

PACER+PLUS

OUTCOMES: TRANSPARENCY

Regulatory transparency is a critical first step in facilitating trade and investment. Accurate, up-to-date, detailed and publicly available information on trade and investment-related issues reduces trade costs. Conversely, incomplete or dated information increases the difficulty, particularly for small and medium sized enterprises (SMEs), in complying with regulatory requirements and processes and can incur large costs.

Around the world, improving regulatory transparency has been associated with:

- + using information and communication technology to publish trade and investment-related information,
- + setting up enquiry points within government agencies to respond to questions on rules, regulations and procedures,
- + setting up mechanisms for prior consultation on new or amended laws and regulations with stakeholders,
- + allowing reasonable intervals between publication and implementation to enable businesses to respond to regulatory change, and
- + developing effective appeals mechanisms with rulings provided in a timely manner.

The emphasis on transparency in PACER Plus responds to concerns from the business sector about unnecessarily complex and opaque regulatory processes in the Pacific that impose significant costs that weigh heavily on SMEs and generate uncertainty for both domestic and foreign direct investment.



Scope

The transparency chapter in PACER Plus sets minimum standards for transparency. This includes obligations on members to:

- + promptly publish laws, regulations, procedures, and administrative rulings of general application to the Agreement,
- + publish in electronic form or online to the extent possible, and
- + publish in advance, to the extent possible, measures of general application to the Agreement that members propose to adopt.

Other parts of the Agreement include higher or more specific standards on transparency. For example, PACER Plus:

- + goes beyond the World Trade Organization (WTO) Agreement on Technical Barriers to Trade on transparency issues. The Agreement incorporates advanced features such as: early publication of proposals to introduce new regulations and procedures and early notification of when amendments can be made and comments taken into account
- + requires prompt publication of sanitary and phytosanitary (SPS) laws and regulations, and for members to allow a reasonable period – not less than six months – between publication and implementation to allow businesses in exporting countries time to adapt their products and

processes. The Agreement also requires each member to provide other members with a contact point to facilitate distribution of requests and notifications on SPS matters

- + requires members to limit the administrative burden of customs processes on business by using the internet to publish changes to laws, regulations, procedures and guidelines on customs processing. It also requires members to set up enquiry points to address business and other concerns on customs matters, simplify and harmonise customs procedures and increase the use of information technology, including paperless trading across borders
- + requires publication of licencing requirements, technical standards and international agreements impacting services trade between the members.



Capacity building

The PACER Plus Development Assistance Package (see Development Assistance fact sheet) includes targeted training to promote transparency, availability of information, clear contact points and certainty for the private sector. This includes capacity building in the transparent application of each member country's customs laws and regulations, SPS measures, technical regulations, standards and conformity assessment procedures and services and investment regulations.