholders that have an

operational interest in the Project. This includes the Project team, USAID/DR, DICOEX, subcontractors, Chemonics' home office, other Dominican public and private organizations and the Dominican public at large.

The M&E and Public Outreach Specialist, under the guidance and supervision of the COP, has primary responsibility for executing our communications strategy and managing our communications plan. She received support in the development of the communications strategy and plan by contracting a communications specialist to assist in this process. This specialist came to the DR in December 2007 to assist in establishing the following communication tools:

1. A branding implementation plan and marking plan approved by USAID/DR;
2. An internal communications plan for USAID, the Project, and DICOEX, describing internal communications objectives and proposed shared activities; and
3. An established production workflow for a DICOEX newsletter.

The communications plan includes the following progress reports as defined in the contract:

**(a) Monthly Reports:** A monthly report is submitted to the CTO within 5 days after the end of each month. The monthly report is a brief, yet precise, description of the activities undertaken during the month, with emphasis on issues that have arisen, impacts made, constraints encountered, and suggestions for additional actions that might be taken. The monthly report also includes the Project's accrued monthly expenditures.

**(b) Quarterly Reports:** Quarterly reports are submitted within five days after the end of the quarter. The scope and format of the quarterly reports were determined in consultation with the CTO. Months in which a quarterly report is provided do not require a monthly report in order to avoid redundancy.

**(c) Annual Reports:** Annual reports will be submitted within fifteen days after the end of each project year. The first year ended on September 12, but it was agreed with the CTO that it was better extend it to the end of the month to coincide with USAID's fiscal year. The scope and format of the annual reports were determined in consultation with the CTO. Months in which an annual report is provided do not require a quarterly or a monthly report to avoid redundancy.

**(d) Annual Work Plans:** Annual Work Plans are submitted 30 days prior to the start of each new Project year and detail the work to be accomplished during the upcoming year. The scope and format of the Annual Work Plan were agreed to between Chemonics International and the CTO. These Annual Work Plans might be revised on an occasional basis, as needed, to reflect changes on the ground and with the concurrence of the CTO.

**(e) Final Report:** An end of Project final report will be submitted 45 days prior to the end date of the Project. The final report will highlight significant accomplishments, compile success stories, and inform on the progress in meeting the objectives in the Scope of Work.

### **C. Performance-Based Management System (PBMS)**

The PBMS system was installed and has been operational since January of 2008. The PMU and Project field staffs regularly update the site with technical reports, approvals and other important Project information. This information is used by the PIU and PMU to track progress, analyze results and plan future activities. Furthermore, USAID and DICOEX staffs have secured access to the site which allows them to review key Project-generated information. Chemonics International is committed to periodic review and improvement of the PBMS sites across the company. Feedback was solicited and received from the USAID DR-CAFTA IP Project staff, USAID/Dominican Republic and DICOEX personnel. This feedback has been submitted to the Chemonics Knowledge Management Division (KMD), the unit responsible for this corporate initiative. KMD will use the provided feedback to upgrade the system. Improvements to the system are scheduled to occur on a periodic basis. Chemonics envisions that the first upgrade to the system will occur by the end of 2008.

The DR-CAFTA IP team provided a Chemonics HO consultant to visit the Dominican Republic during April 2008 to train the Project staff, USAID and DICOEX personnel on the operation and use of the PBMS system.

The consultant also provided technical assistance to DICOEX for reviewing its capacity to develop an integrated system (portal and intranet). The assistance consisted in reviewing DICOEX's internal organization and mission, IT infrastructure and management systems as well as the identification of their system integration points, mission-critical workflows/processes; high level business needs for implementing a share point based intranet and portal sites, and assistance in the conceptualization of the system.

## **SECTION VIII**

### **PERFORMANCE MONITORING PLAN (PMP) RESULTS**

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## SECTION VIII

### PERFORMANCE MONITORING PLAN (PMP) RESULTS

The USAID DR-CAFTA Implementation Project's Performance Monitoring Plan (PMP) is based on USAID Dominican Republic Mission's objective of Economic Growth, Program Area 4.2: Trade and Investment and Program Element 4.2.2: Trade and Investment Capacity.

This section presents the Project's cumulative PMP results from the start of the Project to September 2008. The USAID DR-CAFTA IP team will report performance results on a quarterly and annual basis, depending on the performance indicators selected for evaluation of DR-CAFTA implementation.

In order to better understand the expected impact under Tasks 4 and 5, the USAID DR-CAFTA IP team, at the proposal stage, grouped activities into two overarching Program Elements (PE) and four Program Sub – Elements (PSE). The relationship of these indicators to the USAID/DR objectives is outlined in Section I.

The USAID DR-CAFTA IP team has identified a total of 15 indicators for the framework mentioned above. The indicators have been designed to capture and communicate Project impact, track implementation progress against targets, supply information concerning major Project activities as well as contribute to USAID/DR's performance management and reporting needs.

Table 1 below contains a summary of the USAID DR-CAFTA IP indicators as well as their baseline, target and achieved results for the above established reporting period. The results for indicators 1 and 2 are to be presented in an annual basis. This report, however, includes preliminary results for indicator No. 2 for Project monitoring and evaluation purposes. Moreover, indicators 4 through 14 are reported in detail as they have been scheduled to be presented on a quarterly basis. Most of the results are based on the fiscal year, while others are based on a calendar year due to the availability of data; such as indicators No. 11 and No. 12.

#### September 2007 – September 2008 Performance Monitoring Results

Indicator or No.	Reference to Project Results Framework	Indicator Name	Baseline	Target FY2008	Achieved To Date
1	PO	Percent of effectiveness of Dominican Republic government institutions in the implementation of DR-CAFTA.	0	50	57

<b>Indicat or No.</b>	<b>Reference to Project Results Framework</b>	<b>Indicator Name</b>	<b>Baseline</b>	<b>Target FY2008</b>	<b>Achieved To Date</b>
<b>2</b>	PE1	Number of legal, regulatory or institutional actions taken to improve implementation or compliance with DR-CAFTA, and adjustment to its impacts.	16	6	11
<b>3</b>	PE1	Number of people trained to understand and maximize benefits of DR-CAFTA	0	300	1,889
<b>4</b>	PSE1	Number of operational tools developed and established with partner institutions	0	20	44
<b>5</b>	PSE1	Number of communication mechanisms developed and established with partner institutions	0	10	9
<b>6</b>	PSE 3	Number of Monitoring & Evaluation tools developed with partner institutions	0	10	22
<b>7</b>	PE2	Number of events in which private sector institutions actively participate in DR-CAFTA funded activities and are accessible to the private sector	0	20	39
<b>8</b>	PSE4	Number of awareness sessions organized to discuss DR-CAFTA related issues	0	25	44
<b>9</b>	PSE4	Number of training hours provided to Project activities participants	0	200	271

Indicat or No.	Reference to Project Results Framework	Indicator Name	Baseline	Target FY2008	Achieved To Date
10	PSE4	Number of local press articles on DR-CAFTA related matters	0	100	84
11	PART	Improved trade readiness (i.e. complying with WTO standards and protocols for production and export) of LAC presence countries, as measured by country exports as a percentage of GDP	17.5 <sup>2</sup>	17	N/A
12	Portman-Bingaman	Number of legal, regulatory or institutional actions taken to improve <u>agricultural sector</u> implementation or compliance with DR-CAFTA, and adjustment to its impacts.	0	2	4
13	Portman-Bingaman	Number <u>agricultural sector</u> participants trained to understand and maximize the benefits of DR-CAFTA	0	200	877
14	Portman-Bingaman	Number of awareness sessions organized to discuss DR-CAFTA issues relating to the agricultural sector	0	20	18

PO = Program Objective; PE = Program Element; PSE = Program Sub-element; PART= Program Assessment Rating Tool; IP = Indicator in Progress.

Detail information for each indicator is presented in Annex A.

<sup>2</sup> Baseline is calendar year 2007.

## **ANNEX A**

### **PMP DETAILED INFORMATION**

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## ANNEX A

### PMP DETAILED INFORMATION

This annex presents detailed information for each indicator of the PMP. A summary table is presented in Section IX of the report, and results framework is presented in Section I.

#### **Indicator No. 1: Percent of effectiveness of Dominican Republic government institutions to implement DR-CAFTA.**

**Precise Definition(s):** A scorecard was developed to measure the Dominican Republic government's (specifically DICOEX's) effectiveness in implementation of DR-CAFTA commitments for 2008, 2009 and 2010. The scorecard will collate the effectiveness of the Dominican Government in implementation of a series of milestones identified by the Project, corresponding to commitments within each chapter of the agreement.

The USAID DR-CAFTA IP Technical Director, Lynette Batista, developed a scorecard with the most efficient elements in order to measure the effectiveness of DICOEX in the implementation of the DR-CAFTA. The scorecard entails the main five component milestones set to measure USAID DR-CAFTA IP's impact in the effectiveness of the Dominican Republic's government institutions to implement DR-CAFTA.

Table A-1 below contains a detailed description of the different Project tasks, activities and assistance that influenced the effectiveness of the GODR institutions in DR-CAFTA Implementation.

A score of 50% was set as the target for FY08 since there were specific milestones for GODR institutions to achieve within the first year. The scorecard detailed below presents the milestones for the Project's three years of operations.

During the first year, the score obtained is 57% and this demonstrates that the Project was able to exceed its expectations in assisting DICOEX and other GODR institutions in DR-CAFTA Implementation during the Project's first year. Please refer to the table below for further detail.

**Table A-1: USAID DR-CAFTA IP SCORECARD for Measuring Project's Impact on GODR Government Institutions Effectiveness in DR-CAFTA Implementation**

	USAID DR-CAFTA IP MILESTONES	SCORE (Ye=1pt; No=0pt.)		WEIGHT	WEIGHTED SCORE
<b>A</b>	<b>LEGAL DOCUMENTS AND COUNTRIES RESOLUTIONS</b>				<b>16%</b>
	The Dominican Republic's Proposal for the FREE TRADE Commission submitted	1	x	2	2
	Rules of Procedures for all 14 DR-CAFTA Committees and working group completed	1	x	2	2

	<b>USAID DR-CAFTA IP MILESTONES</b>	<b>SCORE (Ye=1pt; No=0pt.)</b>		<b>WEIGHT</b>	<b>WEIGHTED SCORE</b>
	Rosters/panelists for Conflict Resolution, Financial Services, labor and Environment selected	0	x	2	0
	Evaluation procedures for the selection of DR-CAFTA panelist in place	1	x	2	2
	Model Rules of Procedures for Dispute Settlement drafted	1	x	2	2
	DR proposal for investment appeals mechanism drafted	1	x	2	2
	An Ethics code for arbitrators drafted	1	x	2	2
	Training on dispute settlement and conflict resolutions	1	x	1	1
	Establishment of the National Authority for Unfair Practices of Trade	1	x	2	2
	Procedures to allow numeric portability in place	0	x	2	0
	Training on procedures for numeric portability	1	x	1	1
<b>B</b>	<b>GOVERNMENT PROCUREMENT MILESTONES</b>				<b>5%</b>
	Improved Awareness of roles and responsibility in DR-CAFTA GPO commitments	1	x	3	3
	Make publicly available judicial decisions and administrative rulings of general application	0	x	3	0
	Inclusion of an indicator that the procurement is covered by Chapter 9 of DR-CAFTA in the notice of intended procurement	0	x	2	0
	Time limit to 40 days for the tendering process	0	x	2	0
	Publication of a notice regarding the contract award	0	x	3	0
	Establishment and maintenance of procedures that declare a supplier ineligible for participation	0	x	3	0
	Training in DR-CAFTA to Central Government Procurement Departments	1	x	2	2
	DR-CAFTA training to all GODR Procurement Departments	0	x	2	0
<b>C</b>	<b>FINANCIAL SERVICES MILESTONES</b>				<b>8%</b>

	<b>USAID DR-CAFTA IP MILESTONES</b>	<b>SCORE (Ye=1pt; No=0pt.)</b>		<b>WEIGHT</b>	<b>WEIGHTED SCORE</b>
	Awareness of roles and responsibility in Financial Services commitments to Central Bank and related institutions	1	x	2	2
	Proposal of regulations for granting approval or issuing disapproval for the sale of a new insurance product	0	x	3	0
	Revision of the National Insurance Law to comply with DR-CAFTA commitments	1	x	3	3
	Proposal for establishing branches	1	x	3	3
	Proposal for establishing cross-border providers	0	x	3	0
	Proposal for the establishment of adequate collective investment in the DR	0	x	3	0
	Proposal of a legal frame that allows implement mutual funds	0	x	3	0
<b>D</b>	<b>IPR MILESTONE</b>				<b>16%</b>
	Issue legislation or regulations, to actively regulate the acquisition and management of software	1	x	3	3
	Awareness of roles and responsibility in SESPAS about DR-CAFTA Commitments	1	x	3	3
	Training SESPAS on DR-CAFTA commitments	1	x	3	3
	Proposal for management data protection of pharmaceuticals	1	x	3	3
	Rules of procedures for manage data protection and patents	0	x	3	0
	Data protection mechanisms and linkages in place at SESPAS	0	x	3	0
	Proposal for management of intellectual properties rights at borders	1	x	2	2
	Train Customs Official on intellectual property rights and related issues at the ports	1	x	2	2
<b>E</b>	<b>AGRICULTURAL</b>				<b>12%</b>
	On line tracking system to coordinate TRQs management implemented	0	x	3	0
	OTCA Web Pages design (1pt) and implemented (1pt)	1	x	2	
	Regulation on TRQs drafted	1	x	3	3
	Special training on TRQ and agricultural safeguards measures	1	x	2	2
	User manuals for TRQ distribution drafted	1	x	2	2

	<b>USAID DR-CAFTA IP MILESTONES</b>	<b>SCORE (Ye=1pt; No=0pt.)</b>		<b>WEIGHT</b>	<b>WEIGHTED SCORE</b>
	Announcement of TRQ for on time	0	x	3	0
	Program to assist DR in complying with US regulations for meat imports in progress	1	x	3	3
	Procedures for implemented UPOV agreement drafted (1pt) and implemented (1pt)	1	x	2	2
	<b>TOTAL SCORED</b>				<b>57%</b>

**Indicator No. 2: Number of legal, regulatory or institutional actions taken to improve implementation or compliance with international trade and investment agreement due to support from USG assisted organizations.**

**Precise definition(s):** Number of legal, regulatory, or institutional actions taken to improve implementation or compliance with international trade and investment agreements, and adjustment to their impacts, partly or fully due to analysis or advocacy by USAID programs, in this case USAID DR-CAFTA IP. For the purpose of this indicator, the criteria for “actions” is based on: draft regulations that will assist the GODR to implement DR-CAFTA; activities where the Project participates to support the implementation of a law that promotes DR-CAFTA implementation; assisting in the development of controls that need to be implemented by certain institutions to improve the implementation of DR-CAFTA (e.g. developing sanitary controls); review and assist in the draft of specific laws, regulatory frameworks.

The results of this indicator are reported on an annual basis beginning with this first annual report due in October 2008. The USAID DR-CAFTA IP team is pleased to report that it already has been working on several initiatives to promote DR-CAFTA implementation regulations. Such initiatives are presented in Table A-2:

**Table A-2: Number of legal, regulatory or institutional actions taken to improve implementation or compliance with international trade**

	<b>Type of Action</b>	<b>Institution</b>	<b>DR-CAFTA Topic</b>
<b>1</b>	Law approval	SEIC	Competition Policy
<b>2</b>	Proposed regulation	SEA	UPOV
<b>3</b>	Proposed regulation	SEIC	Unfair trade practices
<b>4</b>	Law review	Superintendence of Insurance	Insurance
<b>5</b>	Proposed regulation	DICOEX	Investments-Disputes Settlement
<b>6</b>	Proposed regulation	DICOEX	Disputes Settlement-Ethics Code for Arbitrators
<b>7</b>	Regulation review and update	SESPAS	Meat and Meat Products
<b>8</b>	Regulation review and update	SESPAS	Poultry and Poultry Products

	Type of Action	Institution	DR-CAFTA Topic
9	Regulation review and proposal	SESPAS	Food for Human Consumption
10	Regulation review	OTCA (SEA)	TRQ
11	Review draft bill	AMCHAM	Arbitration

1. **Law No. 42-08 on Competition Policy** was approved on January 25, 2008.
2. **Regulation on the Union for the Protection for New Varieties of Plants (UPOV)**: the DR approved the law that ratifies its membership in the UPOV as one of the requirements of DR-CAFTA before entering into force. The Law calls for the issuance of a Resolution creating the Technical Commission and the Office of Registration of Plant Varieties within 120 days of enacting the law. The regulation was drafted and is pending approval.
3. **Regulation for the Law 01-02 on Unfair Trades Practices**: the USAID DR-CAFTA IP team hired a local consultant to review the Organization of American States (OAS)'s regulation proposal for this law. The consultant presented his comments and a draft regulation in March 2008.
4. **Insurance Law**: USAID DR-CAFTA IP hired a local subcontractor to assist the Superintendence of Insurance and DICOEX in reviewing the insurance law's compliance with DR-CAFTA Implementation as well as in drafting procedures on reforms needed for the Insurance Law to comply with DR-CAFTA commitments. The proposed changes are under review by the Superintendence of Insurance.
5. **Investments Appeal Mechanism**: USAID DR-CAFTA IP hired a subcontractor to assist DICOEX in the establishment of an Investments Appeal Mechanisms.
6. **Ethics Code for Arbitrators**: The Project provided technical assistance to DICOEX for drafting an ethics code for arbitrators through the work of a local consultant.
7. **Regulation on Meat and Meat Products**: An international consultant and Hazard Analysis and Critical Control (HACCP) Specialist, worked with SESPAS to review, edit and update the current meat and meat products regulation. The regulation is pending socialization and approval.
8. **Regulation on Poultry and Poultry Products**: A USAID DR-CAFTA IP international consultant assisted SESPAS in reviewing and updating the regulation on poultry and poultry products. The proposed regulation is under review.
9. **Regulation on Food for Human Consumption**: An international consultant is working with SESPAS on the evaluation of similar legislations and their application in other DR-CAFTA countries. The consultant is working on the revision of the current, as well as previous, regulation for human consumption foods.
10. **Regulation on TRQs**: OTCA requested USAID DR-PROJECT IP to review a proposed regulation to modify the existing regulation, taking into account the experience from previous years. The regulation is pending submission to USTR for approval.

**11. Review Draft Bill for Arbitration:** The Project hired an international consultant to review a proposed bill for arbitration. The consultant assisted AMCHAM in the socialization of this bill in Congress.

**Indicator No. 3: Number of people trained to understand and maximize the benefits of DR-CAFTA.**

**Precise Definition(s):** The USAID DR-CAFTA IP team has been coordinating a large number of trainings, workshops and seminars on DR-CAFTA implementation matters. This indicator measures the number of people trained by the Project on the different DR-CAFTA topics.

During this reporting period the USAID DR-CAFTA IP team was able to train a total of 1,889 people (659 or 35% women) that participated in 44 sessions on DR-CAFTA key topics and implementation issues (see indicator No. 8 for details). This information is segregated by public and private sector in Table A-3 below.

**Table A-3: USAID DR-CAFTA IP Seminars from October 2007 to June 2008**

No.	Seminar Title	Total Number of participants (# and % of women in parenthesis)				Date	Location	Consultant
		Total	Public Sector	Private Sector	No. Training Hours			
1	Doing Business with the United States Government	37 (17/46%)	32 (15)	5(2)	9	Oct/30/07	Hotel Santo Domingo	Laura Rojas
2	How to take advantage of the Tariff Rate Quotas in DR-CAFTA	104 (34/33%)	44(30)	60(4)	9	Dec/04/07	Hotel Santo Domingo	Juan Luis Zúñiga
3	Unfair trade practices	21 (10/48%)	5(3)	16(7)	7	Dec/11/07	Salón Multiusos AIRD	Velia Govaere
4	DICOEX Training on Drafting Scopes of Work	14 (8/63%)	14(8)	N/A	2	Jan/10/08	DICOEX's office	Lynette Batista
5	DICOEX Communications Workshop	15 (6/40%)	15(6)	N/A	32	Jan 7 <sup>th</sup> thru 10th 2008	DICOEX's office	Kelly Miller
6	Sanitary and Phytosanitary measures in DR-CAFTA	99 (48/48%)	36(30)	63(18)	6	Jan/15/08	Hotel Santo Domingo	Eric Bolaños
7	Sanitary and Phytosanitary measures in DR-CAFTA	10 (5/50%)	N/A	Students 10(5)	1	Jan/15/08	Pontificia Universidad Católica Madre y Maestra	Eric Bolaños
8	Sanitary and Phytosanitary measures in DR-CAFTA	94 (33/35%)	4(1)	63 (25) Students 27(7) Private Sector	4	Jan/16/08	Recinto TEP/PUCMM, Santiago	Eric Bolaños

No.	Seminar Title	Total Number of participants (# and % of women in parenthesis)			No. Training Hours	Date	Location	Consultant
		Total	Public Sector	Private Sector				
9	DR-CAFTA as a Trade Tool	12 (8/67%)	12(8) All were students		4	Jan/16/08	Technological Institute of Santo Domingo	Lynette Batista
10	DR-CAFTA as a Trade Tool	10 (6/60%)	10(6) All were students		4	Jan/28/08	Technological Institute of Santo Domingo	Lynette Batista
11	Taking advantage of DR-CAFTA in the Agricultural Sector	43 (11/26%)	31(7)	12(4)	3	Jan/23/08	Salón Avícola, JAD	Luis Ramón Rodríguez
12	Impact of DR-CAFTA on National Rice Producers	47 (10/21%)	30(4)	17(6)	5	Jan/0/08	Federación Provincial de Parceleros, La Vega	Luis Ramón Rodríguez
13	Transparency in DR-CAFTA	14 (9/64%)	10(8)	4(1)	5	Feb/2/08	Hotel Santo Domingo	Rommel Sandoval
14	Quality Standards and Commercial Opportunities to Export to the United States & Puerto Rico	55 (24/44%)	25(16)	30(8)	8	Feb/26/08	Hotel Santo Domingo	Gabriel Pascual
15	Impact of DR-CAFTA on National Poultry Producers	18 (8/44%)	3(5)	15(3)	5	Mar/04/08	Consejo Nacional de Instituciones Pecuarias (Moca)	Luis Ramón Rodríguez
16	Impact of DR-CAFTA on National Milk Producers	19(1/5%)	18(0)	1(1)	5	Mar/06/08	Conference room of Restaurant Wao, (El Seybo)	Luis Ramón Rodríguez

No.	Seminar Title	Total Number of participants (# and % of women in parenthesis)				Date	Location	Consultant
		Total	Public Sector	Private Sector	No. Training Hours			
17	Impact of DR-CAFTA on National Bean Producers	48(2/4%)	44(0)	4(2)	6	Apr/02/08	Asociación de Productores Agrícolas de San Juan de la Maguana	Luis Ramón Rodríguez
18	Competition: Policies and Legislation	52(31/59%)	52(31)	N/A	4	Apr/09/08	Salón Sol de Oro Hotel Jaragua	Ignacio de León
19	Competition: Policies and Legislation	61(35/57%)	N/A	61(35)	4	Apr/09/08	Salón Sol de Oro Hotel Jaragua	Ignacio de León
20	Competition: Importance of Policies and Legislation in International Trade	51(32/62%)	5(3)	46(29)	4	Apr/10/08	Salón Santo Domingo Hotel Hilton	Ignacio de León
21	Impact of DR-CAFTA on National Rice Producers	29(0/0%)	N/A	29(0)	4	Apr/17/08	Cooperativa de Productores Arroceros (La Vega)	Luis Ramón Rodríguez
22	Impact of DR-CAFTA on National Onion Producers	59(23/39%)	N/A	59(23)	5	Apr/23/08	Estación Experimental del IDIAF, Sombrero Baní	Luis Ramón Rodríguez
23	PYMES Opportunities under DR-CAFTA	102(38/37%)	16(8)	86(30)	6	Apr/29/08	Auditorio de Ciencias de la Salud, PUCMM (Santiago)	Vilma Arbaje
24	PYMES Opportunities under DR-CAFTA	65(24/36%)	1(1)	64(23)	9	Apr/30/08	Hotel Santo Domingo	Vilma Arbaje

No.	Seminar Title	Total Number of participants (# and % of women in parenthesis)				Date	Location	Consultant
		Total	Public Sector	Private Sector	No. Training Hours			
25	Impact of DR-CAFTA on National Garlic and Potatoes Producers	54(6/1%)	N/A	54(6)	4	May/01/08	Altocerro, Villas Hotel & Camping (Constanza)	Luis Ramón Rodríguez
26	Impact of DR-CAFTA on Oriental Vegetables Producers	31(5/16%)	N/A	31(5)	4	May/07/08	Centro Norte IDIAF (La Vega)	Luis Ramón Rodríguez
27	Communications Workshop: "Creating a Newsletter"	4 (4/100%)	N/A	4(4)	6	May/12-14/08	AIRD	Wendy Soto
28	Creating strategic alliances in the New York Market	34(16/47%)	12(3)	22(13)	5	May/27/08	Salón Multiusos AIRD	Claudia Troncoso
29	Number Portability in Telecommunications as per DR-CAFTA	21(8/38%)	N/A	21(8)	8	May/28/08	INDOTEL's conference room	Walter Ferrer
30	Number Portability in Telecommunications As per DR-CAFTA	52(15/28%)	N/A	52(15)	8	May/29/08	Hotel Santo Domingo	Walter Ferrer
31	Disputes Settlement as per DR-CAFTA	20(9/45%)	N/A	20(9)	4	May/29/08	Salón Multiusos AIRD	Luis Miguel Díaz

No.	Seminar Title	Total Number of participants (# and % of women in parenthesis)				Date	Location	Consultant
		Total	Public Sector	Private Sector	No. Training Hours			
32	Workshop Intellectual Property	24(14/58%)	N/A	24(14)	3	Jun/09/08	DGA's auditorium	Lily González
33	Impact of DR-CAFTA on National Pineapples Producers	69(3/4%)	N/A	69(3)	4	Jun/11/08	Ayuntamiento de Cevicos (Cotuí)	Luis Ramón Rodríguez
34	Incidence of Corruption in the Development of the Dominican Republic	106(38/36%)	27(10)	79(28)	5	Jun/24/08	Salón Anacaona C, Hotel Jaragua	Francisco Dall'Anese
35	Impact of DR-CAFTA on National Milk & Sugar Producers	47(4/6%)	N/A	47(4)	4	Jun/25/08	Local Asociación de Colonos de Consuelo (San Pedro de Macorís)	Luis Ramón Rodríguez
36	Workshop DR-CAFTA Requirements for Government Procurement Procedures	26(18/69%)	26(18)	0	4	July03-04/08	Centro de Capacitación y Gestión Fiscal (CAPGEFI) (Santo Domingo)	Patricia Mejía
37	Impact of DR-CAFTA on National Coffee Producers	44 (1/2%)	19	25(1)	4	July/30/08	Cobo Country Club (Barahona)	Luis Ramón Rodríguez
38	Impact of DR-CAFTA on National Banana Producers	32(0%)	1	31	4	August/14/08	Valverde Mao	Luis Ramón Rodríguez

No.	Seminar Title	Total Number of participants (# and % of women in parenthesis)				Date	Location	Consultant
		Total	Public Sector	Private Sector	No. Training Hours			
39	Impact of DR-CAFTA on National Cacao and Rice Producers	28(1/3)	3	25(1)	4	August/20/08	Mata Larga, El Limón, San Francisco de Macorís	Luis Ramón Rodríguez
40	DICOEX – Lecture on “International Arbitration: A New Era of Conflict Resolution”	32(7/22%)	0	32(7)	2	Sep/ 10/08	Universidad Iberoamericana (UNIBE) (Santo Domingo)	Janet Wittaker, Emma Lindsay, Julissa Reynoso and Mr. Jose Ricardo Feris
41	DICOEX – Dominican Judges Training on “Recognizing and Executing Arbitration Decisions	15 (8/ 53%)	15(8)	0	2	Sep/ 10/08	National Judiciary School (ENJ) (Santo Domingo)	John Kerr, Janet Wittaker, Emma Lindsay, Jose Ricardo Feris
42	DICOEX – Seminar “Investment Arbitration and the State’s Defense.”	90 (40/44%)	39(20)	51(20)	8	Sep/ 11 & 12, 2008	Hotel Santo Domingo (Santo Domingo)	Pierre Mayer, Eduardo Silva, John Kerr, Jose Ricardo Feris
43	DICOEX – Training on Unfair Trade Practices	24(13/ 54%)	23(13)	1	8	Sept 29 to Oct 4/08	DICOEX’s conference room	Marius Bordalba

No.	Seminar Title	Total Number of participants (# and % of women in parenthesis)				Date	Location	Consultant
		Total	Public Sector	Private Sector	No. Training Hours			
44	AEIH- Market Access Training by Industrial Sector: Textiles & Footwear	18(6/ 33%)	0	18(6)	6	Sep/30/08	Hotel Santo Domingo (Santo Domingo)	Vilma Arbaje
	<b>Total</b>	<b>1,889 (659/35%)</b>	<b>573(189)</b>	<b>1,284(302)</b>	<b>257</b>	<b>Total Number of Students 127(51)</b>		

**Indicator No. 4: Number of operational tools developed and established with partner institutions.**

**Precise definition(s):** This indicator measures the number of operational tools that the Project is establishing to assist key public and/or private sector institutions to ensure that there is coordination and clear guidelines of DR-CAFTA implementation. Below is a list of operational tools that the Project defines for the reference and monitoring of this indicator. Operational tools: (1) operational manuals; (2) operational systems; (3) operational and management procedures; (4) operational and management processes; (5) improvements of current operational tools; (6) plans for operational/management systems; (7) operational/management guidelines; (8) organizational structures; and (9) scopes of Work.

**Table A-4: Number of Operational Tools Developed and Established with Public Sector Institutions**

No.	Tool	Institution	Sector
1	SOW to conduct a <b>baseline assessment</b> of Dominican institutions to implement DR-CAFTA	DICOEX	Public
2	SOW to conduct a <b>seminar on government procurement</b>	DICOEX	Public
3	SOW to conduct a <b>seminar on the use of tariff rate quotas</b> in DR-CAFTA	DICOEX	Public
4	SOW to conduct a <b>seminar on sanitary and phytosanitary measures in DR-CAFTA</b>	DICOEX	Public
5	SOW to review and draft the regulation for <b>Law 01-02 on Unfair Trade Practices</b>	DICOEX	Public
6	SOW to conduct a <b>seminar on transparency in DR-CAFTA</b>	DICOEX	Public
7	SOW to assist the <b>GPO in complying with DR-CAFTA commitments</b> and train <b>GODR procurement units</b>	GPO	Public
8	SOW to assess <b>SESPAS' Drug and Pharmaceutical Department organizational structure</b> to increase its ability to manage applications for data protection of pharmaceuticals, and propose a new organization	SESPAS	Public
9	SOW to draft <b>manual on the organization of SESPAS' Drug and Pharmaceutical Department in setting up efficient procedures to authorize medications for sale in the DR</b> ; and increase public awareness on the dangers of not verifying the efficacy of drugs for human consumption	SESPAS	Public
10	SOW on <b>information technology solutions for SESPAS</b> to facilitate confirmation of patents	SESPAS	Public
11	SOW to draft an <b>Ethics Code for Arbitrators</b>	DICOEX	Public
12	SOW to conduct a <b>seminar on numeric portability in telecommunications</b>	INDOTEL	Public

No.	Tool	Institution	Sector
13	SOW to conduct <b>training and develop manuals on IPR for customs</b>	DGA	Public
14	SOW to conduct <b>training and develop manuals on valuation for customs</b>	DGA	Public
15	SOW to <b>draft a regulation on meat and meat products for exports</b>	SESPAS	Public
16	SOW to assist the Superintendence of <b>Insurance in reviewing the insurance law to comply with DR-CAFTA</b> ; assist the Central Bank in the selection of panelists and the implementation of DR-CAFTA commitments for the Financial Services Committee; and assist DICOEX in the investment appeal mechanism	SIS, CB and DICOEX	Public
17	SOW to develop a <b>research agenda</b> on DR-CAFTA	DICOEX	Public
18	SOW to develop a <b>database of consultants and research institutions capable of conducting research on DR-CAFTA</b> ; develop a profile of needs and availability of information on DR-CAFTA; develop a methodology on the analysis of the impact of DR-CAFTA; and conduct an impact analysis of DR-CAFTA in its first year	DICOEX	Public
19	SOW to <b>benchmark other successful models</b> that can be used to develop and implement DICOEX's menu of services	DICOEX	Public
20	SOW to assist <b>DICOEX in developing its internal communications program</b> , including the use of Microsoft Share Point to manage their technological platform and managerial processes	DICOEX	Public
21	SOW to conduct a <b>communications workshop</b>	DICOEX	Public
22	SOW for <b>OTCA World Wide Web Page</b>	OTCA	Public
23	SOW to conduct <b>analysis of positive aspects of DR-CAFTA</b>	DICOEX	Public
24	SOW to assess <b>DICOEX on the evaluation of its organizational structure</b>	DICOEX	Public
25	SOW to <b>Update the National Action Plan</b> and strengthen institutional capacity related to trade and DR-CAFTA administration	DICOEX	Public
26	SOW to <b>conduct training session on Unfair Trade Practices to the National Commission of Unfair Trade Practices</b>	SEIC	Public
27	SOW under SAF <b>examine the economic vulnerability of Central America and Dominican Republic economies to face external factors-before</b>	DICOEX	Public

No.	Tool	Institution	Sector
	<b>and after DR-CAFTA.</b>		
28	SOW under <b>SAF</b> conduct a study of the <b>Perspective and Situation of the Dominican Capacity to Successfully Implement DR-CAFTA</b>	DICOEX	Public
29	SOW under <b>SAF</b> to conduct a study on <b>Haitian Immigration: Competitiveness and Salaries in Exporting Sectors</b>	DICOEX	Public
30	SOW to review and draft regulation for exporting <b>Dairy Products</b>	SESPAS	Public
31	SOW to conduct <b>workshop on Intellectual Property Rights to Customs Officials</b>	DGA	Public
32	SOW to conduct a <b>two day seminar and one university lecture on International Arbitration</b>	DICOEX	Public
33	SOW to draft a <b>Matrix of Arbitration Procedures</b>	DICOEX	Public

**Table A-5: Number of Operational Tools Developed and Established with Private Sector Institutions**

No.	Tool	Institution	Sector
1	SOW to conduct a <b>seminar on unfair trade practices</b>	AIRD	Private
2	<b>DR-CAFTA Market Access Study for selected products for Puerto Rico</b>	ADOEXPO	Private
3	SOW to conduct a <b>seminar on the quality standards and commercial opportunities to export to the U.S. and Puerto Rico</b>	AIRD	Private
4	SOW to conduct a <b>seminar on competition policy</b>	AMCHAM	Private
5	SOW to conduct <b>seminar on the DR-CAFTA opportunities for small and medium size companies</b>	DICOEX	Private
6	SOW to conduct a <b>seminar on Disputes Settlement</b>	AMCHAM	Private
7	SOW to conduct a <b>seminar on the strategies to export to the New York State market</b>	AIRD	Private
8	SOW to conduct a <b>seminar on Incidence of Corruption</b>	AMCHAM	Private
9	SOW under <b>SAF</b> fund to determine the effect of the <b>tax structure on the costs and competitiveness of export sectors</b>	TBD	Private
10	SOW under <b>SAF</b> fund to <b>measure the impact of the DR-CAFTA on poverty and income distribution in the DR</b>	TBD	Private
11	SOW under <b>SAF</b> fund to <b>identify requirements to export chicken and sweet potato to the USA</b>	TBD	Private

**Indicator No. 5: Number of communication mechanisms developed and established with partner institutions.**

**Precise definition(s):** This indicator will measure the number of communication mechanisms that the Project will be developing to assist key public and/or private sectors in the coordination of DR-CAFTA implementation. Below is a list of communication mechanisms that the Project defines for the reference and monitoring of this indicator: (1) communication strategies; (2) public outreach events; (3) agreements for information disseminations; (4) awareness campaigns; (5) hotlines; (6) web information systems; (7) yellow pages; (8) Signed inter-institutional MOUs; (9) communication programs; (10) information centers; (11) newsletters; (12) communication materials; and (13) mass media conferences.

**Table A-6: Communications Mechanisms Developed by USAID DR-CAFTA IP**

No.	Mechanism	Institution	Sector	Date
1	Memorandum of Understanding	DICOEX	Public	10 Jan 08
2	Memorandum of Understanding	JAD/DICOEX/IBD Loan 1511	Public & Private	08 Feb 08
3	Memorandum of Understanding	DICOEX and SESPAS	Public	Pending Signature
4	Memorandum of Understanding	DICOEX and SEH (GODR Treasury)	Public	May 8
5	Memorandum of Understanding	DICOEX and AIRD	Public & Private	Pending Signature
6	Memorandum of Understanding	DICOEX and AEIH	Public and Private	Pending Signature
7	Web Page	OTCA	Public	Pending publication
8	Newsletter training	DICOEX	Public	Newspaper inserts are produced regularly
9	Newsletter training	AIRD	Private	Pending production

1. In order to establish clear objectives with DICOEX, the USAID DR-CAFTA IP team signed a MOU with DICOEX on January 10, 2008. This agreement established the work to be undertaken by both institutions in order to assist DICOEX in its institutional strengthening, the coordination of technical assistance and training of several private and public sector organizations.
2. The USAID DR-CAFTA IP also signed a Memorandum of Understanding with the Dominican Agroindustrial Board (JAD), DICOEX an Inter American Development Bank (IADB) Project 1511 on February 8, 2008. This agreement was signed to strengthen Trade Capacity in the agricultural sector through a series of regional seminars in different provinces of the country.

3. Another MOU is being reviewed and will be signed very soon in conjunction with DICOEX, and the State Secretariat of Health and Social Assistance (SESPAS). Through this agreement, the Project intends to strengthen the efforts to implement the DR-CAFTA agreement.
4. A MOU with DICOEX and the Treasury Department's Government Procurement Office was signed on May 8, 2008. This agreement specifies that the three organizations will work together to implement a work plan whose goal is the proper implementation of the DR-CAFTA government procurement commitments and requirements.
5. DICOEX (SEIC), the Association of Industries of the Dominican Republic (AIRD), IBD FGCE-1511 and USAID DR-CAFTA IP will sign an MOU to work together to execute a plan of activities for Association members. The training activities will consist of one day seminars detailing information on different DR-CAFTA topics and technical assistance in different topics.
6. DICOEX, the Association of Industrial Enterprises of Herrera (AEIH), IABD FGCE-1511 and USAID DR-CAFTA IP signed an MOU to work together to execute a training plan for Association members. The training sessions will consist of one day seminars detailing information on Market Access in DR-CAFTA and the impact it may have in the particular sector (textiles and footwear; graphics; plastics; furniture and mattresses; agricultural businesses; cosmetics; chemicals; construction and metals).
7. USAID DR-CAFTA IP provided assistance to OTCA to develop its Web Page to publish relevant information on DR-CAFTA and other trade agreements. Of particular interest is the information on the administration of TRQs. The Web Page is under review before is made available to the public.
8. DICOEX communication team was trained by a USAID DR-CAFTA IP international expert in the production process of a newsletter. These skills are used by DICOEX in producing a newspaper insert on DR-CAFTA on a regular basis.
9. AIRD was trained by USAID DR-CAFTA IP M&E and Communication Specialist in the production process of a newsletter. They are still pending to start production.

**Indicator No. 6: Number of M&E tools developed with partner institutions.**

**Precise Definition(s):** This indicator measures the number of M&E tools that the Project develops or actively participates in the establishment of the Monitoring & Evaluation (M&E) tools so key public and private institutions can enhance their capacity to monitor and evaluate DR-CAFTA Implementation.

The following tools have been developed under the Project to assist DICOEX in this process:

**Table A-7: M&E Tools with Partner Institutions**

No.	M&E Tool	Institution
1	Initial Baseline Assessment of GODR Institutions	DICOEX
2	Roles and Responsibilities Mapping Chart	DICOEX
3	Research Agenda	DICOEX
4	Detailed Action Plan	DICOEX
5	Detailed Action Plan	GPO
6	Detailed Action Plan	AIRD
7	Detailed Action Plan	SESPAS
8	Detailed Action Plan	JAD
9	Detailed Action Plan	AEIH
10	Detailed Action Plan	OTCA
11	Detailed Action Plan	AMCHAM
12	List of Research Institutions	DICOEX
13	DR-CAFTA Information Needs and Availability	DICOEX
14	Appeal Body or Similar Mechanism for Disputes Settlement	DICOEX
15	Proposed Code of Conduct for Arbitrators	DICOEX
16	Unfair Trade Practices and Safeguard Measures	DICOEX
17	Special IPR Training to DGA	DGA
18	Microsoft SharePoint Implementation Assessment	DICOEX
19	Regulation Revision of Meat and Meat Products	SESPAS
20	Proposed Insurance Law Modification	SIS
21	Draft Regulation for Poultry and Poultry Products	SESPAS
22	Draft Regulation for Foods for Human Consumption	SESPAS

**Indicator No. 7: Number of events in which private sector institutions actively participate in DR-CAFTA funded activities and are accessible to the private sector.**

**Precise Definition(s):** Meetings, such as trainings, workshops and committees should have representatives of different sectors and institutions and should also be coordinated by both sectors. This indicator will only measure DR-CAFTA related activities funded, coordinated or assisted by the USAID DR-CAFTA IP. Actively participate in DR-CAFTA: (1) co-sponsor meetings; (2) active member of committees; (3) provide experts to the seminars; (4) participate in meetings, workshops and seminars as audience.

Of the USAID DR-CAFTA IP activities detailed in Table A-3, the private sector participated in a total of 39 of the 44 events sponsored by USAID DR-CAFTA IP during this reporting period.

**Indicator No. 8: Number of awareness sessions organized to discuss DR-CAFTA related issues.**

**Precise Definition(s):** This indicator measures number of awareness sessions organized by the USAID DR-CAFTA Implementation Project. By awareness sessions, the indicator refers to seminars.

The USAID DR-CAFTA IP team has been providing support to increase the capacity of the private sector to monitor and evaluate DR-CAFTA by increasing its awareness and by stimulating its research capabilities. To achieve this goal, a total of 44 sessions were held during the reporting period. See Table A-3 for details.

**Indicator No. 9: Number of training hours provided to Project activities participants.**

**Precise Definition(s):** Number of hours used to train people that participate in trainings organized by USAID DR-CAFTA Implementation Project.

Trainings are a common tool used to build awareness and understanding. By quantifying the number of hours the Project invests in trainings on specific subjects, this indicator shows the level of effort the Project makes to expand the awareness of DR-CAFTA. The higher the number of hours invested in specific subject, the stronger the awareness and understanding should be in that subject. This also assists in the identification of specific subjects where there is little or no knowledge at all on DR-CAFTA implementation. A total of 271 training hours were provided by the USAID DR-CAFTA IP team during this reporting period. Please refer to Tables A-10 and A-3 for further details.

**Indicator No. 10: Number of local press articles on DR-CAFTA related matters.**

**Precise Definition(s):** This indicator measures the number of press releases that are written in the local newspapers to communicate/inform the general public on DR-CAFTA related matters.

Mass media communication is an active channel to build awareness and understanding in the general public. Although the Project may not have a direct impact in the messages transmitted through the local press articles, this indicator allows the Project to observe the trend of two major distribution local newspapers and messages disseminated to the general public. This indicator also provides guidance on determining if the Project should focus on specific subjects.

Most of the articles tracked in the local newspapers have been of a positive nature. A total of 84 articles were published during the reporting period and 62 or 73% were of a positive nature. Please refer to Table A-8 for further details. A complete list of the articles and their reference links are available upon request.

**Table A-8: DR-CAFTA Related Newspaper Articles**

Category	Number of Articles	%
Positive	62	73
Negative	15	18
Neutral	7	8
<b>Total</b>	<b>84</b>	<b>100</b>

**Indicator No. 11: Improved trade readiness (i.e. complying with WTO standards and protocols for production and export) of LAC presence countries, as measured by country exports as a percentage of the Gross Domestic Product (GDP).**

**Precise Definition(s):** Measure of country exports as a percentage of GDP, disaggregated by: (1) National; (2) Free Trade Zones (FTZ); (3) traditional; and (4) Non-traditional.

Improved trade readiness is measured through the value of country exports as a percentage of the gross domestic product (GDP). This is a Program Assessment Rating Tool (PART) indicator. The USAID DR-CAFTA IP team will be providing the data to USAID/DR Mission on this indicator to support its Economic Growth monitoring activity. This indicator, however, is not intended to measure neither impact nor progress of the Project. This indicator is measured based on a calendar year due to the availability of data. Table A-9 shows the indicator for the years 2006 and 2007.

**TABLE A-9: Dominican Republic Exports (as a % of GDP)**

Description	2006	%	2007	%	Inc. Rate
<b>Nominal GDP (US\$)</b>	35,890,800,000		41,245,900,000		14.9
<b>Total Exports</b>	6,609,753,900	18.4	7,236,765,800	17.5	9.5
<b>FTZ</b>	4,678,567,900	13.0	4,562,813,600	11.1	-2.5
<b>Traditional</b>	1,314,126,800	3.7	1,792,480,700	4.3	36.4
<b>Non-Traditional</b>	617,059,200	1.7	881,471,500	2.1	42.9

Source: Central Bank of the Dominican Republic (<http://www.bancentral.gov.do>). April 18, 2008.

**Indicator No. 12: Number of legal, regulatory or institutional actions taken to improve agricultural sector implementation or compliance with DR-CAFTA and adjustment to its impacts.**

**Precise Definition(s):** Number of legal, regulatory, or institutional actions taken to improve agricultural sector implementation or compliance with international trade and investment agreements, specifically DR-CAFTA, partly or fully due to analysis or advocacy by USAID programs, in this case USAID DR-CAFTA IP.

For the purpose of this indicator, the criteria for “actions” is based on: draft regulations that will assist the GODR to implement DR-CAFTA; activities where the Project participates to support the implementation of a law that promotes DR-CAFTA agriculture sector implementation; assisting in the development of controls that need to be implemented by certain institutions to improve the agricultural implementation of DR-CAFTA (e.g. developing sanitary controls); review and assist in the draft of specific laws, regulatory frameworks.

**Table A-10: Number of Legal, Regulatory or Institutional Actions Taken to Improve Agricultural Sector Implementation or Compliance with International Trade**

<b>No.</b>	<b>Type of Action</b>	<b>Institution</b>	<b>DR-CAFTA Topic</b>
1	Regulation revision	SESPAS	Meat and meat products
2	Issuance of regulation	SEA	UPOV
3	Draft regulation	SESPAS	Poultry and poultry products
4	Draft Regulations	SESPAS	Foods for Human Consumption

**Indicator No. 13: Number of agricultural sector participants trained to understand and maximize the benefits of DR-CAFTA.**

**Precise Definition(s):** USAID DR-CAFTA IP coordinates a large number of trainings, workshops and seminars on DR-CAFTA implementation and adjustment matters. This indicator measures the number of people in the agricultural sector trained by the Project on the different DR-CAFTA topics.

During the reporting period, a total of 877 (173 or 20% Women) were trained to understand and maximize the benefits of DR-CAFTA. USAID DR-CAFTA IP Agricultural Specialist conducted several seminars throughout the country where he delivered commodity specific information to national farmers and how present and future productions could be impacted by the Agreement.

**Table A-11: Agricultural sector participants trained to understand and maximize the benefits of DR-CAFTA**

No.	Seminar Title	Total Number of participants (Number and percentage of women appear in parenthesis)				Date	Location	Consultant
		Total	Public Sector	Private Sector	No. Training Hours			
1	How to take advantage of the TRQs in DR-CAFTA	104 (34/33%)	44(30)	60(4)	9	Dec/04/07	Hotel Santo Domingo	Juan Luis Zúñiga
2	Sanitary and Phytosanitary measures in DR-CAFTA	99 (48/48%)	36(30)	63(18)	6	Jan/15/08	Hotel Santo Domingo	Eric Bolaños
3	Sanitary and Phytosanitary measures in DR-CAFTA	10 (5/50%)	N/A	Students 10(5)	1	Jan/15/08	Pontificia Universidad Católica Madre y Maestra	Eric Bolaños

No.	Seminar Title	Total Number of participants (Number and percentage of women appear in parenthesis)				Date	Location	Consultant
		Total	Public Sector	Private Sector	No. Training Hours			
4	Sanitary and Phytosanitary measures in DR-CAFTA	94 (33/35%)	4(1)	63 (25) Students 27(7) Private Sector	4	Jan/16/08	Recinto TEP/PUCMM, Santiago	Eric Bolaños
5	Taking advantage of DR-CAFTA in the Agricultural Sector	43 (11/26%)	31(7)	12(4)	3	Jan/23/08	Salón Avícola, JAD	Luis Ramón Rodríguez
6	Impact of DR-CAFTA on National Rice Producers	47 (10/21%)	30(4)	17(6)	5	Jan/30/08	Federación Provincial de Parceleros, La Vega	Luis Ramón Rodríguez
7	Impact of DR-CAFTA on National Poultry Producers	18 (8/44%)	3(5)	15(3)	5	Mar/04/08	Consejo Nacional de Instituciones Pecuarias, (Moca)	Luis Ramón Rodríguez
8	Impact of DR-CAFTA on National Milk Producers	19(1/5%)	N/A	19(1)	5	Mar/06/08	Conference room, Restaurant Wao, El Seybo	Luis Ramón Rodríguez

No.	Seminar Title	Total Number of participants (Number and percentage of women appear in parenthesis)				Date	Location	Consultant
		Total	Public Sector	Private Sector	No. Training Hours			
9	Impact of DR-CAFTA on National Bean Producers	48(2/4%)	4(0)	44(2)	6	Apr/02/08	Asociación de Productores Agrícolas de San Juan de la Maguana	Luis Ramón Rodríguez
10	Impact of DR-CAFTA on National Rice Producers	29(0/0%)	N/A	29(0)	4	Apr/17/08	Cooperativa de Productores Arroceros (La Vega)	Luis Ramón Rodríguez
11	Impact of DR-CAFTA on National Onion Producers	59(2/3%)	N/A	59(2)	5	Apr/23/08	Estación Experimental del IDIAF, Sombrero Baní	Luis Ramón Rodríguez
12	Impact of DR-CAFTA on National Garlic and Potatoes Producers	54(6/1%)	N/A	54(6)	4	May/01/08	Altocerro, Villas Hotel & Camping (Constanza)	Luis Ramón Rodríguez
13	Impact of DR-CAFTA on Oriental Vegetables Producers	31(5/16%)	N/A	31(5)	4	May/07/08	Centro Norte IDIAF (La Vega)	Luis Ramón Rodríguez
14	Impact of DR-CAFTA on Pineapple Producers	69(3/4%)	N/A	69(3)	4	Jun/11/08	Ayuntamiento de Cevicos (Cotuí)	Luis Ramón Rodríguez

No.	Seminar Title	Total Number of participants (Number and percentage of women appear in parenthesis)				Date	Location	Consultant
		Total	Public Sector	Private Sector	No. Training Hours			
15	Impact of DR-CAFTA on Milk & Sugar Producers	49(3/6%)	N/A	49(3)	4	Jun/25/08	Local Asociación de Colonos de Consuelo (San Pedro de Macorís)	Luis Ramón Rodríguez
16	Impact of DR-CAFTA on National Coffee Producers	44 (1/2%)	19	25(1)	4	July/30/08	Cobo Country Club (Barahona)	Luis Ramón Rodríguez
17	Impact of DR-CAFTA on National Banana Producers	32(0%)	1	31	4	August/14/08	Mao, Valverde	Luis Ramón Rodríguez
18	Impact of DR-CAFTA on National Cacao and Rice Producers	28(1/3)	3	25(1)	4	August/20/08	Mata Larga, El Limón, San Francisco de Macorís	Luis Ramón Rodríguez
	<b>Total</b>	<b>877(173/20%)</b>	<b>175(100)</b>	<b>629(64)</b>	<b>81</b>	<b>Students: 73 (30)</b>		

**Indicator No. 14: Number of awareness sessions organized to discuss DR-CAFTA issues related to the agricultural sector.**

**Precise Definition(s):** This indicator measures the number of awareness sessions organized by the DR-CAFTA Implementation project. By awareness sessions, the indicator refers to seminars, workshops, training and public outreach events.

As detailed in Table A-11, USAID DR-CAFTA IP held a total of 18 awareness sessions specifically directed to agricultural sector participants to cover a variety of DR-CAFTA related topics.