

行政院所屬各機關因公出國報告書

(出國類別：出席國際會議)

出席 2014 年亞太經濟合作會議(APEC)
經濟委員會第二次會議(EC2)暨相關會議出國報告

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內政部營建署	技正	劉奇岳
台灣公共治理研究中心	主任	左正東

會議地點：中國大陸北京

會議時間：103 年 8 月 12 至 18 日

完成報告：103 年 9 月 2 日

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目 錄

壹、摘要	2
貳、會議經過	4
參、心得建議與後續應辦事項	19
肆、附件	

1. 2014 年 EC2 暨相關會議議程(文件編號：2014/SOM3/EC/01)
2. Progress on “Getting Credit” in Chinese Taipei (文件編號：2014/SOM3/EC/WKSP4/015)
3. The Reform of Dealing with Construction Permits in Chinese Taipei(文件編號：2014/SOM3/EC/WKSP4/024)
4. 「APEC Workshop: Sharing Experiences on Free Economic Zones」 (文件編號：2014/SOM3/EC/031)
5. Chinese Taipei: Developments in Good Regulatory practices

壹、摘要

一、會議時間及地點

2014年APEC經濟委員會第二次會議(EC2)及相關會議於8月12至18日在中國大陸北京舉行，由國發會曾參事雪如，率國發會(綜規處、法協中心、社發處)、台灣公共治理研究中心、外交部(領事局)、公平會、金管會(證期局)、法務部(國際及兩岸法律司)、內政部(營建署)等機關代表共13人參與。

二、會議目的

近年來，EC主軸議題為結構改革，範圍涵蓋：公司治理、競爭政策、公部門治理、經商便利度，以及法治革新等五大面向。本次EC2會議主要係進行APEC結構改革新策略(ANSSR)之工作成果與2015年後推動規劃，以及APEC經濟政策報告(AEPR)等討論；另我方於本次會議提案「APEC Workshop: Sharing Experiences on Free Economic Zones」。

三、本次會議重點如次

(一)EC 結構改革五大優先議題領域之工作計畫辦理情形

1. 公司治理：公司治理主席之友協調人(FoTC)越南提出公司治理之法制革新盤點、小股東權益保護、推動信用評等以健全金融市場，以及各會員體導入國際財務報導準則(IFRS)實務經驗分享等4項未來工作計畫。
2. 公部門治理：我方(國發會社發處)為公部門治理主席之友協調人(FoTC)，考量我擬於2015年EC1辦理「提升公共服務品質」政策討論，爰利用本次會議邀請越南、日本、印尼等分享經驗；另我方規劃以公共治理指標相關議題作為後續EC公部門治理探討主題。

3. 競爭政策：競爭政策及法律小組(CPLG)主席(我方公平會胡主任祖舜)於會中說明我「APEC 競爭政策資料庫」之設置維護，並表示已依各會員體滿意度調查結果完成調整；CPLG 未來工作方向包括續辦「APEC 競爭政策訓練課程」、強化與國際組織合作等。
4. 經商便利度與法制革新：我方(外交部領務局)於「以海牙公約促進經商便利度」(Ease of Doing Business through Hague Conventions)研討會表示，願與海牙公約秘書處及各會員體合作，規劃建置相關運作機制；我方(國發會法協中心、內政部營建署)受邀於「APEC 經商便利度行動計畫」執行盤點研討會(APEC EoDB 2014 Stocktake Workshop)，分別就「獲得信貸」、「取得建築許可」2 項指標進行報告。

(二)APEC 結構改革新策略(ANSSR)

1. 同意澳洲提案，各會員體於 2015 年 EC1 提出 ANSSR 總結報告；APEC 政策支援小組(PSU)依前述總結報告於同年 EC2 提出研究結果，作為 2016-2020 年結構改革計畫的基礎架構；另於 2015 年第三次資深官員會議(SOM3)召開結構改革部長會議。
2. 中等收入陷阱(Middle Income Trap；MIT)政策討論中，我方(國發會曾參事雪如)建議，Post-2015 ANSSR 工作可由原五大主軸加以擴充，以因應 MIT 議題，並強化與 APEC 其他論壇的溝通；APEC 會員體原則支持 POST-2015 ANSSR 工作與 MIT 連結。

(三)會中通過我方提案「APEC Workshop: Sharing Experiences on Free Economic Zones」，我方擬於 2015 年 EC2 自費辦

理半日的研討會，分享自由經濟區(Free Economic Zones)實施法規鬆綁與制度創新經驗，以及推展經貿自由化之歷程。

(四)APEC 經濟政策報告(AEPR)

- 1.2014 年 AEPR 報告：主題為良好法規實務(GRP)，由美國、日本及中國大陸共同主導撰擬，我方(國發會法協中心)業於6月上旬彙提我個別經濟體報告，並於會中說明。
- 2.2015 年 AEPR 報告：會中決議以結構改革與創新(Structural Reform and Innovation)為題，由紐西蘭、菲律賓共同主辦。

貳、會議經過(EC2 暨相關會議議程詳附件 1)

一、8月12日：「以海牙公約促進經商便利度」(Ease of Doing Business through Hague Conventions)研討會(香港主辦)

(一)會議主要內容

- 1.隨著電腦科技之發展，核發電子簽註書與查核核發記錄電子化有其必要性，該研討會介紹簽註公約(Apostille Convention)、送達公約(Service Convention)、協助調取證據公約(Evidence Convention)、選擇法院協議公約(Choice of Court Convention)等4項公約之主要內容及運作方式。
- 2.海牙公約秘書長 Dr. Christophe Bernasconi 強調，海牙私法公約之主要功能不在調和法律之實質內容，而在不同法律系統間建立合作管道，以及在程序上建立一致性規範，並加強法律的穩定性與可預期性。
- 3.中國大陸司法部國際合作中心分享其與各國在文書送達及

協助調取證據方面之辦理情形，並指出協助調取證據在執行上面臨的困難主要在於「使用的語言」、「需求方未提供足夠的資訊」、「耗費時間」，建議運用專業翻譯提出精確請求、加強溝通，佐以E化的溝通管道，並為締約國建立更多平台，以加強意見交流。

- 4.越南、菲律賓刻正申請加入海牙簽註公約，該二會員體代表分享其申請加入之預期效益與辦理進展；紐西蘭代表分享其辦理電子簽註及電子登錄核發記錄之經驗與成果；印尼表達該國已成立法律研究團隊，期能整合印尼各項法令規定，以改善投資經商環境。
- 5.美國國務院法律顧問肯定海牙公約之效益，並因雙邊協商及批准程序更為繁複與費時，鼓勵各國加入公約，以取代雙邊條約協定。
- 6.我方(外交部領務局)表示，自2013年於印尼棉蘭首次參加海牙簽註公約研討會後，我已於國內舉辦2次研討會，介紹海牙公約，獲致良好之迴響，盼未來建置相關制度時，能續與各會員體與海牙公約秘書處進行合作。

(二)會議結論：與會各會員體認同前開4項公約有助簡化締約國間之文書驗證及民事司法仲裁之程序，並可促進跨境貿易與投資之便利。

二、8月13日：國際法規合作研討會(International Regulatory Cooperation Workshop) (紐西蘭主辦)

(一)會議主要內容

- 1.紐西蘭代表 Mr. David Goddard QC 闡明國際法規合作的重要性，有助降低跨境貿易成本、提升競爭力，並強調法規

合作並非僅是為了合作，而是作為達成政策目標的工具。

2. OECD 代表 Mr. Nikolai Malyshev 分享 OECD 推動國際法規合作的工作，歸類常見之 11 種法規合作形式，未來 OECD 將分析各種形式之成本與效益，並持續進行最佳範例之法規實務經驗分享。
3. 紐西蘭的國際法規合作工具箱 (International Regulatory Cooperation Toolkit) 將國際法規合作之類型分為單邊調和 (Unilateral Coordination)、非正式合作 (Informal Cooperation)，以及正式合作 (Formal Cooperation) 等三大類，分別說明各類型之特色、優缺點及範例。
4. 會中 OECD、ASEAN、紐西蘭、菲律賓等分享其法規合作經驗，其中，跨國企業聯合利華 (Unilever) 介紹該集團協助 ASEAN 參考歐盟標準，建置完整的化妝品相關法規與檢驗機制之過程與心得。

(二) 會議結論：透過不同的合作形式滿足各經濟體之政策需要，並藉由紐西蘭的 Toolkit 了解各型態之機會與挑戰，協助 APEC 會員體選擇適當的國際法規合作方式，以促成更緊密的全球經貿連結。

三、8月14日：良好法規實務研討會：網路時代之公共諮詢 (Good Regulatory Practices: Public Consultations in the Internet Era Workshop) (美國主辦)

(一) 會議主要內容

1. 美國代表 Mr. Scott Jacobs 指出已有許多國家建立單一網站提供法律、法規命令及行政規則等法制作業過程之資訊，並舉我國建築執照申請書電子化系統作為範例，強調 E 化

帶來的便利性。

2. OECD 代表 Mr. Nikolai Malyshev 指出透過開放及包容的決策模式，納入各界多元廣泛的聲音，作出對弱勢更好的回應，並善用各界的想法作為解決複雜議題之革新動力，而民眾的參與同時將提高其配合度，可有效降低行政負擔、法規遵循成本，以及政策施行後之衝突及遲延。
3. 美國報告其透過 e-Rulemaking 增進公共參與的案例，於 1946 年行政程序法中要求行政部門應通知所有受影響的國內外公共成員並開放評論，而在行政機關公布法規前必須回應公共評論，這公共紀錄可用來證明該法規是理性論辯下之邏輯產物而非專斷為之，可確保法規在法院經得起合法性之質疑。2002 年美國制定電子政府法，進一步要求法制機關運用資訊科技提高法規透明度，並擴大民眾參與立法過程；美國的 Regulations.gov 網站可直接連結聯邦法規資料庫，包括法規文件及相關科技報告，並開放民眾於網站上發表評論。
4. 墨西哥代表報告其促進公眾諮詢之機制：
 - NOM-012 計畫：該計畫強調於草案擬訂之前讓利害關係人廣泛參與，將有益於適當評估並提升法規品質，為法制作業程序加值，提供更多「黑箱作業」外的選擇，有助創造更優良的提案及實施成果。
 - 聯邦法制改善委員會(COFEMER)：該委員會為經濟部下屬獨立機關，任務為提高法規制定與適用之透明化，並追求社會效益極大化。該國所有法律、法規命令及行政規則於法規治理各階段皆須踐行公共諮詢及透明化，COFEMER 會公開全部法規草案，上傳所有相關檔案(法規

草案、法規影響評估、COFEMER 的意見)，開放民眾免費使用，以及透過書面或電子郵件提出意見，更提供訂閱服務、e-mail 通知，並善用媒體及社群網路來促進參與。

5. 智利代表表示該國經濟部有公共諮詢網站，內容包括主題、分析及立法理由，該網站登錄之公民皆可自由分享意見，該國經濟部會檢視民眾意見，並具體指出採納與否之項目。惟智利目前尚缺乏正式、標準且一致化之規定，亦無單一資料庫，且其利益團體仍偏好透過行政機關或國會表達意見。
 6. 加拿大代表強調該國一般法規公告後，有 30 天開放公共評論之期間(影響國際貿易之法規公告期間為 75 天)，給予利害關係人充分機會參與或修正法規。且主管機關應針對未來 2 年內之法規變動提出計畫，納入法規擬議、簡要說明、對企業影響方向、公眾諮詢時機及聯絡窗口等資訊，提供法規變動預告使企業與公民可在設計程序中積極發聲。此外加拿大政府亦積極減少繁瑣立法(Red Tape)，每年針對法制革新成效提出成果報告，並由外部委員會審視。
- (二) 會議結論：網路革命帶動各國政府與利害關係人間溝通方式之革新，政府機關可利用網路諮詢工具，以低成本的方式獲取公眾大量的知識、經驗及資源；美國並提出 12 項建議行動(Draft Actions)，請各會員體參考其他國家之先進作法並具體落實，目前仍積極請各會員體提供相關意見，並預計於 2014 年總結資深官員會議(CSOM)提交。針對此 Draft Actions，紐西蘭和澳洲提醒應考慮到不同國家的法制環境，印尼則表示要落實這些行動恐耗費龐大的時間與成本。

四、8月15至16日：「APEC 經商便利度行動計畫」執行盤點研討會(APEC EoDB Stocktake Workshop) (美國主辦)

(一)經商便利度(Ease of Doing Business, EoDB)進展狀況

- 1.針對「APEC EoDB 行動計畫」1之5項指標改革現況，APEC 政策支援小組(PSU)代表指出，2009-2013年會員體平均改善11.3%，其中以「開辦企業」與「取得建築許可」二項指標進步幅度最大。
- 2.世界銀行(WB)代表首先說明在時間、成本方面 EoDB 的改革進展，並指出經商環境與投資間存在正向影響關係，另以菲律賓、哥倫比亞、墨西哥之推動改革經驗提供會員體參考。
- 3.印尼指出 WB 在「執行契約」的評量並不適用該國，PSU 代表回應，沒有任何評量方法是完美的，APEC 也不會針對個別會員體進行評分；WB 代表則鼓勵會員體與其持續溝通對話，促進 WB 對於各會員體制度的瞭解。

(二)如何利用其他多邊論壇促進 EoDB 改革

- 1.聯合國國際貿易法委員會(UNCITRAL)：簡介 UNCITRAL 與 EoDB 指標可能的連結方式，以 UNCITRAL 的指標作為法規與結構改革之工具，創造更友善的經商環境，有助於會員體達成 EoDB 計畫的改善目標。
- 2.海牙公約(Hague Conventions)：分享香港採用海牙公約之經驗，如何有效降低文件認證的時間和成本。
- 3.世界銀行「Public Engagement in Rulemaking」研究計畫：

¹ 2009年「APEC 經商便利度(EoDB)行動計畫」將世界銀行經商報告的10項指標擇列出5項，包括：開辦企業、獲得信貸、執行契約、跨境貿易，以及取得建築許可，作為 APEC 優先改革之領域，並訂定2015年前達到改善25%整體經商便利度之目標。

世界銀行現正研究不同經濟體對於法規制定過程及其法規影響評估作業，期盼藉由提升法規品質及法規制定過程的透明化，有助於營造具競爭力的經商環境。

(三)會員體改革經驗分享

- 1.開辦企業(Starting a Business)：越南表示透過學習領導會員體紐西蘭的經驗，有助其 EoDB 排名的上升，巴布紐幾內亞亦表示其開辦企業流程獲得顯著改善。
- 2.獲得信貸(Getting Credit)：印尼說明和日本合作的過程以及其改革的進程，預計將於 2015 年建立信用報告機構(credit bureaus)；我方(國發會法協中心)分享我國近二年在本指標的進展，強化信用機構資料庫來源、建置全國動產擔保交易公示查詢網站，以及鬆綁動產擔保交易登記得為概括性描述登記等，未來我國將持續建構更為現代化擔保交易法制，以便利我方中小企業取得融資(我方報告詳附件 2)。
- 3.執行契約(Enforcing Contract)：菲律賓說明其國內民事解決紛爭的方法，表示世界銀行的衡量方法並不適用於該國的運作機制；墨西哥分享其運用動產擔保登記、紛爭解決中心等降低法院工作量，以提升紛爭解決效率。
- 4.跨境貿易(Trading across board)：越南表示透過改善本指標，2007 至 2013 年間其貿易量成長 20%；墨西哥分享多項措施以促進國際貿易，如減少關稅與非關稅障礙、提升貿易效率及透明化，並點出從第二階段診斷諮商中獲得有關建置其單一窗口之有效建議。
- 5.取得建築許可(Dealing with Construction Permits)：秘魯分析推動本指標所遭受的挑戰與問題根源，並分享其在 2012 年採用的「Incentive Plan」，透過連結改革目標與預算制度來鼓勵機

關落實改革。我方(內政部營建署) 係惟一因排名大幅進步而受邀分享成功經驗之會員體, 詳細說明我方改革大幅進步的原因, 包括設置單一窗口、簡化文件及程序等, 並表示由於目前單一窗口僅限於台北市, 未來將以此為模範, 推廣至所有城市(我方報告詳附件 3)。

(四) Post-2015 EoDB 問卷調查

1. 為了解 APEC 會員體對於 2015 年 APEC 行動計畫結束後 EoDB 推動方向, 主導 EoDB 倡議推動之會員體(美國)已蒐集完成 16 個會員體的意見, 其中 10 個會員體建議新增 EoDB 優先指標, 其中以「投資人保護」獲最多會員體認可; 此外較多會員體希望計畫推動時間由 2015 年延長至 2018 年, 另有 56% 會員體同意設定改善的目標值。後續美國將參採各會員體意見作為未來 EoDB 可能的推動方向。
2. 菲律賓建議未來 EoDB 能力建構, 應加強在各會員體如何落實與推動過程之經驗分享, 特別是在因應國內反對的阻力上, 針對改革施行後對總體經濟的正面影響(如經濟成長、就業等), 提供更具體的說明。

(五) 小組討論

1. 主辦單位將所有會員體分成 4 小組, 討論 EoDB 推動的成功因素、未來推動方向及能力建構方式。
2. 我方和巴布紐幾內亞、秘魯、馬來西亞及香港同組, 重要結論如下:
 - 影響 EoDB 推動的成功因素
 - (a) 施行政策的決心(Political will);
 - (b) 不同機關部門間協調(包含橫向跨機關協調, 以及中央到地

方縱向機關垂直協調)；

(c)加強公私部門間的合作關係；

(d)高層公開表揚獎勵以激勵相關人員參與改革。

—有效的能力建構

(a)參訪領導經濟體，實地瞭解其當地運作機制；

(b)加強教育訓練(Train-the-trainers)，藉由舉行座談會、人員參訪及標竿學習等方式進行知識擴散；

(c)善用 IT 資訊系統進行資料保存、分析、經驗分享，以及建置運作機制的工具。

—未來如何促進 EoDB 推動

(a)納入 APEC 較高層級(如部長會議)之共同聲明，促使各會員體較高階長官重視本議題；

(b)考量 EoDB 的改革可能涉及法規調和，建議可加強與法制革新(Regulatory Reform)小組、WB、UNCINTRAL 及 OECD 等之合作。

五、8 月 17 至 18 日召開 EC2 大會，議題重點包括結構改革五大面向工作成果與 2015 年後規劃、APEC 經濟政策報告(AEPR)、政策討論等。

(一)ANSSR 之推展

1.討論重點：總結 2011-2015 年階段工作，以及 2015 年後工作方向。

2.澳洲規劃提案

—2015 年 EC1 各會員體提出總結報告。

- 2015 年 EC2 政策支援小組(PSU)依上開總結報告，提出研究結果，作為 2016-2020 年結構改革計畫的基礎架構。
 - 2015 年 SOM3 召開結構改革部長會議或高階官員論壇。
 - 2015 年部長會議或領袖會議通過 2016-2020 年結構改革計畫。
- 3.我方(國發會曾參事雪如)發言：由政策支援小組(PSU)檢視 ANSSR 2015 五大主要議題，作為 Post-2015 ANSSR 工作調整基礎，另可將中等收入陷阱(MIT)納入 ANSSR 主軸之一。
- 4.會中同意於 2015 年 SOM3 召開結構改革部長會議。

(二)EC 結構改革五大面向議題

1.公司法制與治理(Corporate Law and Governance)

- 我方(金管會證期局)主辦「金融風暴對公司治理與法制啟示」(Lessons from the financial crisis for corporate governance and law)計畫，業於 2013 年 6 月 28 日舉辦研討會，並已參考各會員體意見擬具書面報告，本次會議其他會員體對該報告均表無異議。另越南作為公司法制與治理主席之友協調人特別感謝我方主導並完成此一專案計畫。
- 越南在大會正式提出 4 項未來工作計畫，包括公司治理與法制結構性改革盤點(Stocktake of Structure Reforms Related to Corporate Law and Governance)、小股東權益保護(Protection of Small Investors' Interest and Rights)、推動信用評等以健全金融市場(Promotion of Credit Ratings for

Financial Market Development in the APEC Region)、各國導入 IFRS 實務經驗分享(Building Capacity to Increase Adoption of IFRS Standard)，前二項計畫由越南主導，並預計於 2015 年 EC1 提案，至於後二項計畫目前尚未有主導議題的會員體，預計於 2015 年 EC2 再徵詢會員體意見。

—有關越南主導「小股東權益保障」工作計畫，主要是延續我國「金融風暴對公司治理與法制啟示」計畫研究結果，再就特定議題深入討論，初步規劃討論範圍可以包括股東投票權及提名權保障、團體訴訟或電子投票等，並將邀請有興趣會員體以圓桌會議方式進行經驗分享。

2. 競爭政策(Competition Policy)

—競爭政策及法律小組(CPLG)

CPLG 主席我方公平會胡主任祖舜，於會中報告相關重點如次：

- (a)「APEC 競爭政策訓練課程」：俄羅斯所提「APEC 競爭政策訓練課程」案於 2014 年 5 月未通過 APEC 預算審查委員會(BMC)審核，現已再次提案，規劃於 2015 年 10 月在喀山舉行，請各會員體支持。
- (b)「APEC 競爭政策資料庫」：係由我方(公平會)設置並維護，該資料庫滿意度問卷調查總結報告業於 2014 年 CPLG 會議提出，並已完成相關調整；希冀會員體藉由持續更新該資料庫相關資訊，分享競爭法執法經驗，縮小區域內執法差異。
- (c)與「競爭政策主席之友」(FotC)及國際組織合作：國際合作在打擊跨境反競爭行為扮演相當重要的角色，CPLG 未來

除續與「經濟合作暨發展組織」(OECD)及「國際競爭網絡」(ICN)等國際組織進行對話及合作外，並將與 FotC 加強互動，以維護 APEC 區域內之公平競爭環境。

(d)CPLG 新任主席提名作業：依 CPLG 職掌範圍(Terms of Reference ; ToR)，CPLG 主席任期為 2 年，本屆任期即將於 2014 年底期滿，預計 9 月底前啟動新任主席提名作業，如於 2 次徵詢後無會員體表達擔任的意願，則下屆主席將由 2015 年 APEC 主辦會員體擔任。最後並感謝所有會員體於過去 2 年來對 CPLG 的支持。

—競爭政策主席之友(FotC)

新任競爭政策主席之友協調人(巴布亞紐幾內亞；PNG)就相關工作計畫進行說明：

(a) PNG 於 2002 年建置「消費者及競爭獨立委員會」(ICCC) 為其競爭法執法機關，因 PNG 尚未建立競爭法遵法文化，而產生相當大的執法成本等。

(b)2015 年工作計畫：

- 針對區域內會員體進行結合審查機制問卷調查，並依該調查結果提出摘要報告。
- 依據前開摘要報告，於 2015 年 EC1、EC2 與會員體進行政策對話。
- 於 2015 年 EC 會議期間或擇期舉辦關於結合審查機制之資訊分享研討會。

(c)表達與 CPLG 緊密合作的意願，認為小組間合作有益於 APEC 區域內競爭政策發展。

- 會後 EC 及 CPLG 主席建議，有關 FotC 前開政策對話及資訊分享研討會等 2 項活動，宜考量規劃於 CPLG 會議期間舉行的可能性。

3. 經商便利度(Ease of Doing Business, EoDB)

- 各會員體踴躍表達其想法，其中印尼強調內部協調機制的運作、馬來西亞指出與私部門對話合作的重要性、香港建議 EoDB 可與聯合國國際貿易法委員會(UNCINTRAL)進行連結、中國大陸提醒應注重推動改革的影響評估與風險管理。
- 同時，菲律賓、越南等認為 WB 的評量方法有待進一步改善，印尼則建議 APEC 可與 WB 合作，加強與 WB 的溝通，深入瞭解 WB 的評比方法。
- EC 主席表示上述意見將考量納為 EoDB 的未來推動方向。

4. 法制革新(Regulatory Reform, RR)

- 日本作為主席之友，報告本年和 PSU 合作法制革新—創新之個案研究(Regulatory Reform - Case Studies on Promoting Innovation)，以韓國、馬來西亞、新加坡及澳洲等經濟體作為研究對象，預計於今年 9 月完稿，另將於 2015 年進行中小企業之個案研究；印尼表示希望能夠了解個案研究的過程，EC 主席建議 PSU 可參考印尼意見。
- 印尼與美國表示法制革新工作小組應有更明確的推動方向，例如加強推動良好法規實務(GRP)、法規影響評估(RIA)等。

5.公部門治理(Public Sector Governance)

我方(國發會社發處)為公部門治理主席之友協調人(FoTC)。

—「提升公共服務品質」政策討論

- (a)我方原定於本次 EC2 辦理「提升公共服務品質」政策討論活動，因本次會議議題眾多，經 EC 主席洽詢我方及其他會員體同意，將延至 2015 年 EC1 舉辦。
- (b)我方於 17 日上午召開本主席之友之會前會議，邀請會員體對本小組之工作計畫及「提升公共服務品質」活動規劃提供建議，參加的經濟體包括美國(國務院)、菲律賓(外交部)、泰國(外交部)、紐西蘭(外交部)、印尼(經濟協調部)、越南(計畫投資部)等。我方簡要回顧近年工作，且說明已在今年 EC1 中獲得通過，明年 EC1 將舉辦「提升公共服務品質」(Policy Discussion on Improving the Quality of Public Service)政策討論會。
- (d)有關明年 EC1 舉辦「提升公共服務品質」政策討論會，本次會議間，我方邀請越南、日本、印尼等會員體分享經驗，另 Keynote speaker 擬透過加拿大 EC 窗口，邀請加拿大的 Ms. Jocelyne Bounong(President of the Canadian Centre for Management Development)擔任。另擬參採美國、紐西蘭等會員體建議，政策討論會由原規劃 1 小時延長至 2.5 小時。

—未來發想議題—公共治理指標

我方在會前會小組會議中亦提議，未來可以以公共治理指標的議題作為後續研討，如政策討論會等形式。對此，美國與印尼代表皆表達正面看法。印尼代表團團長 Huda Bahweres 於小

組報告時，公開表達希望我方將此議題之政策討論會，提升為更為正式的研討會(workshop)。

(三)我方提案「APEC Workshop: Sharing Experiences on Free Economic Zones」(詳附件 4)

- 1.國發會(曾參事雪如)說明我方擬於 2015 年 EC2 自費辦理半日的「APEC Workshop: Sharing Experiences on Free Economic Zones」，分享自由經濟區(Free Economic Zones)實施法規鬆綁與制度創新經驗，以及推展經貿自由化之歷程。
2. EC 通過本案，並由日本、印尼、越南共同擔任提案會員(Co-sponsor)。

(四)APEC 經濟政策報告(AEPR)

1. AEPR 2014：2014 年 AEPR 撰擬主題—良好法規實務(GRP)，由美國、日本及中國大陸共同主導，目前仍有部分經濟體未繳交 2014 AEPR，我方業於 6 月上旬彙提我國個別經濟體報告。(詳附件 5)

2. AEPR 2015

—討論題目：「結構改革與創新」(Structural Reform and Innovation)；「職業管制」(Occupational Regulation)；「法制作業程序透明化」(Transparency in Rulemaking)；「公私合作建置法規架構」(Regulatory Frameworks within APEC for Public Private Partnerships)。

—會中決議 2015 年報告主題為「結構改革與創新」，由紐西蘭、菲律賓主辦。

(五)政策討論(Policy Discussion)：中等收入陷阱(Middle Income Trap；MIT)

—討論重點：未來 APEC 工作與 MIT 連結，包括 Post-2015 ANSSR、EoDB、AEPR 等。

—我方發言

(a) Post-2015 ANSSR 工作可由原五大主軸加以擴充，以因應 MIT 議題。

(b) MIT 議題廣泛，涉及 EC、貿易暨投資委員會(CTI)、人力資源發展工作小組(HRDWG)，另 MIT 議題強調創新，與科技、技術及創新政策夥伴(PPSTI)有關，建議宜與 PPSTI 建立溝通管道。

—APEC 會員體原則支持 Post-2015 ANSSR 工作與 MIT 連結。

參、心得建議與後續應辦事項

一、透過 EC 會議，與各會員體對話，有助於我拓展雙邊、多邊經貿交流、合作；另透過推動 ANSSR，可與國際經貿體制接軌，強化我經貿投資環境，建立加入區域經貿組織之有利基礎。

二、國發會(綜規處)將持續協調相關單位辦理公司治理、公部門治理、競爭政策、經商便利度、法制革新等 EC 結構改革議題，並將於 2015 年 EC1 提出 ANSSR 計畫我方總結報告。

(一)國發會(社發處)擬於 2015 年 EC1 舉辦「提升公共服務品質」政策討論，後續將辦理邀請專題演講人、分享經驗之會員體等相關事宜。

(二)國發會(法協中心)將持續彙整國內各機關針對世界銀行 10 項經商便利度指標之積極改革成果，並撰擬我方進展報告送世界銀行與外界參考。

(三)外交部領務局刻進行「採參海牙簽註公約制度可行性研究」，研究結果如確認可行，將續與海牙公約秘書處及其他已建置相關制度之會員體合作，促成我方加入或參與該公約運作機制。

(四)金管會 2013 年 6 月辦理「金融風暴對公司治理與法制啟示」(Lessons from the financial crisis for corporate governance and law)研討會之成果報告，已於 2014 年 8 月底完成後送 APEC 秘書處。

三、國發會(綜規處)將於 2015 年 EC2 辦理半日的「APEC Workshop: Sharing Experiences on Free Economic Zones」，並於 2016 年 EC1 提出成果報告。

肆、附 件

附件 1.2014 年 EC2 暨相關會議議程(文件編號：2014/SOM3/EC/01)



**Asia-Pacific
Economic Cooperation**

2014/SOM3/EC/001

Agenda Item: 3

Draft Agenda

Purpose: Consideration

Submitted by: EC Chair



**Second Economic Committee Plenary Meeting
Beijing, China
17-18 August 2014**

A draft agenda for EC2 and related Meetings 2014

Date	Workshop/Policy Discussion/Meeting
12 August	APEC Workshop : Ease of Doing Business through Hague Conventions
13 August	International Regulatory Cooperation Workshop
14 August	Good Regulatory Practices: Public Consultations in the Internet Era Workshop
15 August	APEC Ease of Doing Business (EoDB) 2014 Stocktake Workshop(first day)
16 August	APEC Ease of Doing Business (EoDB) 2014 Stocktake Workshop(second day)
17 August	EC Plenary Meeting (first day)
18 August	EC Plenary Meeting (second day)

APEC Economic Committee Second Plenary Meeting
Draft Agenda
17-18 August 2014, Beijing, China

Key Objectives of EC2 Plenary:

- Discuss and reach agreements on the EC's contributions to the APEC 2014 priorities
- Review progress in the FotC work plans and consider prospective activities
- Discuss ANSSR implementation
- Discuss progress on the APEC Economic Policy Report (AEPR)
- Discuss progress on Ease of Doing Business (EoDB)

Day 1: 17 August 2014 Start: 09:00

1. Friends of the Chair (FotC) Group Meetings

FotC coordinators are encouraged to schedule meetings for their groups during the morning to discuss work plans, ongoing projects, and exchange ideas for how the FotC can take forward EC work. Chairs should confer on meeting times to avoid scheduling conflicts.

- 9:00–9:50 am: Ease of Doing Business (the United States) and Corporate Law and Governance (Viet Nam)
- 9:50-10:40 am: Competition Policy (Papua New Guinea), Regulatory Reform (Japan) and Public Sector Governance (Chinese Taipei)

Plenary Session Convenes 10:50

2. Chair's Welcome and Opening Remarks

3. Adoption of the EC1 Plenary Agenda

4. Update on APEC 2014 Priorities (11:00-11:30)

China SOM Chair's Office

5. Overview of Activities across APEC and Multilateral Fora (11:30-12:30)

- APEC Business Advisory Council (ABAC)
- Pacific Economic Cooperation Council (PECC)
- Organisation for Economic Co-operation and Development (OECD)
- Updates from the APEC Secretariat (APEC Secretariat)

Lunch (12:30-14:00)

6. Advancing EC Objectives: CPLG and FotC Contributions (14:00-15:30)

The CPLG Convenor and FotC Coordinators will provide readouts of recent discussions and work plans, focusing on how their groups can take forward work and capacity-building programs in their focus areas. Economies that have recently sponsored activities also are encouraged to provide a brief update on key outcomes and potential follow-on work.

- Competition Policy and Law Group (Chinese Taipei) - Mr Tzu-Shun Hu
- Competition Policy (Papua New Guinea) – Dr. Billy Manoka
- Corporate Law and Governance (Viet Nam) – Mr Nguyen Anh Duong
- Ease of Doing Business (the United States) – Mr Alex Hunt
- Public Sector Governance (Chinese Taipei) – Director Chen-Dong Tso
- Regulatory Reform (Japan) – Mr. Hiroaki Takaoka

Coffee Break

7. APEC Economic Policy Report (AEPR) Planning Session (16:00-17:20)

- *AEPR 2014 on Good Regulatory Practices*
 - Update on structure, process and timeline for compiling the report (Japan, China and the U.S.)

- **AEPR 2015**
 - Discussion and decision on theme for 2015 AEPR (EC Chair)
 - Possible themes: Structural reform and innovation
 - Occupational regulation
 - Transparency in rulemaking
 - Regulatory frameworks within APEC for PPP

Day 2: 18 August 2014 Start: 09:00

8. **APEC New Strategy for Structural Reform (ANSSR) (9:00-10:30)**
 - **Report on Ongoing and Completed ANSSR Projects**
 - Overview of ANSSR Projects and ANSSR Sub-Fund (APEC Secretariat)
 - Summary of ANSSR mid-term progress report (Ben Shepherd)
 - Update of training workshops held in KL
 - Other project updates
 - **Discuss the process of reviewing the ANSSR program**
Discuss paper "Advancing the APEC Structural Reform Agenda in 2015 and Beyond."
 - **Presentation from PSU on Supply Chain Financing: Regulatory Agenda for APEC**

Coffee Break

9. **Report-backs of EC workshops (11:00-12:30)**
 - Enhanced Ease of Doing Business through Hague Conventions workshop
 - International Regulatory Cooperation workshop
 - Conducting Public Consultations on Proposed Regulations in the Internet Era workshop
 - EoDB stocktake

Lunch (12:30-14:00)

10. **Policy Discussion: Middle Income Trap (MIT) (14:00-15:30)**
 - Following the Policy Dialogue on the MIT at SOM2, SOM has instructed the EC to report back at SOM3 on options to progress future APEC work on the MIT.

Coffee Break (15:30-15:45)

11. **New Proposals (15:45-16:45)**
 - Presentation on any new proposals, including the Concept Notes to be submitted to Project Approval Session 2, 2014.
 - Presentation from Mexico regarding "Mechanism for Strengthening Regulatory Improvement Policy in APEC."
 - Other new proposals
12. **Overview of APEC Activities: Committee on Trade and Investment, Mr. John Larkin (16:45-17:00)**
13. **Classification of Documents**
14. **Chair's Closing Remarks**

**附件 2. Progress on “Getting Credit” in Chinese Taipei (文件編號：
2014/SOM3/EC/WKSP4/015)**



**Asia-Pacific
Economic Cooperation**

2014/SOM3/EC/WKSP4/015

Session 4

Progress on Getting Credit in Chinese Taipei

Submitted by: Chinese Taipei



**APEC Ease of Doing Business 2014 Stocktake
Workshop
Beijing, China
15-16 August 2014**

2014 EoDB Stocktake Workshop, Beijing

Progress on “Getting Credit” in Chinese Taipei

Presented by Chengyi Cheng
2014.8.15

Outline

- **Introduction**

Phase 2 Activities on Getting Credit

- **Main Reforms**

1. The depth of credit information
2. The strength of legal rights

- **Summary**

Introduction

Phase 2 Activities on Getting Credit

- Japan and Chinese Taipei (CT) cooperated in the diagnostic project on CT and co-organized a roundtable on Getting Credit in March 2012
- Japan and CT presented their practical experiences and insights on how to make it easier for businesses to access finance, especially for SMEs
- Experts and regulators discussed a diagnostic study conducted by Japan on CT's ease of getting credit and its recommendations
- Participants exchanged ideas and learned from each other, jointly contributing to the enhancement of business environment

Planning for Reform

A two-year reform "Getting Credit" program (2012-2014) for the improvement of performances in

1. The depth of credit information index
2. The strength of legal rights index

Credit Information

To increase the depth of credit information

Expanding the database (managed by the Joint Credit Information Center, JCIC) (April 2014)

with the inclusion of:

- Information owned by government : taxes
- Bill payment information obtained from public utility providers
- lease information: the Taipei Leasing Association database and SME financing platform database

Increase the JCIC's value and facilitate loan market

JCIC Database Expansion

	Before	After
Sources of data	<ol style="list-style-type: none"> 1. Financial institutions: Banks and insurance companies 2. Consumer finance system: Credit card companies 3. Government organizations: Courts 	<ol style="list-style-type: none"> 1. Financial institutions: Banks and insurance companies 2. Consumer finance system: Credit card companies 3. Government organizations: Courts, tax authorities 4. Public utility companies: water and electricity 5. Credit sales system: Automobile dealers, finance lease companies, leasing companies, and asset management companies

Legal Rights

1. To unify the operations of collateral registries

Launching online services with an integrated database and its website for public inquiries on nationwide personal property secured transactions on March 26, 2014

- Integrating information from the economy's geographically dispersed registries for movable property secured transactions and adopting uniform application procedures and announcement forms
- The electronic database is indexed by debtors' name, and inquiries on individual can be made by asset type or secured transaction type

Legal Rights

2. To make it easier for registering collateral transactions

Relaxing rules to allow registration with a general description of the collateral if the contracting parties so agree

- Lowering registration cost by the exemption from mandatory requirement of specific description
- Adding a new provision to the Enforcement Rules of the Personal Property Secured Transactions Act, effective on March 26, 2014, to allow the identification of the subject property of the transaction by general description

Summary

- Carrying out reforms by making reference to the 10 indicators in the World Bank's EoDB report (since 2008)
- Completing the first four-year EoDB reform (2008-2011), and continuing with the second four-year reform (2012-2015)
- **Getting Credit** - To make it easier for SMEs to obtain funding by modernizing the laws of secured transactions
- For further information on CT's EoDB reforms, please visit <http://www.ndc.gov.tw/encontent/> (check Ease of Doing Business Reforms under "Main Operations")

**附件 3. The Reform of Dealing with Construction Permits in Chinese
Taipei (文件編號：2014/SOM3/EC/WKSP4/024)**



**Asia-Pacific
Economic Cooperation**

2014/SOM3/EC/WKSP4/024

Session 7

The Reform of Dealing with Construction Permits in Chinese Taipei

Submitted by: Chinese Taipei



**APEC Ease of Doing Business 2014 Stocktake
Workshop
Beijing, China
15-16 August 2014**

APEC Ease of Doing Business 2014 Stocktake Workshop

The Reform of Dealing with Construction Permits in Chinese Taipei

Dr. Yuh-Chyurn Ding, Director General
Construction and Planning Agency, M.O.I.

August 16, 2014

Content

- I. Introduction
- II. Ranking Analysis of Chinese Taipei
- III. Organization of the Reform Working Group
- IV. Measures of Reform
- V. Effectiveness & Prospects



Introduction

Doing Business

A Joint Publication and Project by the World Bank and IFC



- The Doing Business project measures the efficiency and strength of laws, regulations and institutions that are relevant to domestic small and medium-sized companies throughout their life cycle
- The first Doing Business report, published in 2003, covered 5 indicator sets and 133 economies. For now, Doing Business 2014 measures regulations that affect 11 areas of everyday business activity and covers 189 economies.

Indicators of Doing Business 2014

Complexity and Cost of Regulatory Processes						Strength of Legal Institutions				
Starting a Business	Dealing with Creditors	Getting Electricity	Registering Property	Paying Taxes	Trading Across Borders	Getting Credit	Protecting Investors	Enforcing Contracts	Resolving Insolvency	Employing Workers*

Note: * not included in rankings

Introduction

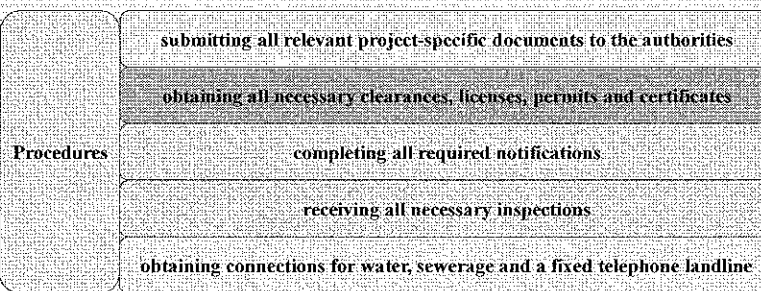
Rank	Doing Business	Starting a Business	Dealing with Creditors	Getting Electricity	Registering Property	Paying Taxes	Trading Across Borders	Getting Credit	Protecting Investors	Enforcing Contracts	Resolving Insolvency	Employing Workers*
1	Singapore	1	3	3	6	28	3	2	5	1	12	4
2	Hong Kong, China	2	5	1	5	89	3	3	4	2	9	19
3	New Zealand	3	1	12	45	2	3	1	23	21	18	12
4	United States	4	20	34	13	25	3	6	64	22	11	17
5	Denmark	5	40	8	18	7	28	34	12	8	32	10
6	Malaysia	6	16	43	21	35	1	4	36	5	30	42
7	Korea	7	34	18	2	75	13	52	25	3	2	15
8	Georgia	8	8	2	54	1	3	16	29	43	33	88
9	Norway	9	53	28	17	10	73	22	17	26	4	2
10	United Kingdom	10	28	27	74	68	1	10	14	16	56	7
16	Chinese Taipei	16	17	7	7	31	73	34	58	18	84	16

Ranking Analysis

A. Dealing with Construction Permits Methodology

Doing Business records all procedures required for building a standardized warehouse with 2 stories of 1300.6m² in the periurban area of the economy's largest city

It divides the process of building a warehouse into distinct procedures and calculates the time and cost of completing each procedure.



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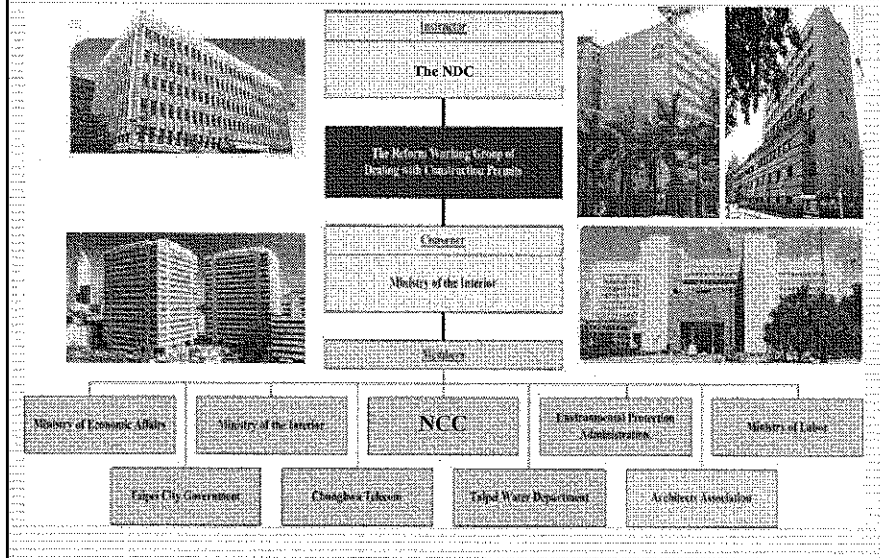
Ranking Analysis

B. Procedures, Time and Cost of Dealing with Construction Permits in Chinese Taipei

Doing Business Report	Procedures (number)	Time (days)	Cost (% of income per capita)	Rank
2009	29	281	123.6	127
2010	28	142	96.2	97
2011	28	142	100.9	95
2012	25	125	41.9	87
2013	11	94	16.3	9
2014	10	94	15.9	7

6

Reform Working Group



Measures of Reform

A. Establishment of "One-Stop Counter"

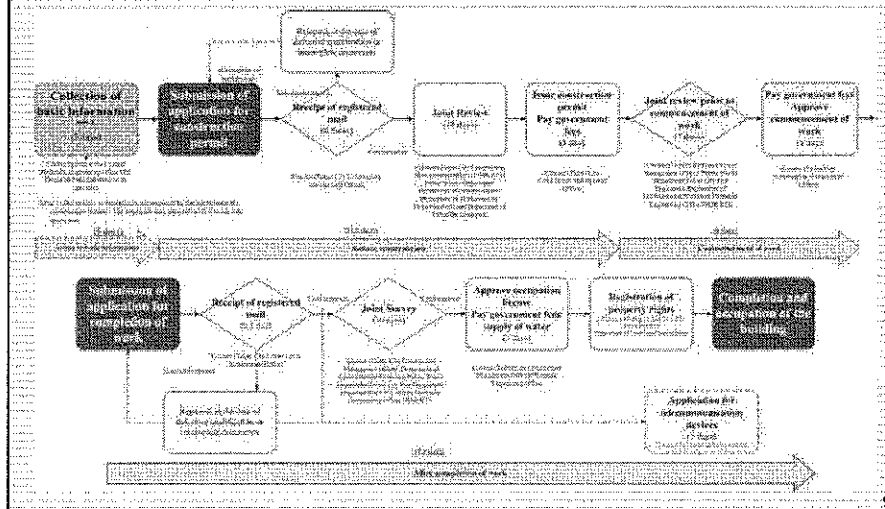
- In 2011, the One-Stop Counter was officially established for Warehouse Building Permit to improve administrative efficiency in Taipei City.
- In 2012, the Counter was expanded for Building Permit of Factories, Warehouses, or Office Building of Five Stories or Lower.

The whole administrative procedures are simplified

- 4 procedures,
- 58 business days
- visit <http://english.tccmo.taipei.gov.tw/> for more information

Measures of Reform

A. Establishment of "One-Stop Counter "



Measures of Reform

B. Simplification of documents and procedures

- A photocopy of the land ownership certificate may be used in place of land registration and cadastre map transcripts.
- Application to prescribe building lines will no longer be required for specific areas where the planned road has been carried out.

C. Reduction of application processing times

- Applications for firefighting design review and post-completion inspection would be processed within 7.
- Waste water discharge design approval and sewer connection applications are shortened processing times of 3 and 7 days, respectively,
- Applications for water supply will be processed within 10 days.

Measures of Reform

D. Ongoing expansion of online applications

Online application systems and websites set up :

- building permit applications by the Building Management Information Systems
- tap-water inspection and water supply
- telecommunications services for the installation of new devices
- in addition, to initiated a project of e-systems for firefighting design review and post-construction firefighting inspection

11

Measures of Reform

E. Implementing a "professional participation" mechanism

To establish a system of separation between public administration and professional certification

- The system has stipulated in Article 34 of the Building Act in 1984 for streamlining procedures on building permits.
- The Architects Associations play an assistive role in the review and inspection procedures.
- A water company may commission a professional body to carry out inspection of equipment, stipulated in Article 50 of the Water Supply Act.

12

Effectiveness & Prospects

Effectiveness of Reforms Adopted by World Bank: procedures, processing time, cost, efficiency

- Since the Taipei City Government established the One-Stop Counter, there are 4 cases submitting the applications to the Counter, and 1 among the 4, has finished all the procedures with 56 days.

Effectiveness & Prospects

No.	Construction permit	Usage license	The proprietor	Case information	Status
1	finished		Pacific Construction Co., Ltd.	1. Has two stories, both above ground, total surface of 209.69 m ² . 2. Be used for daily goods retail.	1. Construction permit was issued in 15 Days. 2. This Case is suspended due to different usage plan of the proprietor.
2	finished	finished	CMI Property Co., Ltd.	1. Has six stories, 4 above ground and 2 below ground, total surface of 1274.15 m ² . 2. Be used for product Exhibition.	1. Construction permit was issued in 20 Days. 2. Commencement of Construction was finished in 1 day. 3. Occupancy permit and completing registration of title was finished in 35 days. 4. Total completion time: 56 days.
3	finished		Ching-YuYe Interior decoration Co., Ltd.	1. Has one story, above ground, total surface of 96.93 m ² . 2. Be used for restaurant.	1. Construction permit was issued in 14 Days. 2. Commencement of Construction was finished in 1 day. 3. Under Constructing.
4	finished		Cosco Wholesale Corporation	1. Has 3 stories, all above ground, total surface of 4189.75 m ² . 2. Be used for retail.	1. Construction permit was issued in 24 Days. 2. Commencement of Construction was finished in 1 day. 3. Under Constructing.

Effectiveness & Prospects

Effectiveness of Reforms Adopted by World Bank: ↓ procedures, ↓ processing time, ↓ cost, ↑ efficiency

- The "One-Stop Counter" are promoted to other local governments. We also refer to the indicators of Doing Business report and other economies' reform measures to raise our ranking and continue to carry out positive reforms of Dealing with Construction Permits to enhance our competitions.

15



**Thanks for
Your Attention.**

Liu, Chyi-Yach
Tel: +886-287712880
E-mail: liuu@cpami.gov.tw

16

附件 4. 「APEC Workshop: Sharing Experiences on Free Economic Zones」 (文件編號：2014/SOM3/EC/031)



**Asia-Pacific
Economic Cooperation**

2014/SOM3/EC/031
Agenda Item: 12

APEC Workshop: Sharing Experiences on Free Economic Zones

Purpose: Consideration
Submitted by: Chinese Taipei



Second Economic Committee Plenary Meeting
Beijing, China
17-18 August 2014

APEC Self-Funded Project Proposal Coversheet

Please submit through APEC Secretariat Program Director.

Project Title:	APEC Workshop: Sharing Experiences on Free Economic Zones
Project Number (Assigned by Secretariat):	
Committee / WG / Sub-fora / Task-force:	Economic Committee
Proposing APEC economy:	Chinese Taipei
Co-sponsoring economies:	TBC
Date approved by fora:	
Expected start date:	August 2014
Expected completion date:	February 2016
Project summary: Briefly describe the project. Your summary should include the project topic, planned activities, timing and location:	Chinese Taipei would like to hold an "APEC Workshop: Sharing Experiences on Free Economic Zones" around 2015 APEC EC2 in Philippine, aiming at sharing information and experiences with regards to the implementation of FEZ measures such as regulatory easing and institutional innovation, and the process of economic liberation, to further strengthen capacity-building for member economies, and to assist member economies carry out structural reforms to achieve their respective ANSSR goals. The schedule is as followed: August 2014: Propose the workshop plan during the EC2 meeting. August 2015: Hold the workshop on the periphery of the EC2 meeting. February 2016: Compile and report the implementation results of the proposed workshop during the EC1 meeting.
Total cost of project (USD):	32,000

Project Overseer Information and Declaration:

Name: Cheryl H.J. Tseng

Title: Counsellor

Organization: NDC (Chinese Taipei)

Postal address: No.3, Baocing Road. , Taipei City 10020, Chinese Taipei

Tel: 886-2-2316-5402

E-mail: hjtseng@ndc.gov.tw

As Project Overseer and on behalf of the above said Organization, I will ensure that all Project outputs (Project reports, proceedings, slides, presentations, CDs, etc.), will comply with the APEC Publications, APEC Logo and Copyrights Guidelines before being published. The guidelines are at:

<http://www.apec.org/About-Us/About-APEC/Policies-and-Procedures.aspx>

Name of Project Overseer

Name of Fora Chair/Lead Sheppard

Date: 2013/8/8

APEC Workshop: Sharing Experiences on Free Economic Zones

Proposing APEC economy: Chinese Taipei

The Background

The main theme for APEC 2014 is “Shaping the Future through Asia-Pacific Partnership,” within which “Advancing Regional Economic Integration” is also set as one of the priority issues. The realization of the FTAAP is the long-term goal of APEC’s pursuit of regional economic integration and the ongoing RCEP and TPP negotiations, as well as other FTAs, are all possible pathways for attaining the FTAAP.

Among related measures for strengthening REI, in addition to bilateral and plurilateral RTAs/FTAs, some APEC member economies have initiated similar ways to establishing free economic zones (FEZ) in certain specific regions so as to construct a liberalized economic and trade environment. For example, the Shanghai Free Trade Zone of China, the free economic zones of South Korea, and the national strategic special zones of Japan were established in order to create a favorable environment for business operation, to attract investment, and to reinvigorate the economy. Meanwhile, some ASEAN countries, such as Singapore and Malaysia, etc. also have similar designs.

To launch a new wave of economic liberalization, Chinese Taipei is currently promoting the “Free Economic Pilot Zones (FEPZs)” initiative. Within those FEPZs, large scale regulatory easing will be implemented to facilitate the free movement of people, goods, and capital as well as business operations. FEPZs will also provide needed land and tax privileges, as well as opportunities for international industrial cooperation so as to create a high-quality business operation environment. After obtaining some successful implementation results, the aim is to expand to the whole island so that Chinese Taipei can eventually turn into a free economic island.

Chinese Taipei believes that, in the process of jointly constructing the FTAAP and promoting regional economic integration, APEC member economies can all benefit greatly through mutual exchange and cooperation. Therefore, Chinese Taipei proposes to hold a half-day workshop entitled “APEC Workshop: Sharing Experiences on Free Economic Zones.”

The Goal

APEC member economies will share their experiences in establishing FEZ and promoting trade and economic liberalization, so as to provide further opportunity for possible exchange and cooperation, to create more business opportunities for industries, and to reinvigorate trade and investment within the Asia-Pacific region.

The methods

- Share information and experiences with regards to the implementation of FEZ measures such as regulatory easing and institutional innovation, and the process of economic liberation, to further strengthen capacity-building for member economies, and to assist member economies carry out structural reforms to achieve their respective ANSSR goals.
- Explore related FEZ issues and to seek further possibilities for cooperation among member economies, for example, how to harmonize FEZ regulations so as to forge a more favorable business environment.

The Schedule

- August 2014: Propose the workshop plan during the EC2 meeting.
- August 2015: Hold the workshop on the periphery of the EC2 meeting.
- February 2016: Compile and report the implementation results of the proposed workshop during the EC1 meeting.

Total cost of proposal

USD 32,000 , self-funded by Chinese Taipei

附件 5. Chinese Taipei: Developments in Good Regulatory practices

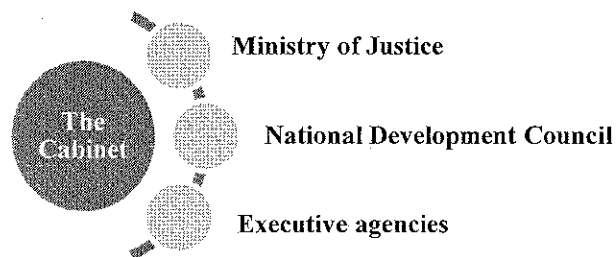
Chinese Taipei: Developments in Good Regulatory practices

1. Overview of the institutional framework to oversee good regulatory practices

In order to achieve the goal of instituting good regulatory practices in Chinese Taipei, relevant regulations have been set by Articles 154 and 155 of the Administrative Procedure Act and the Matters Requiring Attention in the Law Making Process of Central Government Agencies and the Matters Requiring Attention by Subsidiary Agencies of the Cabinet in Submitting Draft Laws for Review by the Cabinet.

- (1) When a government agency is drafting a law or regulation that touches on the powers or responsibilities of another government agency, it must confer with the other agency; and when necessary, it must also consult the opinions of experts and scholars, or convene public hearings.
- (2) When a law or regulation is made, amended, or repealed, related laws and regulations must also be reviewed, and amended or repealed correspondingly as to eliminate inconsistencies, redundancies, and contradictions of law.
- (3) Draft laws require a complete and thorough assessment of all facets of their impact (including costs, benefits, and human rights and gender impact; for bills involving tax expenditures, tax expenditure assessments are to be conducted pursuant to the Matters Requiring Attention in the Conduct of the Tax Expenditure Assessment Process).
- (4) Laws, regulations, and directions formulated by central government agencies should all be published in the government gazette website (<http://gazette.nat.gov.tw/egFront/index.jsp>) unless urgent circumstances make it impossible to provide advance public notice.

1.1 Institutions to oversee good regulatory practices



- **The Cabinet:** The Cabinet includes a Legal Affairs Committee, which is responsible for the examination and study of draft laws submitted by various government agencies, the interpretation of points of contention in administrative laws and regulations, and the coordination of the law-making process. Agency draft laws must receive Cabinet approval, and then be submitted to the Legislature for deliberations. Only after being passed through these deliberations do they officially come into effect.
- **National Development Council (NDC):** The NDC serves as an inter-agency coordination unit on matters of regulatory reforms, systematically examining and reviewing suggestions provided by domestic and foreign industrial and commercial organizations, coordinating the work of various agencies on the international harmonization of laws and regulations, and making timely public reports on the results of its work. In addition, the NDC will collaborate with the Directorate-General of Personnel Administration to regularly train civil servants in the skills needed to conduct Regulatory Impact Assessments (RIA) in order to improve the general quality of our legal work.
- **Ministry of Justice (MOJ):** The MOJ established the Laws & Regulations Database website to serve as a single nationwide website for information on laws and regulations, and has also opened the Forum on Announced Draft Laws and Regulations to provide the public with a channel for expressing views on the country's drafting of legislation.
- **Executive agencies:** Most executive agencies have internal legal affairs units, which assist with the formulation of laws and regulations in order to avoid conflicts with other legislation, and also facilitate agencies' loosening of laws and regulations by analysing the relevant issues.

1.2 Strategy and program for improving regulatory practices

Chinese Taipei is actively working to enhance Good Regulatory Practice (GRP) in order to increase the transparency of laws and regulations. The implementation of RIA in particular is key to advancing the regulatory quality, and we will augment the content of RIA reports from domestic agencies and enhance the skills of personnel responsible for such assessments; at the same time, we will continue to take stock of suggestions from chambers of commerce and industrial and commercial organizations, loosening regulations through consultation and internal coordination, strengthening the application of GRP tools.

➤ Strengthening the implementation of RIA

In September 2012, Chinese Taipei listed RIA, a core component of GRP, as part of the government's "Economic Power-UP Plan." The major points of this work item under the plan are as follows:

- (1) The National Development Council (NDC) is to regularly collect and review suggestions on business regulations from all sectors, convene inter-agency coordination meetings, and publicize the results of its work to the public.
- (2) Each central government agency is to set up a proactive review mechanism, and to make regulatory adjustment proposals for compilation and reporting to the Cabinet.
- (3) Strengthening, publicizing and providing guidance on the RIA process to improve the quality of each agency's RIA, to serve as the basis for the formulation of major government policies and related laws and regulations.

➤ Enhancing RIA capabilities

On April 30, 2014, Chinese Taipei held the two-day Conference on Regulatory Impact Analysis, inviting experts from countries including New Zealand, Belgium, Australia, and South Korea to share their experience in RIA implementation, to discuss with government officials in attendance the current difficulties and responses in implementing RIA, and to suggest directions for improvements.

Chinese Taipei will follow up by compiling a RIA operating manual and regular training will be carried out by the Directorate-General of Personnel Administration to build public servants' RIA ability and strengthen the legislative quality and structural reform of various agencies.

➤ Strengthening fair competition and trade-facilitative practices

(1) Advancing fair competition

As Chinese Taipei's agency in charge of fair competition, the Fair Trade Commission actively studies amendments to the Fair Trade Act and related laws, works to establish fairness and transparency in the enforcement of these laws, and coordinates between related agencies in reviewing regulations which impede competition in order to uphold and further advance free competition in the country, while also providing concrete recommendations on competition policies.

(2) Implementing trade facilitation

The Bureau of Foreign Trade, Ministry of Economic Affairs is responsible for trade administration, and coordinates with related agencies in reviewing regulations on the import and export of goods. Under the necessary controls, and following the principles of giving equal weight to both trade regulation and facilitation, electronic license and simplification of documents and procedures for import and export certificates have been introduced to reduce regulatory impact on trade.

2. Application of good regulatory practices in APEC Economies

2.1 Progress in application of GRPs in the areas committed to at the 2011 AELM

APEC economies' progress of GRPs in the following three areas has been monitored by the 2011

Baseline Study on Good Regulatory Practices and the 2013 Progress Report.

Chinese Taipei's marking of the boxes and explanations on some items are as follows:

(1) Internal Coordination of Rulemaking Activity

	Yes	No	Comments if any
Does the government publish at least annually a regulatory/legislative plan?		▲	<ol style="list-style-type: none"> 1. Chinese Taipei has established the Government Project Management Network (GPMnet) single-window website, allowing agencies to fill out reports on annual administrative plans and the status of their implementation, and the public to submit queries. 2. Executive agencies submit major bills of a time-sensitive and urgent nature to the Legislature to request priority in deliberation and passage prior to the beginning of each of the two legislative sessions each year. 3. The names of bills currently under examination and list of bills sent by the Cabinet to the Legislature for deliberation can be searched on the Cabinet website.
Has the government published a set of good regulatory principles applicable across the government?	V		
Does the government have a capacity to manage a government-wide program of regulatory reform?	V		
Does the government systematically review regulations for cost and effectiveness?	V		
Are trade and competition principles integrated into regulatory reviews and analysis?	V		

(2) Regulatory Impact Assessment (RIA)

	Yes	No	Comments if any
Does the RIA or other explanatory document define the problem to be solved?	V		
Does the impact analysis or other justification include a range of reasonable options for solving the problem?	V		
Does the impact assessment include a reasonable selection of a preferred option, based on the potential major impacts, both negative and positive?	V		
How are [trade friendly] alternatives to regulation assessed?	V		To take the Bureau of Standards, Metrology & Inspection as an example, when the bureau lists a particular product as an item for mandatory inspection, an assessment on technical barriers to trade is conducted, with assessment subjects including (1) ensuring

			that there is no discrimination against traded products; (2) transparency of working processes (3) no impact on trade resulting from onerous requirements, and (4) adoption of international standards to the degree possible.
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(3) Public Consultation Mechanism

	Yes	No	Comments if any
Is the text of proposed legal documents and RIAs published for comment before adoption?	V		
Are plainly written, clear, and concise draft measures made available for public comment, with adequate time for review, so that stakeholders and governments have a meaningful opportunity to provide input that leads to improved regulatory outcomes?	V		
Is feedback given to stakeholders after consultation is completed that explains how comments were taken into account?		▲	Although Chinese Taipei does not require executive agencies to respond to opinions received during public consultation, all agencies will, as a general rule, give replies to public comments and publish these on their websites, for the completeness of the consultation process.

2.2 Implementation of GRPs in the areas extended at the 2013 AELM

(1) Single on-line locations for regulatory information

➤ Progress of Legislature examination of bills

To meet administrative needs, executive agencies all submit major bills of a time-sensitive and urgent nature to the Legislature to request priority in deliberation and passage prior to the beginning of each of the two legislative sessions each year. Bills for which amendments are submitted by agencies subordinate to the central government are all announced along with the aforementioned major bills in the “bill progress” section of the website of the central government (<http://www.ey.gov.tw/lp.asp?ctnode=1073&CtUnit=29&BaseDSD=7&mp=1>), with progress updates made promptly for public queries.

➤ Single website for regulatory information

The Laws & Regulations Database (<http://law.moj.gov.tw/>) established by the Ministry of Justice (MOJ) publishes laws, directions, and administrative regulations planned for revision by the central and local governments. The MOJ also formulated the National Standards for the Handling of Laws and Regulations by Computer, which stipulate how the law and regulations-making process is conducted by all agencies in order to ensure the effective management of the progress of laws and regulations; some local governments have also established websites that publish information on the progress and main points of local legislative proposals. For example, Taipei City Government has set up such a website for inquiries about laws and regulations under formulation by the city government (at <http://www.laws.taipei.gov.tw/flowchart/wfNewsList.aspx>).

Laws & Regulations Database

- (a) As a single website for nationwide regulatory information, this website has become a web portal linking legislative database managed by both the central and local governments, and provides information on laws, directions, and administrative regulations, as well as advance notice of draft legislation. It effectively advances the immediate, complete, and accurate publication of legislation, and takes different user communities into account by providing legislation query services to the public in separate Chinese, English, youth, and PDA versions.
- (b) This website introduces public participation into the law-making process, giving stakeholders the opportunity to express their views and allowing agencies to collect and respond to the views of the public. The Forum on Announced Draft Laws and Regulations has been established for agencies to announce draft legislation, serving as a channel for the public to express their views in order to broaden public participation in Chinese Taipei's planning and formulation of laws and regulations. Agencies must collect and consider views from the public in formulating legislation.

(2) Prospective regulatory planning including forward-looking regulatory agendas

- (a) In accordance with the Matters Requiring Attention by Subsidiary Agencies of the Cabinet in Submitting Draft Laws for Review by the Cabinet, when an agency is planning a bill, it must first decide on policy goals, and then determine feasible methods. In order to establish forward-looking policy planning and a sound project management system, Chinese Taipei set up the Government Project Management Network (GPMnet, <http://gpmnet.nat.gov.tw/gpmnet20/login.aspx>), for agencies to complete reports on annual administrative plans and the status of their implementation. The NDC also regularly follows and reviews work results, and uses assessment results to determine whether a project has achieved its set goals and performance, as the basis for whether the project is to continue to be implemented as planned or to be revised.
- (b) The Legislature has the power to decide by resolution upon statutory bills; there are two legislative sessions each year. To meet administrative needs, executive agencies all submit major bills of a time-sensitive and urgent nature to the Legislature to request priority in deliberation and passage prior to the beginning of each of the two sessions each year.

(3) Reviews of existing regulations

➤ Internal coordination mechanism

Chinese Taipei has established a review mechanism for existing laws and regulations, with the NDC regularly collecting regulatory suggestions from all sectors and convening inter-agency meetings to review the collected suggestions, advancing the coordination of regulatory reforms to reduce restrictions on the businesses.

➤ Proactive review mechanisms

(a) Central government

Principally at the beginning of each year, agencies are to examine and report the laws and regulations planned to be formulated, amended, or repealed during the coming year; subsequently, agency legal affairs units are to compile and formulate agencies' annual legislative plans, include them in annual performance assessments, and re-examine and make appropriate adjustments to them at mid-year.

(b) Local governments

Local governments conduct affairs over which there is local autonomy according to the principle of vertical separation of powers rooted in the Constitution. The Taipei City Government agencies, for example, conduct annual reviews of the legislation and administrative directions for which they are responsible to determine whether they violate central government statutes, principles

of the administrative law, or international human rights conventions, then formulate regulatory plans with schedules for submission by October 31 each year. After approval by the City Government, the plans come under the supervision of the Department of Legal Affairs. And by January 31 each year, the agencies should report the results of the implementation of the previous year's regulatory plans.

3. Experiences (Case Studies)

➤ Case 1: Internal Coordination of rulemaking

In order to develop a sound legal environment for Chinese Taipei's closer integration into the regional economy, the NDC has been more proactive in inter-agency regulatory coordination, comprehensively taking stock of suggestions raised by foreign chambers of commerce and industrial and commercial organizations, and consulting with the chambers of commerce to confirm that each suggestion is either "already dealt with," "undesirable for immediate actions" or "calling for a coordination meeting".

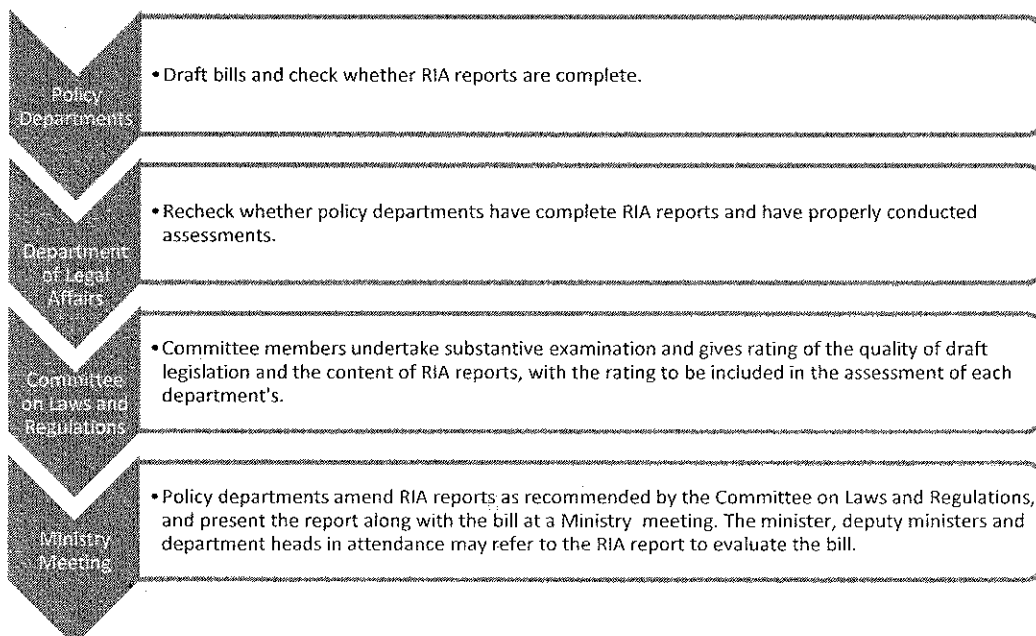
As of May 2014, the NDC has convened 18 discussions and coordinating meetings on government response to suggestions on issues involving a wide range of industries or which the chambers of commerce believe to be of great importance, providing an inter-agency platform for direct communication between chamber members and government agencies. Prior to these meetings, the Regulatory Reform Center of the NDC also analyzed the recommendations and agencies' initial response and, with respect to issues that the two sides have a relatively wide difference of opinion on, "a third party opinion" based on the center's viewpoint has been put forward for further consultation.

Concrete results of negotiations in 2014 include relaxing food labelling provisions, and establishing a drug patent database for the implementation of a patent linkage system. Chinese Taipei is currently working to accelerate the harmonization of domestic laws and regulations with international practices in order to establish a trade and investment-friendly legal environment.

➤ Case 2: The Regulatory Impact Assessment (RIA) process

As RIA helps government agencies to see the complete picture of the impact of legislation, and to obtain complete policy assessment information in order to improve the quality of decision-making, Chinese Taipei's Ministry of Education has established its specific RIA process. In addition to announcing a standard RIA statement format, which it has placed on its website for consultation by government agencies and other interested parties, it has incorporated RIA implementation into performance assessments of subordinate departments to strengthen RIA implementation. The RIA process is designed to minimize undesirable impact and compliance cost of new regulations or regulatory changes.

The Ministry of Education's regulatory impact assessment process is as follows:



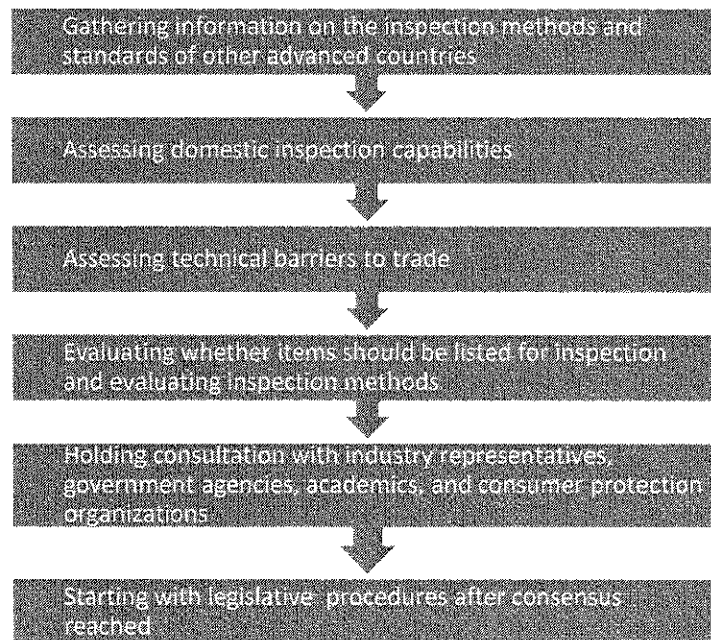
➤ **Case 3: Public Consultation Mechanism**

In conducting license issuing for mobile broadband business, the National Communications Commission convened informational meetings at various stages to consult stakeholders for their views, ensuring that the regulations formulated were comprehensive and appropriate. The Regulations for Administration of Mobile Broadband Businesses were drawn up through the following process:

- (1) **Online consultation for licensing planning:** In November 2012, a document openly soliciting views on the mobile broadband licensing plan was released and put online, explaining plans related to 4G licensing and calling for relevant opinions; with the results collected, a total of 10 companies and institutions submitted written opinions.
- (2) **Licensing plan informational meetings:** On November 30, 2012 and February 4, 2013, open informational meetings were convened, and a broad range of opinions collected from the attendees, including on the method for flexible phased payment of licensees, the preparatory period, etc., helping set the preliminary licensing principles.
- (3) **Informational meeting on legislative draft planning:** An open informational meeting on the planning principles for the preliminary draft was held on March 22, 2013.
- (4) **Prior announcement of draft legislation:** On March 29, 2013, a prior announcement of the draft was administered (published on April 3 in government gazette).
- (5) **Informational meeting on draft legislation:** April 10, 2013, a draft legislation informational meeting was held, and views solicited.
- (6) **Completion of formulation of legislation:** Legislation was promulgated and took effect on May 8, 2013.

➤ **Case 4: The application of GRP**

The Bureau of Standards, Metrology & Inspection, Ministry of Economic Affairs, (BSMI) the agency with authority over the Standards Act, the Commodity Inspection Act, and other laws, has established the following procedures for related activities:



- For example: In May 2013, the BSMI listed the product “3C lithium batteries, power bank and battery charger” as being subject to mandatory commodity inspection. From the time of the prior announcement of the listing to the date the listing officially taking effect, a 9-month adjustment period was provided, with the handling process complying with the Commodity Inspection Act and related WTO/TBT regulations. The process was as follows:
 - (1) With the Department of Consumer Protection having purchased samples in the marketplace and conducted inspections which determine there was a potential danger of fire or

explosion, the BSMI initiated an internal study.

- (2) July 26, 2013: An advance notice of the listing of the product as being subject to mandatory commodity inspection was published, and a deliberative meeting with the industry association and related businesses was convened, and the suggestions of experts and other relevant persons were adopted to amend the relevant inspection regulations.
- (3) August 8, 2013: In accordance with WTO procedures, the Secretariat of the WTO was notified of the WTO/TBT notice that the product would be subject to mandatory inspection, and a comment period of at least 60 days provided.
- (4) November 20, 2013: The regulations related to the listing of the product as subject to mandatory inspection were officially announced.
- (5) May 1, 2014: Regulations officially went into effect.

4. Challenges and priorities for future reform

➤ Strengthening the implementation of RIA

RIA involves cost-benefit analysis and other economic calculations, the operating cost of which is significant; for legislative bills which are time-sensitive, rule makers may lack sufficient time to perform cost-benefit analysis, including both quantitative and non-quantitative assessments. Furthermore, as Chinese Taipei has not yet established a dedicated agency to evaluate RIA statements as in advanced countries, it currently lacks powerful review criteria and mechanism to determine whether RIA statements are adequate.

In addition to assisting agencies to improve RIA procedures and reports, Chinese Taipei will enhance the capabilities of public servants, including both policy-drafting and legal affairs staff, by the following means:

- (a) Differentiating assessment and review procedures required according to the differing nature of regulations to increase the efficiency of bill deliberation;
- (b) Developing quantitative analytical practices suiting domestic circumstances for cost-benefit analysis, a core component of RIA.
- (c) Establishing an interagency information platform, allowing for the sharing of technical analytical data between agencies to improve the quality of RIA.

➤ Public consultation

Although it is already stipulated in Chinese Taipei's Administrative Procedure Act and related letters and directions that advance notification procedures are to be applied to rule making, there is room to extend the advance notice period for draft regulations in order to improve public consultation during the policy planning phase.

➤ Advancing the harmonization of regulations with international standards

Financial and economic regulations that meet the changing needs of the modern economy are central to national competitiveness. A rigid regulatory system prevents domestic business environment from being into line with international standards, making it impossible for the economy to stay globally connected. Chinese Taipei will adopt smart regulation, to be more in line with international standards on the one hand, and to better overall well-being, on the other. Chinese Taipei will continue to pursue regulatory reforms and closer integration into the international trade system, making it more convenient for enterprises to do business.