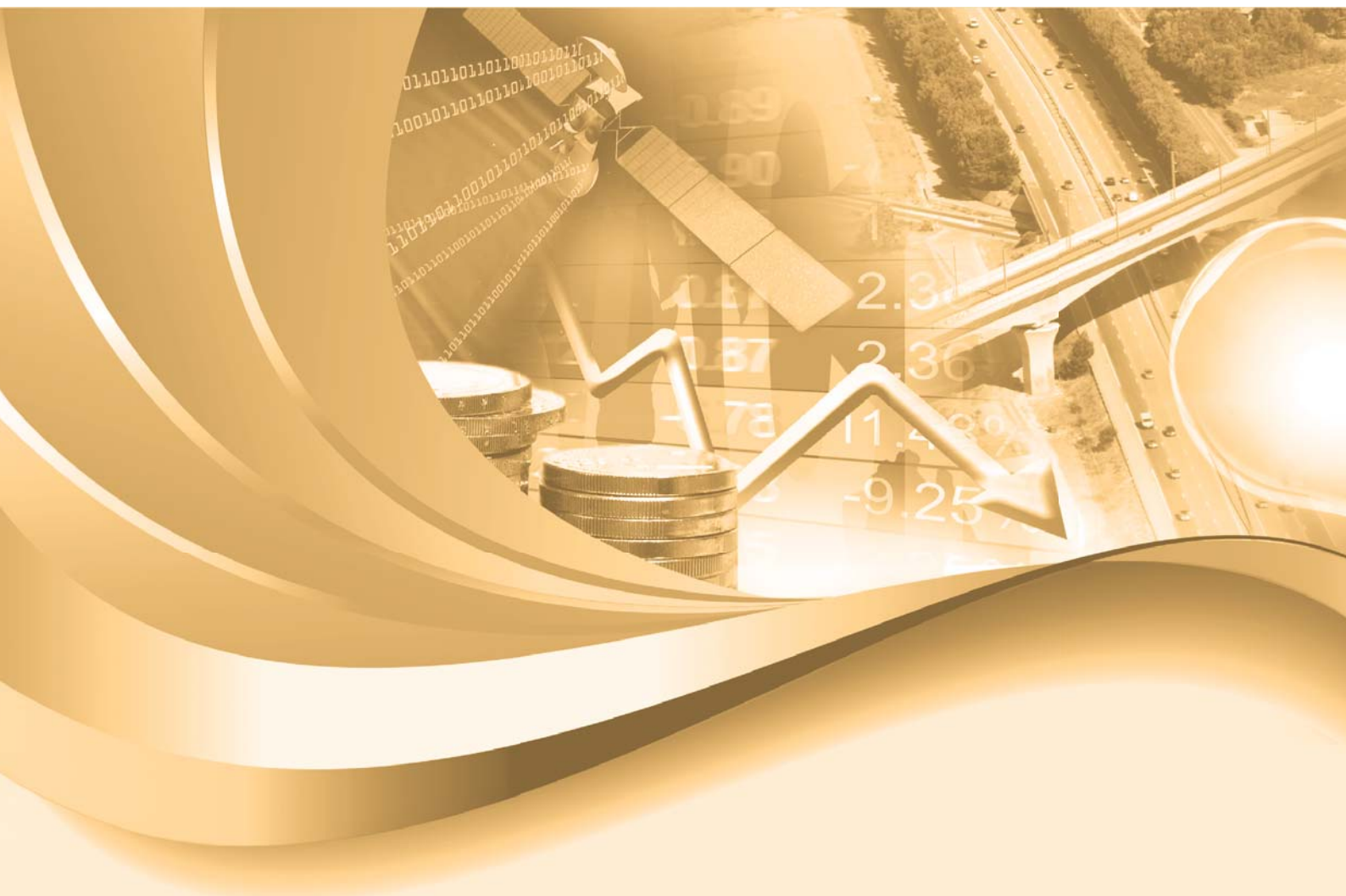




**UNCTAD SURVEY OF  
INFRASTRUCTURE REGULATORS  
2017**







# UNCTAD SURVEY OF INFRASTRUCTURE REGULATORS 2017



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## NOTE

Values are presented in short scale and references to dollars are United States of America dollars, unless otherwise stated.

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## PREFACE

The services sector has emerged as the largest segment in and driving force of the economy, contributing a growing share to gross domestic product (GDP), trade and employment. Opportunities for structural transformation created by the rising services economy are huge, notably derived from rapid technological developments and the digital economy. The sector contributes to productivity and economy-wide growth, as it provides essential inputs to other products and services. Many sectors have emerged as promising tradable services for developing countries, particularly with the development of telecommunications and information and communications technology (ICT) services. In addition, efficient services are catalysts for the expansion of regional and global value chains. Many services activities with important social functions – in health, finance, energy, transport and telecommunications – are indispensable to achieving the Sustainable Development Goals (SDGs). Achieving many of the Goals and targets depends on universal access to basic and infrastructure services, suggesting the critical importance of infrastructure services sectors (ISS) in the achievement of the 2030 Agenda. Given the multifaceted contribution of services, there is a significant opportunity for countries to explore a services-driven growth and development strategy.

This is the third survey by UNCTAD to take stock of the regulatory environment in key infrastructure services, with the goal of ascertaining regulatory and institutional best practices, and challenges faced by regulators in developed, developing and least developed countries. In 2009, UNCTAD conducted a survey as part of its follow-up work on the recommendations of the first session of the Multi-year Expert Meeting on Services, Development and Trade: the Regulatory and Institutional Dimension, held in Geneva from 17 to 19 March 2009. A follow-up second survey was launched in 2010 to ascertain specific trade-related challenges faced by regulators and the regulatory and institutional practices which can promote development gains associated with trade in ISS.<sup>1</sup> The third survey focusses on regulatory coherence and international cooperation. This report aims to present and analyse the findings of the third survey.





# I. INTRODUCTION

The United Nations Conference on Trade and Development (UNCTAD) designed this survey of Infrastructure Regulators as follow-up to two earlier surveys 2009 and 2010 following recommendations of the Multi-year Expert Meeting on Services, Development and Trade.

The goal of these surveys is to take stock of the regulatory environment in key infrastructure services in order to ascertain regulatory and institutional practices, and challenges faced by regulators in developed, developing and least developed countries. This survey was sent out to all UNCTAD member States in November 2016 and responses collected up to July 2017. Questionnaires were distributed through emails to two groups of recipients:

- UNCTAD member States through permanent missions in Geneva; and
- Selected national regulatory agencies.

The survey was distributed electronically through the Survey Monkey platform. The number of exploitable responses received was 48. Some respondents did not answer all the questions though they completed the survey. The answers provided were in these cases included in the analysis. The report indicates where relevant the number of respondents that answered to the various questions.

The survey was composed of 4 sections and 39 questions. Regulators were invited to answer each question to the best of their knowledge. The following sections of the report review and analyse the responses received. Specific questions of the questionnaire are used as headings for the discussion of the various issues addressed. Responses received are treated confidentially in that they are not attributed to individual persons and/or organizations.

This report is divided into 5 sections. Section B covers general and institutional issues. Section C addresses market structure and foreign participation. Section D deals with transparency and policy coordination. Finally, section E focuses on international cooperation. General conclusions are offered in section F.

The following tables provide a breakdown of the origin of the 48 responses received in terms of the countries of origin of the respondents (Table 1) and by sector of the regulator and development status of the countries (Table 2).

Nineteen regulatory entities and competition authorities from seven developed countries responded to the survey, as did eighteen entities from seven developing countries and 10 entities from 4 least developed countries (LDCs), and 1 regional regulator which has both developing and least developed country members.

**Table 1. Number of questionnaires submitted per country**

Country	Number of responses
AFUR, <sup>2</sup> Belize, Benin, France, Kenya, Montenegro, Morocco, Paraguay, United Kingdom	1
Argentina, Burundi, Republic of Korea, Uganda	2
Switzerland	3
Mauritius, Mozambique, Spain	5
Czech Republic	6
Peru	7
<b>Grand total</b>	<b>48</b>

Source: UNCTAD.

**Table 2. Number of responses according to development level and sector**

Sector Development Status	Communica-tions	Competition	Energy	Financial Services	Transport	Water	Multi-Sector	Grand Total
Developed	3	1	5		3		6	18
Developing	4	2		1		1	4	12
LDC	2	1	1	3	6	3	1	17
<b>Grand Total</b>	<b>9</b>	<b>4</b>	<b>6</b>	<b>4</b>	<b>9</b>	<b>4</b>	<b>11</b>	<b>47*</b>

Source: UNCTAD.

\* The total here is 47 as one respondent is a regional regulator and could not be assigned to a single category.





## **II. GENERAL AND INSTITUTIONAL ISSUES**

### When was your organization established?

Most of the institutions that responded to the survey were created in the last twenty years. However, as the table below shows some regulators (mainly those that were reported to be attached to a Ministry) were created as far back as the 19<sup>th</sup> century. This is consistent with literature which shows that specific institutions for implementing and supervising sectoral policies and regulations are relatively novel: until the 1990s, most infrastructure services were public and self-regulated or regulated by a ministry. See table 3.

### What sectors does your organization regulate?

The survey was intended for all regulators of infrastructure services sectors (ISS), including communications, energy, financial, transport, and water/sanitation services as well as competition authorities. As can be seen from figure 1, respondents to the survey included regulators from all the ISS. Several respondents selected the answer “Other” to indicate that they were responsible for the regulation

of multiple sectors. Multi-sector regulators are often used to allow countries to make efficiency gains by pooling resources for several sectors which have common characteristics.

### From what source does your organization derive its legal authority to carry out regulation?

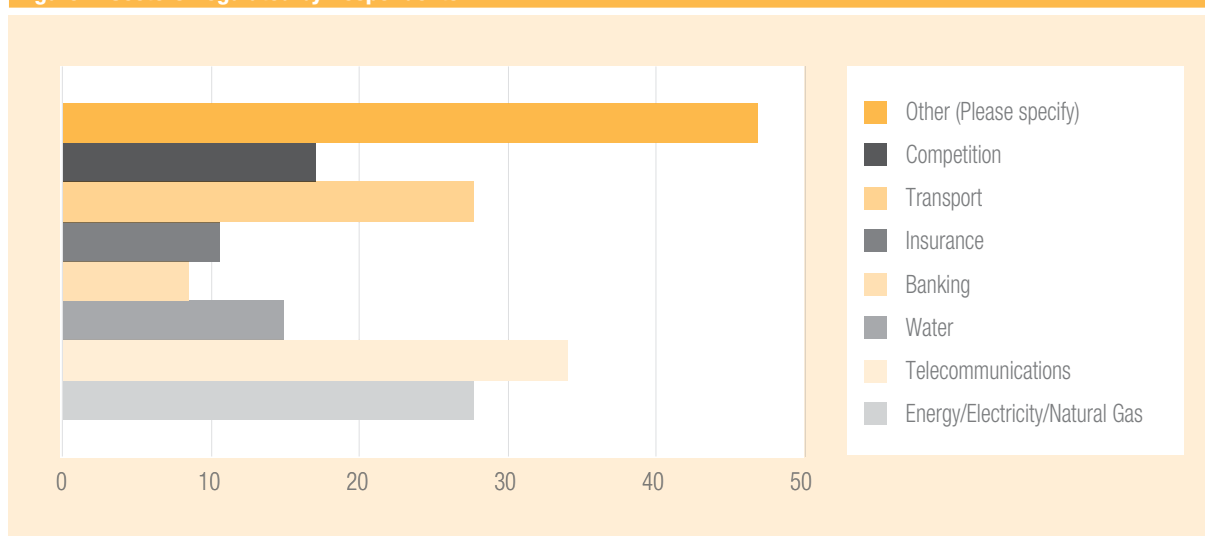
As was the case in the 2009 survey, this survey included a question on the source of legal authority of the regulatory entity. Indeed, it is considered that creation by Constitution or by law, while a more burdensome process could be considered a better guarantee of regulatory independence than creation through a decree or a subsidiary legislation. The majority of respondents (seventy-nine (79) per cent) indicated that their institution derived its legal authority from the law. This is consistent with responses received in the 2009 where seventy-four (74) per cent of respondents had given the same response. Smaller percentages of respondents indicated a government decree, the Constitution or a contract as alternative sources of authority. See figure 2.

**Table 3. Date of Creation of Regulating Entities Participating in the Survey**

1830s	1870s	1930s	1940s	1960s	1970s	1980s	1990s	2000s	2010s
1	2	4	1	1	1	1	13	16	9

Source: UNCTAD.

**Figure 1. Sectors Regulated by Respondents**

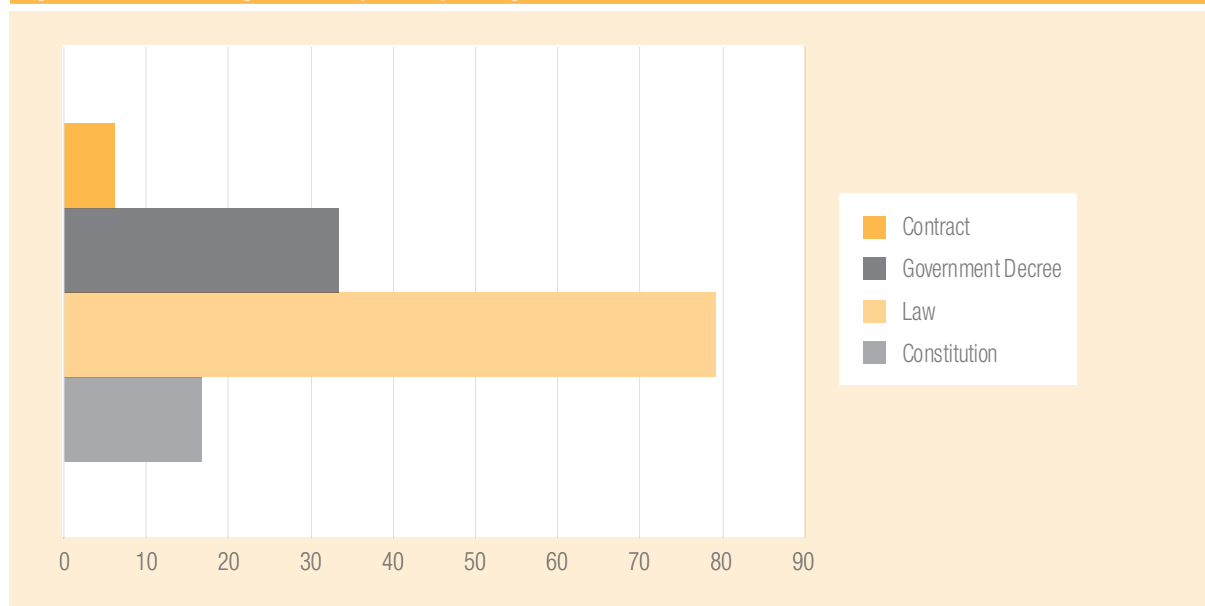


Source: UNCTAD.

Note: Answered: 47; Skipped 1.



Figure 2. Source of Legal Authority of Responding Institutions



Source: UNCTAD.  
Note: Answered: 48.

The grounding of a regulator's independence in law (*de jure* independence) is not the only contributing factor to a healthy separation between itself and other parts of government. However, the legislation can include provisions dealing with a broad range of issues such as budgetary independence, conditions and processes for appointment and dismissal of top management, accountability and reporting requirements to the executive, legislature and the regulated industry.<sup>3</sup>

### How would you describe your organization?

Historically, the unbundling of vertically integrated network industries and the privatization of many state-owned monopolies that provided essential infrastructure transformed the role of the State from that of provider to regulator. Several institutional options for the regulation of ISS therefore emerged.

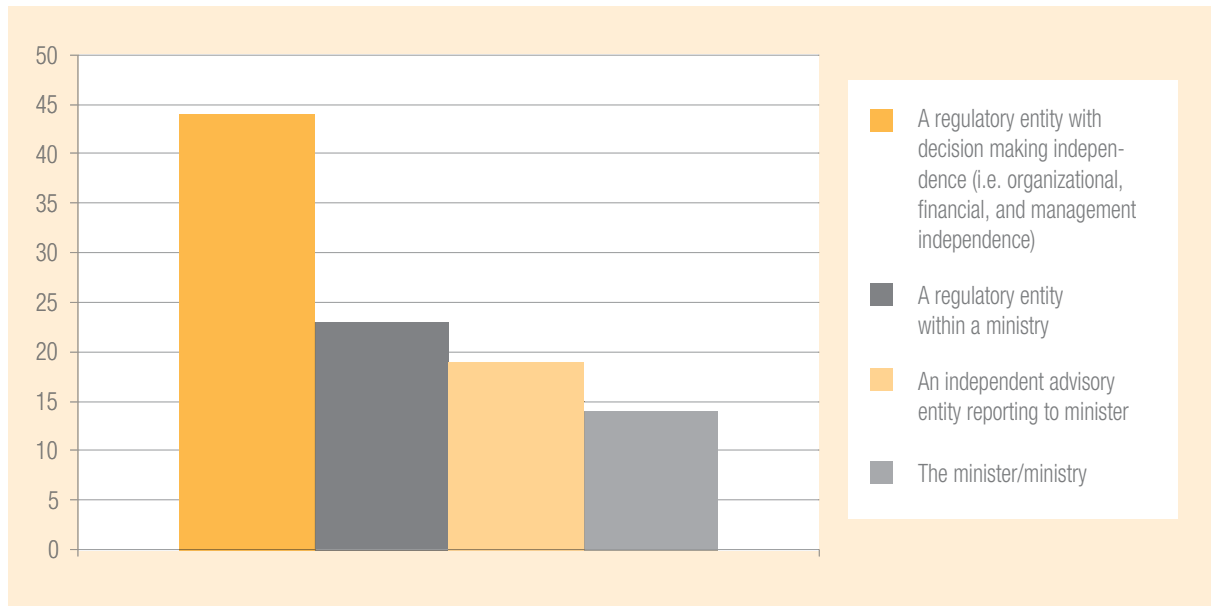
The responses to the question of whether the regulating institution is the minister/ministry, an independent advisory entity reporting to the minister, a regulatory entity within the ministry or an entity with decision making independence confirm the trend towards a growing number of independent regulators. Close to forty-five (45) per cent of respondents answered that their institution was an independent regulatory entity. This result differs notably from UNCTAD's 2010 survey where sixty-nine (69) per cent of respondents had

answered that they were an independent regulatory agency. This discrepancy is certainly due to the fact that different countries and regulatory entities answered to the two surveys as there are notable differences across ISS and also possibly in function of the legal traditions of countries.

Responses also highlighted the variety of arrangements that exist. For example, several respondents highlighted that while the institution is independent in terms of decision making it is dependent on the ministry for its budget. Others indicated that rather than being attached to the ministry they are accountable to Parliament, attached to the office of the Prime Minister (in two cases) or to the office of the Presidency (in one case). See figure 3.

The institutional independence of the regulator is not the only factor which contributes to optimal regulatory outcomes. There are a number of other principles which are essential including credibility; legitimacy; and transparency. As suggested earlier, issues such as clarity of roles in regulation and policy; clarity and comprehensiveness of regulatory decisions; predictability and flexibility; financing of regulatory agencies; regulatory accountability; regulatory processes and transparency; public participation; appellate review of regulatory decisions; and ethics are all key to the regulator's independence.

**Figure 3. Institutional Independence of the Regulator**



Source: UNCTAD.

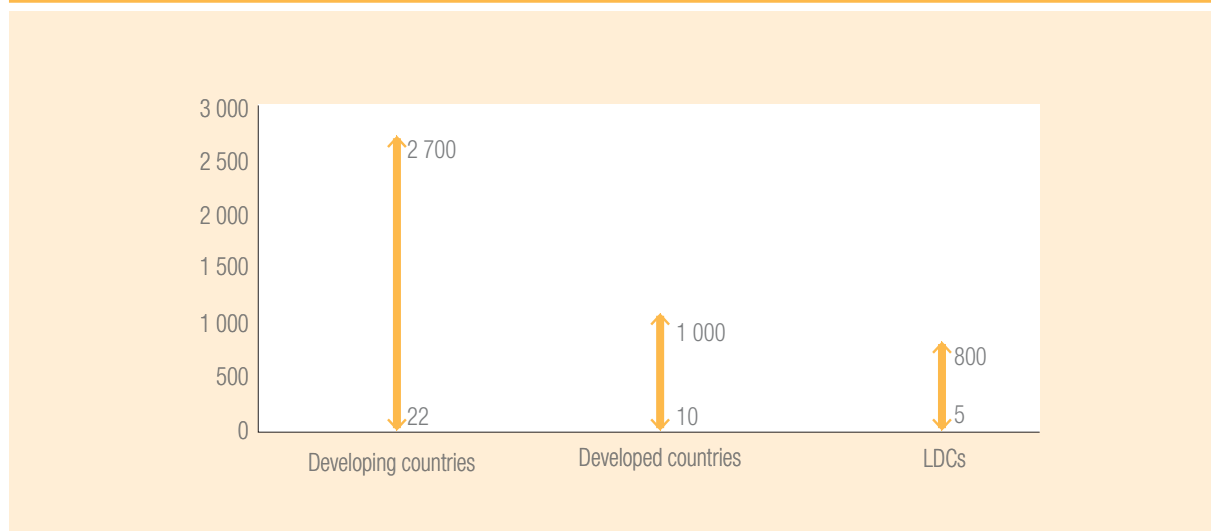
Note: Answered 45. Skipped 3.

**How many staff are employed by your organization?**

Having the adequate staff (both in terms of numbers and skills) is also a crucial element for the performance of a regulatory entity. UNCTAD’s 2010 survey had already showed a wide range in numbers of staff employed extending from 17’000 for an environmental protection agency in one country to 8 for a postal

services regulator in another. In this year’s survey a similarly wide range was reported, with regulators from developing countries reporting on average a higher number of staff members. This question was considered important as several regulators had indicated in the 2010 survey that they did not believe they had a sufficient number of staff to fulfil their responsibilities. See figure 4.

**Figure 4. Distribution of Number of Staff Employed by the Regulator**



Source: UNCTAD.

Note: The figures indicated for LDCs does not take into account one road regulator with 1000 employees which is an outlier. Answered: 40; Skipped: 8.

**What percentage of the staff are professionals (for example, lawyers, economists, accountants, engineers)?**

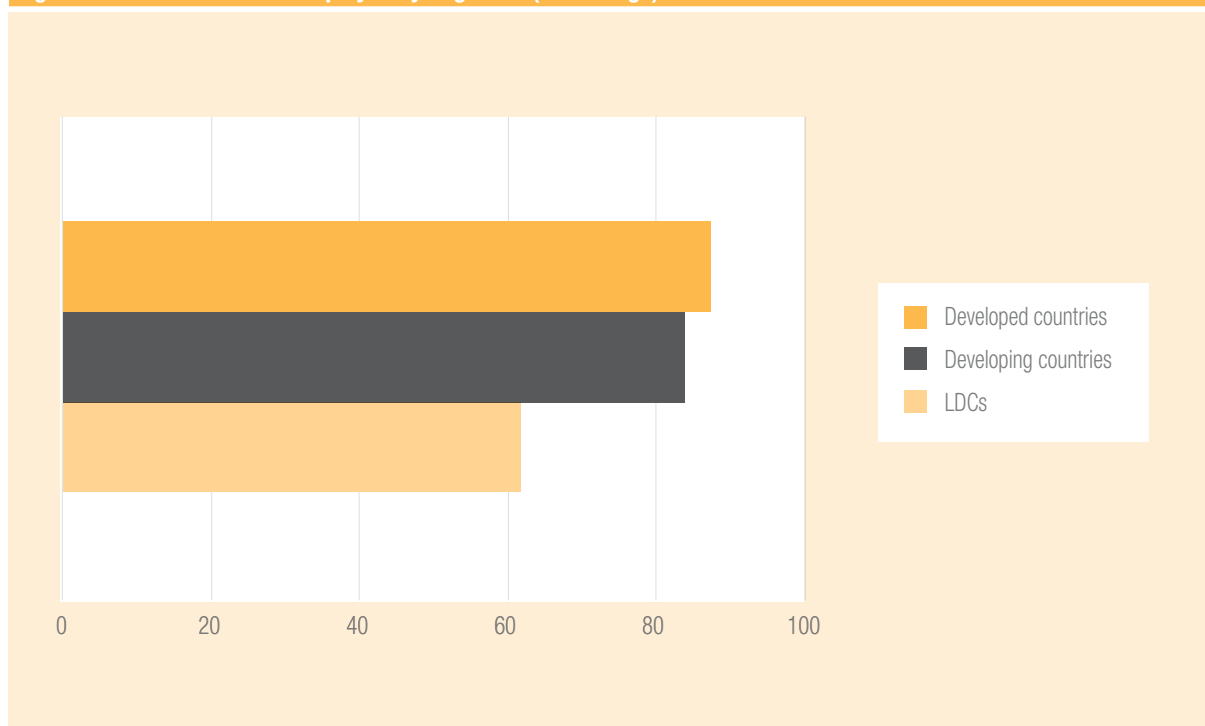
The issue of proper staffing of the regulator is particularly acute in LDCs and some developing countries that still face challenges when striving to build effective regulatory capacity. Indeed, the quality and credibility of regulatory decisions largely depend on the competence of regulatory staff. The greater the discretion enjoyed by the regulator, the greater the need for trained, experienced and competent staff. Scarcity of qualified staff is among the most serious constraints faced by regulators.<sup>4</sup>

The responses received by regulators show that in more developed countries, regulators appear to have on average a higher percentage of professional staff. Developed country respondents on average stated that they had seventy-four (74) per cent of professional staff, as compared to seventy-one (71) per cent and fifty-two (52) per cent respectively for developing and least developed countries. These figures are consistent with those reported in UNCTAD's 2009 survey where developed and developing countries reported seventy-five (75) and sixty-eight (68) per cent

of all their staff being high-level professionals. The figures for LDCs may point to possible improvement as in 2009 only twenty-five (25) per cent of the staff of LDC respondents were considered to be high-level professionals. Though as stated earlier, the sectors and countries represented in the two surveys differed.

It should also be noted that in addition to the qualifications of staff members, the capacity of a regulatory institution to attract, retain and motivate staff is also an important determinant of the regulator's ability to act independently and to take evidenced-based and objective decisions. Specific recommendations stemming from this finding, include *inter alia*: that: the regulatory agency seek to protect professional staff from pressures; that they be offered incentives (e.g. financial incentives, personal recognition, and other non-monetary incentives) and opportunities for development; that staff be encouraged through the support and behaviours of leadership to demonstrate a responsible culture of independence; and that they be allowed to pursue professional and personal growth as well as mobility within the organisation.<sup>5</sup> See figure 5.

**Figure 5. Professional Staff Employed by Regulator (Percentage)**



Source: UNCTAD.

Note: Answered: 39; Skipped: 9.





### **III. MARKET STRUCTURE AND FOREIGN PARTICIPATION**

### *What is the percentage of private companies and State-owned enterprises in the sector?*

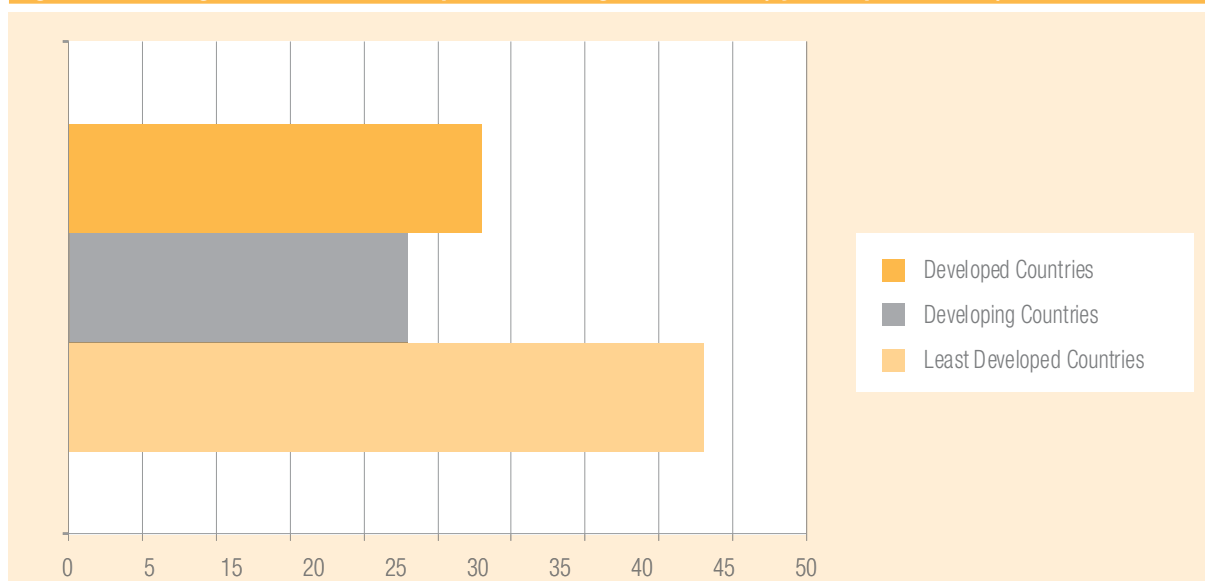
Given the contribution of infrastructure services to economic growth, development and poverty reduction, policy-makers have pursued various routes aimed at developing ISS. In particular, various ownership models, including state-owned enterprises (SOEs), the private sector, or mixtures of both (such as public-private partnerships (PPPs)), have been used in different countries at different times. Over the past decades, reforms have unbundled and opened most infrastructure services to private participation, including through privatization, PPPs, concessions, build-operate-transfer, foreign investment and international trade. But in ISS defined as natural monopolies SOEs have often been mandated to pursue multiple objectives, such as profitability, providing services to underprivileged population groups or remote regions, generating employment or the obligation to utilize certain inputs produced by state-sanctioned suppliers.<sup>6</sup>

When responding to the question on the percentage of private companies and state-owned enterprises that exist in the sector they regulate organizations from LDCs answered that there were forty-three (43) per cent of SOEs, while developed and developing countries reported twenty-eight (28) and twenty-three (23) per cent respectively. See figure 6.

In a 2015 report that reviewed the nature and extent of state ownership and in particular the role SOEs play in societal and public value creation and their purpose and mission, SOEs were described as an important instrument in any government's toolbox. The report notes that while existing SOEs are growing larger (at least those that are strong performers), otherwise there is a downward trend in state ownership and that the prevalence of SOEs differs across sectors. The place of ISS was clearly recognized as the report listed with petroleum refining, utilities and financial services as dominant sectors in the Fortune Global 500 SOEs and referred to other emerging sectors such as telecommunications; as well as mail, package and freight delivery. The continued relevance of SOEs derives from the role they play in the provision of public goods and merit goods, in increasing access to public services, including through cross-subsidisation; launching new and emerging industries; or controlling the decline of sunset industries.<sup>7</sup>

In its 2016 policy paper on Macroeconomic Developments and Prospects in Low Income Developing Countries the IMF suggests that public investment, including in infrastructure, has generally increased in these countries over the last fifteen years, but that infrastructure deficiencies remain severe. Consequently, infrastructure services with the exception of telecommunication services are primarily provided by the public sector. For now private participation is largely channelled through

**Figure 6. Percentage of State-owned Enterprises in the Regulated Sectors (by development status)**



Source: UNCTAD.

Note: Answered: 30; Skipped: 18.

PPPs, which points to the need for these countries develop strong domestic capacity in negotiating and monitoring implementation of PPP contracts.<sup>8</sup>

***Is there a statutory monopoly that covers all or some of the activities in the sector?***

Seventy-four (74) per cent of the respondents stated that there was no statutory monopoly in the sector they covered. The sectors most commonly mentioned as having statutory monopolies are energy (transmission and distribution networks), transport (air traffic services, rail transport, water and electricity utilities). Figure 7 provides of breakdown of those regulators that responded that there was a statutory monopoly in the sector they regulate.

***Can foreign operators provide services in your country in sectors under the oversight of your organization?***

The presence of foreign operations in infrastructure services sectors was raised in the 2010 survey as well as in this year's survey. In 2010, an overwhelming eighty-five (85) per cent of respondents answered that their sectors were open to foreign companies, with the most open of all country groupings being the LDCs.

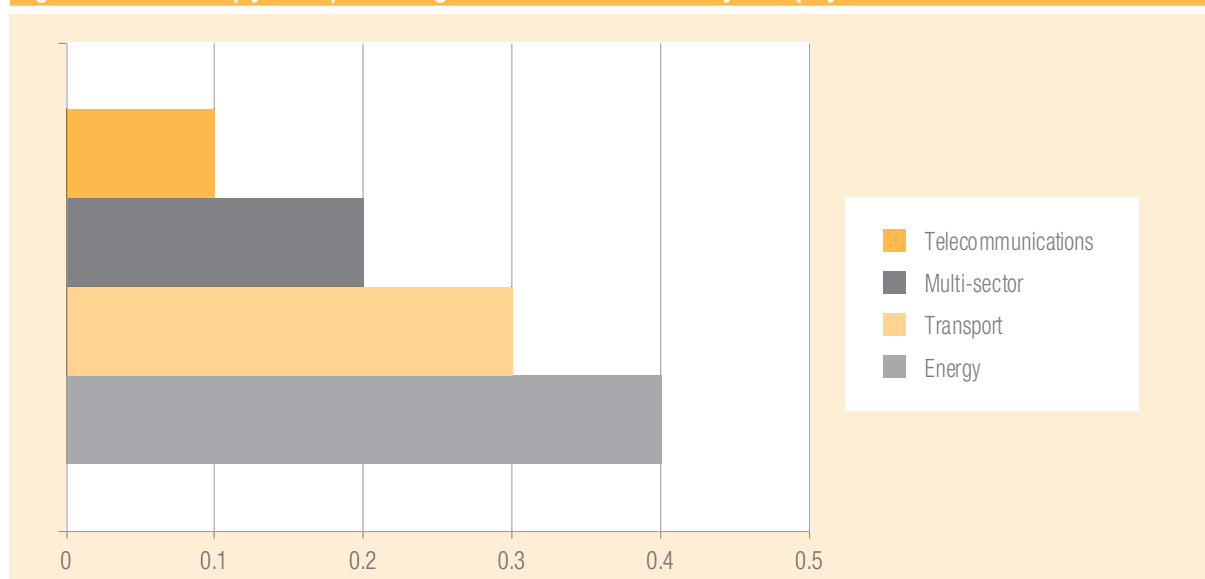
In this year's survey, seventy-five (75) per cent of respondents answered that foreign operators are allowed into the market. The variety of responses

received also highlighted the diversity of measures and requirements that can apply to foreign suppliers including joint venture requirements, limitations with respect to the sub-sectors open to foreign competition (e.g. in telecommunication services), establishment requirements, etc. The percentages of foreign participation indicated by respondents ranged vastly from sector to sector and even by sub-sector. For example, one respondent indicated that foreign participation was less than 1 per cent in electricity generation while another stated it was of fifty-eight (58) per cent in electricity production.

Another interesting comment made by one respondent indicated that while the law allows for the participation of foreign operators in all economy sectors they could not provide specific information as they did not have statistics. These points to the continued need for technical assistance and capacity building for countries to improve the collection and analysis of services statistics.

Also, another comment of interest made by one respondent was that due to the limited size of the water supply and sewerage services market in that country foreign operators have not shown interest in providing these services. Again, this illustrates the fact that the opening of services markets alone is not sufficient to guarantee increased supply.

**Figure 7. Breakdown (by sector) of the Regulators that have a Statutory Monopoly**



Source: UNCTAD.

Note: Answered: 39; Skipped: 9.

***Is foreign participation capped in any sectors under your regulation?***

Eighty-five (85) per cent of the respondents have indicated that foreign participation is not capped in their sector. Three respondents specified that foreign participation was limited to forty-nine (49) per cent or minority participation.

These replies are similar to those made in 2010 where the general tendency among survey respondents was to allow majority or full foreign ownership. In that survey, twenty-eight (28) per cent indicated that they imposed certain constraints or prerequisites on acquisition of domestic operators by foreigners (e.g. pre-set specific limits imposed on the share of foreign ownership in the market or discretionary approval power of national authorities on significant asset purchases by foreigners as a safeguard against unforeseen influx of foreign companies).

***Is cross-border provision of services permitted (i.e. provision from another territory without establishing in-country presence)?***

Foreign participation in the market can also take place through cross-border provision of services. While there can be a *de facto* limitation to the number of services can be traded across borders (as some services require physical contact between consumers and producers) other limits could be imposed by regulators if they feel that they are not able to oversee activities by services and services suppliers that originate or are based in another market. Slightly over half of the responding entities (55 per cent) stated that cross-border provision of services was not allowed in their sector. In 2010, only thirty-four (34) per cent of respondents answered that they did not allow free flow of cross-border service supplies to the domestic market.

***Does your organization apply different regulatory requirements (for example, technical expertise, financial capability, registration) to foreigners and nationals applying for licences, authorizations or concessions?***

The vast majority of the respondents (89 per cent) indicated that there were not different regulatory requirements for foreigners and nationals applying for licences, authorizations or concessions.

***Are there any constraints on the employment of foreign managers, experts, specialists or trainees by foreign operators, and on the entry and stay of business visitors, sellers of business services, suppliers of contractual services and independent professionals that are specific to the regulated sector?***

Services employment is gaining importance in all countries. Employment in services is particularly relevant for women as, globally, women have the highest share of jobs in the sector. The participation of women in services jobs in developing economies is forty-one (41) per cent, second only to the agricultural sector. Services employment is also important for migrant workers as some host countries, such as Canada and the United States of America, rely heavily on migrants in their broad services sectors. Services-related policies are therefore relevant for inclusive employment, especially in the current context of persistent high levels of unemployment.<sup>9</sup>

Eighty (80) per cent of the respondents replied that there were no constraints on the employment of foreign managers, experts, specialists or trainees by foreign operators, and on the entry and stay of business visitors, business service sellers, contractual services suppliers and independent professionals.

This is somewhat in contrast with the findings of the 2010 survey in which almost half of the respondents indicated the existence of limitations or conditions on the employment of foreign workers, including qualification requirements, quotas on employment and the reciprocity condition

***Which of the following constraints (commercial presence, economic needs tests, labour market tests, qualification requirements, quota limitations, reciprocity conditions for employment, visa restrictions for business visitors, etc.) apply to each sector or subsector?***

Given the importance of the services sector, addressing barriers to international trade in services remains important in harnessing the development potential of the sector. As concerns the movement of persons, such barriers can take the form of limits on foreign personnel or implicit discriminations in qualification and licensing requirements. Generally, although some



countries have reduced restrictions, mainly related to mode 3, there are tighter restrictions on the temporary movement of people to provide services through mode 4 (whether in the form of quotas, labour market tests or limits on durations of stay). Despite its importance, services trade continues to face certain restrictions, particularly in professional services and transport.<sup>10</sup> Figure 8 shows which restrictions apply to ISS, including the prevalence of the limitations affecting movement of persons.

The report of the 2010 notes however that, despite the limitations imposed, there was an overwhelming positive perception among regulators regarding benefits of hiring foreigners as almost ninety (90) per cent of the regulators who had responded to this question confirmed benefits of foreign personnel.

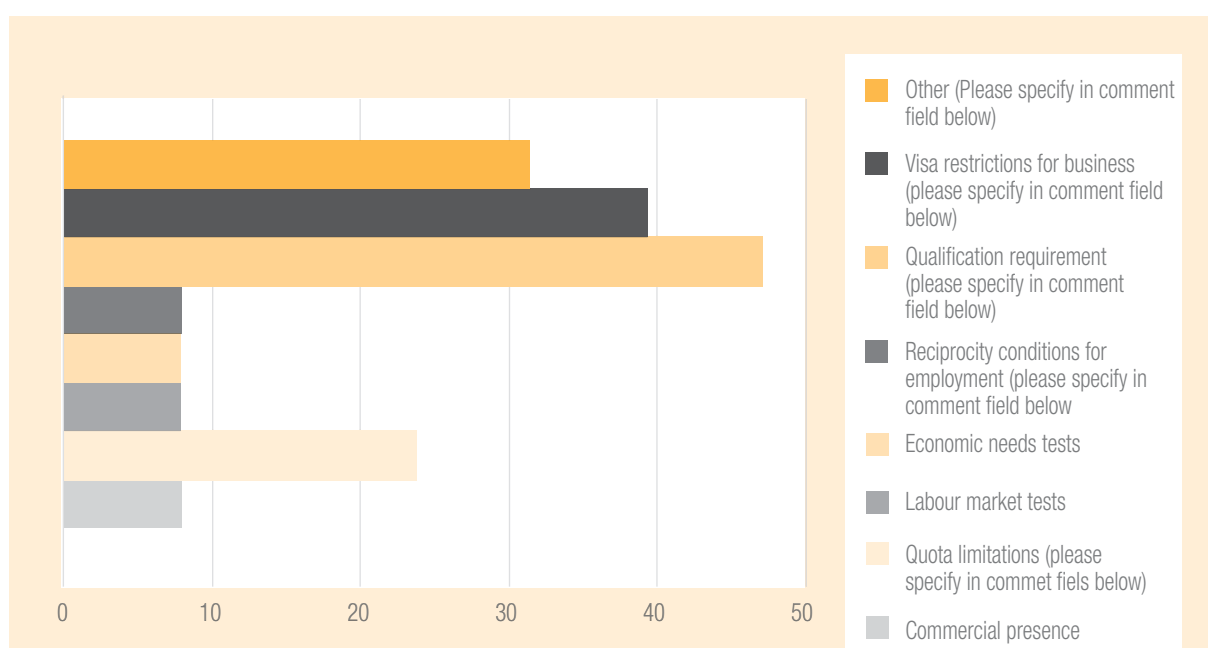
**Is support provided to domestic firms to meet technical national or international standards?**

Seventy-one (71) per cent of the responding institutions stated that they did not provide domestic firms with support to meet technical national or international standards. Those that did offer some support offered the following comments. One responding

institution suggested that apart from sensitization and eventually additional time to meet new regulations or supervisory directives, they provided no other support to the industry. Another suggested that workshops are organized to disseminate the various requirements by the Financial Reporting Council which the auditors have to comply with. Still another indicated that local private water operators are provided specialized training in development of business plans, best practice utility management techniques, financial management and operation, management of water supply and sewerage systems and customer care. Another regulator suggested that they are open to consultations regarding fulfilment of legal obligations and remedies, including information on how to meet the technical standards (both national and international).

In the 2010 survey, roughly half of the regulators who responded to this question indicated that they provided technical assistance (e.g. direct support via training and workshops, technical assistance and advice domestic companies when necessary, and provision of online and printed sources of detailed information) to domestic companies to fulfil national or international standards.

**Figure 8. Types of Limitations used in Infrastructure Services Sectors**



Source: UNCTAD.  
 Note: Answered: 13; Skipped: 35.

***Are incentives provided for the local supply of services (for example, investment benefits, tax incentives, preferential financing schemes, subsidies, or preferences in government procurement)?***

Seventy-three (73) per cent of the responding institutions answered that they did not provide incentives provided for the local supply. Those respondents that did provide incentives covered a wide range of services, including energy services, transport services and water supply. One respondent offered subsidies for regional passenger transport and infrastructure investment and maintenance. Another regulator at federal level stated that they did not provide incentives but that these could exist at local or regional level, in particular tax incentives or green energy programs. Another respondent suggested tax exemptions were offered for material imported. In the area of urban water supply one institution provided conditional grants to private operators to extend water supply and sewerage distribution networks and services to the urban poor. Another respondent indicated that subsidies were offered for the development of next generation network infrastructure

(e.g. high capacity optical fibre networks). Similarly, in the area of telecommunication services, one regulator is planning to implement a universal service fund in the near future to support local operators in generalising rural connectivity and universal access. The same respondent mentioned tax exemptions that were granted for a period of twenty years to the benefit of a company that has massively invested on a three-tiered license: fixed telephone, mobile telephony and Internet all over the country. Finally, one respondent suggested that tax incentives were granted to suppliers providing services in a specific, underserved region of the country.

***Are incentives provided for the export of services (for example, investment benefits, tax incentives, preferential financing schemes, subsidies or preferences in government procurement)?***

The vast majority of responding institutions (ninety-four (94) per cent) stated that they did not offer incentives for the export of services. Only one respondent referred to a general government policy for encouraging investments.

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## **IV. TRANSPARENCY AND POLICY COORDINATION**

### ***Does your organization publish an annual report of its activities?***

Transparency is becoming an increasingly important part of all government activity. This also affects regulators that are instrumental in addressing the interests and concerns of the stakeholders in regulated sectors. Regulators can inform stakeholders through various means (including statements and press releases, published reports, and websites).

Transparency should be considered as going hand in hand with independence. It not only contributes to promoting the credibility of the organization but also over time leads to the development of trust between stakeholders and particularly between the regulator and the industry. Transparency involves not the provision of information from the regulator to the stakeholder but also tools that promote two-way information flows and dialogue such as public consultations.

While seventy-four (74) per cent of the regulators that responded to the survey stated that they published annual reports of their activities, when asked how many reports had been published since 2012 only 16 were able to confirm yearly publications based on the number of reports. The majority of the organizations that were not able to produce a yearly report in the last 5 years were from LDCs which suggests some capacity constraints.

Annual reports should not be seen as a routine, bureaucratic requirement but rather as an essential tool providing comprehensive and regular progress reports relating back to the regulator's corporate and strategic plans and information that oversight institutions require to hold the organization accountable.<sup>11</sup>

### ***Does your organization have a website?***

Websites are part of organizations' communication and transparency tools as evidenced by references in the discussions of the World Trade Organization (WTO) negotiations on disciplines for domestic regulation to requirements that regulation be published by "printed or electronic means". It is important that regulators do not indiscriminately upload information on their website but make a genuine effort to present the information that is most useful in a user-friendly manner.

Ninety (90) per cent of the respondents stated that their organization had a website. All the organizations that responded that they did not have websites were from LDCs.

### ***Does your organization publicly answer questions from the legislature (for example, from a parliamentary committee)?***

Because regulators do not carry out their functions in isolation but rather are part of a broader policy-making and implementation process they will inevitably have to engage with other stakeholders in their day to day work. In order to ensure that all actors have a clear understanding of their role and responsibilities, it is essential that regulators be open to opportunities where they can engage with others, in particular through public hearings with legislatures.<sup>12</sup>

When asked whether they responded publicly to questions from the legislature seventy-seven (77) per cent of the responding institutions responded positively.

### ***Does your organization make rules that apply to its regulated population? And if so, are there formal processes for consultation within government when preparing new regulation?***

Policymakers and regulators both have an important role to play in ISS, including by selecting regulatory approaches that maximize net benefits. Amongst others, they need to identify and assess available alternatives to direct regulations, including economic incentives. In order to achieve this they need to consult with each other, including competition authorities, to avoid creating cumulative or overlapping regulatory burdens, and they should implement regulation with common sense, empathy and respect.<sup>13</sup>

Seventy-nine (79) per cent of respondents answered that they do make rules that apply to the regulated population. In certain countries consultations within government were described as systematic in the case of new regulation/proposals for regulation, other respondents referred to consultations with the industry or to public consultations (or consultations in various fora to obtain consensus more generally).

Regulators can develop guidelines for consultations as the table below shows for internal guidelines developed by UK's Ofcom. See table 4.

A number of recommendations that go beyond consultations have also been suggested to promote the transparency and accountability of regulators. These include making publicly clear what are the ways

**Table 4. Set of Guiding Principles for Consultations**

Before the consultation	During the consultation	After the consultation
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.	Be clear about whom the organization is consulting, why, on what questions and for how long.	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. 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.
	Make the consultation document as short and simple as possible, with a summary of no more than 2 pages.	
	Consult for up to 10 weeks, depending on the potential impact of the proposals.	
	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.	
	If the organization is not able to follow any of these principles, it will explain why.	

Source: <https://www.ofcom.org.uk/consultations-and-statements/how-will-ofcom-consult>

through which they engage with public and private stakeholders; providing feedback to stakeholders by justifying their key decisions with detailed empirical evidence; providing timely and relevant performance information that demonstrates the link between their internal governance and their outcomes; and offering easy and fair complaints and appeals processes.<sup>14</sup>

### ***Is the body that is responsible for competition policy usually consulted on new regulation?***

Another important component of ISS regulators' governance architecture together with transparency is coordination. Effective coordination between the regulator and other institutions within government helps to promote the effecting of the regulatory regime. Both formal agreements and "live instruments" such as coordination bodies, *ad hoc* meetings and tools for information sharing are important. Coordination is indeed identified in the OECD *Best Practice Principles on the Governance of Regulators* as on the elements that allow regulators to effectively fulfil their functions. Including an explicit mandate and obligation to cooperate in the legislation is an option that countries may wish to consider. Counterparts that ISS regulators should coordinate with include *inter alia* ministries and government departments involved in planning, finance, economic development, competition, trade, as well as agencies at the municipal level.<sup>15</sup>

In particular, the advice of regulators can be particularly useful in the early stages of policy formulation and the development of regulation as they have first-hand knowledge of the regulated sector and can provide data and evidence on the main problems to be addressed. The type of coordination tools that the regulator will opt to use may differ according to the objective being pursued (e.g. feedback for policy formulation may require different coordination tools than exchange of information required for daily implementation work.<sup>16</sup>

In fifty-four (54) per cent of the responses, the responding regulator indicated that the body that is responsible for competition policy is usually consulted on new regulation.

### ***Is the body that is responsible for consumer policy usually consulted on new regulation?***

In fifty-five (55) per cent of the responses, the regulator indicated that the body that is responsible for consumer policy is usually consulted on new regulation.

### ***Is the body that is responsible for trade policy usually consulted on new regulation?***

Trade liberalization in services essentially addresses regulatory measures, because whether, to what extent and how to allow international competition in

domestic markets is essentially a regulatory decision. Trade liberalization processes therefore intrinsically influence the design and functioning of domestic regulatory and institutional frameworks, and hence the ability of Governments to regulate. The key challenge is to ensure adequate content, pace and sequencing of liberalization-cum-regulatory processes, so that effective regulatory and institutional frameworks, and domestic capacity be built before privatization and liberalization, while retaining the possibility to adapt to new challenges, including those stemming from liberalized markets.<sup>17</sup> Achieving such a balance would require regular consultations between the sector regulators and trade policy-makers.

In fifty-three (53) per cent of the responses provided, the regulator indicated that the body that is responsible for trade policy is usually consulted on new regulation.

### ***Are other policy areas involved (for example, social or environmental concerns)?***

Regulations should also be integrated and consistent with others policies, laws and international obligations. They should be performance-based and not unduly prescriptive; they should be accessible, transparent and accountable; clear, stable and concise, and communicated effectively. They should be enforceable, mindful of the compliance burden imposed, and should be the embodiment of minimum incentives needed for reasonable compliance.

Despite the useful involvement of other bodies (e.g. competition authority, trade policy-makers) suggested above, sixty-one (61) per cent of respondents answered that no other policy areas were involved in consultations.

### ***Is your organization involved in bilateral and regional trade negotiations (for example, free trade agreements and regional integration)?***

Services are increasingly subject to trade liberalization initiatives whether at bilateral or regional levels in addition to the multilateral level. Most significantly, the new generation of regional trade agreements (RTAs), particularly the emerging “mega RTAs”, have extended the frontiers of liberalization and international rule-making to services, essentially addressing national regulatory measures as they apply to foreign services and services providers. These agreements not only

define market access and entry conditions but also provide disciplines on qualification, technical and licensing requirements. The strong regulatory focus of recent RTA that seeks to achieve regulatory coherence and convergence in order to address what exporters see as trade-restrictive effects of domestic regulatory measures, including those arising from regulatory divergence across jurisdictions.<sup>18</sup>

It is therefore a very positive signal that sixty-five (65) per cent of the respondents suggested that they were involved in bilateral and regional trade negotiations. This figure is higher than what was reported by respondents in 2010 where fifty-four (54) per cent of respondents indicated that they were involved in bilateral and regional trade negotiations. The report of the survey also notes that regulatory agencies’ involvement in bilateral and regional trade negotiations is less pronounced than their involvement in standard-setting activities (as sixty-three (63) per cent of regulators had indicated being involved in these activities).

### ***What is the nature of this involvement of your organization in bilateral and regional trade negotiations?***

When asked what forms of involvement they participated in the responses ranged from involvement in consultations to directly participating in the negotiations and providing inputs.

Approximately fifteen (15) per cent of regulators responded “Other” to the question “What is the nature of the involvement of your organization in bilateral and regional trade negotiations?” When providing a more detailed description of the organization’s involvement, answers varied significantly. Some recognized a very limited participation on operational level within working groups without voting rights. Others pointed out their close involvement in negotiations taking place at the regional level. In the latter case, a regulator highlighted its participation in the definition of rules for the use and development of cross border infrastructures. See figure 9.

### ***Is your organization involved in World Trade Organization (WTO) negotiations on access to the services market under the General Agreement on Trade in Services?***

Progressive liberalization of services is being pursued at the multilateral level under the Doha Round of the

WTO. Given the importance of these negotiations which produce legally binding commitments for Members *vis-à-vis* all other WTO Members the involvement of national and regional regulators would be of crucial importance.

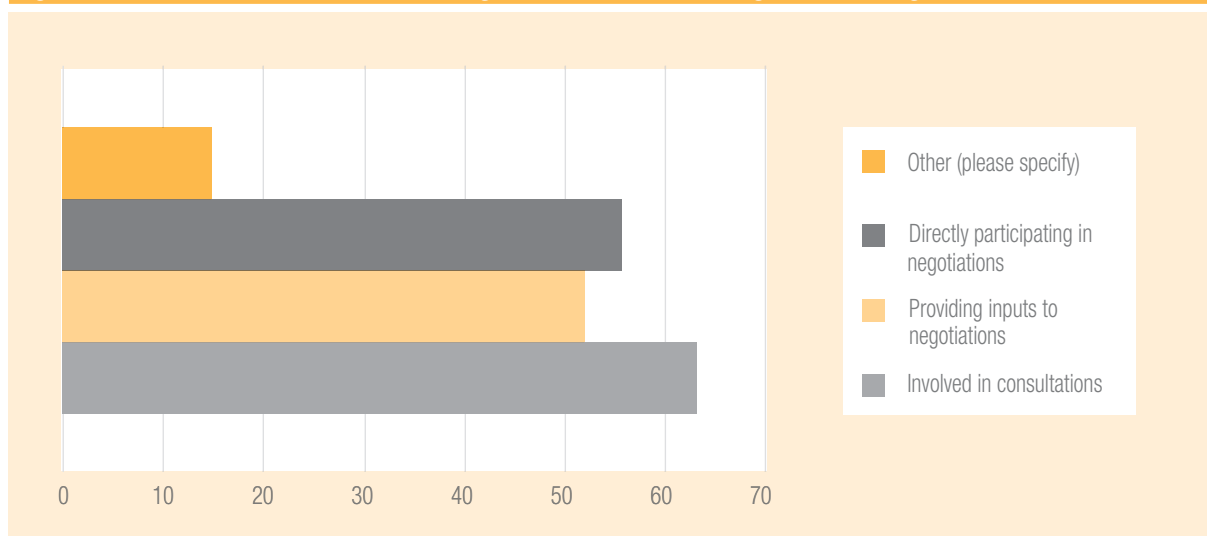
In contrast to their involvement in bilateral and regional trade negotiations only thirty-six (36) per cent of respondents suggested that they were involved in the General Agreement on Trade in Services (GATS) negotiations at the WTO. In 2011, forty-seven (47) per

cent of the respondents had indicated that they were involved in the WTO services negotiations.

**What is the nature of your organization's involvement in WTO negotiations?**

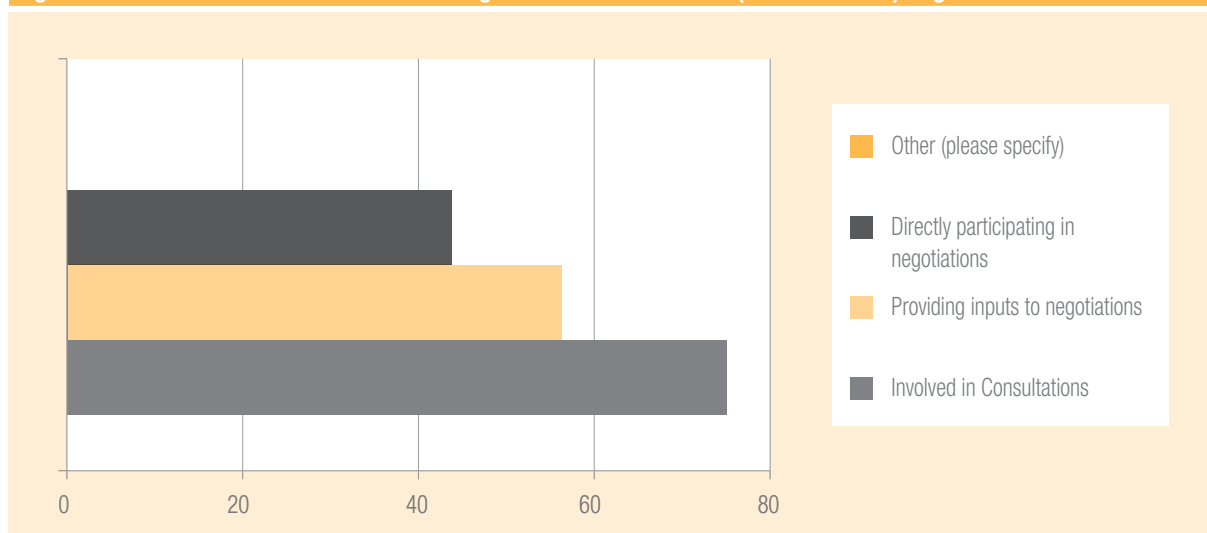
Among those that replied that they were involved, the majority (seventy-five (75) per cent) clarified that this involvement took the form of consultations, whereas fifty-six (56) per cent replied they were involved by

**Figure 9. Various Forms of Involvement of Regulators in Bilateral and Regional Trade Negotiations**



Source: UNCTAD.  
 Note: Answered: 27; Skipped: 21.

**Figure 10. Various Forms of Involvement of Regulators in WTO Services (Market Access) Negotiations**



Source: UNCTAD.  
 Note: Answered: 16; Skipped: 32.



providing inputs and forty-four (44) per cent stated they participated directly in the negotiations. See figure 10.

**Is your organization involved the WTO negotiations on possible disciplines for the domestic regulation of services (qualification requirements and procedures, technical standards and licensing requirements and procedures)?**

The interface between trade agreements and the right of States to regulate is a matter of long debate. In the services sectors, regulators typically develop regulation for legitimate public policy purposes. While regulation may act as a *de jure* or *de facto* barrier to trade, trade liberalization and commitments addressing the design of national regulatory frameworks could affect national regulatory autonomy. WTO Members are engaged in negotiations to develop multilateral disciplines on domestic regulations on licensing, qualification and technical standards, so that these instruments do not act as unjustifiable trade barriers. A major aspect of the proposed disciplines is the necessity test, a requirement that such measures

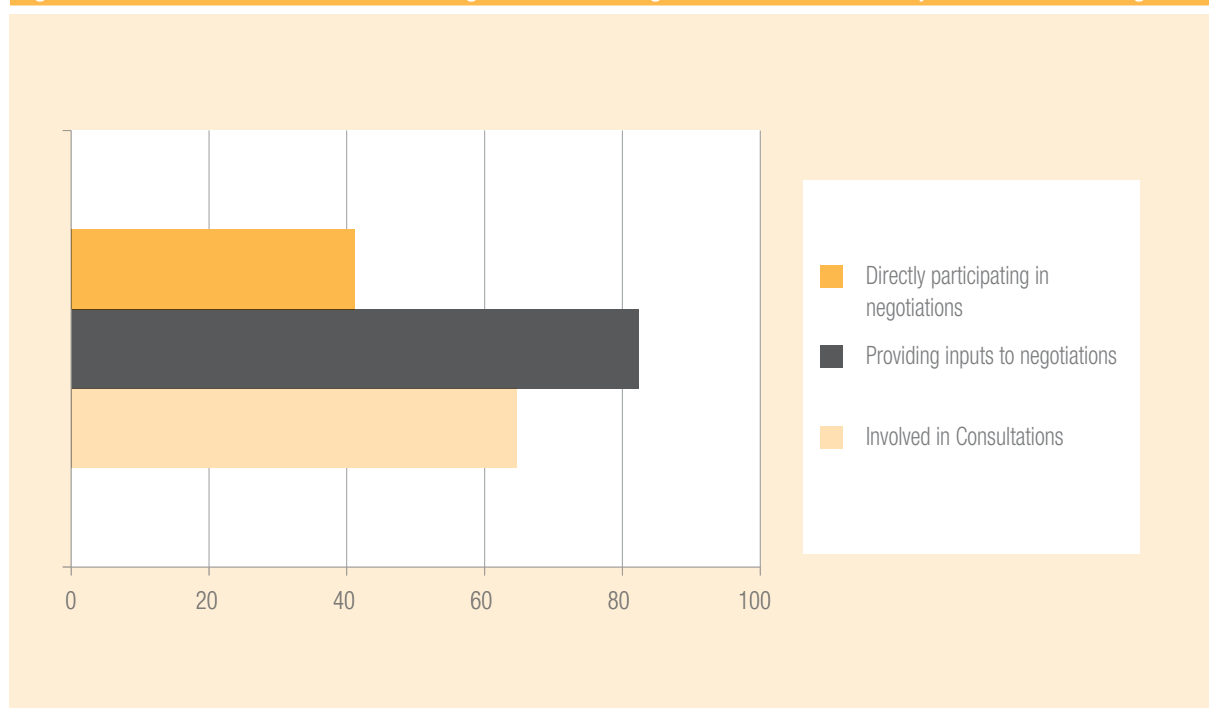
should not be discriminatory or more trade restrictive than necessary. While there is some concern that the disciplines developed could limit regulators' ability to formulate and modify regulations to address legitimate public policy objectives, such disciplines are also highly relevant to the efforts of countries to enhance the contribution of services to structural transformation and global value chains.<sup>19</sup>

Only thirty-eight (38) per cent of responding organizations answered that they were involved in the WTO negotiations on possible disciplines for domestic regulation.

**What is the nature of its involvement in domestic regulation negotiations in the WTO?**

Among the respondents that indicated that they were involved in the WTO negotiations relating to possible disciplines for domestic regulation eighty-two (82) per cent noted that they provided inputs for the negotiations, while sixty-five (65) per cent answered that they were involved through consultations.

**Figure 11. Various Forms of Involvement of Regulators in WTO Negotiations for Possible Disciplines on Domestic Regulation**



Source: UNCTAD.

Note: Answered: 17; Skipped: 31.





## V. INTERNATIONAL COOPERATION

***Does your organization participate in international standard-setting activities (for example, such as those carried out by the International Telecommunication Union or the International Air Transport Association)?***

Cooperation (including intergovernmental and public-private cooperation) offers opportunities for developing harmonized regulatory regimes; transferring technical skills, knowledge and best practices; developing common standards and pooling regional resources so as to increase the effectiveness of regulatory institutions and reduce costs.

In this year's survey, fifty-three (53) per cent of all respondents answered that they participated in international standard-setting activities. As stated earlier, in 2010, sixty-three (63) per cent of respondents indicated that they participated in these activities.

***Which standard-setting activities your organization is engaged in?***

In providing details on the types of standard-setting activities that they were engaged in responding organization made reference to several regional standard-setting organizations (e.g. African Civil Aviation Committee, Association of Drinking Water and Sanitation Regulators of the Americas (ADERASA), European Committee for Electrotechnical Standardization (CENELEC), Financial Action Group of Latin America (GAFILAT)) as well as international standard-setting organizations (e.g. Basel Committee on Banking Supervision (BCBS), Intergovernmental Organisation for International Carriage by Rail (OTIF), International Associations of Insurance Supervisors (IAIS), International Energy Agency, International Organization of Securities Commissions (IOSCO), International Telecommunications Union (ITU), and World Health Organization (WHO)).<sup>20</sup> See figure 12.

***Is your organization involved in any of the following processes (mutual recognition agreements, partial or complete harmonization of regulation, setting of best practices) at the international or regional levels?***

Obstacles to international trade in services can also stem from diversity in national regulatory systems.

Service providers supplying several markets bear the costs of adjusting to different regulatory requirements. The management of regulatory diversity is increasingly becoming the focus of cooperation and even of trade negotiations. Where regulatory divergence stems mainly from pursuing similar objectives through different regulations, countries have engaged in regulatory cooperation such as regulatory harmonization, mutual recognition or equivalence.

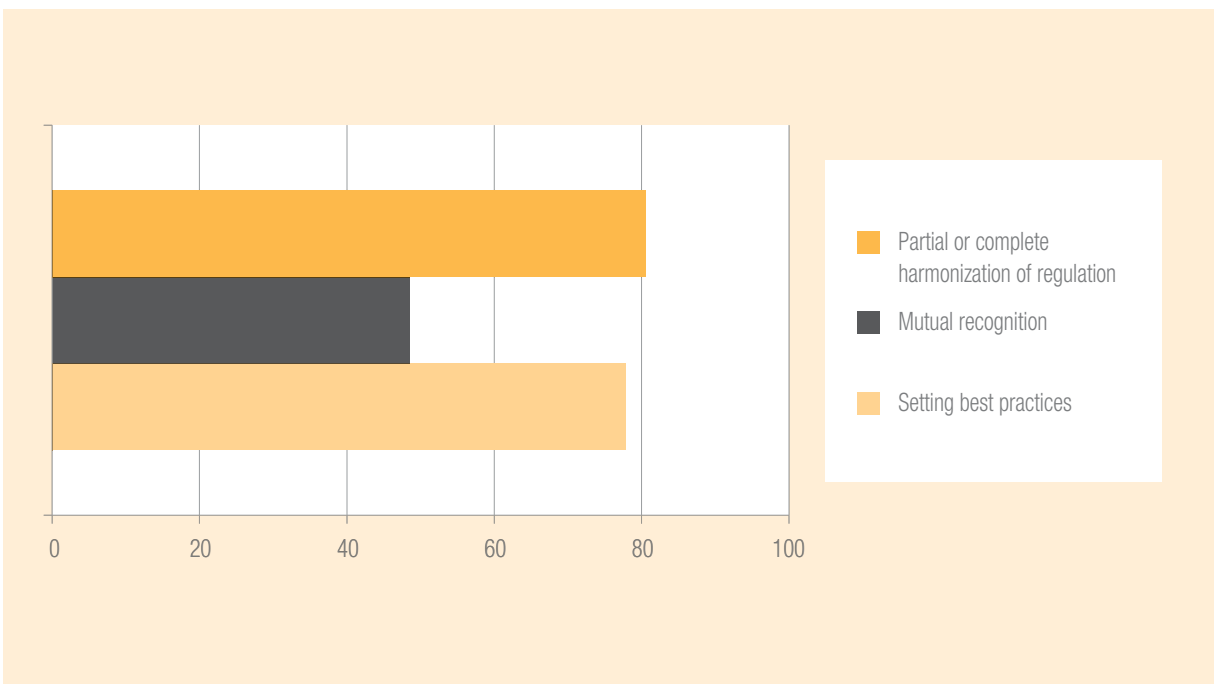
***Does your organization engage in international cooperation initiatives with other regulatory entities (e.g. collaborative identification of regulatory problems to be addressed, consultations with counterpart agencies in other jurisdictions before taking action, information exchange about current regulations, information exchange about new regulatory initiatives, joint identification of a regulatory agenda)?***

Regulatory cooperation is more feasible among countries with similar levels of development and regulatory preferences. When regulatory divergence results from fundamental differences in objectives and approaches, cooperation may not be feasible.<sup>21</sup>

The results of the 2010 survey revealed that the most common form of cooperation was information exchange, followed by participation in international associations and participation in regional expert panels. Other forms of cooperation that the regulatory agencies mentioned in their 2011 responses included cooperation related to human resources (internships, training, secondments) and regional guidelines to develop regulation.

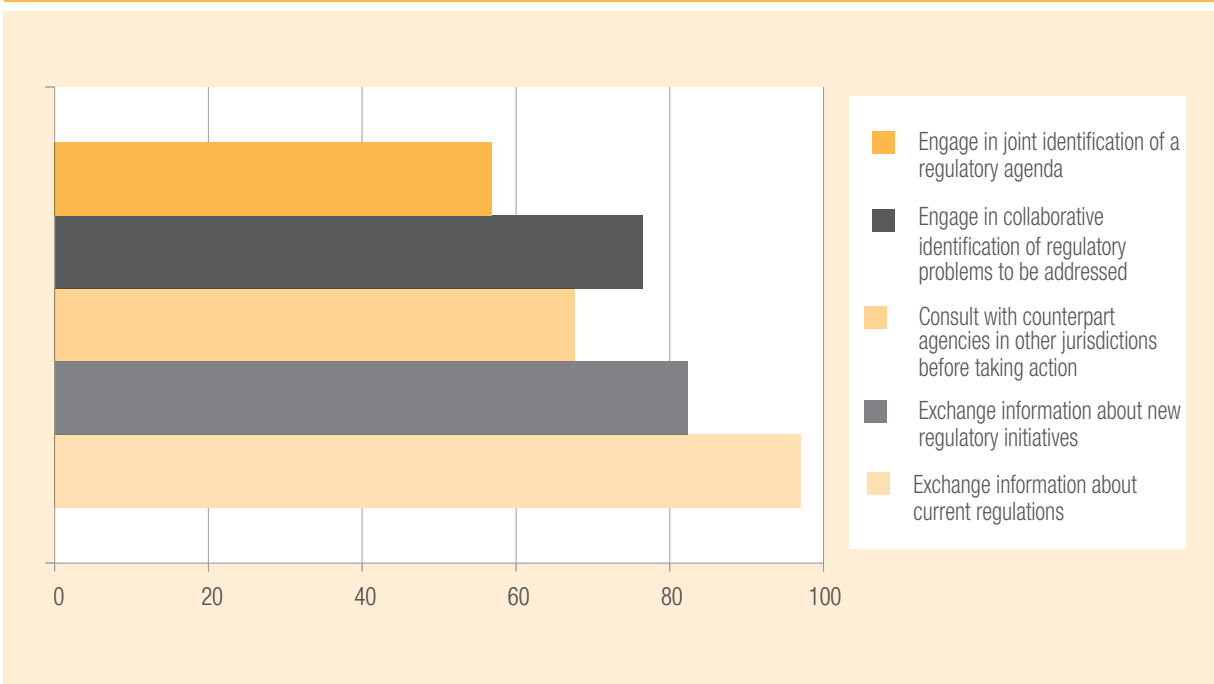
The vast majority of responding organizations (ninety-two (92) per cent) answered that they engaged in international cooperation initiatives. Figure 13 outlines the types of initiatives that they reported being involved in.

Figure 12. Type of Involvement of Regulators Engaging in Regional or International Standard-setting Activities



Source: UNCTAD.  
 Note: Answered: 37; Skipped: 11.

Figure 13. Various Forms of Involvement of Regulators in International Cooperation Activities



Source: UNCTAD.  
 Note: Answered: 34; Skipped: 14.





## **VI. GENERAL CONCLUSIONS**

Services sectors are essential to the efficient functioning of all economies and to strengthened productive capacity. Some ISS are particularly key to achieving structural transformation in line with developing countries' aspirations towards economic upgrading and diversification, and greater competitiveness. The quality of policies, regulations and institutional frameworks is a main determinant of services performance and is decisive in harnessing the pro-development benefits of services sector development. Market failures arising from externalities, information asymmetries and monopolistic market structure characteristic of certain infrastructure services justify economic regulation.

The 2016 survey has provided additional insights in some of the issues addressed at the last session of the Multi-year Expert Meeting on Trade, Services and Development and are relevant to UNCTAD's ongoing work in support of adequate policy, regulatory and institutional frameworks for services.

The following summarize some of the main findings of this report:

- The respondents to the survey represented all development levels and the range of ISS.
  - The sectors regulated by the responding organizations are mostly privatized and liberalized markets though SOEs continued to play a role in several countries, and in particular in LDCs.
  - The responding organizations typically did not discriminate between foreign and national service suppliers (either by imposing additional constraints on foreigners or by providing nationals with additional support or incentives).
  - Most regulators had mechanisms in place to ensure transparency of their activities. It is noteworthy that the only respondents to say they did not have website were LDCs.
  - Many regulators are involved in exchanges with various other government entities and have communication and consultation platforms in place to ensure stakeholders' involvement.
  - Many regulators also cooperate with their counterparts in other countries to promote better and more efficient regulation of services sectors.
  - 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) which points to the need to further promote exchanges between the trade and regulatory communities.
-

## ENDNOTES

- <sup>1</sup> UNCTAD (2014), UNCTAD Surveys of Infrastructure Regulators and Competition Authorities, New York and Geneva, United Nations. Hereafter, the surveys will be referred to as the 2009 and 2010 surveys, as per the dates at which they were finalized.
  - <sup>2</sup> Members of African Forum of Utility Regulators (AFUR) are Algeria, Cameroon, Côte d'Ivoire, Ghana, Kenya, Lesotho, Malawi, Mali, Mauritania, Mozambique, Namibia, Niger, Nigeria, Senegal, South Africa, United Republic of Tanzania, The Gambia, Togo, Uganda, Zambia and Zimbabwe. AFUR responded only to sections of the survey that did not imply any direct regulation of a given market, skipping sections II. on Market structure and foreign participation and III. on Transparency and policy coordination.
  - <sup>3</sup> OECD (2017), *Creating a Culture of Independence: Practical Guidance against Undue Influence, The Governance of Regulators*, OECD Publishing, Paris.
  - <sup>4</sup> See discussion of this issue in UNCTAD (2009), *Services, development and trade: the regulatory and institutional dimension*, Note by the UNCTAD secretariat, TD/B/C.I/MEM.3/2.
  - <sup>5</sup> OECD (2017), *op. cit.* pp. 30-31.
  - <sup>6</sup> UNCTAD (2010).
  - <sup>7</sup> PwC (2015), *State-Owned Enterprises Catalysts for Public Value Creation?*, <https://www.pwc.com/gx/en/psrc/publications/assets/pwc-state-owned-enterprise-psrc.pdf>.
  - <sup>8</sup> IMF (2017), *Macroeconomic Developments and Prospects in Low Income Developing Countries—2016*, IMF Policy Paper.
  - <sup>9</sup> UNCTAD (2017), *The role of the services economy and trade in structural transformation and inclusive development*, Note by the UNCTAD secretariat, TD/B/C.I/MEM.4/14.
  - <sup>10</sup> UNCTAD (2017), *op. cit.*
  - <sup>11</sup> OECD (2016), *Governance of Regulators' Practices: Accountability, Transparency and Co-ordination, The Governance of Regulators*, OECD Publishing, Paris.
  - <sup>12</sup> OECD (2017), *op. cit.*
  - <sup>13</sup> UNCTAD (2016), *Services, development and trade: The regulatory and institutional dimension*, Note by the UNCTAD secretariat, TD/B/C.I/MEM.4/11.
  - <sup>14</sup> OECD (2017), *op. cit.* pp. 26.
  - <sup>15</sup> OECD (2016), *op. cit.*
  - <sup>16</sup> OECD (2016), *op. cit.*
  - <sup>17</sup> UNCTAD (2016), *op. cit.*
  - <sup>18</sup> UNCTAD (2016), *op. cit.*
  - <sup>19</sup> UNCTAD (2017), *op. cit.*
  - <sup>20</sup> The standards referred to here are the WHO on Drinking Water Quality Standards.
  - <sup>21</sup> UNCTAD (2017), *op. cit.*
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# ANNEX

## UNCTAD Survey of Regulators of Infrastructure Services

This survey was put together by the United Nations Conference on Trade and Development (UNCTAD) to collect information and data on regulatory bodies in accordance with the recommendations of the Multi-year Expert Meeting on Trade, Services and Development. The aim of this survey is twofold: first, to take stock of the regulatory environment of key infrastructure services in order to ascertain regulatory and institutional best practices, with a focus on regulatory coherence and international cooperation; second, to identify the challenges faced by regulators in developed countries, developing countries and the least developed countries.

**Instructions:** The survey contains 4 sections and 35 questions. Please answer each question to the best of your ability. If several answers are possible (a, b, c and so forth), please select all those that apply. Responses will be treated in a confidential manner and will not be attributed to individuals and/or organizations.

### Respondent and regulatory entity

Name and position or title: .....

Organization: .....

Address 1: .....

Address 2: .....

City/town: .....

State/province: .....

ZIP or postal code: .....

Country: .....

E-mail address: .....

Telephone number: .....

---

I. General and institutional issues

1. When was your organization established?

Year: .....

2. What sectors does your organization regulate?

- a) Banking .....
b) Competition .....
c) Energy/electricity/natural gas .....
d) Insurance .....
e) Telecommunications .....
f) Transport .....
g) Water .....
h) Other (please specify).....

3. From what source does your organization derive its legal authority to carry out regulation?

- a) Constitution [ ] Yes [ ] No
b) Contract [ ] Yes [ ] No
c) Government decree [ ] Yes [ ] No
d) Law [ ] Yes [ ] No
e) Other (please specify) .....

4. How would you describe your organization?

- a) Independent advisory body reporting to a government minister [ ] Yes [ ] No
b) Minister/ministry [ ] Yes [ ] No
c) Regulatory body with decision-making independence [ ] Yes [ ] No
d) Regulatory body within a government ministry [ ] Yes [ ] No
e) Other (please specify) .....

5. Staff

- a) How many staff are employed by your organization? .....
b) What percentage of the staff are professionals (for example, lawyers, economists, accountants, engineers)? .....%
c) What percentage of the staff are support staff (for example, secretaries, administrative personnel, and so forth)? .....%

## II. Market structure and foreign participation

7. What is the percentage of private companies and State-owned enterprises in the sector?

a) Private companies .....

b) State-owned enterprises .....

8. Is there a statutory monopoly that covers all or some of the activities in the sector?

Yes       No

If so, please specify: .....

.....

9. Can foreign operators provide services in your country under the oversight of your organization?

Yes       No

If so, please specify, for each sector or subsector, the approximate market share of foreign operators in the domestic market: .....

.....

10. Is foreign participation capped in any sectors under your regulation?

Yes       No

If so, please specify, for each sector or subsector, the maximum threshold (in percentage): .....

.....

11. Is cross-border provision of services permitted (i.e. provision from another territory without establishing in-country presence)?

Yes       No

If so, please specify, for each sector or subsector, any limitations and conditions that may apply: .....

.....

12. Does your organization apply different regulatory requirements (for example, technical expertise, financial capability, registration) to foreigners and nationals applying for licences, authorizations or concessions?

Yes       No

If so, please specify, for each sector or subsector: .....

.....

13. Are there any constraints on the employment of foreign managers, experts, specialists or trainees by foreign operators, and on the entry and stay of business visitors, sellers of business services, suppliers of contractual services and independent professionals that are specific to the regulated sector?

Yes       No

14. If you answered yes to question 13, which of the following constraints apply to each sector or subsector?

- a) Commercial presence .....
- b) Economic needs tests .....
- c) Labour market tests .....
- d) Qualification requirements (please elaborate in comment field below) .....
- e) Quota limitations (please elaborate in comment field below) .....
- f) Reciprocity conditions for employment .....
- g) Visa restrictions for business visitors (please elaborate in comment field below) .....
- h) Other (please elaborate in comment field below) .....
- .....
- .....

Comments on 14 d), e), g) and h): .....

.....

.....

15. Is support provided to domestic firms to meet technical national or international standards?

- Yes       No

If so, please specify, for each sector or subsector, the type of support provided: .....

.....

.....

16. Are incentives provided for the local supply of services (for example, investment benefits, tax incentives, preferential financing schemes, subsidies, or preferences in government procurement)?

- Yes       No

If so, please specify, for each sector or subsector, the type of incentives and what entity provides these incentives.....

.....

17. Are incentives provided for the export of services (for example, investment benefits, tax incentives, preferential financing schemes, subsidies or preferences in government procurement)?

- Yes       No

If so, please specify, for each sector or subsector, the type of incentives and what body provides these incentives.....

.....

### III. Transparency and policy coordination

18. Does your organization publish an annual report of its activities?

- Yes       No

If so, how many annual reports have been published since 2012?

.....

.....

19. Does your organization have a website?

Yes       No

If so, please provide the URL.

.....  
 .....

20. Does your organization publicly answer questions from the legislature (for example, from a parliamentary committee)?

Yes       No

21. Does your organization make rules that apply to its regulated population?

Yes       No

If so, are there formal processes for consultation within government when preparing new regulation?

.....  
 .....

22. Is the body that is responsible for competition policy usually consulted on new regulation?

Yes       No

23. Is the body that is responsible for consumer policy usually consulted on new regulation?

Yes       No

24. Is the body that is responsible for trade policy usually consulted on new regulation?

Yes       No

25. Are other policy areas involved (for example, social or environmental concerns)?

Yes       No

If so, please specify which policy areas.....  
 .....

26. Is your organization involved in bilateral and regional trade negotiations (for example, free trade agreements and regional integration)?

Yes       No

27. If you answered yes to question 25, what is the nature of the involvement of your organization?

- a) Involved in consultations .....
- b) Provides inputs to negotiations .....
- c) Directly participates in negotiations .....
- d) Other (please elaborate) .....

.....  
 .....

28. Is your organization involved in World Trade Organization negotiations on access to the services market under the General Agreement on Trade in Services?

Yes                       No

29. If you answered yes to question 28, what is the nature of your organization's involvement?

- a) Involved in consultations .....
- b) Provides inputs to negotiations .....
- c) Directly participates in negotiations .....
- d) Other (please elaborate) .....  
.....  
.....

30. Is your organization involved in consultations and negotiations of the World Trade Organization on possible disciplines for the domestic regulation of services (qualification requirements and procedures, technical standards and licensing requirements and procedures)?

Yes                       No

31. If you answered yes to question 30, what is the nature of its involvement?

- a) Involved in consultations .....
- b) Provides inputs to negotiations .....
- c) Directly participates in negotiations .....
- d) Other (please elaborate) .....  
.....  
.....

#### IV. International cooperation

32. Does your organization participate in international standard-setting activities (for example, such as those carried out by the International Telecommunication Union or the International Air Transport Association)?

Yes                       No

If so, please specify which standard-setting activities your organization is engaged in.

.....  
.....

33. Is your organization involved in any of the following processes at the international or regional levels?

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| a) Mutual recognition                              | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| b) Partial or complete harmonization of regulation | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| c) Setting best practices                          | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If so, please indicate what type of initiative(s).

.....  
.....

34. Does your organization engage in international cooperation initiatives with other regulatory entities?

- Yes             No

35. If you answered yes to question 34, please indicate the type of initiatives.

- a) Collaborative identification of regulatory problems to be addressed .....
  - b) Consultations with counterpart agencies in other jurisdictions before taking action.....
  - c) Exchange of information about current regulations .....
  - d) Exchange of information about new regulatory initiatives .....
  - e) Joint identification of a regulatory agenda .....
  - f) All of the above .....
-







