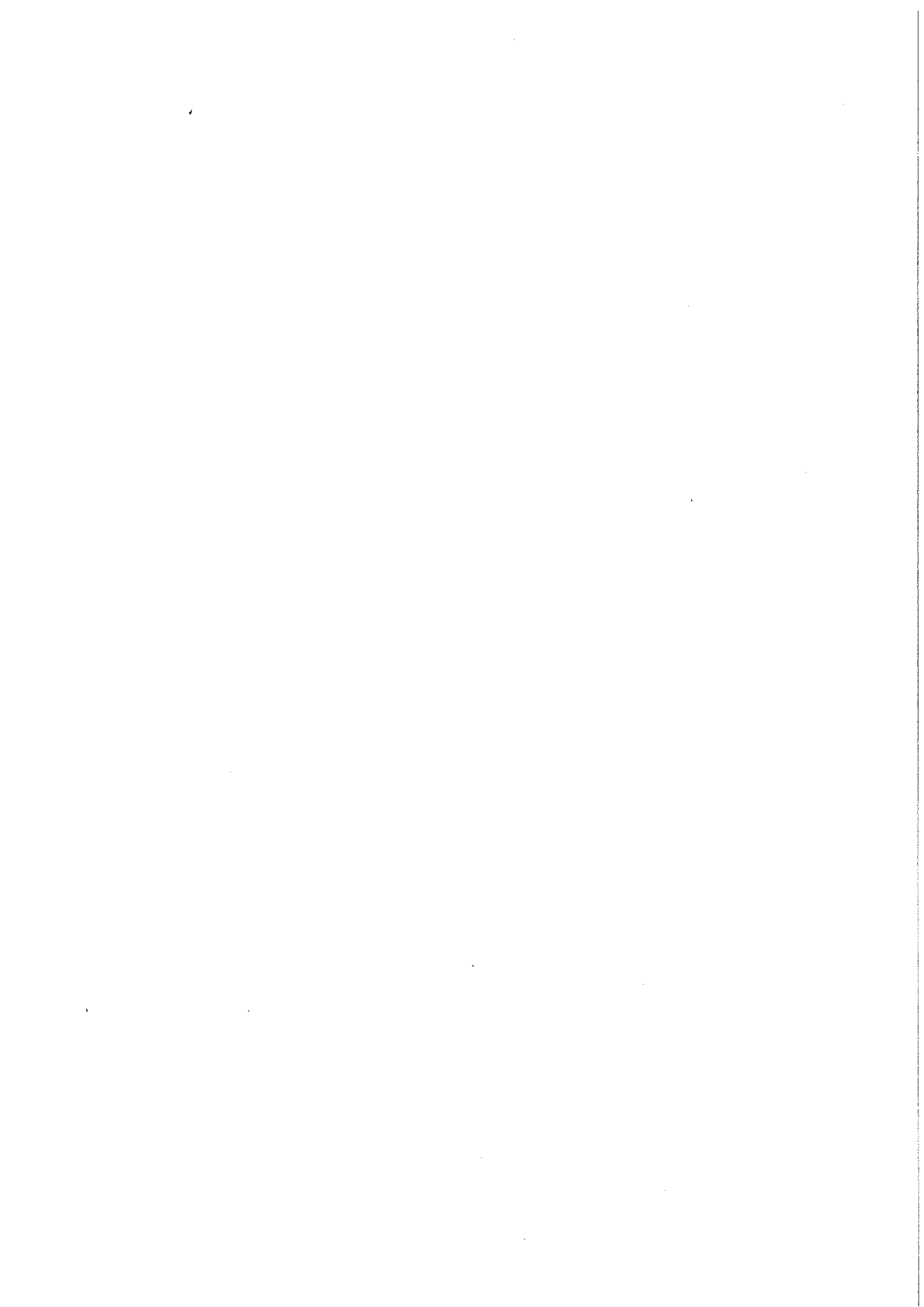


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附件一：2010 EC2 會議議程 (文件編號：2010/SOM3/EC/001)



**Asia-Pacific
Economic Cooperation**

2011/SOM1/EC/001

Agenda Item: 2

Draft Agenda

Purpose: Consideration

Submitted by: EC Chair



**First Economic Committee Meeting
Washington, D.C., United States
7-8 March 2011**

**APEC 1st Economic Committee Plenary Meeting
Washington, D.C. 5-6 March 2011
Agenda**

Meeting Venue: Atrium Ballroom A, Ronald Reagan Building

Proposed Key Objectives

- Review the updated FotC work plans and consider prospective activities thereof
- Discuss what the EC can contribute to APEC's 2011 priorities including ANSSR
- Discuss how to measure progress on EoDB through the end of 2011
- Endorse the composition and publication schedule of the AEPR 2011 and discuss themes of the AEPR 2012 and beyond

Saturday, 5 March

9:00-10:00

Meetings of the "Friends of the Chair" Groups

- Depending on the Coordinators' decision, the new FotC groups can hold possible last-minute meetings prior to the Economic Committee plenary to finalize their updated work plans and discuss any matters that need be considered by the respective members.
*Room Arrangement: the same room as the EC plenary (Atrium Ballroom A is currently assigned)

10:00-16:30

Economic Committee Plenary Meeting: Day 1

10:00-10:20

- 1. Chair's Opening Remarks and Introductions**
- 2. Adoption of the EC1 Plenary Agenda**
- 3. Remarks by Mr. Kurt Tong, the U.S. Senior Official for APEC**

10:20-11:30

- 4. APEC New Strategy on Structural Reform (ANSSR) and APEC 2011 Priorities**
 - How to implement ANSSR in the EC's activities
 - Where the EC can contribute in the wider ANSSR framework?
* A lead presentation by the United States.

11:30-11:40

- 5. Updates to the Project Management Process <tb>**
 - Head of PMU will brief members on the BMC's project approval process for 2011.

11:40-15:30 (12:30-14:00 Lunch Break)

6. CPLG and FotC Work Plans

CPLG Convenor and FotC Coordinators will be invited to update the members on their respective Work Plans including the activities specified below. Economies with initiatives/priorities underway or recently completed will be invited to provide the members with an update on progress/outcomes

of their activities. Also, members will consider initiatives/projects seeking endorsement by the EC¹.

- CPLG
 - Presentation and endorsement of the CPLG Work Plan and Collective Action Plan
 - Update on the Survey on Information Exchange on Competition in APEC Region: Phase I (Russia/CPLG Convenor)*
 - Update on the Measures of Competition Development in APEC (Russia/CPLG Convenor)*
 - Update on a Workshop on Facilitating Competition and Countering Anticompetitive Practices in Seaports in the APEC Region (Russia/CPLG Convenor)*
 - Update on the APEC Training Course on Competition Policy in 2011 (Malaysia/CPLG Convenor)*
 - Update on the 2nd CPLG-ABAC Roundtable (CPLG Convenor)
- * *Note: The second through fifth items above are subject to approvals by the BMC's project approval Session 1.*
- Competition Policy
 - Discussion of potential areas for further work on competition policy in the context of structural reform including (Australia)
 - ✓ Competitive neutrality
 - ✓ Taking forward the Policy Support Unit's January 2011 study into The Impacts and Benefits of Structural Reforms in the Transport, Energy and Telecommunications Sectors in APEC Economies
 - ✓ In the context of Australia's APEC Structural Reform Initiative
- Corporate Law and Governance
 - Report on the workshop on "Advancing Good Corporate Governance by Promoting Utilization of the OECD Principles of Corporate Governance" held on 3 March 2011 (US)
 - Members will discuss management arrangements of the FotC and possibly endorse a Coordinator nominee
- Ease of Doing Business (EoDB)
 - Report on the Phase 1 activities completed after the EC2 of 2010
 - ✓ Workshop on Reforming the Regulatory System for Construction Permits held in Singapore on 18-22 October 2010 (Singapore)
 - ✓ Seminar on Getting Credit for Small and Medium Enterprises held in Sendai on 21 September 2010 (Japan)
 - ✓ Seminar on the First Steps of Successful Reform in Doing Business held in Taipei on 5-6 October 2010 (Chinese Taipei)
 - Update on the Phase 2 activities implemented by the EC (champion economies and participating economies)

¹ Note the following dates for Project Approval Session 1 and 2 in 2011.

- Deadline for a concept note submission to the Secretariat: 7 February (Session 1), 7 April (Session 2)
- In-principle approval notifications by the BMC: 7 March (Session 1), 29 April (Session 2)
- Final approvals: around end of April (Session 1), around end of June (Session 2)

- ✓ Dealing with permits
- ✓ Enforcing contracts
- ✓ Getting credit
- ✓ Starting a business
- Public Sector Governance
 - Update on the "Good Practice Guide on Public Sector Governance" (Canada)
- Regulatory Reform
 - Update on the Voluntary Review of Institutional Frameworks and the benchmarking survey on regulation (Australia)
 - Report on the workshop on "Using Regulatory Impact Analysis (RIA) to Improve the Transparency and Effectiveness in the Rulemaking Process" held on 4-5 March 2011 (US)
 - Update on the APEC-OECD Integrated Checklist on Regulatory Reform (Japan)

15:30-15:50

7. PSU Work Programme

- The PSU Director will be invited to provide an update on its work programme
- Members will discuss prospective work to be commissioned to PSU

15:50-16:50

8. APEC Economic Policy Report

1) AEPR 2011

- Members will discuss and endorse the composition and publication schedule of the AEPR 2011 which will include the LAISR Stock-take.

2) AEPR 2012 and beyond

- Members will discuss themes of the AEPR 2012 and beyond.

Sunday, 6 March

Economic Committee Plenary Meeting: Day 2

9:30-10:30

9. Update on Fora Work Programmes (CTI, SCSC, SFOM, ABAC, PECC)

- Committee on Trade and Investment (CTI) Chair – Update on its work programme, especially on the Ease of Doing Business Workshop on Trading Across Borders
- CTI Sub-Committee on Standards and Conformance (SCSC) – The EC Chair Office will brief the members on the 6th Conference on Good Regulatory Practice
- Senior Financial Officials' Meeting (SFOM) Chair – Update on its work programme
- APEC Business Advisory Council (ABAC) Representative – Update on its work programme
- Pacific Economic Cooperation Council (PECC) Representative – Update on its work programme
- Possible remarks by Human Resources Development Working Group (HRDWG) Chair

10:30-12:30

10. Policy Discussion 1 – Regulatory Cooperation and Convergence

Discussion led by the EC Chair

- Members will discuss regulatory cooperation and convergence, one of the three priority areas for the 2011 APEC process, from a broad economic perspective and possible contributions by

APEC and the EC

12:30-14:00 Lunch Break

14:00-15:30

11. Policy Discussion 2 - Ease of Doing Business

Discussion led by the United States

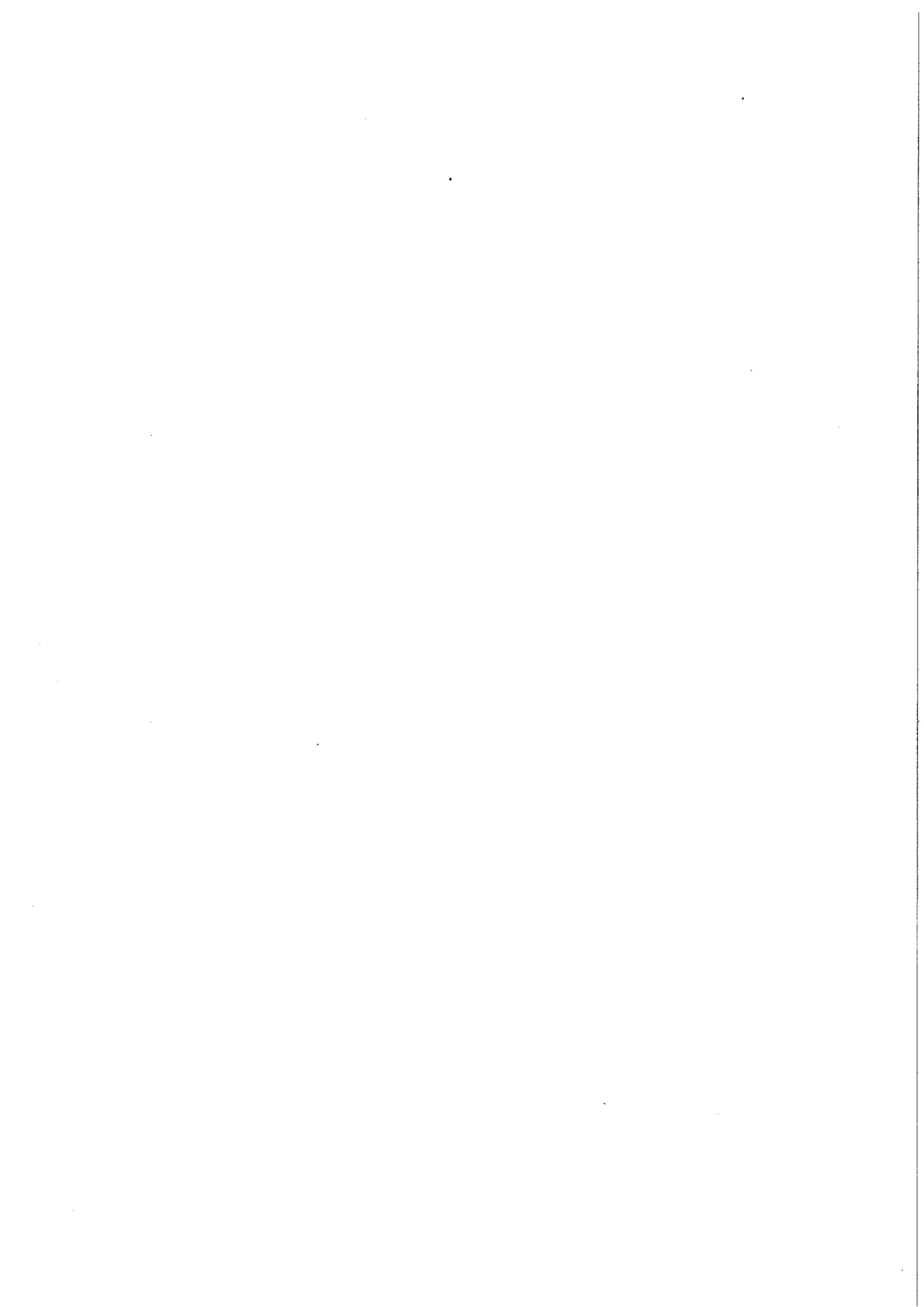
- Members will discuss how to assess the progress up to 2011 and next steps

15:30-16:00

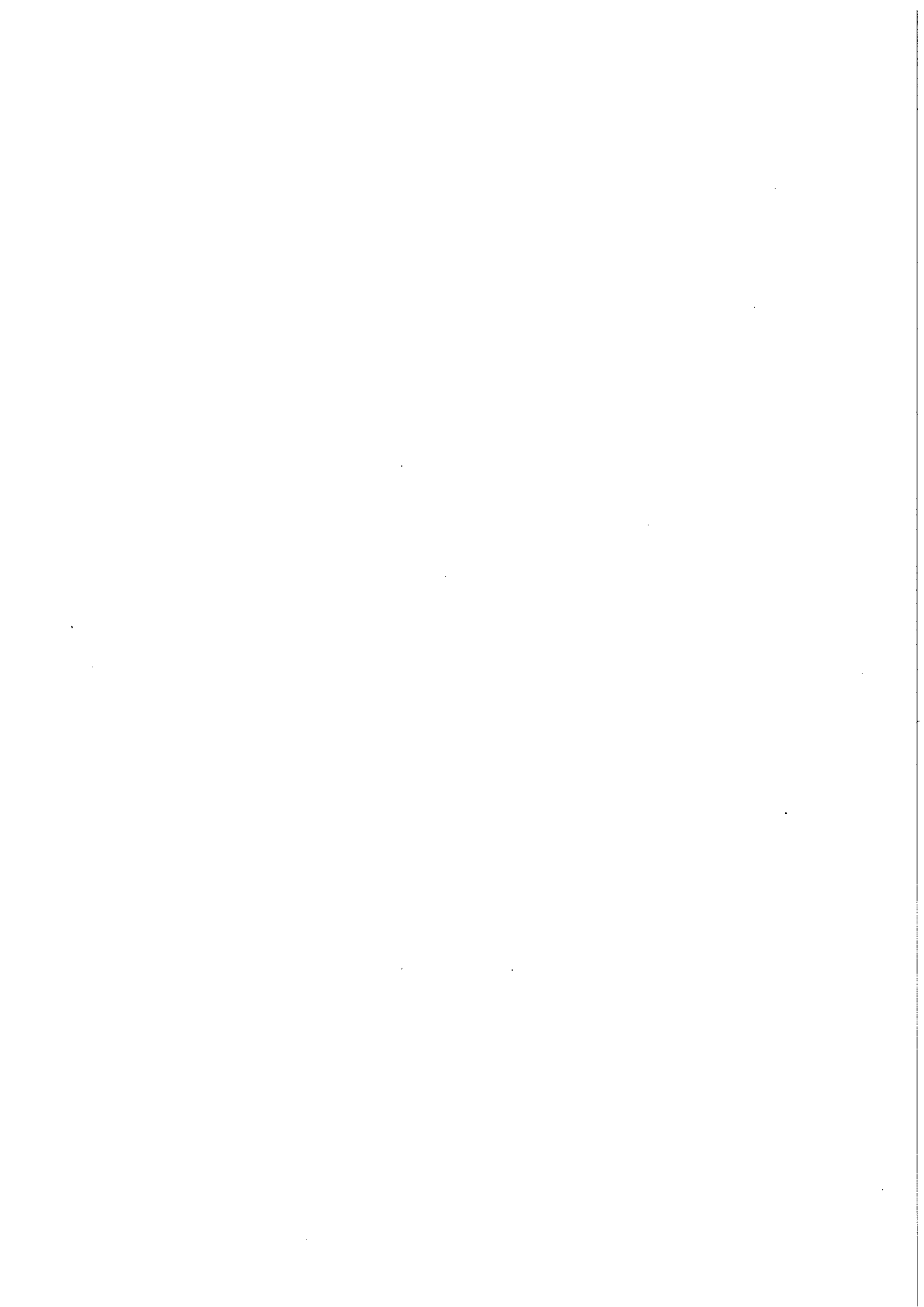
12. Other Business

- Review of the Economic Committee's Terms of the Establishment
- Nomination and selection process of the EC Chair and one of the Vice Chairs for the term of 2012-13
- APEC Secretariat Report on Key Developments

13. Chair's Closing Remarks



附件二：2011 EC1 會議文件一覽表 (文件編號：2011/SOM1/EC/000)





**Asia-Pacific
Economic Cooperation**

2011/SOM1/EC/000

Agenda Item: 12

Document Classification List

Purpose: Consideration
Submitted by: APEC Secretariat



**First Economic Committee Meeting
Washington, D.C., United States
5-6 March 2011**

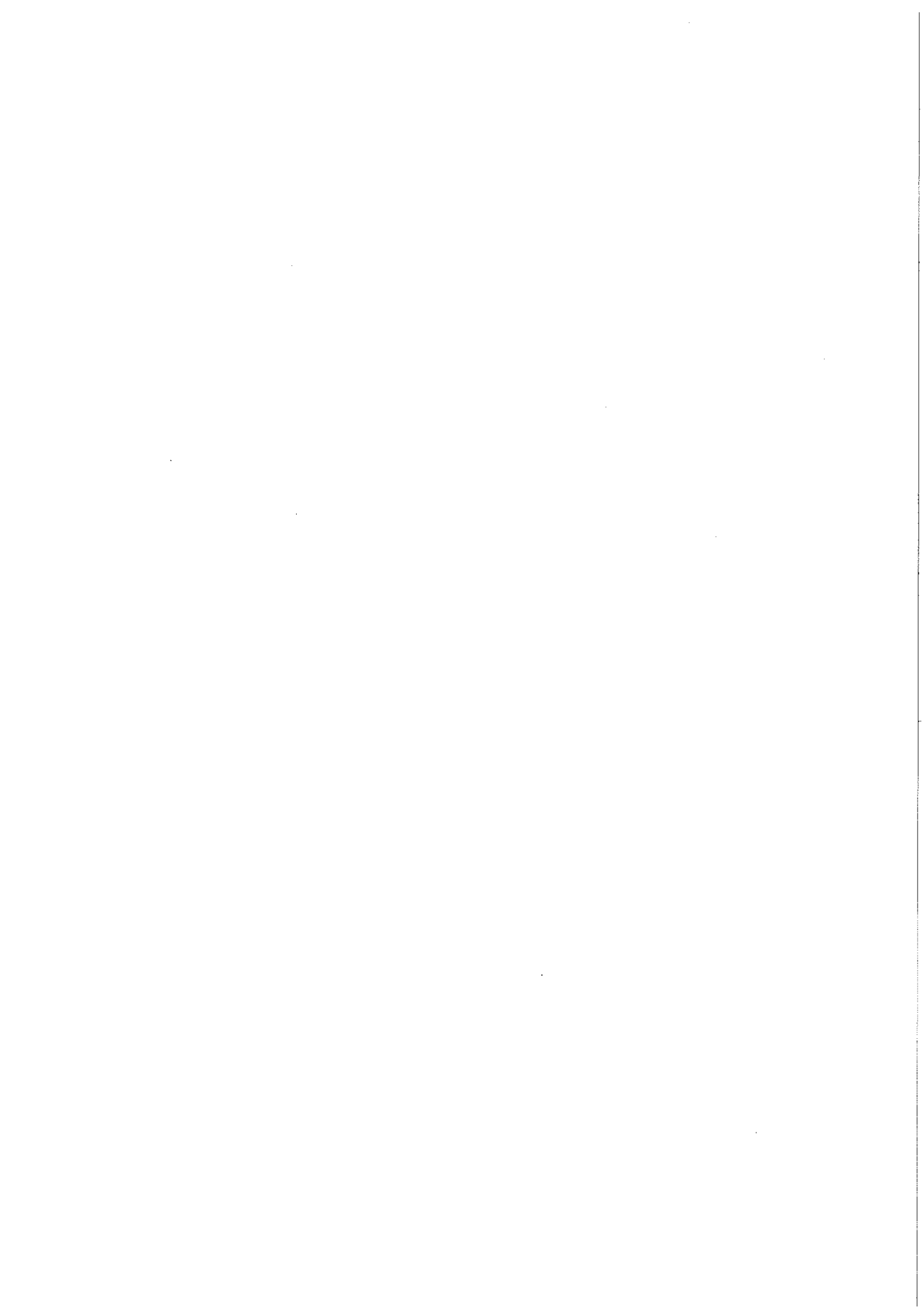
Document Classification List

Document No.	Title	Agenda Item	Submitted By	Public Release		Reason for Restriction	Derestiction Date (where applicable)
				Yes	No		
2011/SOM1/EC/000	Document Classification List - First Economic Committee Meeting 2011	12	APEC Secretariat		✓	Internal document	
2011/SOM1/EC/001	Agenda - First Economic Committee Meeting 2011	2	EC Chair	✓			
2011/SOM1/EC/002	Chair's Summary Report – Second Economic Committee Meeting 2010	1	EC Chair	✓			
2011/SOM1/EC/003	APEC New Strategy on Structural Reform	4	EC Chair	✓			
2011/SOM1/EC/004	Economic Committee's Work on Structural Reform and APEC New Strategy for Structural Reform (ANSSR)	4	EC Chair		✓	Under consideration	
2011/SOM1/EC/005	Naming of the Post-Leaders' Agenda to Implement Structural Reform (LAISR) Structural Reform Activities Undertaken by the Economic Committee	4	EC Chair		✓	Under consideration	
2011/SOM1/EC/006	Updates to the Project Management Process	5	APEC Secretariat	✓			
2011/SOM1/EC/007	List of Friends of the Chair (FoTC) Members	6	EC Chair		✓	Working document	
2011/SOM1/EC/008	Report on Updating of the Competition Policy and Law Group (CPLG) Work Plan in 2011	6	CPLG		✓	Under consideration	
2011/SOM1/EC/009	Competition Policy and Law Group (CPLG) Work Plan	6	CPLG		✓	Under consideration	
2011/SOM1/EC/010	Competition Policy and Law Group (CPLG) Collective Action Plan	6	CPLG		✓	Under consideration	
2011/SOM1/EC/011	Competition Policy: Further Work on Structural Reform	6	CP FoTC Coordinator (Australia)		✓	Under consideration	
2011/SOM1/EC/012	Outline for Corporate Law and Governance Work Plan	6	CLG FoTC Coordinator (New Zealand)		✓	Under consideration	
2011/SOM1/EC/013rev1	Report on 6th Conference on Good Regulatory Practice	6, 9	United States	✓			
2011/SOM1/EC/014	Work Plan of the Ease of Doing Business (EoDB) Friends of the Chair (FoTC) (Draft)	6	EoDB FoTC Coordinator (United States)		✓	Under consideration	
2011/SOM1/EC/015	APEC Ease of Doing Business (EoDB) Workshop on Reforming the Regulatory System for Construction Permits - EC 02/2010A	6	Singapore	✓			
2011/SOM1/EC/016	APEC Ease of Doing Business Workshop on Trading Across Borders (18-19 September 2010): Workshop Outcomes CTI 12/2010T	6	Singapore and Hong Kong, China	✓			

Document No.	Title	Agenda Item	Submitted By	Public Release		Reason for Restriction	Derestriction Date (where applicable)
				Yes	No		
2011/SOM1/EC/017	Ease of Doing Business (EoDB) Seminar on Getting Credit for Small and Medium Enterprises	6	Japan	✓			
2011/SOM1/EC/018	Ease of Doing Business (EoDB) - APEC Seminar on the First Steps of Successful Reform in Doing Business – Summary Report	6	Chinese Taipei	✓			
2011/SOM1/EC/019	Ease of Doing Business (EoDB) - APEC Seminar on the First Steps of Successful Reform in Doing Business	6	Chinese Taipei	✓			
2011/SOM1/EC/020	Making It Easier to Start a Business in Indonesia - Diagnostic Study	6	United States	✓			
2011/SOM1/EC/021	Public Sector Governance (PSG) Friends of the Chair (FoTC) Work Plan	6	PSG FoTC Coordinator (Chinese Taipei)		✓	Under consideration	
2011/SOM1/EC/022	Good Practice Guide on Public Sector Governance	6	Canada		✓	Under consideration	
2011/SOM1/EC/023	Draft Work Plan for Regulatory Reform Friends of the Chair (FoTC)	6	RR FoTC Coordinator (Japan)		✓	Under consideration	
2011/SOM1/EC/023a	Outline of Draft Work Plan for Regulatory Reform Friends of the Chair (FoTC)	6	RR FoTC Coordinator (Japan)		✓	Under consideration	
2011/SOM1/EC/024	Matrix of Regulatory Reform Benchmarking Results	6	RR FoTC Coordinator (Japan)	✓			
2011/SOM1/EC/025	Considering Next Steps on Ease of Doing Business (EoDB) Programs	11	United States		✓	Under consideration	
2011/SOM1/EC/026	Policy Support Unit Work Program – Projects as at 14 February 2011	7	APEC Secretariat	✓			
2011/SOM1/EC/027	Taking Stock of the Progress in the Leaders' Agenda to Implement Structural Reform (LAISR) Initiative and Structural Policies in APEC Economies - Report by the Economic Committee	8(1)	EC Chair	✓			
2011/SOM1/EC/028	HRDWG Medium Term Workplan	9	HRDWG Chair	✓			
2011/SOM1/EC/029	Regulatory Cooperation and Convergence – Introductory Comments	10	New Zealand		✓		
2011/SOM1/EC/030	APEC Business Advisory Council (ABAC) Report to APEC Finance Ministers	9	ABAC	✓			
2011/SOM1/EC/031	Updates on the APEC Economic Committee Activities to the Finance Deputies' Meeting	9	EC Chair	✓			
2011/SOM1/EC/032	Regulatory Cooperation and Convergence - Some Ideas for Policy Discussion	10	EC Chair		✓	Under discussion	

Document No.	Title	Agenda Item	Submitted By	Public Release		Reason for Restriction	Derestriction Date (where applicable)
				Yes	No		
2011/SOM1/EC/033	Economic Committee Discussion Paper: Considering Next Steps on Ease of Doing Business (EoDB) Programs	11	United States		√	Under consideration	
2011/SOM1/EC/034	Implementing the APEC New Strategy for Structural Reform in 2011	11	United States		√	Under consideration	
2011/SOM1/EC/035	Terms of the Establishment of the APEC Economic Committee	12	EC Chair	√			
2011/SOM1/EC/036	Nomination / Election of the Economic Committee Chair and One of the Vice-Chairs for 2012-2013	12	EC Chair	√			
2011/SOM1/EC/037	APEC Secretariat Report on Key Developments-March 2011	12	APEC Secretariat	√			
2011/SOM1/EC/037a	APEC Leaders'/Ministers' Taskings for APEC 2011 As Defined in the Yokohama Outcome Documents	12	APEC Secretariat	√			

**附件三：Economic Committee's Work on Structural Reform and APEC
New Strategy for Structural Reform (ANSSR)
(文件編號：2011/SOM1/EC/004)**





**Asia-Pacific
Economic Cooperation**

2011/SOM1/EC/004

Agenda Item: 4

EC's Work on Structural Reform and ANSSR

Purpose: Consideration

Submitted by: EC Chair



**First Economic Committee Meeting
Washington, D.C., United States
5-6 March 2011**

EC's work on structural reform and ANSSR
—Some points for discussion at EC1 prepared by the EC Chair—

The APEC New Strategy for Structural Reform (ANSSR), submitted to AMM in November 2010, was formulated based on the recognition that structural reform work in APEC needed to extend beyond LAISR's five priority work streams to identify additional key areas that APEC economies could pursue and that APEC's agenda for structural reform should also expand to become a shared APEC-wide objective, with all relevant fora taking part (2010/AMM/011).

In implementing ANSSR, the SOM designated itself to take primary responsibility for monitoring and reviewing implementation of the overall structural reform programme to be conducted by relevant fora including the EC, which was tasked to continue its horizontal approach as pursued under the LAISR.

ANSSR also encourages economies to make use of the practical tools that have been developed by the EC to help identify priorities, policies and measures to achieve their intended reforms as well as to focus on developing additional practical tools to supplement those developed for LAISR.

This paper presents some issues for discussion on how the EC can contribute to the APEC's new structural reform agenda towards 2015. More specific ideas will be presented during the lead presentation.

1. How to implement ANSSR in the EC's activities

Background

- 1) At the EC2 meeting in September 2010, the EC members agreed on the updated set of priority areas to be pursued by the EC towards 2015, i.e. competition policy, EoDB, corporate law and governance, public sector governance, and regulatory reform.
- 2) At the AMM meeting in November 2010, APEC Ministers welcomed the EC's decision to continue its horizontal approach to facilitate structural reform, as pursued under LAISR, with the updated set of priority areas. In addition, ANSSR instructed the EC to take horizontal approach (see above), along with instructions to other relevant fora to make more sector-specific efforts to support the overall structural reform programme.
- 3) On 14 February 2011, the EC Chair requested the new FotC Coordinators to update work plans and further cultivate activities of the respective FotCs in collaboration with their members towards EC1.

Some discussion points

- 1) What would be the key to maintaining momentum of each FotC's activities?
- 2) Would it be useful to prepare a high level document which combines the work plans prepared by the FotCs and keeps track of their progress to be presented to SOM at the end of each year?
- 3) To what extent should the EC's activities be adjusted according to the annual priorities set by SOM for each year? How can we make use of the policy discussions in linking the EC's work with SOM's instructions?
- 4) How best can we make use of the existing tools and research results that we accumulated under LAISR in further facilitating structural reform?
- 5) What is the appropriate name for the EC's post-LAISR work stream towards 2015?

2. Where the EC can contribute in the wider ANSSR framework?

Background

- 1) ANSSR requested each economy, by the end of 2011, to make its own plan setting forth priorities for structural reform in relevant areas, as well as objectives, policies and approaches to measuring progress toward those priorities by 2015.
- 2) The APEC Leaders'/Ministers' Taskings for APEC 2011 tabled at ISOM in December 2010 (2010/ISOM/002) specified that SOM and EC are responsible for compiling APEC economies' structural reform plans, as set forth by each economy in 2011.

Some discussion points

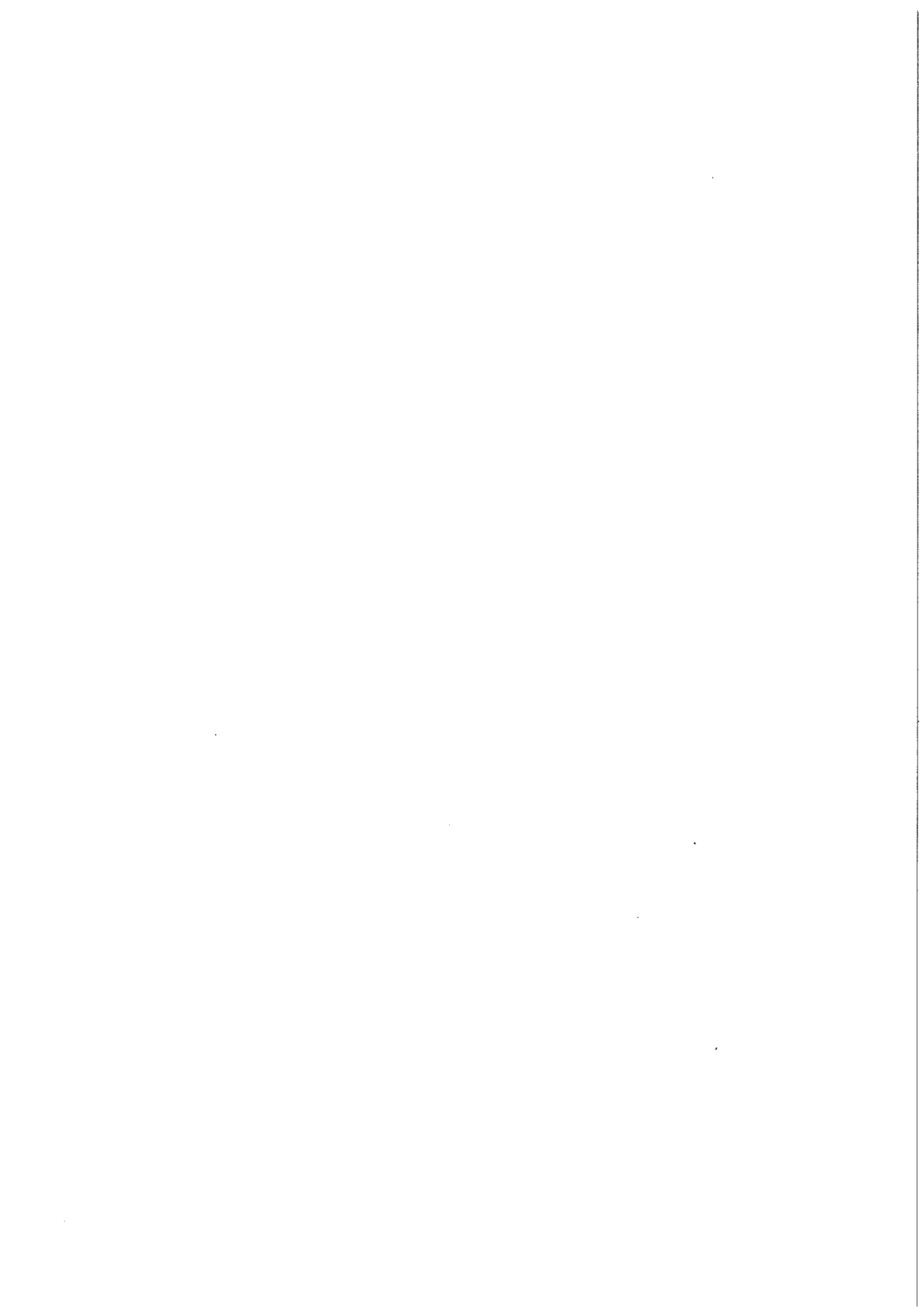
- 1) What is the expected role of the EC in compiling APEC economies' structural reform plans as set forth by each economy? How should the existing work stream of the EC with the updated set of priorities be best linked with the wider ANSSR framework?
- 2) To what extent can each EC member help his/her SOM in making a structural reform plan setting forth priorities back in the capital?
- 3) How the practical tools developed by the EC under LAISR be utilized by economies in identifying

priorities, policies and measures?

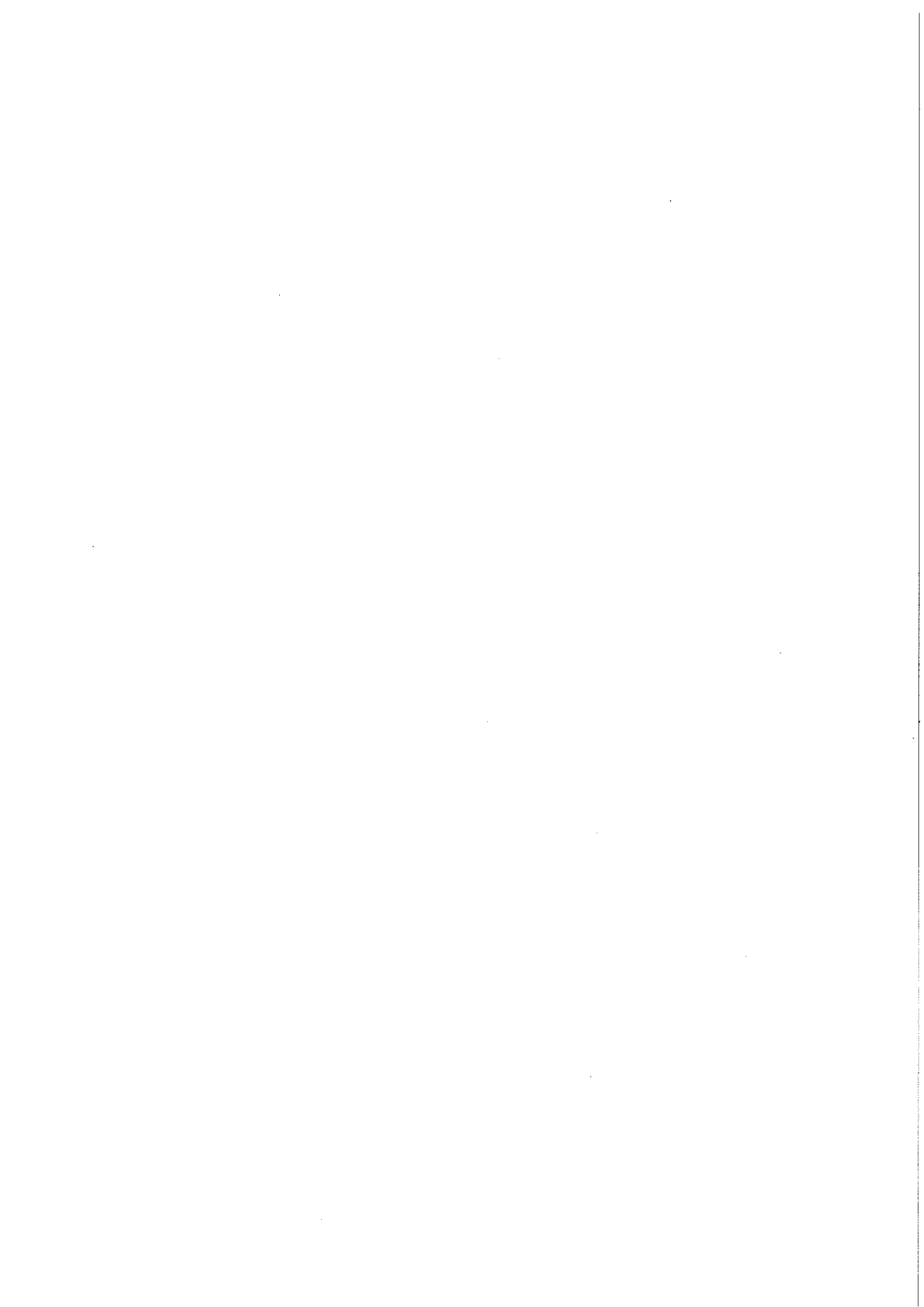
- 4) In 2010, the EC members discussed possible new mechanisms to facilitate the next phase of APEC's structural reform agenda. There was a wide support for the development of new approaches which aim to introduce horizontal viewpoints to sector-specific issues such as holding a number of joint seminars/workshops with relevant committees and fora and introduction of a so-called tailor-made approach. Would it be worth elaborating this idea further as part of the EC's contribution to the wider ANSSR framework?
- 5) Are there any other ways that the EC can contribute to the wider ANSSR framework?

3. Proposed process and timeline

- 1) The EC Chair will report the main outcomes of the EC's discussion to SOM at their meetings on 11-12 March.
- 2) FotC Coordinators and CPLG Convenor are asked to submit the revised work plans to the EC Chair office by March 18. <td>
- 3) Based on the discussions at both the EC1 and the SOM1, the EC Chair will prepare a note on the EC's possible contribution to ANSSR with a view to submitting it to SOM2 to be held in May.



附件四：Naming of the Post-Leaders' Agenda to Implement Structural Reform (LAISR) Structural Reform Activities Undertaken by the Economic Committee (文件編號：2011/SOM1/EC/005)





**Asia-Pacific
Economic Cooperation**

2011/SOM1/EC/005

Agenda Item: 4

**Naming of the Post-LAISR Structural Reform
Activities Undertaken by the Economic Committee**

Purpose: Consideration

Submitted by: EC Chair



**First Economic Committee Meeting
Washington, D.C., United States
5-6 March 2011**

Naming of the post-LAISR Structural Reform Activities Undertaken by the Economic Committee

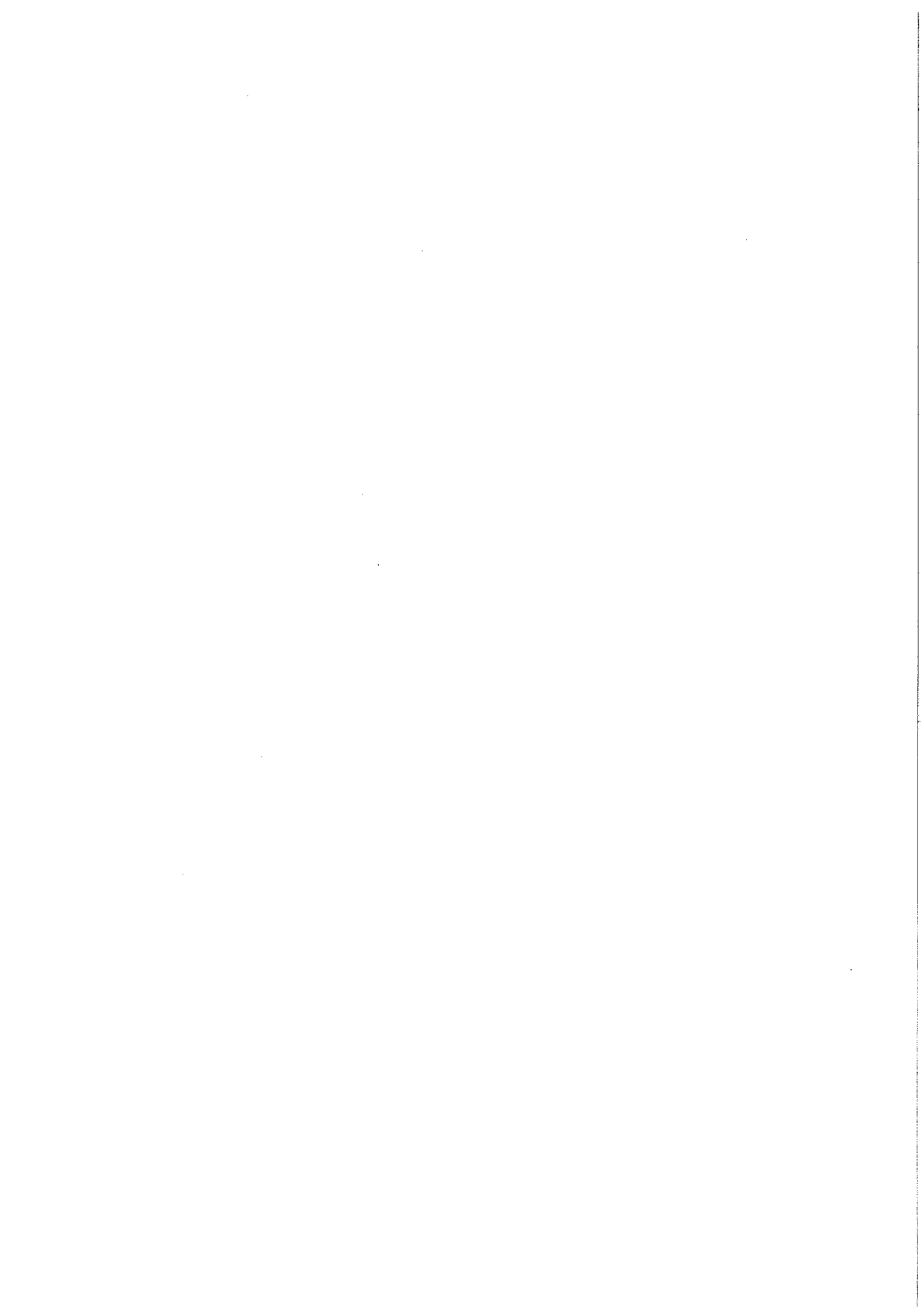
Members would recall the EC Chair's letter dated 6 December 2010, which introduced a two-step process for selecting a new name of the Economic Committee's structural reform agenda beyond 2010. In the Step 1 exercise of the first round of vote on candidate names, 26 members of 16 economies participated. The result of the vote is shown in the table below, which indicates the top three candidate names as "Leaders' Agenda to Implement Structural Reform 2015 (LAISR 2015)", "Yokohama Economic Structural Reform Initiative (YES)", and "Economic Committee's Agenda for ANSSR (ECANSSR / ECOANSSR).

Although the original next step of this naming exercise was to conduct the second round of vote to make the final decision intersessionally before the EC1, the Chair's Office would propose that the members will discuss the naming face-to-face at EC1 instead. Since the aforementioned top three candidate names seem to reflect different ideas about relationships between EC's post-LAISR structural reform activities and ANSSR, it would be worthwhile for the EC1 to allocate sometime for exchanging views among members as part of the discussion on ANSSR under the agenda item 4, so that we can reach a consensus with a shared understanding.

Table: The Result of the 1st Round of Vote on the Name of the post-LAISR Structural Reform Activities Undertaken by the EC

No.	Suggested names for Post-LAISR (in full names)	Suggested Acronym	Votes
1	Renewed Structural Reform Agenda for Economic Committee	RSRAEC	2
2	Economic Committee's Renewed Agenda for Structural Reform	ECRASR	8
3	Economic Committee's Updated Structural Reform Agenda	ECUSRA	6
4	Leaders' Agenda to Implement Structural Reform 2015	LAISR 2015	31
5	Yokohama Economic Structural Reform Initiative	YES	9
6	Horizontal Approach to Structural Reform	HASTR	1
7	Economic Committee-led Structural Reform	ECO-STR	4
8	Structural Reform Priorities led by Economic Committee	STR-PLEC	0
9	Structural Reform led by Economic Committee	STR-LEC	0
10	Horizontal Agenda for Structural Reform	HORIZON	2
11	Economic Committee's Agenda for ANSSR	ECOANSSR	(3)
		ECANSSR	(6)
12	APEC New Initiative for Structural Reform	ANISR	4

**附件五：List of Friends of the Chair (FotC) Members (文件編號：
2011/SOM1/EC/007)**





**Asia-Pacific
Economic Cooperation**

2011/SOM1/EC/007
Agenda Item: 6

List of FoTC Members

Purpose: Information
Submitted by: EC Chair



**First Economic Committee Meeting
Washington, D.C., United States
5-6 March 2011**

Start-up Members of the Economic Committee FotCs

Competition Policy	Corporate Law and Governance	Ease of Doing Business	Public Sector Governance	Regulatory Reform
Australia	Hong Kong, China	Brunei Darussalam	Canada	Indonesia
Brunei Darussalam	Korea	Chile	Indonesia	Japan
Japan	Thailand	Hong Kong, China	Korea	Korea
Korea	USA	Indonesia	NZ	Malaysia
Mexico	Vietnam	Japan	Chinese Taipei	Mexico
NZ		Korea	Thailand	NZ
Peru		Malaysia	USA	Chinese Taipei
Chinese Taipei		Mexico	Vietnam	Thailand
USA		NZ		USA
		Peru		Vietnam
		Singapore		
		Chinese Taipei		
		Thailand		
		USA		
		Vietnam		

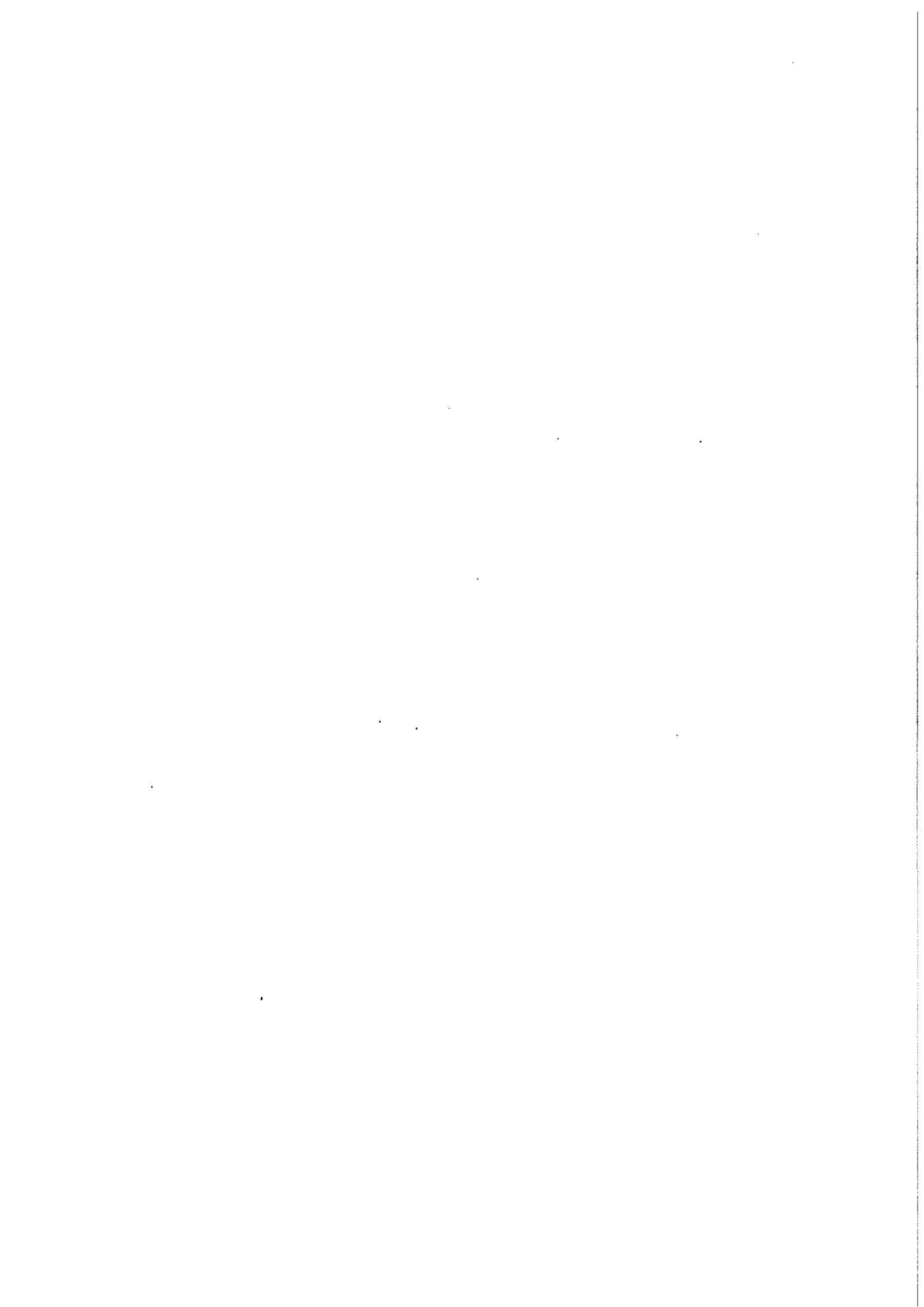
***Economies responded (17 economies as of 25 Feb. 2011)**

Australia; Brunei Darussalam, Canada; Chile; Hong Kong, China; Indonesia; Japan; Korea; Malaysia; Mexico; New Zealand; Peru; Singapore; Chinese Taipei; Thailand; The United States; Vietnam

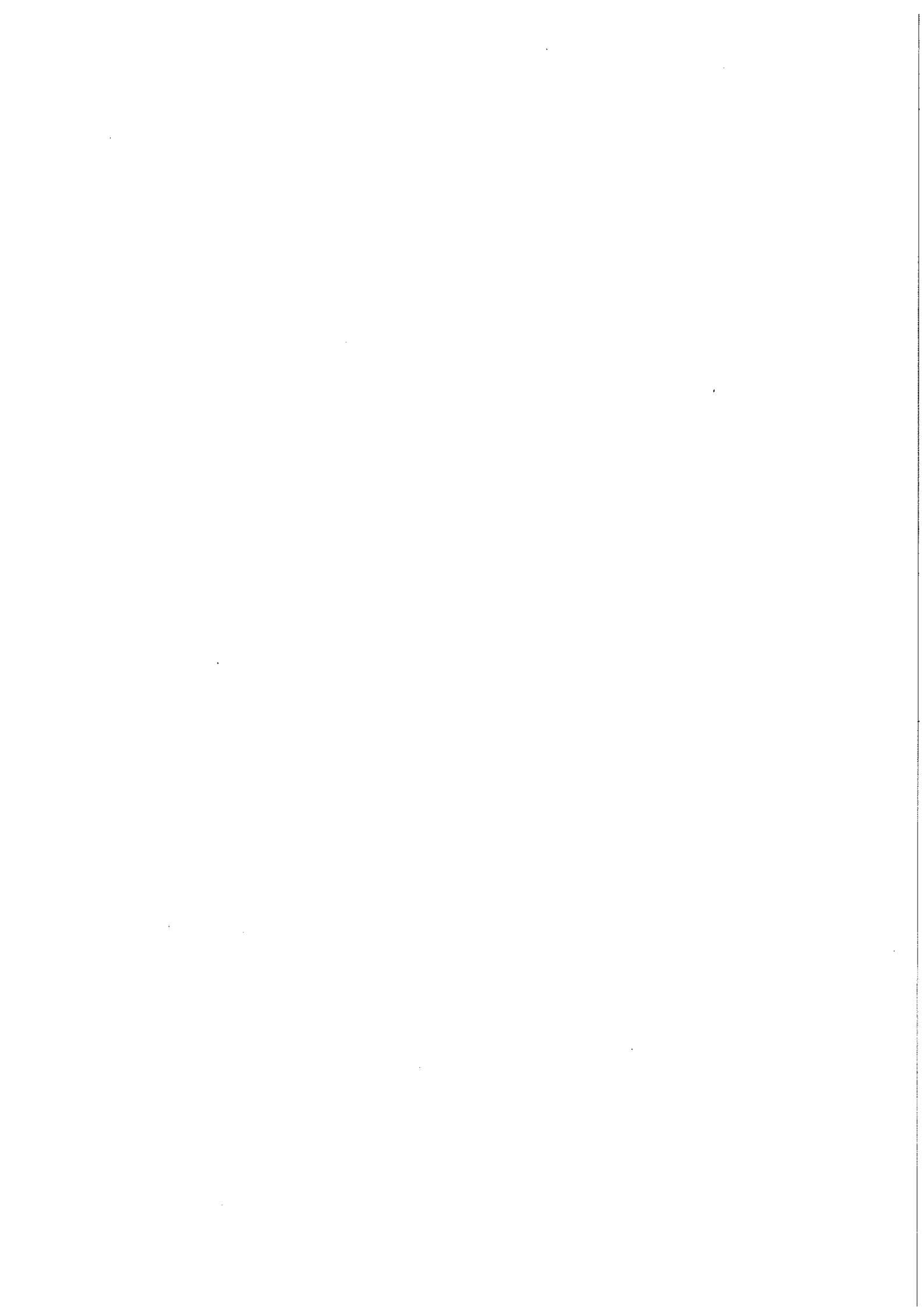
>> Contact List

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Brunei Darussalam	Dr. Hj May Fa'ezah HJ AHMAD ARIFFIN Mr. Hj Mohd Yusri HJ WAHSALFELAH Ms. Nur Amani Haziqah ABDULLAH YAWANG Ms. Ammal Rashidah HAJI MOHD. YUSSOF Ms. Siti Maisarah HAJI MAJID	faezah_ariffin@jpke.gov.bn yusri.wahsalfelah@jpke.gov.bn haziqah.yawang@jpke.gov.bn ammal.yussof@gmail.com maisarah.majid@jpke.gov.bn
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Mexico	(Competition Policy) Mr. PAOLO BENEDETTI GRUÑEIRO Ms. HEIDI SADA CORREA	pbenedetti@cfc.gob.mx hsada@cfc.gob.mx

	(Regulatory Reform) Mr. JUAN MANUEL ALMAZAN PEREZ Ms. MARIA LUISA ELIZONDO GONZALEZ (EoDB) Mr. JASON MARTÍNEZ	juan.almazan@cofemer.gob.mx maria.elizondo@cofemer.gob.mx jason.martinez@economia.gob.mx
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Thailand	Mr. Poramete Vimolsiri Ms. Suthirat Vanasrisawasd	Poramete@nesdb.go.th suthirat@nesdb.go.th
Chinese Taipei	(Competition Policy) Ms. Chia-Lin, YEN Mr. Wen-Hung, LIN (EoDB and Regulatory Reform) Ms. Regina Chyn Ms. Christine Wu (Public Sector Governance) Ms. Fang-Ru, LIN Ms. Kuei-Jen WU	cindra@ftc.gov.tw wenhlin@ftc.gov.tw chyn@cepd.gov.tw peishi@cepd.gov.tw frlin@rdec.gov.tw kjwu@rdec.gov.tw
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Vietnam	Ms. Pham Lan Huong	plhciem@gmail.com



附件六：Competition Policy and Law Group (CPLG) Work Plan (文件編號：2011/SOM1/EC/009)





**Asia-Pacific
Economic Cooperation**

2011/SOM1/EC/009

Agenda Item: 6

CPLG Work Plan

Purpose: Consideration

Submitted by: CPLG



**First Economic Committee Meeting
Washington, D.C., United States
5-6 March 2011**

Template for Work Plans of the New FotC Groups

Name of the FotC: Competition Policy and Law Group (CPLG)

Coordinating Economy: Japan

Membership Principles¹ and Member Economies:

The CPLG membership remains open to all economies as in the past.

Objectives:

The CPLG works to promote an understanding of regional competition laws and policies, to examine the impact on trade and investment flows, and to identify areas for technical cooperation and capacity building among APEC member economies.

Scope:

The CPLG is responsible for technical aspects of competition law and enforcement to develop and enhance competition law and policy in APEC member economies. It covers the legal and regulatory issues of competition law and enforcement, including sharing new developments in the law, comparative aspects of competition law, the role of the courts, the degree of autonomy granted to competition authorities, better methods to improve success of monitoring and enforcement of the law and appropriate remedies. It requires high degree of technical expertise, in-depth understanding and ability to analyze the legal and regulatory issues from the members involved.

List of Individual Activities to be Succeeded (see Annex)

- APEC Training Course on Competition Policy in 2011 (Tentative)

APEC Training course in 2011 will be held in Malaysia, focusing on "Effective Mechanism against Cartel Offences." Ministry of Domestic Trade Co-operatives and Consumerism of Malaysia along with Japan Fair Trade Commission will host this training course. This two days training course on "Effective Mechanism Against Cartel Activities" is planned to be held in Pulau Pinang, Malaysia in October 2011.

- The Competition Policy and Law Database

For the purpose of sharing information/experiences and discussions among APEC member economies regarding updates and recent developments in competition law and policy, the website "The Competition Policy & Law Database" has been managed by Chinese Taipei. The website has been updated periodically for providing latest information since its establishment in 1999.

- Members' Report/Presentation on Up-dated and Development of Competition Policy

In order to exchange information, promote dialogue and encourage cooperation among the authorities for competition policy of member economies, each economy will make presentations in the CPLG meeting on up-dates and development of competition policy and law, which may cover the following items;

- 1) Introduction of competition law and change to competition law and policy;
- 2) Enforcement of competition law and policy (featuring recent cases);
- 3) Challenges being faced in the area of competition policy and competition advocacy efforts;

¹ FotC coordinators are expected to propose as to how the membership can be organized. Possible examples include:

- A: Economies with the intension of sizable/substantial contribution will be members, while other economies will take part in decision making at the Plenary.
- B: Two kinds of membership, with core members and non-core members.
- C: Economies with the intension of sizable/substantial contribution will be members, while other economies will be CC-ed when FotC e-mail discussion is conducted among such members.

4) Provision or needs of technical assistance activities, if any, (what kind of technical assistance is needed or useful)

- Dialogue with the private sector including ABAC

The roundtable discussion between the CPLG and the private sector including ABAC plans to be held as one of programs in annual CPLG meeting in March 2011 in Washington D.C., the U.S. The roundtable discussion will focus on the theme of Procedural Importance to Competition Proceedings.

List of Ideas on Possible New Projects

The following CPLG projects were endorsed by the CPLG and EC. As next steps, these projects are submitted to BMC Session 1 for approval.

- Survey on Information Exchange on Competition in APEC region
- Measures of Competition Development in APEC
- Facilitating competition and countering anticompetitive practices in seaports in the APEC region.

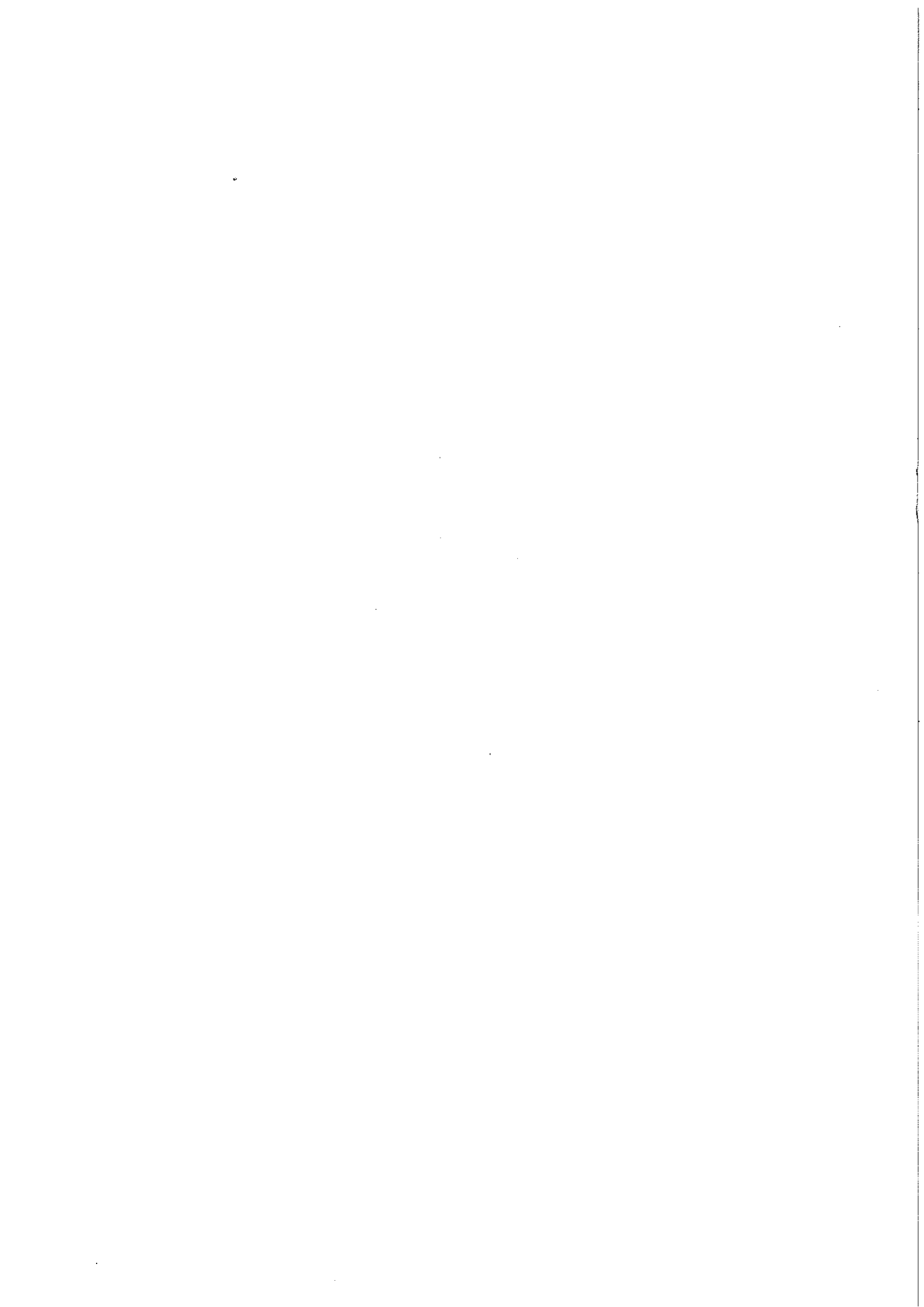
Items in the Forward Work Programme for LAISR and Their Transition to the New FotC Groups (Competition Policy)

Objectives	Action items/Specific products	Status	Led by	Suggested New FotC /Subora
1. Provide context for the discussion on competition policy within APEC, identifying areas of need for competition policy	APEC Economic Policy Report 2008	Completed	Peru, EC Chair	[Competition Policy, CPLG]
2. Provide guidance for good practice	Good practice principles for competition and regulatory reform	Completed	Hong Kong, China; EC Chair	[Competition Policy]
	Seminar on Good Practises in Regulation and the Promotion of Efficiency in Transport Infrastructure Facilities	Completed	Peru, Australia, Singapore, CPLG, EC Chair	[Competition Policy, CPLG]
3. Set the stage for productive discussion on competition policy within APEC.	Share information and experiences on competition policy	On-going	Chinese Taipei; CPLG	[CPLG]
4. Stocktake of progress in competition policy and set direction of future work.	LAISR Stock-take Report	Completed by Nov 2010	Hong Kong, China; EC Chair	[Competition Policy, CPLG, whole of the EC]
	Ministerial Meeting on Structural Reform	Completed	Australia, Peru, Singapore, EC Chair	[Whole of the EC]
5. Capacity building to implement practical measures.	Study on the impacts and benefits of structural reforms in transport, energy and telecommunication sectors	Completed by Oct 2010	PSU	[Competition Policy]
	Seminar on Impacts of Structural Reforms and LAISR Stock-take	Completed	HKC, Japan	[Competition Policy]
6. Promote better understanding of practical measures to strengthen competition policy	Training course on Advocacy of Competition Policy	Completed	CPLG (Vietnam, Japan)	[CPLG]
	Training course on Effective Mechanism against Cartel Offences	Oct 2011 (Tentative)	CPLG (Malaysia, Japan)	[CPLG]
	Roundtable Discussion on Procedural Fairness	Completed	CPLG, ABAC	[CPLG]

Annex

Objectives	Action items/Specific products	Status	Led by	Suggested New FotC /Subfora
	<p>in Competition Cases</p> <p>Roundtable Discussion on Procedural Importance to Competition Proceedings</p> <p>Training course on Vertical Restraints and Interrelations between Competition Policy and Consumer Protection Policy.</p>	<p>Mar 2011</p> <p>Completed</p>	<p>CPLG, ABAC</p> <p>Chinese Taipei, Japan, CPLG</p>	<p>[CPLG]</p> <p>[CPLG]</p>

**附件七：Competition Policy: Further Work on Structural Reform (文件
編號：2011/SOM1/EC/011)**





**Asia-Pacific
Economic Cooperation**

2011/SOM1/EC/011

Agenda Item: 6

Competition Policy: Further Work on Structural Reform

Purpose: Consideration

Submitted by: CP FoTC Coordinator (Australia)



**First Economic Committee Meeting
Washington, D.C., United States
5-6 March 2011**

COMPETITION POLICY: FURTHER WORK ON STRUCTURAL REFORM

Introduction

In November 2010, APEC Economic Leaders' endorsed the *APEC New Strategy for Structural Reform* (ANSSR) and pledged to undertake demonstrable and significant structural reform in their economies. This builds on progress made since 2004 on the *Leaders' Agenda to Implement Structural Reform* (LAISR), overseen by the Economic Committee.

Structural reform is a key component of APEC Economic Leaders' objective of achieving strong, inclusive, and balanced growth, including productivity growth. As part of ANSSR, Economic Committee is to lead on work to promote more open, well-functioning, transparent and competitive markets, including with respect to competition policy.

Under ANSSR each economy, by the end of 2011, is to make its own plan setting forth priorities for structural reform in relevant areas, as well as objectives, policies and approaches to measuring progress toward those priorities by 2015. Economies that have achieved progress in particular areas are encouraged to share their experience, key success factors and other lessons learned.

This background paper is provided by Australia in its capacity as coordinator of the Friends of the Chair (FotC) on Competition Policy work stream. It discusses potential areas for further work on competition policy in the context of a draft work plan for the FotC Group on Competition Policy (see *Attachment A*) and has benefited from consideration by several members prior to lodgement. The three main suggestions for further work through this group relate to competitive neutrality, research by the Policy Support Unit, and potentially Australia's APEC Structural Reform Initiative. Australia is very happy to receive any other suggestions from members.

Structural and competition policy reform

Structural reform encompasses policy changes to improve economic efficiency, such as improvements to competition frameworks, regulatory systems and governance structures. Effective structural reform generally requires a predisposition to allowing market forces to operate unless there is a sound reason to do otherwise.

Competitive markets have a number of benefits in terms of promoting the efficient use of human, capital and natural resources. Competition encourages goods and services to be produced at minimum cost (*productive efficiency*). It also encourages scarce resources, including labour, to be used in their most valued use (*allocative efficiency*). Over time, competition encourages product innovation and the adoption of new technologies, which may further reduce costs and/or improve product range and quality for consumers (*dynamic efficiency*).

However, effective structural reform also recognises that markets can fail or work imperfectly. For example, in the provision of public goods, or when natural monopolies, externalities, information asymmetries exist. Effective structural reform also recognises that it is necessary to build and sustain a case for change and that transitional assistance may be required.

Australia's experience with structural reform

Following slow economic growth, increases in inflation and unemployment, and low productivity growth relative to other economies in the 1970s and 1980s, from the early 1980s Australian governments commenced a program of extensive economic reform. In the 1980s, the reforms included floating of the Australian dollar and removal of exchange rate controls, progressive easing of foreign investment restrictions, liberalisation of capital markets, elimination of import quotas and phased reductions in tariff assistance

The opening of the Australian economy to international competition exposed the shortcomings in domestic key input and factor markets, especially public utilities, and provided the impetus for microeconomic reforms under the National Competition Policy. The National Competition Policy was agreed by the Australian and State and Territory governments in 1995. The reforms included the extension of anti-competitive conduct legislation to all sectors of the economy, introduction of a

national access regime to provide access to essential infrastructure services with natural monopoly characteristics, a legislative review program to assess whether legislative restrictions to competition were in the public interest, sector specific reforms to the electricity, gas, road transport and water sectors, and structural reforms to significant government businesses and ensuring competitive neutrality between private sector and significant government business.

There is wide ranging agreement that the National Competition Policy reforms have led to an increase in productivity and to the Australian economy's increased resilience in the face of economic disturbances. This is because the reforms increased the pressures on both private and government businesses to be more productive, through increased competition, while simultaneously enhancing their capacity to respond through more flexible work arrangements and the removal of unnecessary regulation.

A review of the reforms in 2005 found that the National Competition Policy has delivered substantial benefits to the Australian community which greatly outweighed the costs. The review estimated that the observed productivity and price changes in key infrastructure sectors (electricity, gas, urban water, telecommunications, urban transport, ports and rail freight) in the 1990s, to which NCP and related reforms have directly contributed, have served to permanently increase Australia's GDP by 2.5 per cent, or around \$20 billion.

Recognising the significant benefits delivered under the National Competition Policy, in February 2006 COAG committed to a new National Reform Agenda to help underpin Australia's future prosperity. The agenda was broad based and encompassed three streams: regulatory reform, competition and human capital. Reform commitments under the human capital stream were affected by funding issues, including the Commonwealth's unwillingness to commit beyond 'fair sharing' payments based on ex post analysis of reforms on a case-by-case basis. As a result, the four reform proposals agreed under the human capital stream were modest in scope.

In 2007, the Council of Australian Governments (COAG) reinvigorated the reform process, with the reforms underpinned by more effective Commonwealth-State financial arrangements. In 2008, COAG agreed to the *National Partnership Agreement to deliver a National Seamless Economy*, which spans 27 deregulation priorities, eight competition reforms streams (primarily energy, infrastructure and transport) as well as reform of regulatory processes.

While Australia has made good progress on structural reform this has not been without challenges. For example, the eight competition reforms streams are more complex than the deregulation priorities, with linkages to other policy areas. Other challenges in implementing reform include managing the impacts on stakeholders as part of a package of reform and considering how to articulate and measure the long term structural benefits of the reform.

Potential areas for further work on competition policy

It may be beneficial for FoTC members to share experiences and lessons learnt about the competition reform process. Potential areas for further work on competition policy are identified below.

1. Competitive Neutrality – potential work stream

One option is to examine the role of competitive neutrality in government policy.

Competitive neutrality seeks to ensure that state owned enterprises do not have net competitive advantages over competitors simply as a result of state ownership. Advantages to state owned enterprises can include exemptions from taxation and regulatory requirements, lower debt financing costs and the absence of a requirement to make a commercial rate of return on assets. These advantages can lead to distortions in resource allocation as the advantages may not be factored into state owned enterprises' cost base, resulting in its prices not fully reflecting costs.

To enable a comparable basis for competition between a state owned enterprise and its competitors, the competitive neutrality commitments under Australia's National Competition Policy requires a state owned enterprise to face similar commercial and regulatory obligations to those faced by its

competitors. This can be achieved by making adjustments to the state owned enterprise's cost structure. Key competitive neutrality cost adjustments include:

- *Taxation neutrality:* a state owned enterprise may be exempt from various forms of taxation. Taxation exemption advantages can be addressed by imposing full taxation on the enterprise or it being required to make an equivalent payment to general government revenue by a tax equivalent regime.
- *Debt neutrality:* lenders to a state owned enterprise may consider it a lower credit risk either as a result of an explicit or implicit government guarantee and therefore the enterprise may be able to borrow funds at a lower risk rating than its competitors. Under Australia's National Competition Policy a state owned enterprise that receives a cost advantage in borrowing is required to make a debt neutrality payment to general government revenue.
- *Regulatory neutrality:* regulatory advantages to a state owned enterprise can include exemptions from regulatory requirements that its competitors are subject to. These advantages can be addressed by requiring the enterprise to comply with the regulatory requirement, or for it to make an equivalent payment to general government revenue.

Other key elements of competitive neutrality can include ensuring that the state owned enterprise earns a sufficient rate of return on its assets and that its prices reflect full cost allocation. The enterprise's target rate of return should be equal to the government's long-term bond rate, plus a margin for risk. In this way, the state owned enterprise's target rate of return should be equivalent to the average rate of return of its competitors. In relation to cost allocation, for a state owned enterprise with commercial and non-commercial operations there needs to be accounting or legal separation as the government funded non-commercial operations should not cross-subsidise commercial operations.

The rate of return and cost allocation elements of competitive neutrality, unlike the taxation, debt and regulatory neutrality requirements, cannot be addressed by a payment to general government revenue. The two elements should be embedded into the operations of the state owned enterprise and assist to ensure it has a commercial focus.

Under the National Competition Policy reforms, the Australian and State and Territory governments also committed to establish a competitive neutrality complaints mechanism. At the Australian Government level the Australian Government Competitive Neutrality Complaints Office has been established to receive complaints, undertake complaints investigations and advise the Treasurer on the application of competitive neutrality to state owned enterprises.

Options for examining the role of competitive neutrality in government policy include members building a shared understanding of competitive neutrality and its implications for future competition policy reform through APEC, such as the potential relevance to the development of economies' structural reform plan under ANSSR for 2011, and potentially the sharing of knowledge and experiences in workshop-style formats.

2. Policy Support Unit Study – potential work stream

A second option is to consider taking forward the work of the Policy Support Unit's (PSU) January 2011 study into *The Impacts and Benefits of Structural Reforms in the Transport, Energy and Telecommunications Sectors in APEC Economies*.

The PSU study notes that a well-functioning infrastructure sector is an important determinant of economic growth and improving living standards. Some technologies in infrastructure industries have natural monopoly characteristics. Other activities involve unpriced spillovers or externalities, so that market price signals do not convey the required information about the value of the activity to the economy, such as pollution. Even where competitive markets can deliver efficient outcomes, governments may have additional policy objectives, such as equity or concerns about adjustment costs associated with policy reform.

A common theme from the PSU study is the potential growth from productivity improvements that could be achieved by introducing as much competition as is appropriate into each sector:

- In *air transport* this implies a range of reforms to air services agreements, entry conditions for domestic and foreign carriers and to ownership.
- In *maritime transport* it implies the dismantling of any remaining entry restrictions, quotas or cargo sharing arrangements and the granting of national treatment to foreign-owned carriers located domestically.
- In *rail transport* it implies vertical separation and free entry in freight operations in those economies that do not yet have them.
- In *electricity and gas* it implies third party access, unbundling, wholesale markets and/or retail competition in economies that have not yet implemented them.
- In *telecommunications* the reforms mainly involve removing remaining foreign equity limits.

However, the PSU study also finds that structural reforms generate significant structural adjustments. That is, structural reforms are challenging and can create winners and losers but are usually worth undertaking in these sectors.

The Mexican Federal Competition Commission has also suggested that there may be merit in considering:

- Competition policy in the pharmaceutical industry (for example, relating to public procurement procedures and incentives to collude); and
- Competition policy in financial markets (for example, relating to the elimination of barriers to entry in switching services in credit card transactions, and mandatory access to interconnection).

Options for taking forward the work of the PSU study include (i) members exploring to what extent competition policy reform in these or other sectors could form part of their economy's structural reform plan under ANSSR for 2011; (ii) members further sharing experiences and lessons learned on competition policy reform in these or other sectors and more generally in the context of structural reform; and/or (iii) potentially workshop-style formats to provide economies with increased practical understanding of how to undertake structural reforms in these sectors based on the findings of the PSU research.

3. APEC Structural Reform Initiative – potential work stream

A third option is to consider competition policy reform in the context of Australia's APEC Structural Reform Initiative.

During APEC Leaders' Week in November 2010, the Australian Prime Minister announced an AUD \$3 million initiative on Structural Reform. The purpose of the initiative is to increase capacity in the region to develop and deliver structural reform and support APEC's work in this area under the ANSSR. This includes a \$2.5 million capacity building fund over three years to help developing economies meet their commitments under the ANSSR by assisting them to identify individual structural reform priorities, as well as possible policies and measures to address these priorities in the medium-term.

The initiative will include a series of workshops to bring together policy makers to share experiences and lessons learned and increase awareness of policy approaches. It is envisaged that the workshops will assist in the identification and development of capacity building projects that developing economies could then access funding support for under the capacity building fund. The first workshop is likely to be held in mid 2011.

The Australian Department of Foreign Affairs and Trade (DFAT) is liaising with the APEC Secretariat and Policy Support Unit on the most effective way to deliver the capacity building fund. More details on the program will be provided by DFAT in 2011 as they become available.

An option is to consider competition policy reform as a potential theme or component of the series of workshops to be delivered under this initiative, should economies consider that it is a relative priority compared to other potential areas for reform. There may also be scope to draw on the results of the PSU study in the workshops.

DRAFT

Template for Work Plans of the New FotC Groups

Name of the FotC: Competition Policy

Coordinating Economy: Australia

Membership Principles¹ and Member Economies: Australia, Brunei Darussalam, Japan, Korea, Mexico, New Zealand, Peru, Chinese Taipei and United States of America.

Objectives:

Responsible for considering the role that government should play in facilitating and encouraging competition including through pro-competition policies and government decision-making processes aimed at enhancing, protecting and preserving competitive processes in order to enhance consumer welfare and improve economic outcomes.

This will include consideration of ways to facilitate behaviour which is pro-competitive and prevent behaviour which is anti-competitive. This may include consideration of:

- the role of political support for competition;
- how government has regard to competition during policy making processes;
- how the general state of competition and any case for government intervention can be judged by policy advisors;
- institutional responsibility for policy advice and enforcement;
- the processes by which increasing competition can occur and how transitional issues can be ameliorated; and
- options outside of anti-trust law to increasing competition, including for example, reducing barriers to entry; asymmetric information etc.

Scope:

The Competition Policy FotC would consider competition policy matters from a broad, high level perspective. Consideration of technical elements of anti-trust law and enforcement would be the responsibility of CPLG. CPLG would effectively be a group of experts mainly focused on operationalising competition policy. Competition Policy FotC and CPLG will work closely together and consider joint activities and workshops where appropriate.

¹ FotC coordinators are expected to propose as to how the membership can be organized. Possible examples include:

A: Economies with the intention of sizable/substantial contribution will be members, while other economies will take part in decision making at the Plenary.

B: Two kinds of membership, with core members and non-core members.

C: Economies with the intention of sizable/substantial contribution will be members, while other economies will be CC-ed when FotC e-mail discussion is conducted among such members.

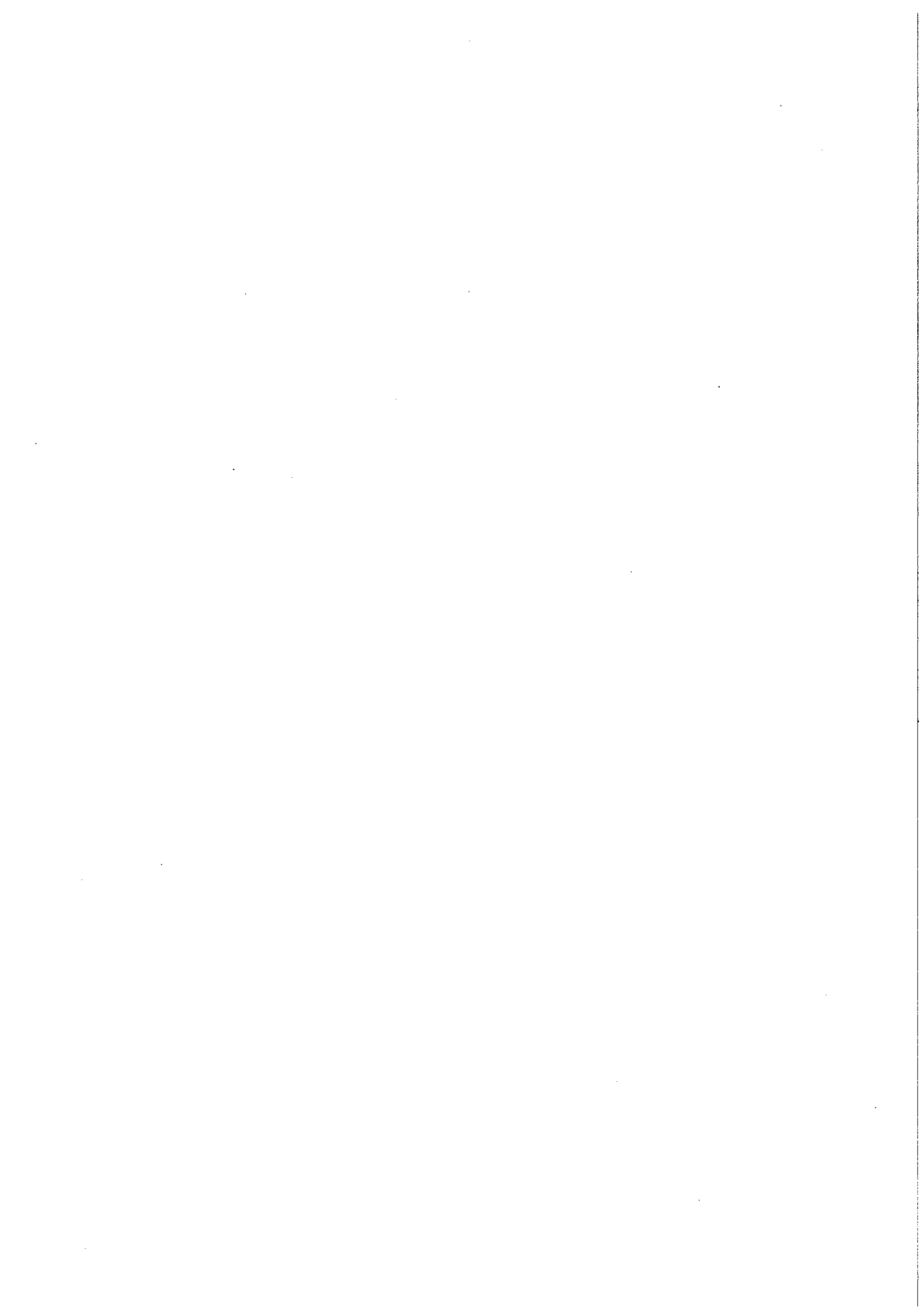
List of Individual Activities to be Succeeded (see Annex)

- The PSU's research on the impacts and benefits of structural reform in the transport, energy, and telecommunications sectors (PSU).

List of Ideas on Possible New Projects

1. Examine the role of competitive neutrality in government policy, which aims to ensure that state owned enterprises do not enjoy competitive advantages over their private sector competitors as a result of state ownership. Options include members building a shared understanding of competitive neutrality and its implications for future competition policy reform through APEC, such as the potential relevance to the development of economies' structural reform plan under ANSSR for 2011, and potentially the sharing of knowledge and experiences in workshop-style formats.
2. Taking forward the work of the Policy Support Unit's (PSU) January 2011 study into *The Impacts and Benefits of Structural Reforms in the Transport, Energy and Telecommunications Sectors in APEC Economies*. Options include:
 - (i) members exploring to what extent competition policy reform in these or other sectors could form part of their economy's structural reform plan under the ANSSR for 2011;
 - (ii) members further sharing experiences and lessons learned on competition policy reform in these or other sectors and more generally in the context of structural reform; and/or
 - (iii) potentially workshop-style formats to provide economies with increased practical understanding of how to undertake structural reforms in these sectors based on the findings of the PSU research.
3. Considering competition policy reform in the context of the Australian Prime Minister announcement of an AUD \$3 million initiative on Structural Reform, including a \$2.5 million capacity building fund over three years to help developing economies meet their commitments under the ANSSR. Options include considering competition policy reform as a potential theme or component of the series of workshops to be delivered under this initiative.

**附件九：Report on 6th Conference on Good Regulatory Practice
(文件編號：2011/SOM1/EC/013rev1)**





**Asia-Pacific
Economic Cooperation**

2011/SOM1/EC/013rev1
Agenda Item: 6, 9

Report on 6th Conference on Good Regulatory Practice

Purpose: Information
Submitted by: United States



**First Economic Committee Meeting
Washington, D.C., United States
5-6 March 2011**

APEC Subcommittee on Standards and Conformance
6th Conference on Good Regulatory Practice (GRP)
Report to the Sub-Committee on Standards and Conformance (SCSC)
March 5, 2011

The United States provides the following report.

The APEC SCSC held the 6th Conference on Good Regulatory Practice (GRP) March 1-2, 2011 in Washington D.C. during the Senior Officials Meeting (SOM) I. The conference, which was led by the United States and co-sponsored by Chile, Japan, Malaysia, New Zealand, Peru, and Singapore, brought together experts from governments, business, and international organizations to discuss the critical regulatory issues facing the APEC community. Specifically, APEC economies need to be able to achieve effective regulatory outcomes while promoting a regulatory environment that is conducive to trade, investment and job creation in the region. Speakers over the two-day conference were nearly unanimous on the role of greater transparency and public consultation in promoting better regulatory outcomes while avoiding needless barriers to trade. Several participants, including those from the business community, conveyed a sense of urgency about the need for greater transparency and alignment of regulatory approaches in the region in order to have a greater quality of regulation.

Day One

Ambassador Demetrios Maranti, Deputy U.S. Trade Representative, welcomed conference delegations. Ambassador Marantis emphasized that the United States will prioritize outcomes on regulatory coherence and convergence during 2011. He emphasized the critical nexus between the quality of the regulatory environment in APEC economies and the openness to trade and investment, and ultimately with the vibrancy of economic growth and quality of life in the region. He noted that cooperative work to advance good regulatory practices in the region is a concrete and proactive way to prevent needless obstacles to trade. He challenged conference participants to review the record on implementing good regulatory practice and regulatory cooperation by APEC economies and assess what next steps are necessary to make the next push to strengthening GRP and cooperation among APEC members. He also tasked participants to make the connection between good regulatory cooperation to a seamless regional economy.

In Session 1, experts from the World Bank, the World Trade Organization (WTO) and the firm of Jacobs & Associates emphasized the critical linkages between the use of good regulatory practices in advancing trade and growth, as well as in achieving better quality in regulatory outcomes. All experts stressed the importance of achieving greater regulatory alignment to promoting trade and investment in the region. Mr. John Wilson of the World Bank noted in particular that trade expansion supports new job creation, and that regulatory reforms can help achieve these goals. He noted that recent World Bank research supported the conclusion that the ability of developing country exporters to demonstrate conformance to international standards has positive effects on exports. Mr. Wilson also noted the need to strengthen regulatory cooperation in the region, and observed that new and concrete commitments for projects on the ground could help catalyze this cooperation. In this regard, joint work with private sector is important, including by leveraging public private partnerships.

Mr. Scott Jacobs of Jacobs & Associates stressed that the microeconomic effects of a poor regulatory environment have corrosive effects on day-to-day life in markets and employment. He noted Mr. Wilson's observation on the connection between trade and better regulation, and expressed his view that the positive correlation between regulatory reforms and improved trade was not simply complimentary, but that the relationship was logarithmic. It was his view that regulatory reform has the ability to act as "rocket fuel" in catalyzing trade and investment. He observed that an impact assessment of an initiative to institute regulatory impact assessment (RIA) in Vietnam showed that the implementation of the RIA initiative would result in the creation of 100,000 jobs in Vietnam. He noted that, in many APEC economies, the regulatory state has been under development for over a century, and that several have "lost control" of their regulatory systems, as there was no quality control or management systems overseeing the proliferation of regulation. Mr. Jacobs expressed his view that systemic solutions were needed, including with respect to how governments think about rules. He stressed the need to implement regulatory management systems, to build institutions to carry out

good regulations, to improve quality of new regulations, and to upgrade quality of existing regulations. He also noted his view that regulatory reforms are pro-democratic.

Mr. Erik Wijkstrom noted that the WTO promotes regulatory transparency through the WTO obligation to notify draft technical regulations, and to take comments from other WTO members into account in developing the final rule. He also noted the WTO requirement that the technical regulations adopted by WTO members not create unnecessary barriers to trade. He emphasized that effective implementation of the WTO Agreement on Technical Barriers to Trade by each Member is an important way to prevent regulatory requirements that act as unnecessary barriers to trade. Lastly, he stressed that trade concerns caused by regulatory measures have increased dramatically in recent years.

In response to a request for recommendations on actions that APEC could undertake to address the issues raised in Session 1, the panelists provided the following: First, the greatest added value comes in building capacities for implementation of RIA and public consultation as they compliment each other. Capacity building and advisory services can also act to reduce transaction costs. Sufficient capacity and authority is required for promoting and overseeing the regulatory agenda across government. Oversight must, however, be flexible so focus should be on functions rather than construction of mechanisms. This also requires commitment from high levels to improve the quality control mechanisms in the center of government. Concrete investments in openness and transparency are required, such as web based strategies for disseminating and collecting information. Better domestic internal coordination is often needed to address requirements under the WTO TBT Committee, given its broad remit of the TBT Agreement. Some governments are doing internal coordination well, others are not. The WTO TBT Committee is working on list of mechanisms, and potentially guidance could be provided there, in particular for developing economies.

During Session 2, Mr. Sean Heather of the U.S. Chamber of Commerce led a panel to look back at where APEC economies stand after 15+ years of work on good regulatory practices. Panelists from the International Finance Corporation (IFC), the Treasury Board of Canada and New Zealand's Ministry of Economic Development presented. Many economies are working to strengthen their regulatory systems, referring to the APEC/OECD GRP Checklist, and utilizing RIAs. Challenges were noted in assessing the impact of new GRP tools on policy-making and applying GRP practices across economies and sectors.

Mr. Peter Mumford with the New Zealand Ministry of Economic Development, provided lessons learned for how to create a responsive regulatory system, including how to anticipate issues. He noted that high profile incidents and other crisis events tend to create more rules and more enforcement mechanisms, however the goal should be more effective rules that allow governments to be responsive and adapt quickly to crisis. Mr. Mumford recommended that economies find ways to moderate regulatory systems so that law does not have to react to crisis events. He stressed that there is no dearth of GRP checklists available. He encouraged governments to come up with short codified principles and identify indicators to measure implementation, so that regulators can report against audit standards.

Mr. Peter Ladegaard of the IFC, gave a presentation on the "Top 8 Lessons of Reformers." The lessons included: 1) Get the incentives right. In instituting reforms, a great deal of consideration must be given to the incentives of the various actors, including the government agencies involved and the various stakeholders from the public. 2) See forest from the trees. Do not overly focus on specific elements at the expense of the entirety of the regulatory governance structure. 3) "Plug-and-play" systems don't work. While all reformers can benefit from others' experiences, governments must develop tools and processes that are consistent with their own needs and capacities. 4) Have realistic time horizons. 5) Focus on implementation, as the success of any tools and processes will depend critically on their use. 6) Early and constant assessment of results. Good regulatory tools and systems evolve and adapt to successes and challenges in their use. 7) Link regulatory governance reform to other government priorities. Regulatory reform is a means to greater competition and openness, both domestically and internationally, and these lead to stronger economic growth. 8) Mix governmental efforts to achieve one-time cost reductions (e.g., the regulatory guillotine) with larger, more systematic initiatives to demonstrate success. Mr. Ladegaard also stressed the need to undertake more research

on the linkages between regulatory reforms and economic outcomes, as such studies can help make the case for policy makers to undertake these efforts.

Ms. Allison Miranda provided an overview of Canada's regulatory system and current state of compliance with the APEC Checklist. With the goals of supporting growth, investment, innovation and market openness, Canada regulatory reform efforts are based on the lifecycle approach and use international OECD principles. Canada's regulatory efforts also take into account trade and WTO considerations, including international alignment and harmonization. Ms. Miranda also highlighted Canada's Red Tape Commission, the US-Canada bilateral regulatory cooperation. She also emphasized the importance of transparency and early engagement initiatives – for example, a requirement to publish all regulations in the *Canada Gazette* to facilitate notification and comments. A question from the audience asked how well GRP principles have been integrated into legislative or parliamentary actions, as opposed to executive processes. Mr. Mumford noted that for New Zealand, Parliament has been more part of the solution than a problem. While there can be a tension between politicians and regulators, but he recommended considering ways of providing legislators more tools to respond without taking away their ability to legislate.

Keynote Address

Cass Sunstein, Administrator, Office of Information and Regulatory Affairs, United States Office of Management and Budget, was the keynote luncheon speaker. He reviewed the United States approach in using good regulatory practices to promote economic growth and ensure public protection. Mr. Sunstein discussed challenges and opportunities in meeting these goals and specifically echoed President Obama's objective to use the U.S. year in APEC to promote and sustain good regulatory practices – practices that will support economic growth, job creation, innovation, and regional trade and investment, while also protecting public health and welfare. Considering the differences within APEC economies, their cultures and histories, he noted that one must ask the question: "How best can we safeguard our citizens while also laying secure foundations for economic growth?" For purposes of regulatory cooperation, the following two answers and overall themes are to 1) build capacity to create and strengthen appropriate institutions, with the best processes and mechanisms for making sound regulatory choices – ensuring that we look before we leap – and 2) move toward greater alignment of economies' technical requirements, consistent with priorities. In short, economies must work toward building regulatory capacity and greater regulatory alignment.

Mr. Sunstein also introduced the audience to the U.S. Executive Order (E.O. 13563) on *Improving Regulation and Regulatory Review*, issued on January 18, 2011. E.O. 13563 directs Federal agencies to design cost-effective, evidence-based regulations that are compatible with economic growth, job creation, and competitiveness. Mr. Sunstein reviewed its governing principles, including its emphasis on the need for the best available science, for public participation, for use of the least burdensome tools with considerations of alternatives and flexibility, and to consider and measure costs and benefits and to seek to improve actual results with retrospective analyses. Mr. Sunstein also placed value of having an open exchange with state, local, and tribal officials; experts in relevant disciplines; affected stakeholders; and the public in general. Mr. Sunstein concluded his keynote with the challenge to promote free and open trade and investment in the region through greater regulatory cooperation within APEC.

In Session 3, panelists reported on cooperation within APEC in the toy, food, and telecommunications sectors and spoke to the importance of regulatory cooperation in removing unnecessary burdens and reducing transaction costs. The APEC Telecommunications Mutual Recognition Arrangement (MRA) facilitates trade by setting a framework for mutual recognition of testing laboratories, test results and certification bodies that encourages competition, reducing producer costs, and shortening the time to get products into the market. Work is underway to deepen regulatory alignment in the telecom sector through the development of the APEC TEL MRA on Equivalence of Technical Regulation. The Food Safety Cooperation Forum (FSCF) is a forum for regulators to work together to build robust food safety systems, and provides a mechanism to coordinate food safety capacity building, to promote harmonization of food safety standards to international standards, and to encourage food safety systems consistent with the WTO TBT and SPS Agreements. The FSCF draws on the expertise of industry and academic experts through the Partnership Training Institute Network (PTIN), a public-

private partnership dedicated to strengthening food safety systems through the development and delivery of food safety curricula in key priority areas. Lastly, the APEC *Toy Safety Initiative* resulted in key successes, including greater transparency and a commitment to greater alignment of toy safety standards. While work to align key toy safety standards met with challenges on emerging hazards related to cadmium in children's jewelry, important mechanisms have been established for greater coordination among regulators, standards developers and industry. Mr. Christian Turegano of Mexico's Ministry of Economy presented on the economy's efforts to improve regulations through regulatory cooperation and better harmonization to international standards, leading to the removal of unnecessary regulatory burdens, facilitation of trade, and improved consumer confidence and protection. The presentations highlighted that regulatory cooperation can take different models. To be effective, the approach chosen should be appropriate to the situation and the specific objectives sought. There are however some common themes, including ensuring the right people are around the table; enabling open dialogue and establishing clear objectives for regulatory cooperation.

In Session 4, representatives of Chile, the United States and the OECD highlighted common challenges of promoting greater transparency and identified overall best practices in implementing greater transparency. These economies all realize that it is critical to gain high-level policy support; encourage an evolving process for transparency initiatives and good regulatory practices; and expand participation from legislators, regulatory bodies and stakeholders. Chile reported on its national regulations and structure for supporting compliance with WTO TBT Agreement principles and regulatory transparency. The United States reported on its Open Government Initiative and mission to promote transparency, participation and collaboration. The United States also reviewed its latest achievement in improving the regulatory process by highlighting its new policy "Improving Regulation and Regulatory Review," which promotes public participation, establishes harmonization and coordination, considers flexible approaches to reduce burden and maintain freedom of consumer choice, emphasizes scientific integrity and improves regulations with retrospective reviews and analyses. The OECD reported on member challenges in transparent rulemaking, including availability of information, consultation mechanisms and identifying when international standards are referenced in regulation.

In Session 5, leaders from the standards developers ASTM International, IEC-EE, ISO and IEEE concluded the day with a roundtable discussion which explaining the advantages of engaging regulators in voluntary standardization activities. When asked about challenges in engaging regulators, the SDO representatives did not feel that attracting regulator engagement was an issue, particularly in cases where standards work is directly relevant to regulator needs. SDOs take pride in administering open, transparent, consensus-based processes and in maintaining the integrity of their processes and the resulting standards. They clearly recognized the "bright line" between standards and regulation and the different roles of regulators and standards bodies. SDO's also realized the important need for greater communication and information sharing within APEC about the value of standards as a tool of regulators, and regulator participation can advance consistency in regulatory requirements across markets and best utilize scarce resource for effective standards development.

Day Two

Panelists in Session 6 kicked-off day two with a discussion on how to lower costs and improve regulatory outcomes. A representative of Panasonic Corporation addressed how harmonization of product certification requirements for regulated products and coordination in market surveillance activities and in the national transposition of international standards can lower producer costs. A representative from the Health Supplements Industry Association of Singapore (HSIAS) explained how good regulatory practices such as harmonization of regulations and stakeholder participation are important in a dynamic, emerging industry such as health supplements. A representative of the U.S. Grocery Manufacturers Association (GMA) demonstrated how GMAs seeks to add value through participation in the regulatory process through the provision of information about market costs, innovation, trade and practical experiences in the marketplace. This engagement is most effective when it is begun as early as possible and is consistent throughout the phases of development, assessment and implementation. Other speakers noted that regulator dialogue with consumers and other stakeholders can contribute to development of rules and guidance that reduce market confusion and lead to the placing of safer products into the marketplace.

Session 7 panelists discussed ways of reducing barriers associated with testing and conformance. Malaysia, which is developing a regulatory structure for medical devices, has looked to the work of the Global Harmonization Task Force and the work of regulators in other economies in order to harmonize its system with others. In addition to the work on medical devices, other participants provided important information on ASEAN efforts to harmonize technical regulations for cosmetics and electric and electronic and to develop MRAs for high volume traded products. Promotion of GRP is now an integral part of ASEAN efforts in these areas. The APEC Specialist Regional Bodies have been working to reduce barriers through mutual recognition of measurement capabilities, test reports and certificates, testing bodies and accreditation systems as well and furthering information exchange through training programs and workshops. New Zealand also explained prior work in the WTO TBT Committee in developing its indicative list of trade facilitating conformity assessment approaches and reported on New Zealand's leadership in current efforts in the TBT Committee to develop guidelines that can provide practical guidance on how to choose and design effective mechanisms that facilitate the acceptance of conformity assessment results. New Zealand noted that once completed, the Guidelines would be a valuable resource tool for regulators and trade policy officials seeking to improve regulatory quality and facilitate trade. In this context, New Zealand encouraged economies' participation in the development of the Guidelines.

Representatives from Underwriters Laboratories, IECCE, International Laboratory Accreditation Cooperation (ILAC), and Peru's national accreditation body, INDECOPI concluded the Conference during Session 8 with presentations focused on the use of conformity assessment practices to support better regulatory outcomes and to facilitate trade. Economies believed that accreditation of testing bodies and certification bodies can help to ensure safety and consistency in performance and that the use of internationally-recognized conformity assessment and accreditation schemes can help to avoid duplication and reduce costs. Mr. Keith Mowry of Underwriters Laboratories presented on the use of conformity assessment to demonstrate fulfillment of regulatory requirements in a cost-effective manner. ILAC Chair, Mr. Peter Unger, presented on the ILAC MRA and described the value of accredited testing bodies in assuring safety and consistency in performance. Internationally recognized conformity assessment and accreditation schemes can be used by economies, thereby avoiding testing duplication, reducing trade costs, and promoting work toward upholding the commitments of the WTO TBT agreement. Ms. Rocío Barreda Santos of INDECOPI presented a case study on the role of inter-institutional cooperation for accreditation capacity building in developing a natural gas regulation system in Peru. Finally, Mr. Pierre de Ruvo of IECCE presented on the IEC-CB Scheme as a way to accelerate acceptance in a market and facilitate trade.

In the APEC region, there is a vibrant and well developed technical infrastructure of conformity assessment. Regulators should consider using the existing and competent technical infrastructure to help them ensure compliance with regulatory requirements. This would free up resources in regulatory agencies to devote to other activities.

Key Outcomes

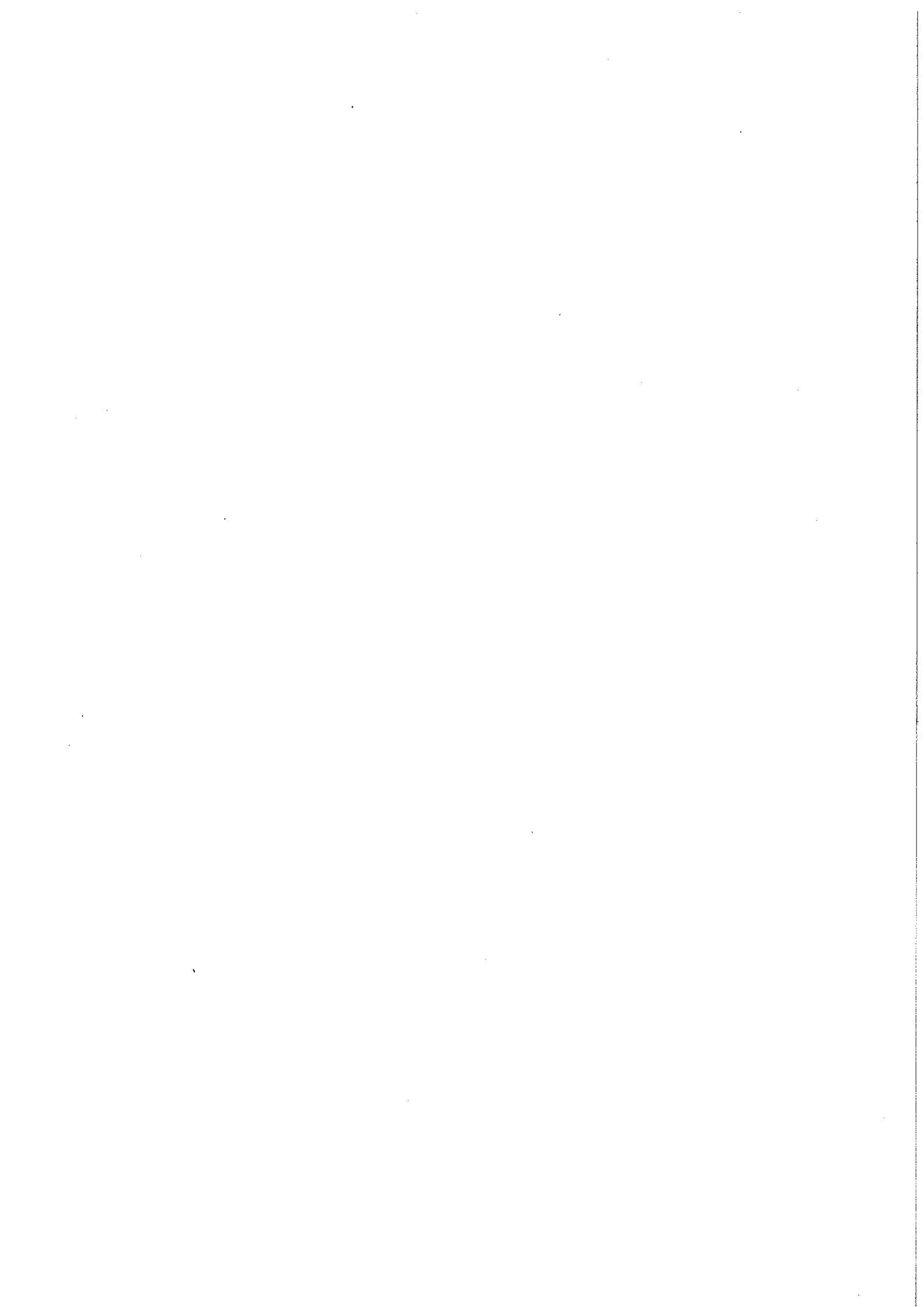
The Conference provided a forum for regulators, policy officials and representatives of the private sector and international organizations to discuss the benefits and challenges of implementing good regulatory practices. There was considerable agreement among conference participants that GRP produces significant economic and social benefits, and contributes to an environment more conducive to trade and investment. In addition, participants were of the view that regulatory cooperation can effectively advance greater alignment of technical requirements and build the capacity of regulatory institutions to efficiently and effectively address policy goals. However, participants also noted significant challenges to greater implementation of GRP, and to achieving greater alignment through regulatory cooperation.

To address these challenges, the following recommendations are offered for consideration by SCSC members:

- Regarding the project's commitment to update and revise the key SCSC documents, the discussions in the conference indicated that additional documents are not necessary in the effort to promote greater implantation of good regulatory practices. However, a greater understanding of the how GRP can strengthen implementation of the TBT Agreement is needed. We recommend

that the project look at the elements of the TBT agreement and map GRP documents and information that can be used to help understand how good regulatory practices contribute to the specific obligations and goals of the agreement.

- On advancing regulatory cooperation, the discussions indicate that one size does not fit all, but that there are common themes and objectives of regulatory cooperation, including relating to greater alignment of technical requirements and capacity building. The SCSC experience in the various models of regulatory cooperation can enable it to serve as a focal point for expertise in this area.
- The internal mechanisms to improve transparency, consultation and internal coordination in the regulatory processes within APEC economies should be strengthened. Here again, the discussions indicated that one size does not fit all on the structure and functioning of those mechanisms. However, a consistent requirement is strong support for such mechanisms at the center of government.



**附件十：Work Plan of the Ease of Doing Business (EoDB) Friends of the
Chair (FotC) [Draft] (文件編號：2011/SOM1/EC/014)**





**Asia-Pacific
Economic Cooperation**

2011/SOM1/EC/014

Agenda Item: 6

**Work Plan of the Ease of Doing Business (EoDB)
FoTC (Draft)**

Purpose: Information

Submitted by: EoDB FoTC Coordinator (United States)



**First Economic Committee Meeting
Washington, D.C., United States
7-8 March 2011**

Work Plan of the Ease of Doing Business (EoDB) FOTC (draft)

Name of the FOTC: Ease of Doing Business (EoDB) FOTC

Coordinating Economy: The United States

Membership Principles and Member Economies:

Membership is not intended to be exclusive, and broad participation by interested economies is highly encouraged. Ideally, three groups of economies will actively participate in the FOTC:

- EoDB Champion economies
- Economies participating in, or that are interested in pursuing, EoDB Phase 2 diagnostics
- Economies that are willing to provide assistance in conducting Phase 2 diagnostics

The FOTC Coordinator extends an initial welcome to the following economies that have expressed interest in participating: Brunei Darussalam; Chile; Hong Kong, China; Indonesia; Japan; Korea; Malaysia; Mexico; New Zealand; Peru; Singapore; Chinese Taipei; Thailand; the United States (FOTC Coordinator); and Viet Nam. The broad range of expertise required to advance EoDB programs and the range of other fora, such as CTI and SMEWG, involved in EoDB work calls for close cross-fora cooperation as well.

Objectives:

- Help build and sustain momentum for EoDB Phase 2 programs and other EoDB work in support of progress toward the interim target of a 5 percent improvement in making it easier, faster, and cheaper to do business by 2011 and a 25 percent improvement by 2015, as measured by the World Bank's *Doing Business* indicators.

Scope:

The immediate focus of the FOTC centers on effectively implementing Phase 2 diagnostics in each of the five priority areas in volunteering economies and monitoring progress in the APEC region by 2011 in light of the World Bank's *Doing Business* indicators. The medium term scope of the EoDB FOTC also could include, but is not limited to:

- Considering potential directions beyond Phase 2 diagnostics in the five priority areas
- Exploration of work in EoDB areas other than the five priority areas

List of completed activities:

Starting a Business *championed by New Zealand and the United States*

- Workshop on reducing start-up and establishment time of businesses (March 2010, Hiroshima)
- Phase 2 program in Indonesia (July 2010, Indonesia)
- Seminar on the First Steps of successful reform in Doing Business¹ hosted by Chinese Taipei (October 2010, Taipei)

Enforcing Contracts *championed by Korea*

- Workshop on enforcing contracts (June 2010, Seoul)

Trading Across Borders *championed by Singapore and Hong Kong China*

- Workshop on Trading Across Borders (September 2010, Sendai)

Getting Credit *championed by Japan*

- Workshop on Getting Credit for SMEs (September 2010, Sendai)

Construction Permits *championed by Singapore*

- Workshop on reforming the regulatory system for Construction Permits (October 2010, Singapore)

¹ The seminar focused on Starting a business, Getting Credit, and Construction Permits

List of ongoing activities:

- ****To be updated at EC1 FOTC meeting****

Starting a Business *championed by New Zealand and the United States*

- Phase 2 diagnostic study set to commence in Peru (tentatively late March)

Enforcing Contracts *championed by Korea*

- Phase 2 activities with Brunei

Trading Across Borders *championed by Singapore and Hong Kong China*

Getting Credit *championed by Japan*

Construction Permits *championed by Singapore*

List of Ideas on Possible New Projects:

- Phase 2 diagnostics in the five areas
- Report in 2011 on the progress made under the EoDB Action Plan
- APEC Economic Policy Report on EoDB possibly in 2012
- EoDB Stock-Take Workshop at EC2 in 2011 or EC1 in 2012 to share best practices and lessons learned, with a view to improving the framework and operation of future EoDB programs. The workshop could explore interest in new areas for EoDB work beyond the current five priorities, and could support development of the APEC Economic Policy Report (AEPR) if EC members decide to pursue a focus on EoDB in 2012.
- Invite representatives of relevant fora to attend EC's EoDB FOTC meeting at EC2 in 2011

