

WTO ACCESSION OF SERBIA AND MONTENEGRO

The Lessons Learned

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The Content of the Presentation

- Short history/timeline of the project
- Specifics and the status of the accession processes for both Serbia and Montenegro
- Lessons learned – experiences of both acceding countries and the assistance project

History

- **August 2001** – The Project started, providing technical assistance to the Government of the former Federal Republic of Yugoslavia (FRY)
- **2003** – FRY ceases to exist, the State Union of Serbia and Montenegro formed – the Project provides assistance to three governments: the Union, Serbia, Montenegro;
- **2004** – “Twin Track” approach – initial applications withdrawn, both Serbia and Montenegro re-applied as separate customs territories
- **June 2006** – Montenegro declares independence, Serbia and Montenegro continue their accessions as independent states



Scope of Assistance

- **Legal reform** – provided foreign experts and model laws, participated in drafting groups
- **Accession documents** - assisted in the preparation of accession documents (MFTR, ACC4, ACC8, ACC9)
- **Accession process** – assisted the ministry in charge of the accession to understand the process
- **Education/capacity building** – organized and participated in seminars for government officials
- **Public awareness** – organized and participated in a number of events in order to acquaint general public, private sector, legislators and academia with the WTO and its rules and the advantages of WTO membership

Major Achievements-Serbia

- **Customs Law (2003)**
- **Implementing Regulation for the Customs Law (2003)**
- **Foreign Trade Law (2005)**
- **FT Implementing Regulations (2006)**
- **IPR substantive laws (2004-2005)**
- **IPR Enforcement Law (2006)**
- **TBT related laws and regulations (2005)**
- **SPS related laws and regulations (2006-2008)**

Major Achievements-Montenegro

- Foreign Trade Law (2004)
- FT Implementing Regulation (2004)
- Regulation on IPR Customs Border Measures (2005)
- IPR Enforcement Law (2005)
- Substantive IP Laws:
 - Patent Law (2008)
 - Law on Indications of Geographical Origin (2008)
 - Law on Protection of New Plant Varieties –UPOV (2008)

Major Achievements-Montenegro

- **TBT Laws**
 - Law on Technical Regulations (2008)
 - Standards Law (2008)
 - Law on Metrology (2008)
 - Implementing Regulations (2006-2008)
- **SPS Laws**
 - Food Safety Law (2007)
 - Veterinary Law (2007-2008)
 - Law on Fertilizers (2007)
 - Law Pesticides (2008)

Accession Process

- **Serbia**
 - 5 Working Party Meetings
 - Draft Final Report (Rev.1)
 - Bilaterals – under way, none concluded
 - Finalization of the process by the end of 2009

- **Montenegro**
 - 7 Working Party Meetings
 - Draft Final Report (Rev.2)
 - Bilaterals – concluded with all interested members of the Working Party (USA, Japan, EU, China, Brazil , Canada and Norway)
 - Finalization of the process by the end of 2008

Remains to be done

- **Serbia**
 - 3-4 additional WP meetings
 - Finalization of the legal reform
 - Finalization of the Final Report and the Protocol of Accession
 - Finalization of bilateral negotiations
 - Adoption of the Accession Package by the Working Party (Final Report, Protocol of Accession, Schedules of Commitments) and recommendation to the General Council
- **Montenegro**
 - 2 additional WP meetings (December 2008 and January 2009)
 - Finalization of the Final Report and the Protocol of Accession
 - Approval of the Accession Package by the Working Party and recommendation to the General Council
 - Adoption of the Accession Package by the General Council (February 2009)

Final Actions

- Invitation to the acceding country to become WTO member
- Ratification of the Accession Package and WTO agreements (Parliament)
- Submission of ratification instruments to the WTO
- Full-fledged membership 30 days after submission of ratification instruments

Critical Elements

- **Political will – political support for the accession expedites the process**
- **Dedication – the process should be governed and supervised by a dedicated person, high ranking official (Chief Negotiator)**
- **Building of capacities of relevant authorities and the negotiation team – WTO accession is a learning process for all involved**
- **Setting priorities in the negotiation process**

How to achieve a smooth accession?

- Follow the language of WTO Agreements – WTO members expect it in all the amended or new legislation
- Provide correct information to interested WTO members
- Use experiences of other acceding or recently acceded countries to find solutions acceptable for WTO members
- Coordinate with WTO Accession Division and the Chairman of the Working Party
- **WORK VERY HARD**

THANK YOU FOR YOUR ATTENTION

