

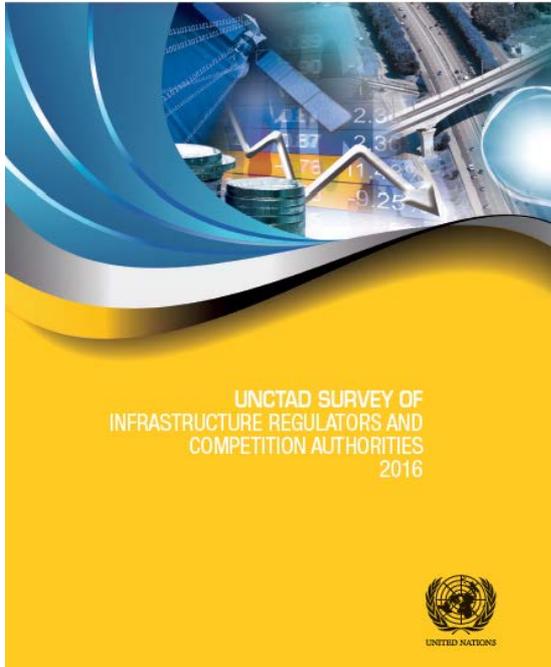
UNCTAD Multi-year Expert Meeting on  
**TRADE, SERVICES AND DEVELOPMENT**

Geneva, 18-20 July 2017

**UNCTAD Survey of Infrastructure Regulators**

by

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# UNCTAD Survey of Infrastructure Regulators

**Multi-year Expert Meeting on Trade, Services and Development**

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# Introduction

- 3<sup>rd</sup> UNCTAD Survey of Infrastructure Regulators (2009, 2010, 2016) following recommendations of the Multi-year Expert Meeting
- Contents of the surveys are not identical but some overlap exists
  - 2009 Survey: focus on institutional issues, regulatory substance and resources available to the regulators
  - 2010 Survey: focus on trade-related aspects of infrastructure services markets and regional and international cooperation
  - 2016 Survey: focus on policy coherence and coordination, and international cooperation
- In 2016 survey sent out to all UNCTAD Members through the permanent missions in Geneva
- SurveyMonkey platform used (which may have affected response rate)
  - 2009: 85 responses representing 47 countries
  - 2010: 102 responses representing 39 countries
  - 2016: 48 responses representing 18 countries and 1 regional regulator



# Structure of the Survey and the Report

A. Introduction

B. General and institutional issues

C. Market structure and foreign participation

D. Transparency and policy coordination

E. International cooperation

F. General conclusions



# Respondents

48 regulators which took part in the survey are from:

Argentina, Belize, Benin, Burundi, Czech Republic, France, Kenya, Korea, Mauritius, Montenegro, Morocco, Mozambique, Paraguay, Peru, Spain, Switzerland, Uganda, and UK

Regulators from countries of all development categories:

- 18 regulators from developed countries
- 12 regulators from developing countries
- 17 regulators from LDCs
- One regional regulator with both developing and LDC Members in Africa

All infrastructure services sectors were represented including:

Communications, Energy, Financial Services, Transport, Water, Multi-sector regulators and Competition authorities



# Market Structure & Foreign Participation: some findings

- While  $\frac{3}{4}$  of the respondents stated that there are no statutory monopolies in the sectors they regulate, 23, 28 and 43% respectively for developing country, developed country and LDC respondents acknowledged that there are state-owned enterprises in the sectors they oversee
- Among those that did have a statutory monopoly 40% were from the energy sector while 30% were from the transport sector
- Most regulators participating in the survey (75%) answered that foreign operators were allowed to provide services in their markets



# Market Structure & Foreign Participation: some findings (2)

- While 85% stated that foreign participation was not capped in their sector more than half (55%) answered that cross-border provision was not allowed
- The majority of respondents (89%) indicated that they did not apply different regulatory requirements (e.g. for licenses, authorizations or concessions) to foreign and to domestic suppliers
- Finally, the vast majority of respondents (94%) stated that they did not offer incentives for the export of services



# Transparency & Policy Coordination: some findings

- 90% of respondents use a website to provide information to stakeholders (all the respondents that stated that they did not have a website were LDCs)
- 77% of the regulators surveyed stated that they publicly answered questions from the legislature (e.g. from a parliamentary committee) and 79% stated that they had formal processes for consultation within government when preparing new regulation
- Slightly over half of the respondents answered that agencies in charge of competition policy, consumer protection and trade policy were consulted on new regulation
- A larger proportion of regulators stated that they were involved in bilateral and regional negotiations (65%) as compared to the WTO services negotiations (36%)



# Transparency & Policy Coordination: some findings (2)

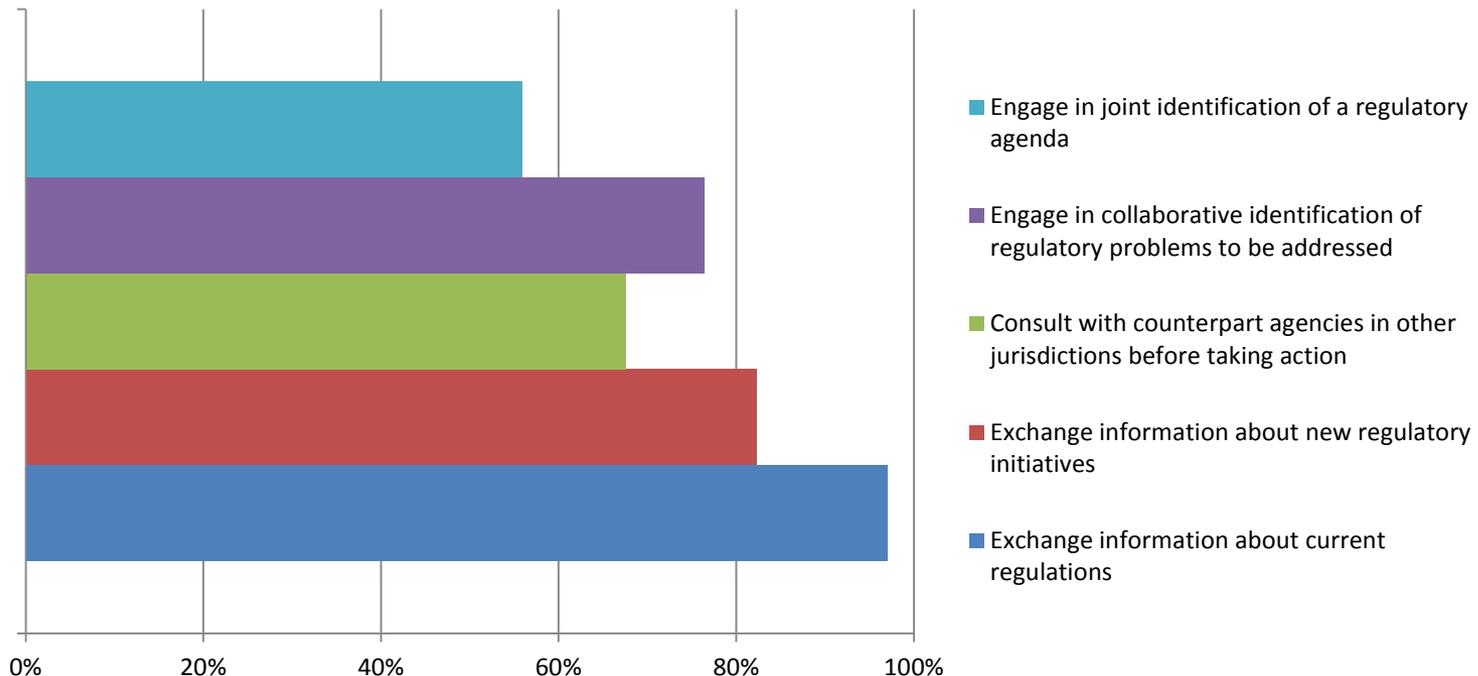
## Ofcom (UK) Guiding Principles for Consultations

<b>Before the consultation</b>	<b>During the consultation</b>	<b>After the consultation</b>
<p>If possible, hold informal talks with people and organisations before announcing a big consultation, to find out if the organization is on the right track.</p>	<p>Be clear about whom the organization is consulting, why, on what questions and for how long.</p>	<p>Publish all the responses on the organization's website as soon as they are received so that everyone who is interested in an issue can see other people's views.</p> <p>After a decision is taken publish a statement explaining what the organization is going to do, and why, showing how respondents' views helped to shape these decisions.</p>
	<p>Make the consultation document as short and simple as possible, with a summary of no more than 2 pages.</p>	
	<p>Consult for up to 10 weeks, depending on the potential impact of the proposals.</p>	
	<p>Have a "Consultation Champion" within the organization who is charge of making sure it follows its own guidelines and aims to reach the largest possible number of people and organisations.</p>	
	<p>If the organization is not able to follow any of these principles, it will explain why.</p>	



# International Cooperation: some findings

- Slightly over half of the respondents answered that they participate in international standard-setting activities
- 92% of the respondents stated they engage in international cooperation initiatives with other regulatory entities



# Conclusions

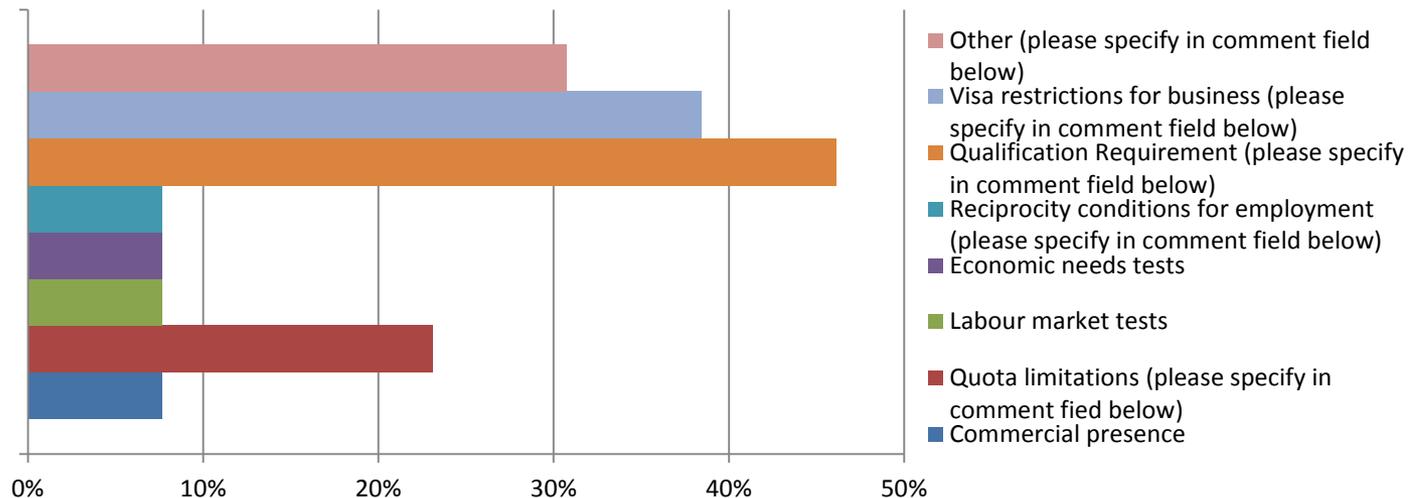
- The sectors regulated by the responding organizations were mostly privatized and liberalized markets
- The regulators were involved in exchanges with various other government entities and had communication channels in place to ensure stakeholders' involvement
- They also cooperated with their counterparts in other countries
- Organizations participating in the survey seemed less comfortable answering questions regarding their involvement in trade negotiations (as evidenced by a greater number of respondents skipping these questions)



# Conclusions (2)

## Figure 8: Types of Limitations used in Infrastructure Services Sectors

Answered: 13 Skipped: 35



- UNCTAD is currently reflecting how best to continue collecting information from regulators (platform, increasing sample sizes, survey design and tailoring of questions to different sectors, broad survey vs. interviews of selected organizations)
- Feedback from experts is welcome

**Thank you for your attention**

