



**Asia-Pacific  
Economic Cooperation**

**Advancing** Free Trade  
for Asia-Pacific **Prosperity**

# Summary Report: 12th Conference on Good Regulatory Practices

**APEC Sub-Committee of Standards and Conformance**

December 2021





**Asia-Pacific  
Economic Cooperation**

# **Summary Report: 12th Conference on Good Regulatory Practices**

**Puerto Varas, Chile | 19-20 August 2019**

**APEC Sub-Committee of Standards and Conformance**

**December 2021**

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**SUMMARY REPORT SCSC 05 2019A**  
**12th CONFERENCE ON GOOD REGULATORY PRACTICES (GRP12)**  
**19-20 August 2019 Puerto Varas, Chile**

The 12th Conference on Good Regulatory Practices took place on 19 and 20 August 2019 in Puerto Varas, Chile in the margins of the Third Senior Officials' Meeting (SOM3). This Conference gathered 130 participants and experts from 16 APEC economies in a total of 9 sessions in which was discussed GRP's among APEC economies, especially in areas related to: transparency and public comment procedures, internal coordination of rulemaking and the implementation of TBT obligations related to notification. The 12<sup>th</sup> Conference on GRP registered the participation of 18 experts in Good Regulatory Practices from all sectors of society, including government, private sector, academy, and international organizations such as: the Organization for Economic Co-operation and Development (OECD), American Petroleum Institute (API), Asia Pacific Accreditation Cooperation (APAC), ASTM International, IEC Asia-Pacific Regional Centre, World Trade Organization, Walmart, among others.

The discussions of the 12<sup>th</sup> GRP Conference provided the participants with a deeper perspective the opportunity to update on regulatory transparency and GRPs among APEC Region. Additionally, this Conference increased the awareness about the need to create initiatives and implement capacity building actions aimed to consider the necessary regulatory approaches to achieve the right balance between regulators, trade, stakeholders, regional bodies, while at the same time improving regulatory practices and international regulatory cooperation. In the same context the conference supported the discussion of challenges and best practices for increasing transparency internal coordination and stakeholders inputs trough case studies and sharing of economies improvements since the 11<sup>th</sup> Conference on GRP, which provided the basis to lay a groundwork for an action plan aimed to produce higher quality regulation and contribute to reduce the chances that a proposed measure will impede trade through applications.

### **Sessions of the 12<sup>th</sup> Conference on GRPs**

The Conference was held in two days and included 9 sessions in which were registered the following discussions:

- **Session 1: Results of 2017- 2018 APEC GRP Report and Next Steps**

The speakers discussed elements to provide participant and delegates an overview of the outcomes, observations and main conclusions of the 10<sup>th</sup> and 11<sup>th</sup> Conference on Good Regulatory Practices, with the objective to identify synergies between both years and define next steps for future work.

Mr Kent Shigetomi, Director for Multilateral Non-Tariff Barriers at USTR, and also speaker at the SCSC Conference 2017 Viet Nam, opened the session providing and overview of the 11<sup>th</sup> Conference on GRP, its objectives, the scope and key observations and conclusion delivered by the conference, in which he highlighted and called APEC members to become aware of the importance to continuing working together in order to expand the application of GRPs, in order to move from discussion to a greater implementation. Also emphasizing that

transparency and public consultation remain as a key to produce high-quality standards and regulations.

Mr Erik Lopez, from Mexico's National Commission of Better Regulation (CONAMER) and also speaker at the Conference 2018 PNG, provided an overview of the 10<sup>th</sup> Conference on GPR, its objectives, scope and key observations and conclusions delivered by the conference, highlighting that the development of new regulatory frameworks for regulating the digital economy must be a priority in the future of APEC economies initiatives. Regarding to this, he emphasized that APECs efforts for consolidating the structural reform must be focused on achieve an improvement in the level of regulatory governance and consolidating the oversight policies, institutions and new approaches in GRPs, which are required to increase the quality of the regional regulatory frameworks.

- **Session 2: Transparency and public comment procedures, under the implementation of the WTO TBT obligations related to notification**

The speakers devoted this session to review transparency obligations and public comment procedures mainly for those undertaken by the WTO/ Technical Barriers to Trade Agreement. With the objective to determine the scope and effectiveness of implementations related to trade facilitation.

Ms Serra Ayrat Counsellor in Trade and Environment Division, World Trade Organization provided an update of the most common and costly NTMs, an overview of the application of GRPs in TBT Agreements, main obligations and notification process. Also, the speaker highlighted the role of TBT Committee in promoting GRP in transparency which is mainly adoption and availability of final texts, handling of comments and technical assistance, within the outcomes of the past thematic sessions and the ones that are coming. To finalize, the speaker emphasized that GRP in transparency has been evolving over time with the use of online tools for efficiency and impact, the importance for domestic/regional/international transparency initiatives to benefit from and that technical assistance can make a difference.

Ms Begoña Montenegro Adviser of the Regulatory Affairs Division, Undersecretariat of International Economic Affairs Relations, Chile provided an overview of principles on TBT agreements regarding to transparency, its role and an update of transparency from Chilean perspective, also presented information on process, evolutions, comments and types of notifications and explained the domestic and international Consultation process of Chile. To finalize the speaker emphasized future challenges such as generate broad program to inform the community the existing Transparency and Consultation mechanisms, increase capacity building activities to the regulatory bodies, training workshop for stakeholders, technical assistance on how to notify and prepare comments, obtain private sector engagement and have a formal mechanism of RIA to assess the potential impacts of a new regulation specially on consumers, industry and trade.

- **Session 3: WTO TBT Committee work on GRP**

This session was devoted to becoming aware and to discuss the approaches driven by the implementation of Good Regulatory Practices under the WTO TBT Agreement coordination.

Ms Jennifer Stradtman Director of Technical Barriers to Trade, Office of the United States Trade Representatives, provided the triennial review of the GRP work in the WTO highlighting recommendations delivered such as continuing to exchange information on mechanisms of GRP adopted by WTO members that facilitate the implementation of the TBT Agreement, build on this exchange, as well as on previous decisions and recommendations of the committee, and with a view to furthering its work and raising awareness of the importance of regulatory cooperation between members and internal coordination mechanisms. To finalize the speaker gave examples of successful implementation of TBT requires key internal coordination mechanisms and provided information of upcoming TBT committee and thematic sessions on National Quality Infrastructure.

Mr Alex Chaparro Adviser of the Regulatory Affairs Division, Undersecretariat of International Economic Affairs Relations, Chile provided an overview of the TBT/WTO in Chile within the scope of Decree 77 related to the principles of the TBT agreements and Good Regulatory Practices. The speaker highlighted the importance of enhance awareness among Chilean agencies, regarding clear and uniform rules on how TR and CAP should be developed, adopted and applied, principles of TBT agreement such as international standards, non-discrimination, transparency and unnecessary barriers to trade, consultation system of draft regulations and time periods for comments and how ministries/agencies should analyze comments and make available responses to any significant comments received. Also informed how GRPs have been implemented in different Chilean agendas. To finalize the speaker mentioned challenges for future considering as vital implementing standardized GRP procedures across all regulatory Agencies, enhancing internal coordination mechanisms, increase capacity building activities to regulatory bodies, improving quantitative and qualitative information regarding TBT and access and monitor the cycle of regulations.

- **Session 4: Inquiry point operations, processing public comments**

The speakers devoted this session to discussing about inquiry point operations under public consultation management mechanism in the rulemaking process.

Ms MaryAnn Hogan USA WTO TBT Inquiry Point, Standards Coordination Office (SCO) National Institute of Standards and Technology (NIST) provided information on how to use a TBT Notification Alert System to engage the private sector in commenting on WTO Notifications, from the US experience and practices. The speaker explained the role of the USA TBT enquiry point, how the USA TBT Enquiry Point facilitate stakeholder awareness, benefits of using the USA TBT Enquiry Point and considerations that should be taken when engaging with stakeholders on commenting.

Mr Hao Xin, Vice Director, State Administration for Market Regulation of China (SAMR),

provided an introduction of the latest development of the reform of the China Compulsory Certification System, explaining the framework of CCC implementations and main actions, highlighting that the actions increase the number of implementing bodies, prioritize the organizations providing integrated testing and certification services, and latest reform trends. To finalize the speaker informed on follow-up reform and adjustment measures considering further streamline and optimize catalog, extend the scope of self-declaration implementation, optimize the certification procedures, reduce certification units and the number of certificates, share information on quality, connect to the domestic credit platform and strengthen international cooperation on reciprocal recognition.

- **Session 5: Tools to facilitate regulatory cooperation**

The speakers devoted this session to review trends and practices in International regulatory cooperation (IRC) among APEC economies, Pacific Alliance, Free Trade Agreements.

Ms Céline Kauffmann, Deputy Head of Division, OECD Regulatory Policy Division provided information on tools to facilitate IRC from the OECD perspective, considering the implementation of principle 12 within the RPC work on IRC. Also highlighted the importance of cooperate on laws and regulations which considers tackle regulatory challenges at the level where they occur and avoid regulatory arbitrages, to address the unnecessary costs of regulatory divergence on businesses and consumers and to improve the capacities of domestic regulator through peer learning and sharing of resources. To finalize the speaker explains the forms undertaken by the IRC, and how Mexico leveraging RIA to consider trade impacts of regulations and notify WTO.

Mr Andres Osorio, Executive Secretary for the Nacional Office for Entrepreneurship and Productivity (OPEN) Ministry of Economy Chile provided an overview of the regulatory structure of Chile and the role of "OPEN" in updating obsolete regulations that prevent consumers/producers from importing and, in turn, prevent entrepreneurs from exporting their products to other economies. Also, the speaker highlighted the Chilean Regulatory Impact Assessment timeline, process and methodology and to finalized mentioned how OPEN has been in constant contact with international regulatory organizations.

Mr Dennis Chew - Regional Director, APRC, IEC International Electrotechnical Commission, Asia-Pacific Regional Centre, provided the IEC perspective and scope on strengthen global trade in electrical and electronic devices, innovation, infrastructure development, smart urbanization, transportation, energy access and efficiency safety among others, also provided information on using and referencing IEC and ISO standards, participation at regulatory and related fora. The speaker mentioned the finding of the 2018 Regulator forum which consider foundation to increase dialogue between the IEC and regulators, recommend that IEC continues its effort to engage with regulators and case studies to show examples of success cases in using international standards and conformity assessment systems To finalize the speaker highlighted next steps such as hold a series of webinars for regulators, side event at an existing regulator gathering and hold regional Regulator Forums.

- **Session 6: GRP chapters in the Free Trade Agreements**

The speakers devoted this session to examining the GRP chapters in the Asia Pacific Free Trade Agreements studied and analyzed by the OECD, with the objective to identify

common practices and methods undertaken among APEC economies in order to determine the scope and approaches driven by GRPs.

Ms Jeannine Ritchot, Executive Director, Regulatory Policy and Cooperation at the Treasury Board of Canada Secretariat provided an overview from the Canadian perspective regarding to Integrating GRPS in Free Trade Agreements, in which explained the importance and benefits of GRPs, also provided Canada's approach to GRPs and the benefits of including GRPs in trade agreements. To finalize the speaker provided an overview of the current application of GRPs in their FTAs and gave information of the OECD Program of Work within the toolkit for International Regulatory Cooperation.

Ms Camila Saffirio- Policy Analyst, Regulatory Policy Division, OECD provided a background of the OECD Regulatory Policy Committee work on GRP and IRC and the APEC-OECD Checklist on Regulatory Reform and the OECD work in IRC and Trade. Also, the speaker updated information regarding to the Stocktaking of GRP and IRC chapters in FTAs, and highlighted that RTAs/FTAs works as a vehicle to promote GRPs and IRC within horizontal chapters.

Mr Gastón Fernandez, Head of Regulatory Affairs Division, Ministry of Foreign Affairs Chile provided an overview of the Chilean experience in the Sectorial Annexes of the Pacific Alliance and their implementation challenges, in which explained the scope of regulatory cooperation on pharmaceutical products and medical devices. To finalize the speaker provided and overview of the lessons and outcomes delivered by new approaches in Trade agreements, political and technical cooperation, trade costs of regulatory divergence, RIA, stakeholders engagement and flexibility.

- **Session 7: Public-Private partnership engagement towards GRPs**

This session was devoted to discovering and analyze experiences and implementation on GRPs among private institutions on areas of regulatory requirements, energy sectors, international standards, etc in order to strengthen and enhance Public-Private relationships.

Mr Anthony Quinn, Director of Public Policy & International Trade, ASTM International, provided an overview of the use of international standards to meet regulatory requirements, mentioning principles of GRPs and its benefits within the ASTM Memorandum of Understanding which is a full collection of ASTM Standards, and informed it scope, partners, and access to the tool.

Ms Alexa Burr, Director System Programs, American Petroleum Institute, International Standards in the Energy Sector presented a general outlook of the API history and mission, within the API standards development process which is undertaken as transparent, impartial and consensus-based process, driven by research, data and science based decisions with committees that made up of hundreds of volunteers from industry, academia, government and NGOs. The speaker also mentioned 2010 report of Regulators' Use of Standards and explained the Case Study RP 75 as a Recommended Practice for Development of a Safety and Environmental Management Program for Offshore Operations and Facilities. To finalize the speaker mentioned global standards in the energy sector and encouraged public/private collaboration and apply WTO TBT principles.

Mr Welby Leaman, Chair, Regulatory Cooperation Working Group, Americas Business Dialogue (ABD); and Senior Director (Americas), Global Government Affairs, Walmart,

presented Discussing ABD recommendations that apply a set of GRPs to the rulemaking process and to application of rules, in which it was highlighted two recommendation, including reinforces of Heads-of State Request developing mechanisms for private sector and internal government coordination on regulatory cooperation projects that helps economies implement a shared set of GRPs to develop competitive economies and support participatory and transparent democracies, and Fulfills Heads-of-State Request which includes developing a certification in best practices for issuance of permits and make it available via a Massively Open Online Course. To finalize the speaker provided survey results of the Top 10 Best Practices for Issuing Permit, certifications and spaces where best practice breaks down.

Mr Dennis Chew, Regional Director, APRC presented IEC international standards and conformity assessment to meet regulatory requirements, in which Conformity assessment and WTO TBT was presented within IECEE Scheme, IECEX System and United Nations Endorsement of IECEX, extract from UN publication

- **Session 8: Develop Recommendation aligning SCSC and EC work moving forward**

This session was devoted to discussing and identify common outcomes driven by the last 10th and 11th Conference on GRPs in order to determine the scope and efficiency of the work developed by the SCSC and the EC.

Mr Kent Shigetomi, Director for Multilateral Non-Tariff Barriers at USTR, and also speaker at the SCSC Conference 2017 Viet Nam, opened the session providing and overview of the 11<sup>th</sup> Conference on GRP, its objectives, the scope and key observations and conclusion delivered by the conference, in which he highlighted and called APEC members to become aware of the importance to a continuing work to place the application of GRPs, in order to move from discussion to a greater implementation. Also emphasizing that transparency and public consultation remain as a key to produce high-quality standards and regulations.

Mr Mohammed Alamin Rehan , Senior Manager Malaysia Productivity Cooperation informed and presented the new tool Unified public Consultation Portal to Support GRP, from the Malaysian perspective within the Regulatory Reform Journey, also presented some good regulatory practices on public consultations and highlighted the challenges on public consultation initiatives. To finalize the speaker provided information regarding to Unified Public Consultation (UPC) such us portal for better regulation, it scope and examples.

- **Session 9: Develop Action Plan**

This session was devoted to discussing within the previous session, with the objective to recommend SCSC delegates to create synergy between conferences each year, in order to expand the scope and efficiency on the work developed for future action plans and groundworks.

**Session 9: Develop Action Plan,**

All member economies and participants were divided in 4 groups to discuss and contribute with their experiences. The main objective of this discussion was recollected recommend

for the SCSC delegates and create synergy between EC and SCSC in GRP conferences each year.

A written report of the outcomes will be presents on October 2019 with recommendations and an action plan.

### Group 1: Renee

#### Hancher

##### Action Plan

- Specific sector collaborations: Digital and Circulate Economy, Climate Action.
- Centralization/Decentralization
- Continuation of training for regulators to be equip and be updated of the current GRP and help the agency to identify and craft policies that are updated and be more beneficial to both parts, the agency and the stakeholders.
- Connect with other APEC groups (CD, LSIF, FSSF), not just SCSC-EC.

##### Transparency

- Digital tools webcast GRP Conference.
- Promote communication between regulators and standards people by collaboration between EC and SCSC.

##### Regulatory Cycle

- More awareness of benefits of GRPs: Gains from stakeholder consultation, from RIA, from coordination.
- Pacing of regulatory reviews with standards.

##### Voluntary/Mandatory

- Regulators participating in Standards development activities and using international standards in regulation. If it is possible justify when a regulator decides not to use an international standard.
- Lack of understanding and knowledge of the regulator resulting in fall citing for industry to fully comply with the regulation, specially by SMEs.

### Group 2: Alexa Burr

#### Action Plan

- GRP Conference at sectoral important location, such as at winery and prevention on WRF.
- GRP TED Talk (one per conference that is recorded and then goes viral).
- Merge EC/SCSC Conferences and co-brand for better cross for a collaboration.

##### Public Consultation

- Capacity building exercise on how to do possible consultation well.
- Transparency and Regulatory Cooperation are the most important subjects between sub- domestic states and departments.
- Panels with topics such as: Examples of economies with statutory authority to notify or Examples of economies without statutory authority to notify.

##### International Regulatory Cooperation

- As a regulator how best to use the standards resources available to regulators.
- Explore differences between the different types of incorporation of standards: mandatory/voluntary, choice of standards, acceptable solutions.



### Strategic Alliance

- Training in GRPs that central regulatory authorities on TBT/S
- Standards folks can educate regulators on the cross disciplines of GRP.

### Regulatory Cycle

- Report on change over time for projects present.
- Continue collaboration on WTO and OECD.
- Regulator focused audience session to link trade ppl. With regulatory ppl.
- RIA Problems: case study in specific jurisdiction, challenges, difficulties. How RIA adopted into the jurisdiction, implemented and the effectiveness.
- Explore the inter-connectedness of regulations within the context of GRP.
- Stronger regulatory ecosystem.

### Group 3: Begoña Montenegro

#### Action Plan

- Joint Group on GRP between SCSC and EC.
- GRP Conference held in between SCSC and EC meeting.
- Same topic every 2 years, to be reviews in both committees.
- Mapping GRPs activities across the different committees or APEC groups. Public Consultation

#### Inputs from Civil Society

- International Regulatory Cooperation
- Involving more International organizations and Regional bodies.
- Balance of participants from public and private sector.

### Strategic Alliance

- Improve participation of Secretariat to identify common areas between committees.
- Invite speakers from both groups to share experiences.
- Invite representatives from both SCSC and EC to conference each year.

### Group 4: Jeaninne Ritchot

#### Action Plan

- Discussions on building more flexible regulations to encourage innovation and access to global markets.
- Hearing the perspective of private sector about the issues could be beneficial.
- Opportunity to coordinate more with ABAC.
- Increasing cooperation and participation between regulators and trade proactiveness, example: schedule EC/SCSC meeting close together to take advantage of synergies.

#### Transparency

- Concrete ways to manfully and engage standards in trade, evaluation of regulations, RMS, enforcement.
- Public summary of conference to share with other economies or external stakeholders.

#### Public Consultation

- What are more examples of tools to improve public consultations (Malaysia)?
- Guidance of tools increase awareness of public consultations tools that already exist, and people can use.

#### International Regulatory Cooperation

- Sharing information on regulating new and digital technologies.

- Corporation mechanism.
- IRL: What are the different ways that economies can cooperate.
- More information to achieve it.
- Practical case studies.

#### Transparency

- Concrete ways to manfully and engage standards in trade, evaluation of regulations, RMS, enforcement.
- Public summary of conference to share with other economies or external stakeholders.

**APPENDIX 1: CONFERENCE AGENDA**

**SCSC 12<sup>th</sup> Conference on Good Regulatory Practices**

19-20 August, Puerto  
Varas, Chile Venue  
Calbuco, Enjoy Hotel

**Day 1 Monday 19**

<b>14:00 – 14:30</b>	<b>Registration</b>
<b>14:30 – 14:45</b>	<b>Welcome and Introductory Remarks</b>  <i>Mr Gastón Fernández, SCSC Chair APEC Chile 2019</i>
<b>14:45 – 15:30</b>	<b>Session 1: Results of 2017- 2018 APEC GRP Report and Next Steps</b>  <i>This session is devoted to providing participants and delegates an overview of the outcomes of the 11<sup>th</sup> and 10<sup>th</sup> Conference of GRP, in order to identify synergies between both years and next steps for future work.</i>  <i>Mr Kent Shigetomi– Director Multilateral Non-Tariff Barriers / Speaker SCSC</i>  <i>Conference 2017 Viet Nam (USA) Mr Erik Lopez – Manager of Regulatory Governance</i>
<b>15:30 – 16:15</b>	<b>Session 2: Transparency and public comment procedures, under the implementation of the WTO TBT obligations related to notification</b>  <i>This session is devoted to review transparency obligations and public comment procedures mainly for those undertaken by the WTO/ Technical Barriers to Trade Agreement. With the objective to determine the scope and effectiveness of implementations related to trade facilitation.</i>  <i>Ms Serra Ayral - Counsellor in the Trade and Environment Division, World Trade Organization (WTO)</i>  <i>Ms Begoña Montenegro - Advisor Regulatory Affairs Division, Ministry of Foreign Affairs Chile</i>
<b>16:15 – 16:30</b>	<b>Coffee Break</b>

16:30 – 17:15	<p><b>Session 3: WTO TBT Committee work on GRP</b></p> <p><i>This session is devoted to becoming aware and to discuss the approaches driven by the implementation of Good Regulatory Practices under the WTO TBT Agreement coordination.</i></p> <p><i>Ms Jennifer Strandtman, Director, Technical Barriers to Trade United States Trade Representative Mr Alex Chaparro - Advisor Regulatory Affairs Division Ministry of Foreign Affairs Chile <b>Moderator:</b> Mr Erik Lopez</i></p>
7:15 – 18:00	<p><b>Session 4: Inquiry point operations, processing public comments</b></p> <p><i>This session is devoted to discussing about inquiry point operations under public consultation management mechanism in the rulemaking process.</i></p> <p><i>Ms MaryAnn Hogan USA WTO TBT Inquiry Point- Standards Coordination Office (SCO) National Institute of Standards and Technology (NIST) “Using a TBT Notification Alert System to engage the private sector in commenting on WTO Notifications: US experiences and practices”.</i></p> <p><i>Mr Hao Xin, Vice Director, State Administration for Market Regulation of China (SAMR) “Introduction to the Latest Development of the Reform of the China Compulsory Certification System”- 3C</i></p> <p><b>Moderator:</b> Ms Serra Ayrál- Counsellor in the Trade and Environment Division, WTO</p>
<b>Day 2 Tuesday 20</b>	
9:00 – 9:15	<b>Family Photo</b>
9:15 – 10:00	<p><b>Session 5: Tools to facilitate regulatory cooperation</b></p> <p><i>This session is devoted to review trends and practices in International regulatory cooperation (IRC) among APEC economies, Pacific Alliance, Free Trade Agreements.</i></p> <p><i>Ms Céline Kauffmann- Deputy Head of Division, OECD Regulatory Policy Division</i></p> <p><i>Mr Andres Osorio – Executive Secretary for the Nacional Office for Entrepreneurship and Productivity (OPEN) Ministry of Economy Chile</i></p> <p><i>Mr Dennis Chew - Regional Director, APRC, IEC – International Electrotechnical Commission   Asia-Pacific Regional Centre. “IEC perspective”</i></p> <p><b>Moderator:</b> Mr Kren Batt- Standards Australia, Senior International Engagement</p>
10:00 – 10:45	<b>Session 6: GRP chapters in the Free Trade Agreements</b>

	<p><i>This session is devoted to examining the GRP chapters in the Asia Pacific Free Trade Agreements studied and analyzed by the OECD, with the objective to identify common practices and methods undertaken among APEC economies in order to determine the scope and approaches driven by GRPs.</i></p> <p><i>Ms Jeannine Ritchot, Executive Director, Regulatory Policy and Cooperation at the Treasury Board of Canada Secretariat</i></p> <p><i>Ms Camila Saffirio- Policy Analyst, Regulatory Policy Division, OECD</i></p> <p><i>Mr Gastón Fernandez – Head of Regulatory Affairs Division, Ministry of Foreign Affairs Chile - Chile experience in the Sectorial Annexes of the PA and their implementation challenges</i></p> <p><b>Moderator:</b> <i>Ms Gabrielle White- Senior Policy Analyst, Trade and Regulatory Policy</i></p>
10:45 – 11:15	<b>Coffee Break</b>
11:15 – 12:30	<p><b>Session 7: Public-Private partnership engagement towards GRPs</b></p> <p><i>This session is devoted to discovering and analyze experiences and implementation on GRPs among private institutions on areas of regulatory requirements, energy sectors, international standards, etc, in order to strengthen and enhance Public-Private relationships.</i></p> <p><i>Mr Anthony Quinn, Director of Public Policy &amp; International Trade, ASTM International. The use of international standards to meet regulatory requirements”.</i></p> <p><i>Ms Alexa Burr, Director System Programs, American Petroleum Institute. International Standards in the Energy Sector.</i></p> <p><i>Mr Welby Leaman, Chair, Regulatory Cooperation Working Group, Americas Business Dialogue (ABD); and Senior Director (Americas), Global Government Affairs, Walmart – Discussing ABD recommendations that apply a set of GRPs to the rulemaking process and to application of rules.</i></p> <p><i>Mr Dennis Chew, Regional Director, APRC. “IEC international standards and conformity assessment to meet regulatory requirements”.</i></p> <p><b>Moderator:</b> <i>Ms Jennifer Stradtman</i></p>
12:30 – 14:30	<b>Lunch Break</b>
14:30 – 15:45	<b>Session 8: Develop Recommendation aligning SCSC and EC work moving forward</b>

	<p><i>This session is devoted to discussing and identify common outcomes driven by the last 10<sup>th</sup> and 11<sup>th</sup> Conference on GRPs in order to determine the scope and efficiency of the work developed by the SCSC and the EC.</i></p> <p><i>Mr Kent Shigetomi– Speaker SCSC Conference 2017 Vietnam (USA)</i>  <i>Mr Mohammed Alamin Rehan – Senior Manager Malaysia Productivity Cooperation</i></p> <p><i>See guiding summary of both conferences elaborate by Chile.</i></p> <p><b>Moderator:</b> <i>Ms Nur Afifah Ijap- Department of Standards, Malaysia</i></p>
<p><b>15:45 – 16:00</b></p>	<p><b>Coffee Break</b></p>
<p><b>16:00 – 17:15</b></p>	<p><b>Session 9: Develop Action Plan</b></p> <p><i>This session is devoted to discussing within the previous session, with the objective to recommend SCSC delegates to create synergy between conferences each year, in order to expand the scope and efficiency on the work developed for future action plans and groundworks.</i></p> <p><i>Ms Renee S. Hancher, Director, Regulatory Policies-Office of WTO and Multilateral Affairs- USTR Ms Alexa Burr, Director System Programs, American Petroleum Institute-</i></p> <p><i>See guiding orientation methodology elaborated by Chile.</i></p>
<p><b>17:15 – 17:30</b></p>	<p><b>Closing remarks</b></p>



## Appendix II: Speakers' Biographies

### 12<sup>th</sup> Conference on Good Regulatory Practices

August 19 – 20, 2019 Puerto Varas, Chile

**Mr Mohammed Alamin Rehan** is currently the Senior Manager, Malaysia Productivity Corporation (MPC), Petaling Jaya. He began his career with MPC as a consultant in Productivity and Quality in 2002. Since 2012, he is responsible for managing a team to review regulations affecting the conduct of businesses in Malaysia with a view to modernizing business regulations in order to promote economic growth, innovation, competitiveness, and job creation.

He has been invited various institution as a speaker such Asia-Pacific Economic Cooperation (APEC), Economic Research Institute of ASEAN (ERIA), and ASEAN-Korea FTA in the area of Good Regulatory Practices (GRP) and Reducing Unnecessary Regulatory Burdens on Business (RURB) programme. He also is a lead secretariat of Technical Working Group on Getting Electricity (TWGGE) under the Special Taskforce to Facilitate Business (PEMUDAH) which is the scope of work includes to improve Malaysia's performance in World Bank's Doing Business Report-Getting Electricity indicator.

He holds a Bachelor Science Degree of Electrical Engineering from University Technology Malaysia (UTM) and a Master Degree of Business Administration from University Technology Mara (UiTM), Malaysia.

**Ms Serra Ayrál** has been working at the WTO since 1999 and is currently Counsellor in the Trade and Environment Division, focusing on TBT issues and ePing. Her earlier assignments focused on regional trade agreements (1999-2001), trade policy courses (2001-2003) and SPS issues (2003- 2010).

She took special leave from the WTO between 2011 and 2013 to live in Botswana. During this period, she was involved in SPS/TBT capacity building projects for the Africa region and also authored a publication for the African Union on "Enhancing The Participation of African Countries in the WTO SPS Committee". In 2016, she published a WTO working paper on TBT and Trade Facilitation Agreements: Leveraging Linkages to reduce Trade Costs.

Serra is originally from Turkey. She has a Bachelor's degree in Economics from Mount Holyoke College, USA and a Master's Degree in International Relations from Johns Hopkins University (SAIS). Prior to joining the WTO, she worked at the World Bank, UNCTAD and the World Economic Forum.

**Ms Alexa Burr** is the Director for Systems Programs in the Global Industry Services Division at the American Petroleum Institute. Ms Burr's responsibilities include overseeing the strategic direction of GIS System Programs, including the Process Safety Site

Assessment Program and Pipeline Safety Management System. In this role, Ms Burr develops, directs and guides strategies to grow these API offerings working in coordination with other GIS programs and with other external partners. Ms Burr also oversees the implementation of the GIS Global Standards Strategy and advocates on behalf of the industry in various international forums to promote the use and adoption of industry standards to continuously improve environmental, health, safety, security, and sustainability performance globally.

Prior to API, Ms Burr worked at the American Chemistry Council in various roles where she oversaw the strategic direction of Responsible Care® program and led international advocacy efforts on a range of issues from chemical management regulations, to GHS, to security issues. Ms Burr holds a Masters in Science in Biological Threat Agents and Emerging Infectious Diseases and a Bachelor of Science in Biology of Global Health, both from Georgetown University in Washington, DC.

**Ms MaryAnn Hogan** is the Team Leader for the USA WTO TBT Enquiry Point, located in the Standards Coordination Office (SCO) at the National Institute of Standards and Technology (NIST) in the U.S. Department of Commerce. She facilitates the carrying out of U.S. notification obligations under the Agreement on Technical Barriers to Trade (TBT) and communications within the U.S. government and between government and industry concerning TBT matters. MaryAnn provides guidance and information to U.S. industry and government on engaging and learning about TBTs and TBT related information. Access to and information for U.S. exporters regarding notifications to the TBT committee is provided via Notify U.S., a notification alert service maintained by the USA WTO TBT Enquiry Point.

**Jennifer Stradtman** is Director for Technical Barriers to Trade at the Office of the United States Trade Representative, where she has served since 2012. She is the lead negotiator in the WTO Technical Barriers to Trade Committee and the U.S., Mexico, Canada Free Trade Agreement. Previously, Ms Stradtman assisted the business community at the U.S. Department of Commerce for a decade working on the APEC Subcommittee on Standards and Conformance, and market access and compliance issues for goods related to standards and conformity assessment. She also worked for the American Council of Independent Laboratories and the Buffalo Niagara Partnership. Ms Stradtman has her MA in International Trade from the State University of New York at Buffalo.

**Ms Céline Kauffmann** joined the OECD in 2000. She is Deputy Head of the Regulatory Policy Division in the OECD Directorate for Public Governance, where she leads the development of the Regulatory Policy Outlook and the work on international regulatory co-operation. Previously, she was with the Investment Division of the OECD Directorate for Financial and Enterprises Affairs, leading the work on private sector participation in infrastructure and on private investment and green growth. Previously, she was responsible for co-ordinating the OECD work on the annual African Development Bank / OECD African Economic Outlook Report. Before the OECD, Céline Kauffmann contributed to the 2000 Transition Report of the European Bank for Reconstruction and Development and worked as research assistant at the London School of Economics. Ms Kauffmann holds a PhD in Economics from the *Université Paris I, Panthéon-Sorbonne*.

**Mr Welby Leaman** is Senior Director for Global Government Affairs at Walmart and is lead



on the Americas and global digital policy advocacy. As chair of the Americas Business Dialogue's regulatory cooperation working group, he advocates for the good regulatory practice recommendations that the private sector has made to the hemisphere's heads of state at the Summit of the Americas. Previously, he led U.S. House of Representatives passage of the U.S.-Colombia trade agreement as Trade Counsel to the U.S. House Ways & Means Committee, was lead House drafter of the digital trade section of trade promotion authority legislation, and led House oversight of USTR's negotiation of the services and "new economy" chapters of the Trans-Pacific Partnership. At the U.S. Treasury, he was lead civil servant on the team that issued the 2017 CFIUS regulations and was lead U.S. financial services negotiator for the U.S. trade agreements with Peru and Colombia. He served as director for international investment at the U.S. National Security Council, practiced law at Debevoise & Plimpton in NY and WilmerHale in DC and was placed for several years into Peru's government in Lima by UNDP. He is a member of the Council on Foreign Relations; was an Eisenhower Fellow in Brazil; serves on advisory councils for the Wilson Center's Mexico Institute, Rosenthal Fellowship, Aspen Institute's Socrates Program, and INCAE Business School; and holds a BS in Business from Messiah College and a JD from Yale Law School.

**Mr Erik López** currently works in the National Commission of Better Regulation and he is in charge of monitoring the implementation and submission of CONAMER's projects and initiatives related with international organizations such as the Asia Pacific Cooperation Forum (APEC) and the Organization to Economic Cooperation and Development (OECD), he also monitors the implementation of CONAMER international agreements in matter of GRP practices. He previously worked at the National Institute of Statistics and Geography in the area of national statistics where he was in charge of measure the annual gross domestic product and the amount of debt and financial assets of the federal, state and municipal government.

Mr Erik López has a Master's degree in Finance from the Monterrey Institute of Technology and Higher Education (ITESM) and a Bachelor's degree in Economics from the National Autonomous University of Mexico (UNAM).

**Mr Andrés Osorio** is the head of the Office of National Productivity and Entrepreneurship (OPEN). He has a B.A and a M.A. in economics, both at Universidad Católica de Chile, where he later worked as a professor in macroeconomics courses. In addition to this, he studied a Master in Public Administration (MPA-EPM) at Columbia University. Prior to his position at OPEN, he worked as a senior economist at Credicorp Capital and Econsult.

**Mr Anthony R. Quinn** is the Director of Public Policy and International Trade for ASTM International, one of the largest standards development organizations in the world. Anthony is responsible for advancing the global recognition and use of ASTM services and programs through interactions with global stakeholders. He recently completed an assignment with the U.S. Department of Commerce's International Trade Administration as the Senior Standards Advisor where he worked on promoting US global competitiveness and cross-cutting technology sectors such as artificial intelligence, robotics, and additive manufacturing. Prior to joining ASTM International Anthony was the Senior Government Relations Representative for the American Society of Mechanical Engineers (ASME) where he coordinated advocacy efforts for standards, defense, and aerospace before the U.S. Government. He also worked as a Legislative Aide for a Member of the United States

Congress managing healthcare, environmental, trade, and technology issues.

Anthony is a frequently speaker at the National Institutes of Standards and Technology Standard's Boot Camp and recently spoke to the Trade Promotion Coordinating Committee (TPCC)'s Trade Officers Course. He serves as ASTM's representative to the National Association of Manufacturers, US Energy Association, and several other global industry groups.

He earned his bachelor's degree from the Maxwell School at Syracuse University where he was a Ronald E. McNair Scholar and his master's degree from Johns Hopkins University in Public Policy with a concentration in International Health Policy.

**Ms Jeannine Ritchot** has over 15 years of experience working for the Government of Canada. In June 2016, she joined the Regulatory Affairs Sector of the Treasury Board of Canada Secretariat as the Executive Director of the Regulatory Policy and Cooperation Directorate. She is responsible for exercising a central oversight role in the implementation of Canada's federal regulatory policy framework, the Cabinet Directive on Regulation, by ensuring that regulators comply with the good regulatory practices set out therein. Ms Ritchot also leads the Government of Canada's domestic and international efforts at regulatory alignment with key trading partners. She coordinates formal regulatory cooperation initiatives, including the Canada-US Regulatory Cooperation Council, the Canada-EU Regulatory Cooperation Forum, and the Federal/Provincial/Territorial Regulatory Reconciliation and Cooperation Table. In addition, Ms Ritchot leads Canada's international engagement on good regulatory practices, including through participation in fora such as the Organisation for Economic Co-operation and Development, Asia-Pacific Economic Cooperation, and the World Trade Organization. She also provides advice and support to Global Affairs Canada in the negotiation of regulatory measures in trade agreements.

Prior to joining the Regulatory Affairs Sector, Ms Ritchot gained significant executive experience in the health portfolio. She was a senior regulator in a number of roles at Health Canada, where she developed and implemented innovative regulatory frameworks for medical marijuana, controlled substances, and natural health products, and non-prescription drugs. She also spent time at the Public Health Agency of Canada as the Senior Director of Surveillance and Epidemiology in the Centre for Chronic Disease Prevention.

Before joining the Health Portfolio, Jeannine worked at the Privy Council Office as a Policy Analyst, as well as with Indigenous and Northern Affairs Canada, as a Land Claims Implementation Negotiator. Throughout her career, she has gained well rounded experience in policy, program, legislation and regulation, communications, and stakeholder relations.

Jeannine holds a Bachelor of Arts, Specialization in History from the University of Ottawa, as well as a Masters of Arts, Conflict Studies, from St. Paul University / University of Ottawa.

**Ms Camila Saffirio** joined the OECD Regulatory Policy Division in 2018. Her work focuses on international regulatory cooperation. Prior to joining the OECD, Ms Saffirio worked at the Permanent Delegation of Chile to the OECD, following up on the work of the OECD Centre for Tax Policy and Directorate of Financial Affairs. She also worked as associate attorney at

Carey & Cía. and legal advisor at the Ministry of Finance of Chile. Ms Saffirio is a fully qualified Chilean lawyer and holds an LL.M. from The London School of Economics and Political Science.

**Mr Kent Shigetomi** is the Director for Multilateral Non-Tariff Barriers at USTR. He works on issues related to technical barriers to trade (TBT) and rules of origin. Kent serves as the U.S. lead to the APEC Subcommittee on Standards and Conformance, and as the Chair of the APEC Chemical Dialogue. He coordinates U.S. engagement in the WTO Committee on Rules of Origin. Prior to joining USTR, Kent served as a Foreign Service Officer with the U.S. Department of State.

**Mr Hao Xin**, the Vice-Director of the Consumer Products Division, which belongs to Department of Certification of the State Administration for Market Regulation of P. R. China (SAMR). Engaged in product conformity assessment and certification system design, supervision and management for 15 years, participated in a number of major certification system construction. In recent two years, he has played an important role in mandatory product certification system reform.



## **Appendix III: Presentation Materials**



# 12<sup>th</sup> APEC Conference on Good Regulatory Practices

Puerto Varas, Chile

19 -20 August

2019

## Overview of 2017 GRP Conference

- Responsibility for organizing the event alternates between the Subcommittee on Standards and Conformance (SCSC) and the Economic Committee
- 2017 conference organized by Viet Nam as host economy and SCSC Chair
- 2018 conference organized by Mexico as project overseer

## Conference Objectives

- To expand the application of GRPs as a tool to reduce barriers to trade and to encourage investment and economic growth.
- To promote discussion of challenges and best practices for increasing transparency and facilitating notice and comment procedures.
- To increase awareness of WTO TBT obligations related to notification and identify ways to facilitate their implementation by APEC economies.

## Participation

- Total of approximately 90 participants from 20 APEC economies
- Six participants from Cambodia, Lao People's Democratic Republic, and Myanmar
- Speakers from international institutions: OECD, ISO, IEC, and the Asian Development Bank.
- Representatives from standards development organizations, government, and private sector

## Description of Program

- Overview of Results of 2015 APEC survey of GRP
- Understanding the Trade Costs of Regulatory Divergence
- Closing the Digital Gender Divide
- Focus on Transparency: the WTO Trade Facilitation Agreement
- Internal Coordination of Rulemaking Activity
- Enquiry Point Operations

## Description of Program (continued)

- Specific Case Studies
- Processing and Consideration of Public Comments in Standards and Technical Regulations
- Regulatory Impact Analysis
- Rulemaking and Standards Development in Response to a Crisis
- Simulation RIA Exercise

## Key Observations and Conclusions (1/3)

- As APEC economies continue to place importance on the application of good regulatory practices, more work is needed.
- Time to move from discussion to greater implementation of GRPs.
- Regulatory differences impose trade costs, which are greater for SMEs, which do not have the same resources as large firms.
- It is important to be aware of the digital gender divide, and the different problems that women-owned businesses face (e.g., access to finance)
- The WTO Trade Facilitation Agreement is a good example of how the benefits of transparency can reduce costs

## Key Observations and Conclusions (2/3)

- Although economies have successfully applied both centralized and decentralized models for regulatory management, both systems still require a high-level commitment to be successful
- Transparency and public consultation remain important for producing high-quality standards and regulations. Regulators must be aware that stakeholders need sufficient time to prepare comments, especially when the issue is complex, in a different language, or when the stakeholder is an association that represents many members.



## Key Observations and Conclusions (3/3)

- Effective use of RIA requires a high-level political commitment, as well as adequate training for technical staff. Regulators need not apply a RIA in every situation, and there are alternatives to a full RIA.
- During a public crisis, the need for GRPs does not disappear, but rather increases.
- Public-private partnerships and the use of international standards are two (of several) examples of alternatives to regulation.



## Outline

- 1 • Overview of GRP 11 Conference
- 2 • Results in Day 1 of the Conference
- 3 • Results in Day 2 of the Conference
- 4 • Next steps and key findings

# 1. Overview of GRP 11 Conference

## 11th GRP Conference objective

The 11th Conference on Good Regulatory Practices (GRP11) was held in Port Moresby, Papua New Guinea from 12 to 13 August 2018. This event was jointly organized by Mexico and Papua New Guinea in the Economic Committee and had as the main topic **"The Regulation in the Digital Age"**.



### GRP 11 Objectives:



- Discuss adoption of GRPs practices in APEC
- Share experiences about the use of GRPs for regulating the digital economy
  - Exchange lessons about the IRC as a
- facilitator of regulatory coherence
  - Discuss the institutional design of oversight
- bodies
  - Discuss the relation between the inclusive
- growth and GRPs

## Overview of GRP 11 Conference participants

The GRP 11 Conference gathered 143 participants and experts from 18 APEC economies in a total of eight sessions. The main discussions focused on how to develop the appropriate regulatory frameworks for regulating the new digital economy activities.



The GRP 11 Conference registered the participation of 24 experts in the digital economy coming from all sectors of society:

- Public and private sector
- Academy
- Think Tanks
- International Organizations



In GRP 11 participated experts from:

- OECD
- World Bank
- Inter-American Development Bank
- Innovation Associates Consulting
- Internet Development Research Center
- Technology Research Project Corporate
- Centre for European Policy Studies
- International Trade Centre
- Walmart
- Google



## 11 GRP Conference Program

The Conference included eight sessions around the following five topics:

### Sessions about digital technology and regulation



How digital technology can support GRPs implementation and how regulatory frameworks can account for a more digitalized world. Including the private sector point of view.

### Sessions about the IRC as a facilitator of digital economy



Impact of IRC practices in the performance of disruptive technologies and the inclusion of IRC as part of the GRPs tools for achieving the regulatory coherence.

### Sessions about GRPs and inclusive growth



The use of GRPs approaches to increase the participation of disadvantaged groups in the regulatory cycle. The digital economy and its role in stimulating inclusive growth.

### Sessions about the use of GRPs in APEC



Mechanisms and policies required to increase the use of GRPs and the consolidation of regulatory reform as a result of the irruption of the new digital economy activities.

### Sessions about the design of oversight bodies



The institutional and legal design require for developing an effective and functional oversight body in charge of implementing the domestic policy of regulatory reform.



## 2. Results in Day 1 of the Conference

### Results of discussions in Day 1 of the Conference (I)

Session 1: Policy and Regulation Making in the Digital Age: An Overview



The governments need to improve the capacity building efforts to develop the appropriate regulations for the digital economy, taking into consideration a multi-sectoral approach.

The private sector must participate in a collaborative mechanism as part of the design of the new regulations for the digital economy.

Regulators need to incorporate the stakeholder approach and the needs of consumers in the design of regulations for the digital economy.

The new characteristics of the digital economy must be incorporated as part of the regulatory design such as the property of the data and the cyber-attacks, as well as the development of agreed principles for regulating these activities.

## Results of discussions in Day 1 of the Conference (II)

### Session 2: Enhancing Transparency and Engagement Through Digital Tools



There are several benefits that arise to all APEC economies for integrating the digital economy in their activities, which will create a more integrated world.

It is required to investigate and analyze the characteristics of the digital economy in which we don't have already all the tools required to measure the value and impact of generated by them.

The processes of enforcement and inspection of regulations will be improved by the use of the digitalization of evidence as part of the digital economy.

The use of centralized regulatory websites by regulators and oversight bodies could increase the stakeholder participation in the policymaking process.



## Results of discussions in Day 1 of the Conference (III)

### Session 3: Regulation and the Digital Economy: Perspectives from the private sector



We face new challenges by regulating the digital economy because these new activities require an international approach in the design of their regulatory frameworks due to the fact digitalization and the internet don't recognize national boundaries.

The development of appropriate regulatory frameworks for the digital economy could foster inclusive opportunities for all sectors all society by accelerating the financial inclusion and the offer of e-services such as internet banking.

The digital transformation of the economic activities require new regulatory principles that need to cover the simplification of the rules and regulations, the non-discrimination among evolving business models, the reduction of inflexible categories within regulation and the building of digital transparency of license and permit services.



### 3. Results in Day 2 of the Conference

#### Results of discussions in Day 2 of the Conference (I)

Session 4:  
Formalizing  
International  
Regulatory  
Cooperation (IRC)



It is necessary to increase the efforts to include the IRC as part of the regulatory frameworks for the digital economy activities, taking into consideration that these activities don't recognize national boundaries.

The IRC promotes consistency with international standards and regulatory coherence and increases the regulatory effectiveness among economies, in this regard, the economies must promote the use of toolkits with common recommendations about IRC among economies.

The IRC is an essential element for reducing the trade costs of the regulatory divergence and provides an opportunity to support the regulatory, competition and governance reforms to strengthen market efficiency & policy effectiveness.

## Results of discussions in Day 2 of the Conference (II)

### Session 5: Role of Oversight Bodies in Promoting GRPs



If we would like to deepen the regulatory reform in APEC economies, it is necessary to develop a complete institutional framework that empowers the oversight bodies with the required faculties to fully implement this policy into all levels of government.

If we would like to increase the quality of regulatory frameworks, we must strengthen the regulatory governance and include as part of the design of the oversight bodies the international principles of regulatory governance and transparency, such as the proposed by the OECD.

The disruptive technologies will provoke consequences for regulatory governance because the oversight bodies become more relevant by coordinating the experimentation and learning across the government in this process.



## Results of discussions in Day 2 of the Conference (III)

### Session 6: GRPs and Inclusive Growth



### Session 7: Fit-for-purpose Regulatory Frameworks in the Digital Age



The GRP practices can promote more inclusive growth by including approaches on gender, environmental impacts, and indigenous consultation, among others.

The digital irruption creates opportunities for encouraging inclusive growth by offering an alternative way for increasing the access to the supply of goods and services, such as the use of e-banking and the inclusion of other participants such as the SMEs.

The new agenda necessary for regulating the emerging technologies imposes us new dilemmas about the risks associated with these new activities and their consequences such as the collusion practices.

We need to recognize that inclusivity and sustainability are being part of the digital transformation benefits, such as actions like the inclusive e-trade or the support of SMEs by the emergence of e-commerce.





## 4. Next steps and key findings

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### Next steps and key findings.....



Regulators and policymakers must develop their capacities in order to understand the irruption of the digital economy activities and their consequences taking into consideration a multi-sectoral and collaborative approach in which all members of society could participate in the design of these regulatory frameworks.



The approach required for regulating the digital economy is different in comparison to the traditional economic activities because the scope of these activities goes beyond the domestic boundaries. We need to use the IRC and focus on creating the international standards required to guarantee the appropriate regulations for these activities beyond domestic restrictions.



The digital economy must be used as a mechanism to promote social inclusion and sustainability by allowing the disadvantaged sectors of society the access of benefits created by these new activities.



It is necessary to develop a new regulatory framework for regulating data ownership and other new related activities as a result of the digital economy because we need to provide the regulatory confidence required by the digital entrepreneurs for the expansion and consolidation of their activities.



The most effective mechanism to guarantee the creation of the adequate regulatory frameworks for the digital economy will be the better regulation process by making use of the GRPs and particularly the RIA. These tools and mechanisms will require to incorporate new approaches that could favor the participation of all sectors of society in the rulemaking process.

## Conclusions.....



### GRP 11

*It was concluded that the development of the new regulatory frameworks for regulating the digital economy must be a priority in the future APEC's economies initiatives. In this regard, APEC's efforts for consolidating the structural reform must also be focused on achieving an improvement in the level of regulatory governance and on consolidating the oversight policies, institutions, and the new approaches in GRPs, which are required to increase the quality of our regional regulatory frameworks.*



 @CONAMER\_MX

 MXCONAMER



Keep track of product requirements in foreign markets

**The transparency framework under the WTO TBT Agreement**  
Serra Ayrál, Counsellor, Trade and Environment Division, WTO

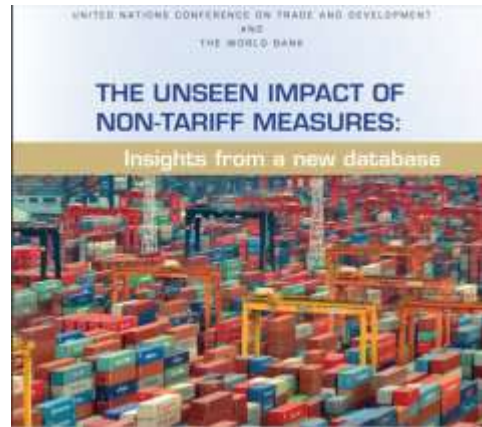
12<sup>th</sup> Conference on Good Regulatory Practices  
Puerto Varas, Chile – 19-20 August 2019

## Outline

- WTO TBT Agreement transparency framework
- Role of TBT Committee in promoting GRP in transparency
- ePing
- Sum up

## TBT: the most common and costly NTMs

- TBT measures: the most frequent form of NTMs affecting 40 per cent of product lines and about 65 per cent of world imports
- Global average ad valorem impact of 7.3%



## TBT Agreement

Recognizing  
right to  
**regulate** to  
achieve  
legitimate  
objectives



Avoiding  
**unnecessary**  
**obstacles** to  
international  
trade

Transparency  
Use of international

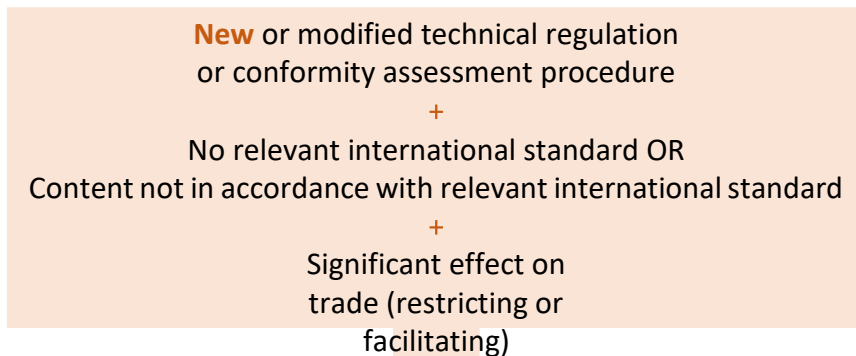
## TBT Agreement – transparency – GRP nexus

- No explicit reference to GRP in TBT Agreement; its provisions underpin and guide GRP from a **TRADE** perspective
- TBT Committee has recognized that “GRP can contribute to the **improved and effective implementation of the substantive obligations of the TBT Agreement**. Effective implementation through best practices is seen as an important means of **avoiding unnecessary obstacle to trade.**”
- TBT Committee forum for **exchange of experiences** on GRP
- **TRANSPARENCY** a core component of both **WTO/TBT Com** and **APEC work on GRP – mutually reinforcing**

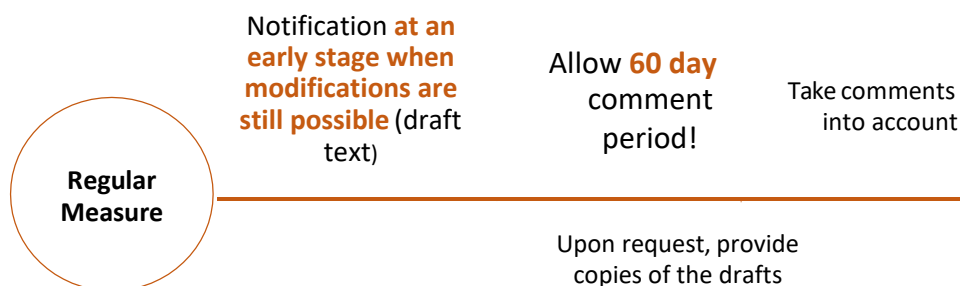
## TBT transparency framework: main obligations overview

- Statement of implementation
- **Notification of new/changing TBT measures**
- **Publication of regulations**
- Designation of Notification Authority
- Establishment of Enquiry Point
- Standards-related notifications

## NOTIFICATION OF NEW/CHANGING TBT MEASURES: WHAT TO NOTIFY?



## WHEN TO NOTIFY ?



In 2018, the average comment period provided in notifications was 55.4 days

*Linkage to APEC-OECD Checklist: Market Openness – public consultation mechanism, including for foreign stakeholders*

# TBT NOTIFICATION TEMPLATE



Cooperation on Technical Barriers to Trade

## NOTIFICATION<sup>1</sup>

The following notification is being circulated in accordance with Article 2.6.6.

1. Notifying Member: If applicable, name of local government involved (Articles 2.2 and 7.2):
2. Agency responsible: Name and address (including telephone and fax numbers, e-mail and web-site addresses, if available) of agency or authority designated to handle comments regarding the notification (shall be indicated if different from above):
3. Notified under Article 2.6.1 [ ], 2.6.2 [ ]; 2.6.2 [ ]; 2.6.2 [ ]; other [ ]:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading; 329 numbers may be provided in addition, where applicable):
5. TTA, number of pages and language(s) of the notified document:
6. Description of content:
7. Objective and rationale, including the nature of urgent problems where applicable:
8. Relevant documents:
9. Proposed date of adoption: Proposed date of entry into force:
10. Final date for comments:
11. Texts available from National enquiry point [ ] or address, telephone and fax numbers, e-mail and web-site addresses, if available of the other body:

Key information about the notified measure:

- Member notifying
- Products covered
- Description of regulation's content
- Objective and rationale
- Final date for comments

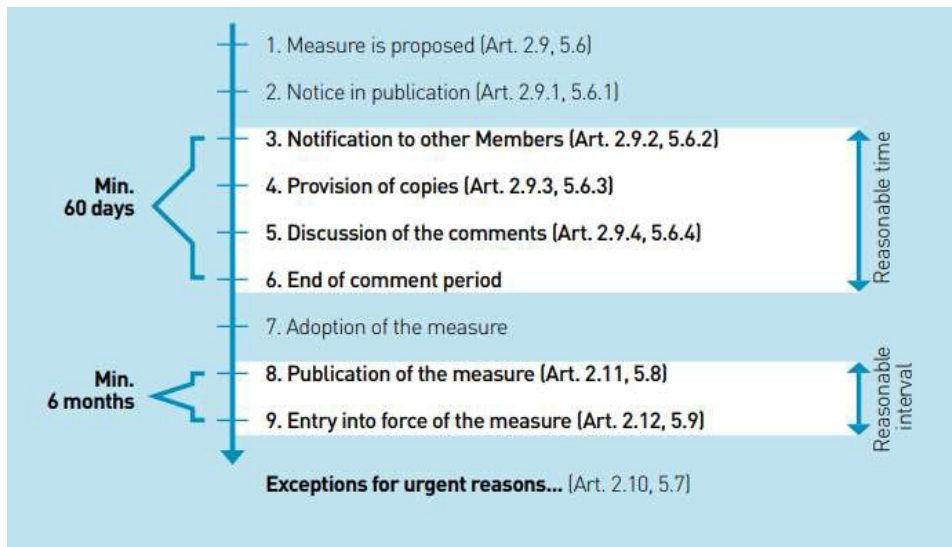
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## TBT Notifications from APEC economies

Economy	Total no. of notifications	Economy	Total no. of notifications
Australia	241	New Zealand	158
Brunei Darussalam	4	Papua New Guinea	4
Canada	1112	Peru	144
Chile	771	Philippines	296
China	1513	Russian Federation	97
Hong Kong, China	100	Singapore	80
Indonesia	256	Chinese Taipei	624
Japan	935	Thailand	811
Korea, Republic of	1038	United States of	3633
Malaysia	271	Viet Nam	170
Mexico	1184		

## REGULATORY TIMELINE

- EXCEPT IN URGENT SITUATIONS -



11

## Role of TBT Committee in promoting GRP in transparency

- Forum for exchange of experiences, thematic sessions
- Adoption of recommendations, for example:
  - notification formats
  - “60-day” comment period
  - use of online tools
  - TBT Enquiry Point guide





- Prepared by the Secretariat based on a survey among Members
- Consolidates provisions, procedures, good practices identified to date
- Available on WTO TBT webpage

## Role of TBT Committee in promoting GRP in transparency

Some recommendations from Eight Triennial Review (2018) related to transparency

- **Functioning of Enquiry Points**
  - validate contact information
  - discuss use of ePing by Enquiry Points and private sector
- **Domestic coordination**
  - discuss good practices, including on engagement with regulators  
*Linkage to APEC-OECD Checklist item on internal coordination of rule making activity*
- **Submission of notifications**
  - practices with SPS/TBT notifications - *linkage to APEC work on internal coordination*
  - improve product information, HS/ICS codes
  - encourage sharing of RIAs via notifications *linkage to APEC focus on RIAs*

## Role of TBT Committee in promoting GRP in transparency

- Adoption and availability of final texts
  - recommend to notify adopted final texts; modify addendum format
  - provide website information on where final texts can be accessed  
*linkage to APEC focus on use of central websites*
- Handling of comments
  - disseminate comments/replies on a voluntary basis, possibly via ePing  
*linkage to APEC focus on public consultation mechanisms*
- Technical assistance
  - develop a good practice guide on how to prepare a comment  
*linkage to APEC focus on promoting stakeholder engagement*

*Committee working on operationalizing the recommendations APEC and WTO initiatives can reinforce each other*

## Role of TBT Committee in promoting GRP in transparency

### **June 2019 thematic session on transparency: moderator summary G/TBT/GEN/265**

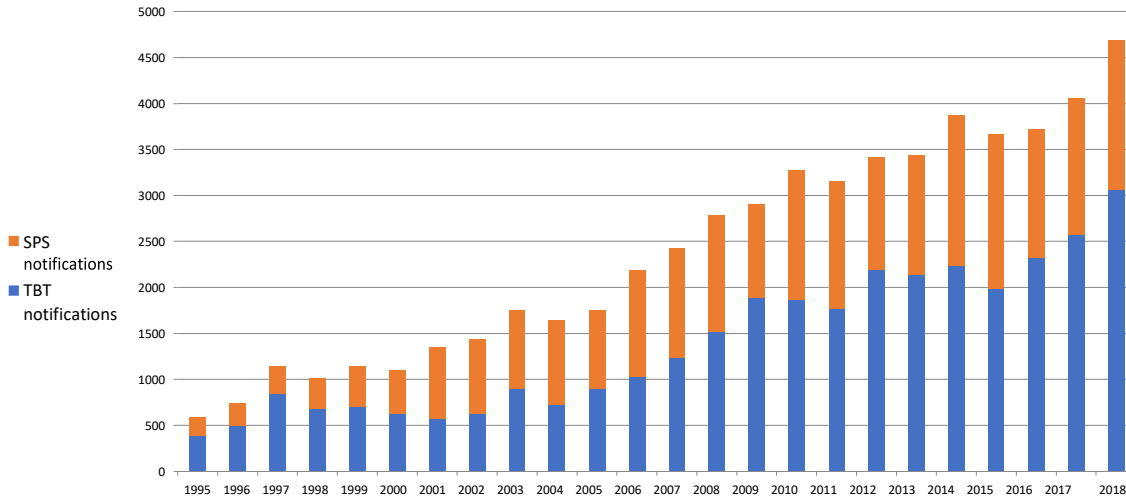
- Quality and completeness of notifications
  - Suggestions on closer coordination between SPS/TBT Enquiry Points
  - Improving Addendum format to know when measures enter into force/where to access
- Stakeholder engagement
  - Using ePing's alert/national discussion forum functions to reach out to stakeholders
  - Compiling examples on how notifications have led to concrete benefits for stakeholders?
- Communication between Enquiry Points
  - Keeping contact info up to date, providing comprehensive replies to queries
  - Using ePing's international Enquiry Point discussion forum for ongoing information exchange among EPs
    - with a view to reducing trade concerns raised in the TBT Committee

*Next thematic session on transparency in May 2020*

# ePing: a notification alert mechanism



4,700 SPS/TBT notifications circulated in 2018;  
how to keep track, engage stakeholders, take action in a timely manner?



# ePing: tool to track and manage notifications



## SPS/TBT notification alerts



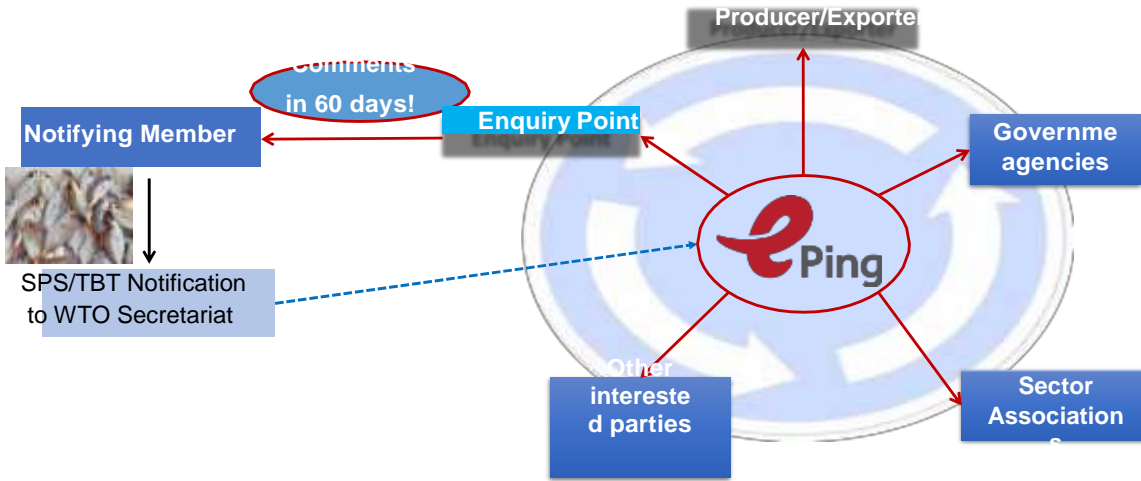
## Communication platform

Enquiry Point Tool

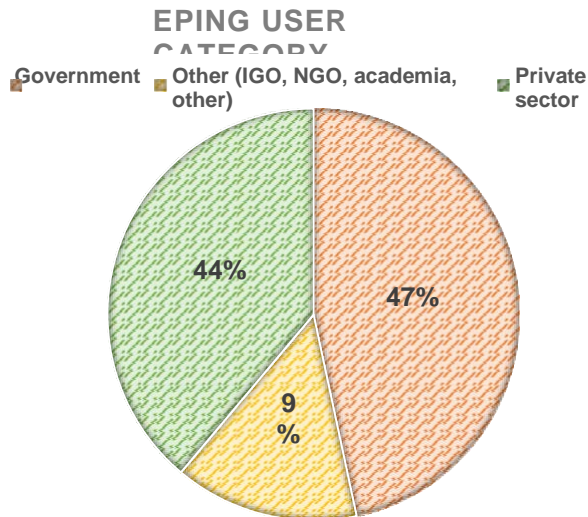


Launched in Nov. 2016  
Publicly available in EN, FR, ES

## ePing: timely access to notifications for formulation of comments



## ePing: for both public and private stakeholders, including SMEs

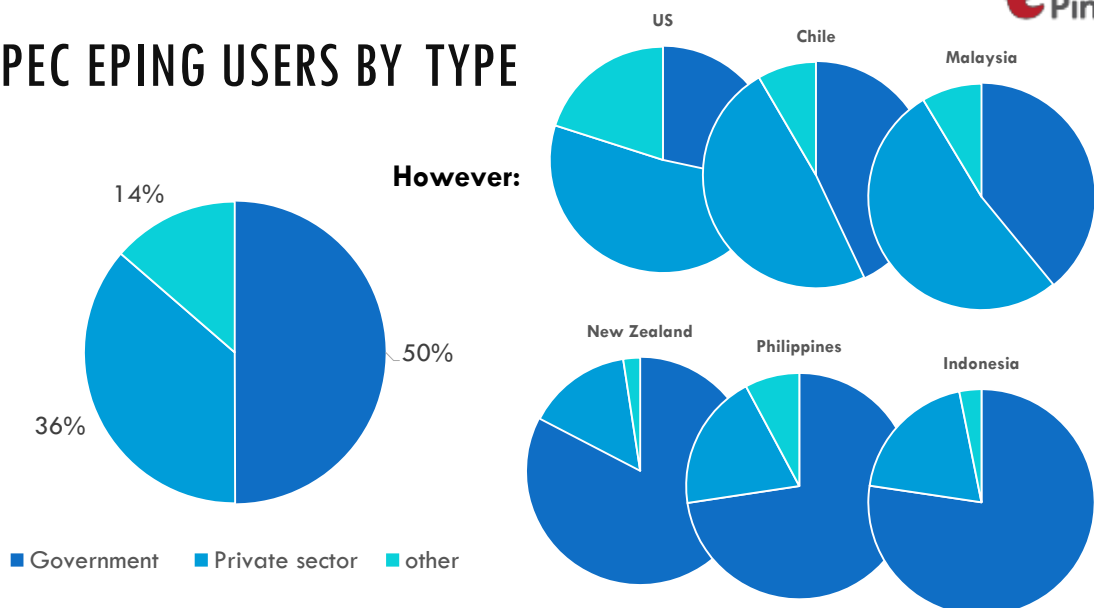


**7,400 users**

## APEC EPING USERS

Australia	312	Chile	108
Japan	260	Papua New Guinea	6
Viet Nam	136	Hong Kong, China	19
Canada	146	China	221
Peru	119	Korea, Republic of	39
Mexico	78	United States of America	289
Philippines	182	Thailand	91
Malaysia	152	Singapore	92
New Zealand	168	Chinese Taipei	59
Indonesia	159	Russian Federation	26

## APEC EPING USERS BY TYPE



## To sum up:

- GRP in transparency has been evolving over time: e.g. increasing emphasis on use of online tools for efficiency and impact
- Important for domestic/regional/international transparency initiatives to benefit from and build on each other
- Technical assistance can make a difference



12<sup>th</sup> Conference on Good Regulatory Practices

*“Transparency and Public comment procedures under WTO/TBT agreement in Chile”*

**Begoña Montenegro**

Adviser of the Regulatory Affairs Division  
Undersecretariat of International Economic  
Affairs Relations  
Ministry of Foreign Affairs of Chile



## Agenda

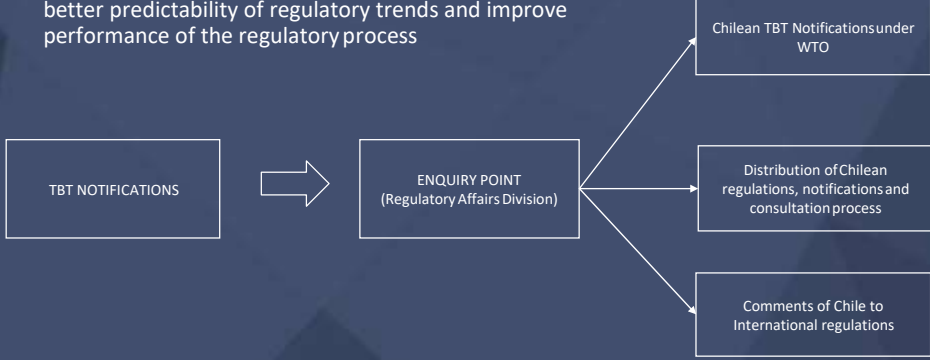
1. Transparency
2. TBT Notifications
3. Comments
4. Future Challenges

# 1. Transparency

-Tool to avoid unnecessary regulations and obstacles to trade.

-Opportunity to influence regulations of trading partners, WTO members and domestic regulation.

- Fundamental principles on TBT agreement, which allows better predictability of regulatory trends and improve performance of the regulatory process



# Transparency



**Main Functions:** facilitating access to information and implementation of TBT Agreements

**ACTIVE**

- Notification to the WTO the draft technical regulation and conformity assessment procedures to be elaborated by the Chilean regulatory agencies.
- Addressing enquiries and comments received by others WTO Members.

**PASIVE:**

- Distribution of the TBT Notification elaborated by WTO Members. Export Alert !
- Addressing Chilean comments to TBT measures notified by WTO Members.



## Transparency in Chile



Domestic coordination is of vital importance to notification procedures.



Information/ Reports of New Notifications

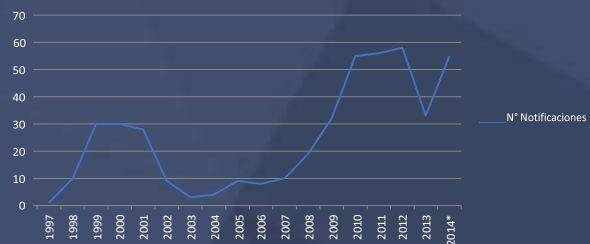


Capacity Building/ Workshops/ E-ping

## 2. TBT Notifications

- First Chilean TBT Notification was on 1997.
- At august 19th, Chile has doing 494 notifications.
- In 2014, for the first time Chile notified a draft law to the WTO (Alcoholic Beverages) and currently we notify a draft law in labeling diary products G/TBT/N/CHL/442 and G/TBT/N/CHL/458

Notificaciones OTC-OMC Chile  
1997-2019\*



## Notifications

### ¿How notifications improve International Trade?

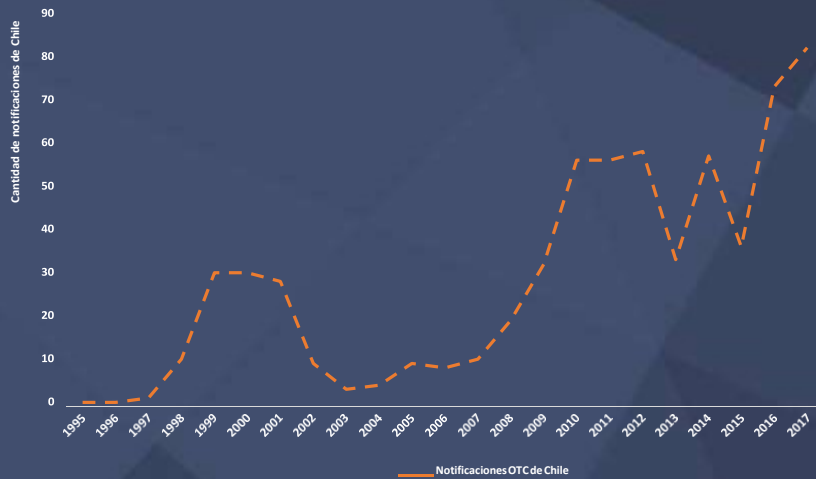
- Avoiding future non-tariff barriers that may increase production costs.
- Making observations to the regulations at an early stage and making the necessary adjustments in case they are well considered.
- Helping to have clear, predictable and known standards and regulations

*\*80% of new notifications were made by developed members*

## When/How to Notify?

- At an early stage when modifications are still possible **“DRAFTTEXT”**
- The new/modification regulations has a significant effect on trade
- Notifications should be send by WTO TBT Notification Submission System (NSS), take only 2 days to process and circulated

## Evolution of TBT Notifications in Chile



## Type of Notifications

- WTO members could give additional information or modification of a regular notification, through:
  - ✓ Addenda: Provide additional information or modifications to the original Notification.
  - ✓ Corrigenda: Fix error in Initial Notification.
  - ✓ Revisions: Replace an existing Notification.

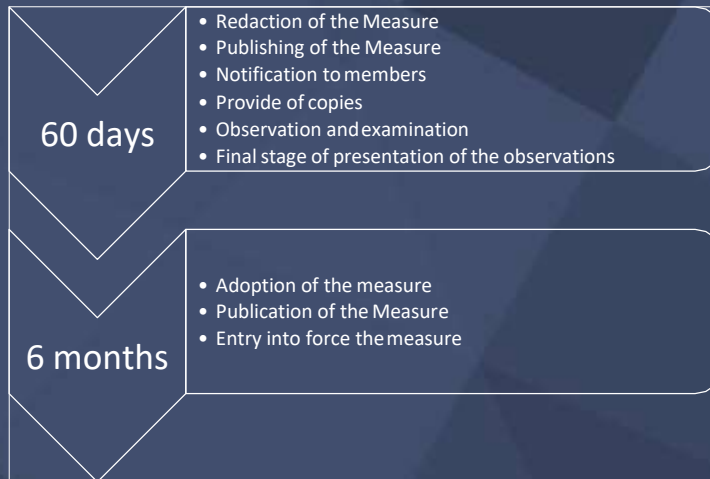
## Article 2 TBT

- 2.9.2. notify other Members through the Secretariat of the products to be covered by the proposed technical regulation, together with a brief indication of its objective and rationale. Such notifications shall take place at an early appropriate stage, when amendments can still be introduced and comments taken into account;
- 2.9.4. without discrimination, allow reasonable time for other Members to make comments by writing, discuss these comments upon request, and take these written comments and the results of these discussions into account.

## 3. Comments

- Domestic Coordination is a key to improve the participation and the quality of comments
- Keeping track of the activities of regulatory bodies
- Received and processed by TBT Enquiry Point
- Making observations to the regulations at an early stage and making the necessary adjustments in case they are well considered.
- Helping to have clear, predictable and known standards and regulations

## Notification Process



## National Consultation Process



## International Consultation Process

Ministry of Chile or Regulatory Agency, sends an official request to the Division of Regulatory Affairs of SUBREI, requesting the management to present the project to international public consultation under the WTO process

OF. ORD. N° 171045

ANT: No hay

MET: Se solicita iniciar consulta ante miembros de la ONIC.

SANTIAGO, 22 MAR 2017

A:  Pablo Urrutia Haring  
Director de Asesoría Económica Bilateral  
Ministerio de Relaciones Exteriores.

DE:  Sr. Miguel Stabán Schottlander  
Jefe (S) Oficina de Asuntos Internacionales  
Ministerio del Medio Ambiente

Junto con saludar, solicito iniciar el proceso de consulta ante los miembros de la Organización Mundial de Comercio del Anteproyecto de Revisión de Norma de Emisión aplicable a Motoциcles, el cual va adjunto a este oficio.

Saluda atentamente a usted.

*M. Stabán*  
Miguel Stabán Schottlander  
Jefe (S) Oficina de Asuntos Internacionales  
Ministerio del Medio Ambiente

## International Consultation Process

WTO Notification Form:

G/TBT/N/country/number



WORLD TRADE ORGANIZATION

Convention on Technical Barriers to Trade

Page: 01

Original

**NOTIFICATION**

The following notification is being circulated in accordance with Article 10.8

1. Notifying Member: Chile If applicable, name of local government involved (Article 3.2 and 7.3):
2. Agency responsible: Name and address (including telephone and fax numbers, e-mail and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above.
3. Notified under Article 2.9.2 [ ], 2.10.1 [ ], 2.4.3 [ ], 2.7.1 [ ], other:
4. Products covered (HS or CCEN where applicable, otherwise national tariff heading, SCC numbers may be provided in addition, where applicable):
5. Title, number of pages and language(s) of the notified document: [ ]
6. Description of content:
7. Objective and rationale, including the nature of urgent problems where applicable:
8. Relevant documents:
9. Proposed date of adoption: Proposed date of entry into force: }
10. Final date for comments:
11. Text available from: National enquiry point [ ], or address, telephone and fax numbers, e-mail and website addresses, if available of the other body:



## 4. Future Challenges

- » To generate a broad program to inform the community the existing Transparency and Public Consultation mechanisms.
- » Increase capacity building activities to the regulatory bodies, training workshop for stakeholders
- » Technical assistance: Guide on how to notify and prepare comments
- » Private sector engagement
- » Having a formal mechanism of RIA to assess the potential impacts of a new regulation specially on consumers, industry and trade.



## Registry of TBT/MSF that affects Chilean Exports







# WTO TBT Committee Work on Good Regulatory Practices

Jennifer Stradtman  
Director, Technical Barriers to Trade  
Office of the United States Trade Representative  
August 19, 2019

## GRP work in WTO

### Triennial Review

- Internal  
Coordination  
Mechanisms
- Regulatory  
Impact  
Assessment
- Regulatory Cooperation
- Transparency

A focus of the Committee at  
least once a year



## Eighth Triennial Review of the TBT Agreement (Under Article 15.4)

Recommendation contained in (G/TBT/41)::

- to continue to exchange information on mechanisms of GRP adopted by WTO Members that facilitate the implementation of the TBT Agreement and, in this vein:
  - to dedicate, unless otherwise agreed, the first thematic session of the TBT Committee each year to the topic of GRP;
  - to hold a thematic session on the role and function of domestic committees, and other administrative mechanisms, that facilitate internal coordination on TBT;
  - to encourage those Members that conduct RIA or similar initiatives as part of their regulatory process to provide, to the extent feasible, a hyperlink to the studies (ex ante) in the pertinent notification to the TBT Committee, as well as to notify on a regular basis or publish on a publicly accessible website the subsequent related assessments (ex post) in the national language

## Eighth Triennial Review of the TBT Agreement (Under Article 15.4)

Recommendation contained in (G/TBT/41):

- Building on this exchange as well as on previous decisions and recommendations of the Committee, and with a view to furthering its work and raising awareness of the importance of regulatory cooperation between Members, the Committee agrees:
  - to continue its information exchange in the area of regulatory cooperation between Members, based on topics identified by them.
- Previous Experience 7<sup>th</sup> Triennial Review:
  - Energy Efficiency Standards
  - Front of Pack Labeling for Processed Foods
- Potential Future Interests:
  - Chemical industry providing presentation on the margins of November TBT

## Eighth Triennial Review of the TBT Agreement (Under Article 15.4)

With Respect to Transparency there are recommendations in the following areas contained in (G/TBT/41):

- functioning of enquiry points
- domestic coordination
- use of online tools
- submission of notifications
- adopted final texts
- handling of comments

## Internal Coordination Mechanisms (G/TBT/GEN/256)

- Stakeholders
  - Importance to include a broad range of stakeholders in the work of coordinating Committee's. This could include, for example: the authorities responsible for notification; the enquiry point; the standards body, relevant ministries (e.g. trade, health and agriculture); the regulatory bodies, the private sectors – and even academia.
- Functions
  - Presentations put a lot of emphasis on coordination and transparency. For efficient functioning, several tasks were illustrated by the participants. For example, monitoring TBT measures in other countries (through notifications and ePng) that might affect exports; tracking and monitoring the development of regulations "at home" to ensure that the transparency obligations are followed; preparing for and effectively engaging in the TBT Committee meetings in such a way that national interests can be either promoted or defended in Geneva.
- Informing regulators
  - One specific recommendation proposed the development of guidance for regulators. The importance of guiding regulators was stressed – and this can be done, for example, by developing "regulator guides" of a step-by-step nature, meaning very operational and practical.
- Timing
  - Importance of timing the national coordination meetings in advance of TBT Committee meetings in Geneva, for example 3 times a year.
- Formal or informal
  - Some speakers identified formal mechanisms for coordination, others said that they do not have any formal body.

# U.S. Examples of successful implementation of TBT requires key internal coordination mechanisms

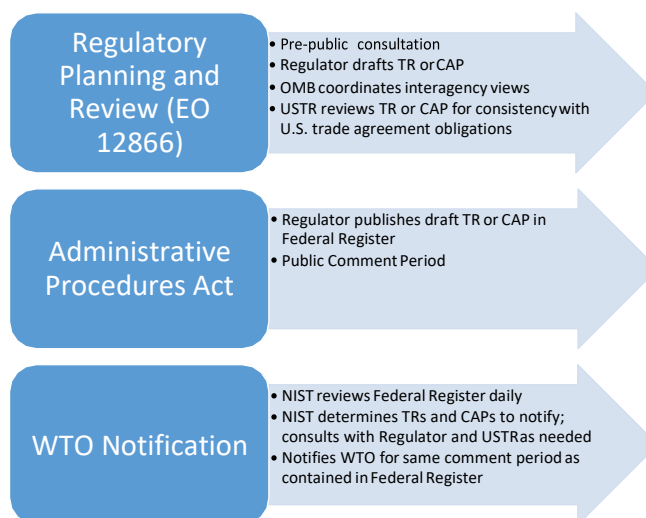
- Office of Management and Budget (OMB) coordination of domestic regulation through EO 12866 and Administrative Procedures Act.
- National Institute of Standards and Technology (NIST) coordination role as the Notification Authority, U.S. Inquiry Point and manager of Notify U.S.
- United States Department of Agriculture (USDA) coordination of U.S. Government comments on WTO Member notifications on agricultural products.
- USTR Coordination of Intergovernmental Affairs and Public Engagement
  - Intergovernmental Policy Advisory Committee (State Coordination)
  - Industry and Agriculture Trade Advisory Committees (Industry Coordination)
- USTR Coordination of the Trade Policy Staff Committee (TPSC)

6/4/2020

7

## Federal Regulation

Internal coordination mechanisms to notify U.S. Federal TRs and CAPs.



6/4/2020

8

## Upcoming TBT Committee – GRPs for Standards and CAPS

November 12, 2019

Thematic session on National  
Quality Infrastructure –  
discussion of systems  
underpinning GRPs.

Thematic session on  
Incorporating Standards by  
Reference.



## Thank you!

Jennifer Stradtman

Director, Technical Barriers to Trade

Office of the United States Trade  
Representative

202-395-4498

[Jennifer\\_A\\_Stradtman@ustr.eop.gov](mailto:Jennifer_A_Stradtman@ustr.eop.gov)



*"Connecting People, Building the Future"*

*12<sup>th</sup> Conference on Good Regulatory Practices*

*"Good Regulatory Practices under the WTO  
TBT Agreement in Chile"*

Alex Chaparro Cavada  
Regulatory Division  
Ministry of Foreign Affairs - Chile



## Agenda

1. Introduction
2. TBT/WTO in Chile: Decree n° 77 Ministry of Economy
3. Good Regulatory Practices Chilean Experience
4. Challenges

## 1. Introduction

- Regulations are a key factors for the right functioning of the economy and the society.
- Deficient regulation could restrain the innovation and generate unnecessary costs.
- An appropriate institutional setting must set up for the entire regulatory cycle.

## 2. TBT/WTO in Chile: Decree n° 77 Ministry of Economy

Decree n° 77 Ministry of Economy



Implementation of the TBT/WTO Agreement in Chile and GRPs first approach

- The scope of the Decree, relates to the principles of the TBT Agreement and Good Regulatory Practices (GRP).
- Decree n° 77 contains norms on implementation, preparation and adoption of **Technical Regulations and Conformance Assessment Procedures**
- In 1997, the National Commission of Technical Barriers to Trade was established in the Decree.



## 2. TBT/WTO in Chile

*Enhance awareness among Chilean agencies regarding to:*

- Clear and uniform rules on how TR and CAP should be developed, adopted, and applied.
- Principles of the TBT Agreement such as: International standards, Non-discrimination, Transparency and Unnecessary barriers to trade.
- Consultation System of draft regulations and periods of times for comments (at least 60 days)
- TR and CAP must allow reasonable time between the date of their adoption and their application. No less than 6 months.
- Ministry/Agency shall analyze comments and must make available public responses to any significant comments received.



## 2. TBT/WTO in Chile

### TBT National Commission

- Mechanisms of Inter-ministerial Coordination.
- Coordinated by the Undersecretariat of International Economic Affairs (Regulatory Division).
- 20 public institutions with responsibilities on TBT.
- It's objective is to coordinated all matters related to the domestic and international agenda referred to technical regulations and conformity assessment procedures.
- Promoting the use of Good Regulatory Practices.



## 2. TBT/WTO in Chile

Ministry or Governmental Agency	Area	Web site
Transport	Vehicles	<a href="http://www.mtt.cl">www.mtt.cl</a>
Telecommunications	Telecommunications	<a href="http://www.subtel.cl">www.subtel.cl</a>
General Direction of Public Works	Road and Construction	<a href="http://www.mop.cl">www.mop.cl</a>
Housing Planning, Urban Development and National Goods	Construction materials, seismic design, fire prevention, etc.	<a href="http://www.minvu.cl">www.minvu.cl</a>
Ministry of Agriculture – Agricultural and Livestock Service	Agriculture products and animal products, pesticides, fertilizers, seeds, alcohol, meat, fruits, etc.	<a href="http://www.agricultura.gob.cl">www.agricultura.gob.cl</a> <a href="http://www.sag.cl">www.sag.cl</a>
Ministry of Environment	Environment	<a href="http://www.mma.gob.cl">www.mma.gob.cl</a>
Superintendence of Electricity and Fuel (SEC)	Electric products and fuel	<a href="http://www.sec.cl">www.sec.cl</a>
SERNAPESCA (Fishing National Service) SUBPESCA (Undersecretary of Fishing)	Fishing	<a href="http://www.sernapesca.cl">www.sernapesca.cl</a> <a href="http://www.subpesca.cl">www.subpesca.cl</a>
Ministry of Health - ISP (Public Health Institute)	Health; Food, Pharmaceuticals and Cosmetics products	<a href="http://www.minsal.cl">www.minsal.cl</a> <a href="http://www.ispch.cl">www.ispch.cl</a>
Ministry of Economy Consumer National Service	Labeling	<a href="http://www.sernac.cl">www.sernac.cl</a> <a href="http://www.economia.cl">www.economia.cl</a>
INN (National Institute of Standardization)	Standards	<a href="http://www.inn.cl">www.inn.cl</a>
Superintendence of Sanitary Services	Sanitary Services	<a href="http://www.siss.cl">www.siss.cl</a>
Ministry of Defense	Arms, Defense	<a href="http://www.defensa.cl">www.defensa.cl</a>

## 3. Good Regulatory Practices

### **Transparency law (Law 20.285)**

- Systematize in a single body, the rules on access to information and active transparency.
- The Administration of the State must allow and promote knowledge of the procedures, contents and foundations of public decisions.
- Mechanisms Control:
  - Transparency Council.
  - Oversees the effective observance of the principle of transparency. Promotes, monitors and guarantees the right of access to information.
  - <http://www.consejotransparencia.cl/>



### 3. Good Regulatory Practices

- The implementation of GRPs provides a higher legal certainty and trade facilitation.  
Enhancement of Public Consultation.  
Regulatory Impact Assessment.  
Regulatory Cooperation.
- Good Regulatory Practices have been implemented in different agendas, for example:  
WTO  
APEC-OECD  
World Bank
- Negotiation of Regulatory Coherence in Regional Trade Agreements.



### 4. Challenges

- Implementing standardized GRP procedures across all regulatory Agencies.
- Enhancing internal coordination mechanisms.
- Increase capacity building activities to regulatory bodies.
- Improving quantitative and qualitative information regarding TBT.
- Access and monitor the “cycle” of the regulation.



Thanks for your attention!!  
[Alex Chaparro](mailto:achaparro@subrei.gob.cl)  
[achaparro@subrei.gob.cl](mailto:achaparro@subrei.gob.cl)  
[achaparro@direcon.gob.cl](mailto:achaparro@direcon.gob.cl)



## Using a TBT Notification Alert System to engage the private sector in commenting on WTO Notifications: US experiences and practices

### Today's Discussion

---

1. What does the [USA TBT Enquiry Point](#) do?
2. How does the USA TBT Enquiry Point facilitate stakeholder awareness of and comments on TBT notifications?
3. What is the role of the USA TBT Enquiry Point in soliciting and sharing comments on TBT notifications?
4. What are the benefits of using the USA TBT Enquiry to comment on notifications?
5. What are some considerations when engaging with stakeholders on commenting?

## #1 USA TBT Enquiry Point Roles:

The USA TBT Enquiry Point—

- Makes notification details available via Notify U.S.
- Distributes comments, correspondence from U.S. stakeholders to WTO members and keeps USG trade agencies informed
- Distributes comments, responds to correspondence from WTO members and keeps USG trade agencies informed
- Provides information & guidance to U.S. industry on comment submissions
- Monitors U.S. Federal and State regulations and notifies the WTO of potential TBTs



3

## #2 Facilitating Awareness

Distributes Key Information from the Notifications and Provides Full Texts

**NotifyUS**

[www.nist.gov/notifyus](http://www.nist.gov/notifyus)

a free, web-based, e-mail registration service



### #3 Providing Guidance and Sharing Comments

- Enquiry Point provides guidance for US commenters on the Notify U.S. website at <https://tsapps.nist.gov/notifyus/data/guidance/guidance.cfm>
- U.S. entities submit comments, procedural questions, other information requests to the USA TBT Inquiry Point
  - Enquiry Point distributes comments/messages to:
    - appropriate WTO member national enquiry point
    - U.S. government trade/export agencies
- WTO members submit comments on USA notifications to USA Enquiry Point
  - Enquiry Point distributes comments/ to:
    - U.S. government regulators and trade agencies



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### #3 Accepting and Circulating Comments from WTO Members on USA Notifications

- Enquiry Point receives and distributes member comments on USA notifications to:
  - Regulatory contacts listed in the Federal Register (U.S. National Gazette)
  - Office of the United States Trade Representative (USTR)
  - Trade Policy Staff Committee (TPSC, chaired by USTR)
  - Regulations.gov

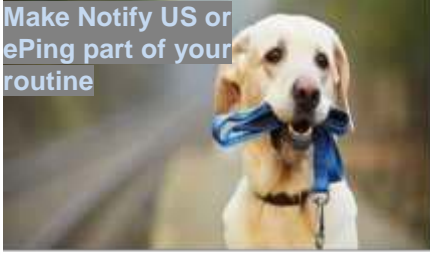


- Enquiry Point follows up with commenter to:
  - acknowledge /confirm receipt of comments
  - provide confirmation of receipt by regulatory authority



## #4 Benefiting from Use of the Enquiry Point

Make Notify US or ePing part of your routine



To avoid missed opportunities for intervention

- Learn about TRs and CAPs in draft stages
- Comment on and influence drafts
- Connect to trade agencies (USTR, USDA)
- Establish placeholder for possible escalation



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## #1 Tracking USA TBT Comment Activity 2015-2019 (as of 12 August 2019)

Calendar Year	CY 2015	CY 2016	CY 2018	CY 2019
USA Comments on WTO Member Notification	183	230	270	123
USA Information Requests to WTO Members	44	35	68	58



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## #5 Creating Awareness with Your Stakeholders:

### Considerations

- Does Your Enquiry Point already accept comments on notifications from stakeholders? What improvements, if any, would you like to make in your commenting procedures?
- What challenges do you face in monitoring notifications or connecting/engaging with stakeholders who do?
- Are there existing tools or resources to tap into to connect with your stakeholders and solicit feedback on notifications?
- How might we use ePing to facilitate commenting?



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### Working Together



MaryAnn Hogan  
USA WTO TBT Enquiry Point  
National Institute of Standards & Technology (NIST)  
Email: [usatbtep@nist.gov](mailto:usatbtep@nist.gov)  
[www.nist.gov/notifyus](http://www.nist.gov/notifyus)



Image courtesy of flickr, highersights

10





国家市场监督管理总局  
State Administration for Market Regulation



## 中国CCC认证改革情况通报 Introduction to the Latest Development of the Reform of the China Compulsory Certification System

Department of Certification, SAMR  
Aug. 2019



国家市场监督管理总局  
State Administration for Market Regulation



## 强制性产品认证实施概况 Framework of CCC Implementation

### 目录 catalog

19类130种            19 categories, 117 types

### 机构 organization

指定认证机构26家，指定实验室219家

26 designated certification bodies, and 215 designated laboratories

### 规则 rule

认证通则7份，产品规则47份

7 general rules of certification, 47 product rules

### 证书和企业 certificates and enterprises

截至6月底，有效证书675,009，企业 75,381；

其中，国外有效证书41,390，企业 5,258。

Up to the end of June, there are 675,009 valid certificates from 75,381 enterprises, among which, 41,390 certificates are valid foreign certificates from 5,258 enterprises overseas.



国家市场监督管理总局  
State Administration for Market Regulation



## 强制性产品认证改革主要举措 Main Actions on CCC Reform (2017. 11-2019. 7)

### 精简优化目录

Streamlining and optimizing the Datalog

### 科学分类实施

Implementation by Science-based classification

### 简化流程程序

Simplification of processes and procedures

促进公平竞争 Promote fair competition



国家市场监督管理总局  
State Administration for Market Regulation



## 强制性产品认证改革主要举措 Main Actions on CCC Reform (2017. 11-2019. 7)

### 精简优化目录

- 原则：风险相对较低、数量较少、与普通消费者接触机会较少
- Rule: comparative lower risks, less in quantity, less contacts with ordinary consumers.
- 电脑游戏机、学习机、摩托车发动机、汽车燃油箱、消防类等44种产品调出CCC目录，涉及CCC证书约80,000张。
- 44 types of products including computer games, learning machines, motorcycle engines, auto feul tanks and fire fighting products are excluded from the former catalogue. Almost 80,000 CCC certificates are affected.
- 市场监管总局2018年第11号公告、第29号公告，2019年第36号公告。
- The 11th and the 29th Announcement of 2018, the 36th Announcement of



国家市场监督管理总局  
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强制性产品认证改革主要举措  
Main Actions on CCC Reform  
(2017. 11-2019. 7)

科学分类实施 implementation by a science-based classification

实施方式细分为三种 3 approaches for certification:

- 自我声明程序A (自选实验室型式试验+自我承诺) Procedure A of Self-Declaration on compliance (Test by a Self-selected Laboratory + commitment)

涉及12种产品中的部分产品, 有效证书约2000张。involving a part of the 12 categories of products, and about 2000 valid certificates

- 自我声明程序B (指定实验室型式试验+自我承诺) Procedure B of Self-Declaration on compliance (Test by a Designated Laboratory + commitment)

共20种产品采取自我声明B模式, 涉及证书11.5万张。20 types of products adopt the Self-Declaration Procedure B, which involves 115,000 certificates

- 型式试验+工厂检查+获证后跟踪检查 Type test + factory inspection + follow-up inspection after obtaining a certificate

原则: 质量稳定、安全风险较低 principle: stable quality and lower safety risk

强制性产品认证自我声明信息报送系统 ( <http://sdoc.cnca.cn>)

the information submission system for self-declaration on CCC compliance ( <http://sdoc.cnca.cn>)



国家市场监督管理总局  
State Administration for Market Regulation



强制性产品认证改革主要举措  
Main Actions on CCC Reform  
(2017. 11-2019. 7)

简化流程程序

- 整合工厂审查环节, 实现“一次检查、多张证书”; One factory inspection covers multiple certificates
- 依据企业分类管理规则, 实施“先发证后审厂”; Certification prior the on-site inspection
- 采信企业自我承诺及其他合格评定制度结果; recognition of undertakings' self commitments and of the results of other assessment systems
- 简化零部件变更要求; simplifying requirements for components changes
- 推进认证全过程的互联网化。 Promote the internet based certification process



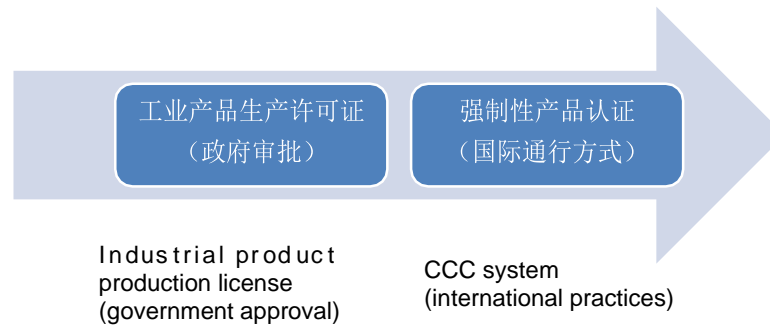
## 强制性产品认证改革主要举措 Main Actions on CCC Reform (2017.11-2019.7)

### 促进公平竞争

- 增加指定认证机构和实验室 Increasing the number of implementing bodies
- 优先考虑检测认证一体化机构 prioritize the organizations providing integrated testing and certification services
- 外资实验室6家 foreign-owned labs
- (SGS、UL、天祥 Intertek、莱茵TUV Reinland、南德 TUV Sud Laboratory、香港标检 HK Standards and Testing Centre)



## 最新改革动向 Latest reform trend





国家市场监督管理总局  
State Administration for Market Regulation



**已实施CCC管理: implemented CCC management**

摩托车乘员头盔、电热毯 Helmets for motorcycle passengers, electric blanket

过渡期2017年11月1日至2018年7月31日止; 2018年8月1日起强制实施。

The transition period starts from November 1, 2017 to July 31, 2018; it will be enforced from August 1, 2018.

电动自行车electric bicycle

过渡期2018年8月1日起至2019年4月14日; 2019年4月15日起强制实施。

The transition period is from August 1, 2018 to April 14, 2019; it will be enforced from April 15, 2019.



国家市场监督管理总局  
State Administration for Market Regulation



**即将实施CCC管理 To-be-implemented CCC management**

500L以上家用冰箱冷柜 household refrigerator and freezer over 500L

燃气器具(家用燃气灶、家用燃气快速热水器、燃气采暖炉)

Gas appliances (domestic gas stoves, domestic gas-fueled water boiler, gas heating)

防爆电器

explosion-proof electric apparatus

**WTO通报已完成 have finished notifying to WTO**

**2019年10月1日起受理认证, 2020年10月1日起强制实施**

~~Application accepted since October 1, 2019. Enforcement since~~

October 1, 2020.



国家市场监督管理总局  
State Administration for Market Regulation



## 后续改革调整措施

Follow-up reform and adjustment measures

进一步精简优化目录。Further streamline and optimize catalog

扩大自我声明实施范围。Extend the scope of self-declaration implementation

优化认证实施程序，减少认证单元和证书数量。Optimize the certification procedures, reduce certification units and the number of certificates

共享质量信息，对接全国信用平台。Share information on quality, connect to the national credit platform

强化国际合作互认。Strengthen international cooperation on reciprocal recognition



国家市场监督管理总局  
State Administration for Market Regulation



# THANK YOU!

[haox@cnc.gov.cn](mailto:haox@cnc.gov.cn)  
n (86)10-82262717



# TOOLS TO FACILITATE IRC - OECD PERSPECTIVE -

2019 APEC Conference on Good Regulatory Practices Puerto Varas, 20 August 2019

Céline Kauffmann, Deputy Head of Division  
Camila Saffirio, Policy Analyst  
OECD Regulatory Policy Division



## OECD Regulatory Policy Committee

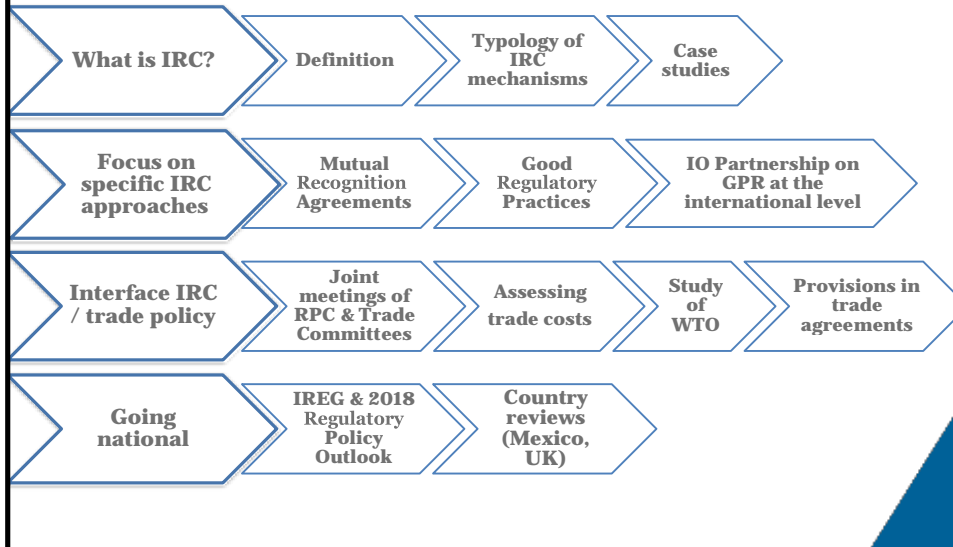


### Principle 12

*“In developing regulatory measures, give consideration to all relevant international standards and frameworks for co-operation in the same field and, where appropriate, their likely effects on parties outside the jurisdiction”*



## Implementing Principle 12: RPC work on IRC (2012-2020)



## Why cooperate on laws and regulations?

**To tackle regulatory challenges at the level where they occur and avoid regulatory “arbitrages”**

**To address the unnecessary costs of regulatory divergence on businesses and consumers**

**To improve the capacities of domestic regulators through peer learning and sharing of resources**

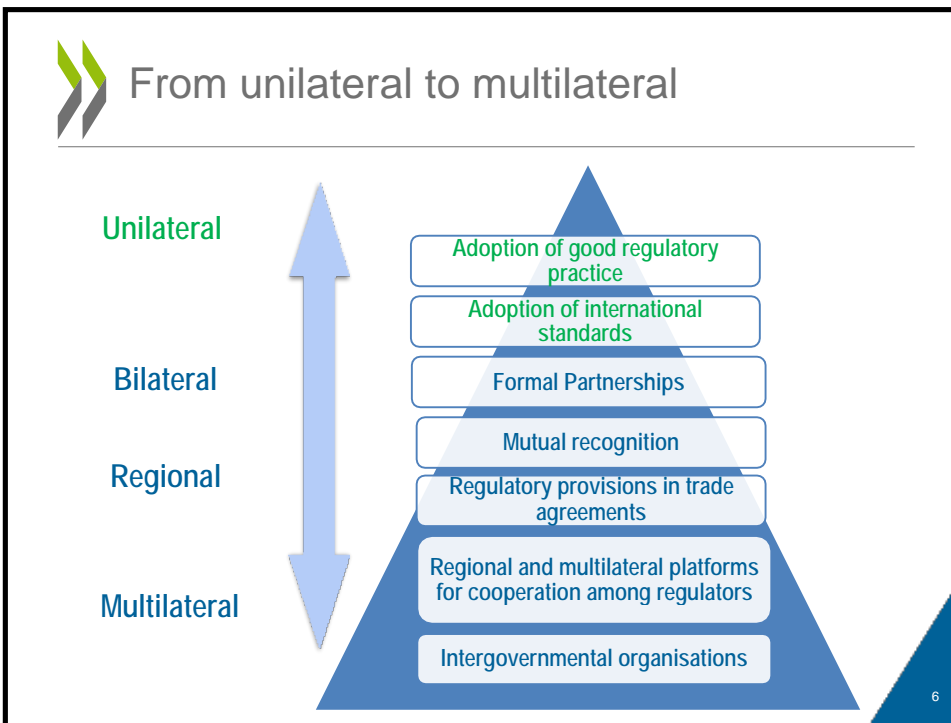




## IRC takes many forms

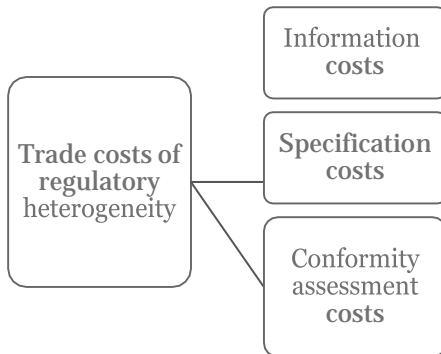


## From unilateral to multilateral





## Trade: a driver for IRC...



- Costs may be fixed (affect market entry) or variable (act as a tariff)
- They are country and sector specific
- They are non-negligible in some sectors
- They distort GVC
- They affect SMEs disproportionately

OECD (2017), *International Regulatory Co-operation and Trade: Understanding the Trade Costs of Regulatory Divergence and the Remedies*, OECD Publishing, Paris



## ... and a vehicle



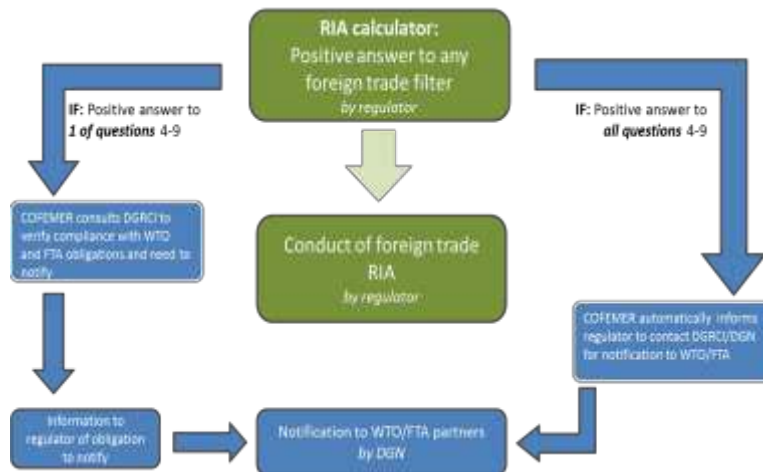
- The WTO as a platform for its 164 Members to establish the rules of the multilateral trading system.
- The opportunities provided by SPS and TBT to promote GRPs & co-operate on regulatory matters to prevent unnecessary barriers to trade

OECD/WTO (2019), *Facilitating trade through regulatory cooperation: The case of the WTO's TBT/SPS Agreements and Committees*, WTO, Geneva/OECD Publishing, Paris

8



## Mexico: Leveraging RIA to consider trade impacts of regulations and notify WTO



Source: OECD (2018), *Review of International Regulatory Co-operation of Mexico*, OECD Publishing, Paris, <https://doi.org/10.1787/9789264305748-en>



## Thank you

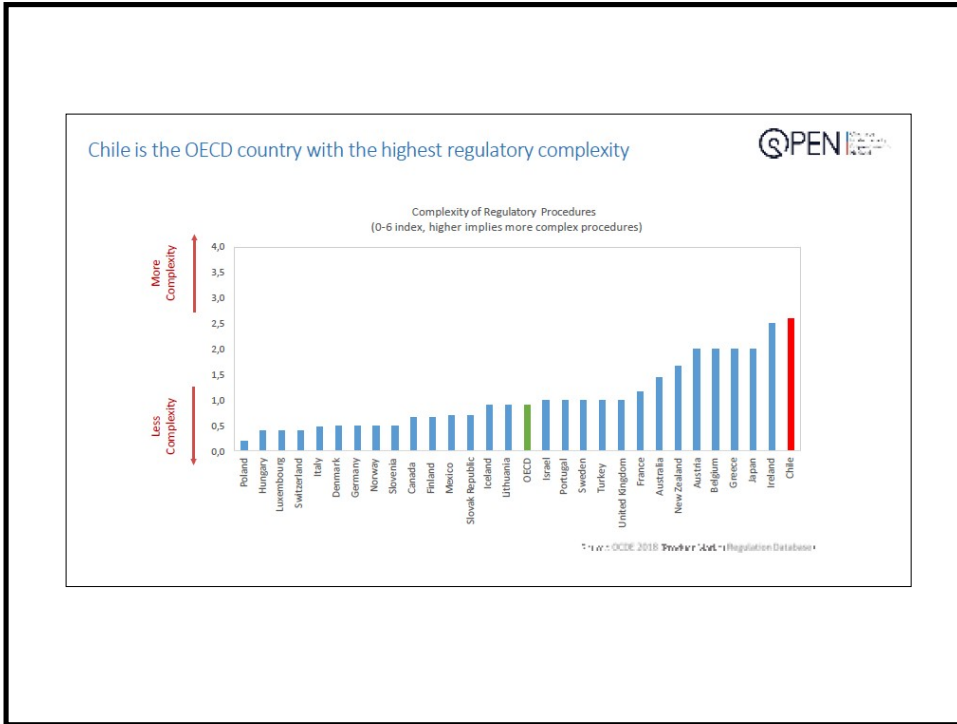
Contact: Céline Kauffmann ([celine.kauffmann@oecd.org](mailto:celine.kauffmann@oecd.org)) and Camila Saffirio ([camila.saffirio@oecd.org](mailto:camila.saffirio@oecd.org))

### Background information:

The Regulatory Policy Committee was created by the OECD Council on 22 October 2009 to assist countries in implementing government-wide policies to promote regulatory policy and governance. Information about OECD work on regulatory policy at: [www.oecd.org/gov/regulatory-policy](http://www.oecd.org/gov/regulatory-policy)

Our work on international regulatory co-operation is available at: [www.oecd.org/gov/regulatory-policy/IRC](http://www.oecd.org/gov/regulatory-policy/IRC)





### “OPEN”: Productivity and National Entrepreneurship Office

- We want **open** and competitive markets, without privileges or barriers to entry. To promote entrepreneurship and innovation.
- We want an **open** Chile, to exchange goods, services, investments, ideas, culture and experiences with the rest of the world.

- OPEN** is entrepreneurship
- OPEN** is innovation
- OPEN** is incorporate new technologies
- OPEN** is trade with the rest of the world
- OPEN** is to new ideas, cultures and experiences


## Regulatory Harmonization

- OPEN is updating obsolete regulations that prevent consumers/producers from importing and, in turn, prevent entrepreneurs from exporting their products to other economies.
- The OECD is working in a study to detect opportunities for regulatory harmonization in four key sectors of the Chilean economy.
- The results of this study will be delivered in October 2019.



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## Regulatory Simplification



**Regulatory Simplification**

**Bill that promotes regulatory simplification**

- This bill was sent to Congress in April 2019.
- Repeal 100 laws.
- Digitalization of regulations.

**Instructivo Presidencial No. 4 (April 2019)**

- Establish rules to repeal obsolete regulation when creating a new.
- Periodical revision of regulations.

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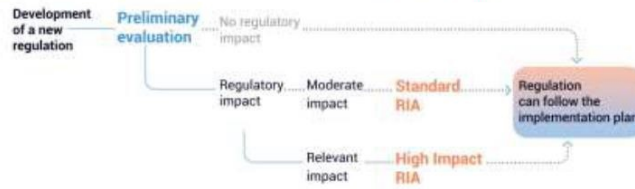




## Regulatory Impact Assessment process



- The new Regulatory Impact Assessment consists of 3 sections, with a different degree of complexity and detail.
- The first section is the Preliminary Evaluation.
- If the proposed regulation has a significant regulatory impact, it will be necessary to prepare a Standard Regulatory Impact Assessment.
- If the impact is substantial, a High Impact Regulatory Impact Assessment should be prepared.
- The big difference between those two reports is the quantification of the impact.



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## Update in Chilean RIA methodology



Sections	Description	OCDE Principles	Chile 2016	Chile 2019
Threshold test	Determine if the cost of regulation exceeds a certain threshold, and based on that, specify the additional level of analysis.	✓	-	✓
1. Problem	Identify and characterize the policy problem (number of affected, magnitude of causes and effects).	✓	✓	✓
2. Objectives	Prioritize specific, measurable, attainable and relevant results.	✓	✓	✓
3. Participation	Allow participation of those affected in a timely and transparent manner. Coordinate with the rest of the regulators.	✓	-	✓
4. Alternatives	Choose the viable option - whether regulatory or not - that maximizes social welfare and that meets the original objectives.	✓	✓	✓
5. Impact Analysis	Qualitatively evaluate (and quantitatively if applicable), the costs and benefits of the new regulation.	✓	-	✓
6. Implementation and Evaluation	Ensure harmonization and regulatory coherence. Establish an action plan and determine key monitoring indicators.	✓	-	✓

Fuente: OCDE (2018)

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## International Collaboration



- Throughout its first year, OPEN has been in constant contact with international regulatory organizations.
  - Australia - OBPR
  - Mexico – Cofemer
  - UK – Office for Product Safety and Standards
  - New Zealand – Treasury
  - Colombia – Departamento Nacional de Planeación
  - Peru – Indecopi
- On March 25, 2019 OPEN signed a MoU with the Office of Best Practice Regulation of Australia.
- OECD: Chilean Guide for Good Regulation Foreword.
- We work with SUBREI to maintain international regulatory coherence in new regulations.

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**IEC perspective**

Dennis Chew  
Regional Director, APRC  
dch@iec.ch

12<sup>th</sup> APEC GRP Conference  
Puerto Varas, Chile  
August 2019



## Scope of the IEC

strengthen global trade in electrical and electronic devices, innovation, infrastructure development, smart urbanization, transportation, energy access and efficiency, safety, security of people and the environment






## Biggest trade good in the world

**World trade in electronics & electrical devices: 19.6%**  
**(USD \*3,757 trillion)**

**Primary energy: 13%**  
**(USD 2,500 trillion)**

**Vehicles: 7.9%**  
**(USD 1,520 trillion)**

IEC

A world map with glowing yellow and orange lines connecting various regions, representing global trade flows. The IEC logo is in the bottom right corner.

## Using and referencing IEC and ISO standards

- Advantages and benefits
- World trade and international standards
- Use of standards to support public policy
- Examples



5



## Participation at regulatory and related fora

### Examples

- ASEAN JSC on Electrical and Electronic Equipme
- APEC JRAC
- AHWP
- SARSO STC on Electrical, Electronics, IT and Telecom



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## Regulator forum 2018

- **Pilot regulator forum at IEC GM in Busan, Oct 28**
- **Theme on Renewable Energy**
- **Objective: Increase dialogue with regulators, with a view to encouraging the use of and participation in IEC work**



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## Regulator forum 2018 findings

- **Foundational to increase dialogue between the IEC and regulators**
- **Recommended that IEC continues its efforts to engage with regulators**
- **Use case studies to show examples of success cases in using international standards and conformity assessment systems**

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## Next steps

Hold a series of webinars for regulators

Side event at an existing regulator gathering

Hold regional Regulator Forums



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# Regulator forum 2019



- Introduction to IMDRF
- Latest developments on standards and regulations
- IMDRF guidance on developing standards to meet regulator needs and promote global harmonization
- Networking opportunities

IMDRF members are Australia, Brazil, Canada, China, Europe, Japan, Russia, Singapore, South Korea, and the United States of America.

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Dennis Chew  
Regional Director, APRC  
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# Integrating Good Regulatory Practices in Free Trade Agreements

APEC Conference on Good Regulatory  
Practices

August 2019



## Overview

- 1 Overview of Good Regulatory Practices (GRPs)
- 2 Benefits of GRPs
- 3 Canada's approach to GRPs
- 4 Why include GRPs in FTAs?
- 5 Canada's FTAs (CPTPP, CUSMA, CETA)
- 6 OECD Regulatory Policy Committee



## Good Regulatory Practices (GRPs)

GRPs included in free trade agreements draw heavily from the work of the WTO Technical Barriers to Trade Committee, and its process of Triennial Reviews.

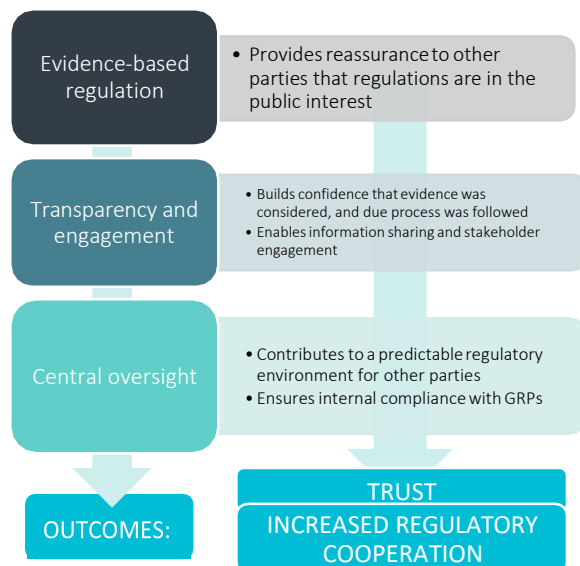
The 2012 OECD Recommendation of the Council on Regulatory Policy and Governance suggests the following:

- |   |   |   |
|---|---|---|
| 1. Commit to whole-of-government policy for regulatory quality  | 2. Adhere to principles of open government  | 3. Provide oversight of regulatory policy   |
| 4. Integrate Regulatory Impact Assessment   | 5. Conduct systematic programme reviews of regulatory stock                                       | 6. Regularly publish reports on performance of regulatory policy                              |
| 7. Develop a consistent policy covering the role of regulatory agencies   | 8. Ensure effectiveness of systems for review of legality and procedural fairness                 | 9. As appropriate apply risk assessment, risk management, and risk communication strategies   |
| 10. Where appropriate promote regulatory coherence through coordination mechanisms between all levels of government | 11. Foster the development of regulatory management capacity at sub-national levels of government | 12. Give consideration to all relevant international standards and frameworks for cooperation |

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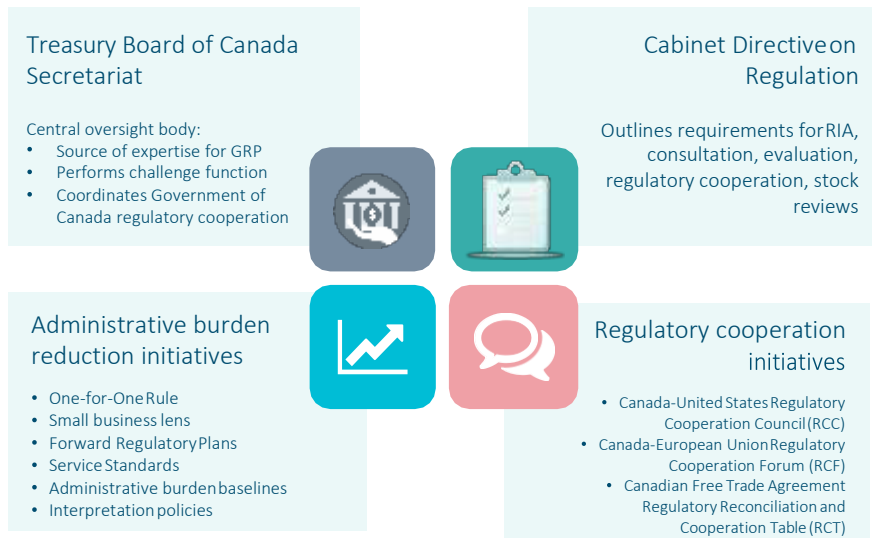
## Benefits of GRPs

A foundation in GRPs builds trust in the quality of regulations with all stakeholders



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## Canada's approach to GRPs



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## Why include GRPs in FTAs?

Including GRPs in trade agreements can have a number of benefits:

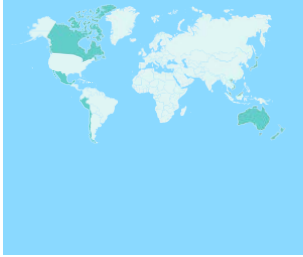
- ✓ Provides increased transparency and improved confidence for stakeholders in participating jurisdictions
- ✓ Builds cross-sectoral relationships
- ✓ Can facilitate international trade, investment, and economic growth
- ✓ Helps reduce duplicative/divergent regulatory requirements and possibility of misalignment
- ✓ Foundational for increased regulatory cooperation

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## Canada's Free Trade Agreements

CPTPP signalled a new approach as it includes a detailed section dedicated to GRPs.

Comprehensive and Progressive  
Agreement for Trans-Pacific  
Partnership (CPTPP)



- Parties encouraged to conduct regulatory impact analysis, and implement core GRPs, including
  - assessing need for regulation,
  - examination of alternatives
  - analysis of costs and benefits
  - evidence-based assessment
- Involves cooperating and information sharing
- Dispute resolution mechanism does not apply

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## Canada's Free Trade Agreements

Broadening the application of GRPs in FTAs

Canada-United States-  
Mexico Agreement



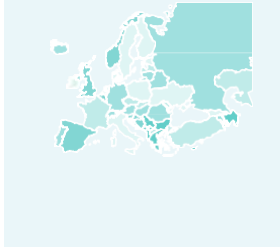
- Includes commitments for the parties to:
  - Publish regulatory forward agendas
  - Publish draft text of a proposed regulation
  - Explain the scientific and technical basis of any proposed regulation to support evidence-based decision making
  - Write regulations using plain language
  - Perform regulatory impact assessments to examine the costs and benefits of a proposed regulation
  - Conduct reviews of their regulatory frameworks
- The agreement formally recognizes the importance of regulatory cooperation, particularly with regard to existing bilateral and trilateral cooperation fora.
- It also recognizes the important role of a central regulatory oversight bodies in ensuring high quality regulation and in improving regulatory systems

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## Canada's Free Trade Agreements

Regulatory Cooperation Forum built on strong foundation of GRPs

Canada-European Union  
Comprehensive Economic and  
Trade Agreement



- Contains a chapter on regulatory cooperation that is underpinned by strong GRP requirements in both Canada and the EU
  - ensures trust between parties/stakeholders
  - remains voluntary
  - focus is on forward-looking initiatives rather than alignment

## OECD Regulatory Policy Committee

2019-20 RPC Programme of Work

### Toolkit for International Regulatory Cooperation

- Practical guidance on international regulatory cooperation
- A compendium of good regulatory practices for international organizations
- Assessing the costs of regulatory divergence and the benefits of regulatory cooperation
- Cooperating to regulate disruptive innovations

10

## Thank you

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For more information, visit...



[rcd-dcrm@tbs-](mailto:rcd-dcrm@tbs-)



[sct.gc.ca](http://sct.gc.ca)



[www.canada.ca/regulatory-cooperation](http://www.canada.ca/regulatory-cooperation)



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## OECD STOCKTAKING OF GRP AND IRC CHAPTERS IN FTAs

- INITIAL FINDINGS -

2019 APEC Conference on Good Regulatory  
Practices Puerto Varas, 20 August 2019

**Céline Kauffmann**, Deputy Head of Division  
**Camila Saffirio**, Policy Analyst  
OECD Regulatory Policy Division



### Outline

---

- **Background:**
  - OECD Regulatory Policy Committee work on GRP and IRC and the APEC-OECD Checklist on Regulatory Reform
  - OECD work on IRC and Trade
- **Project factsheet**
- **Stocktaking:**
  - Overview
  - Horizontal chapters covered
  - Initial findings in selected horizontal chapters



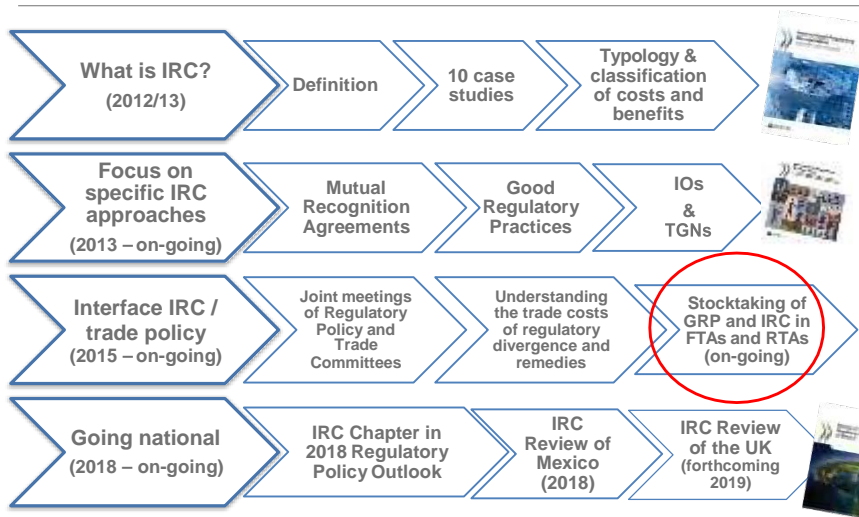
## Background: OECD Regulatory Policy Committee work on GRP and IRC



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## Implementing Principle 12: Regulatory Policy Committee work on IRC 2012-2019



4



## Stocktaking of GRP and IRC chapters in FTAs: Project factsheet

- Developed under the 2019-20 Programme of Work and Budget of the OECD Regulatory Policy Committee (RPC)
- Supported by Chile
- Timeline:
  - August 2019: Presentation of preliminary findings APEC SOM3
  - November 2019: Presentation of draft Stocktaking to OECD RPC
  - December 2019: Finalisation of Stocktaking
  - Potential presentation to APEC in 2020

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## RTAs/FTAs as a vehicle to promote GRPs and IRC: approaches

Traditional GRP provisions building on TBT and SPS disciplines	• Integrating or deepening WTO Agreement provisions on transparency and adoption of international standards. Including through specific TBT or SPS chapters. Not new
Specific provisions related to IRC mechanisms	• Encouraging harmonisation, mutual recognition and equivalence, use of international standards, transparency, <i>inter alia</i> . Not new
Sector-specific annexes or chapters	• Increasing regulatory cooperation in specific areas: medical devices, pharmaceutical products, cosmetic products, <i>inter alia</i>
Horizontal chapters on GRPs and/or IRC	• Focusing on promoting good regulatory practices across sectors and regulatory cooperation among parties – relatively recent

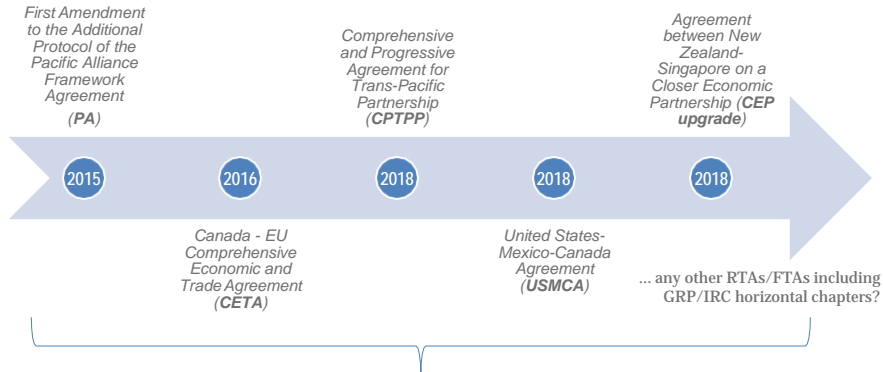
Based on OECD (2017), *International Regulatory Co-operation and Trade: Understanding the Trade Costs of Regulatory Divergence and the Remedies*, OECD Publishing, Paris; and OECD/WTO (2019), *Facilitating trade through regulatory cooperation: The case of the WTO's TBT/SPS Agreements and Committees*, WTO, Geneva/OECD Publishing, Paris.

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## RTAs/FTAs as a vehicle to promote GRPs and IRC: horizontal chapters



- 2005 APEC-OECD Integrated Checklist on Regulatory Reform
- 2012 Recommendation of the OECD Council on Regulatory Policy and Governance
- WTO disciplines that promote GRPs

7



## Horizontal GRP/IRC chapters in RTAs/FTAs: initial findings

<b>Scope</b>	<ul style="list-style-type: none"> <li>• Trade focus (i.e. CETA, CPTPP and PA) vs. broader definition of regulatory measures (NZ-Singapore CEP upgrade and USMCA)</li> <li>• Positive list approach (i.e. CPTPP and PA) vs. pre- set regulatory instruments</li> </ul>
<b>Purpose</b>	<ul style="list-style-type: none"> <li>• Horizontal chapters involving economies with strong GRP disciplines venture further into IRC</li> <li>• Other chapters try to encourage adoption of a minimum level of good regulatory practices (i.e. CPTPP and PA)</li> </ul>
<b>Legal standing</b>	<ul style="list-style-type: none"> <li>• Best-endeavour language. Some Chapters are subject to dispute settlement mechanisms</li> </ul>

8



## Horizontal GRP/IRC chapters in RTAs/FTAs: initial findings

### GRP mechanisms promoted

- Good alignment with OECD Recommendation on Regulatory Policy and Governance and APEC/OECD Checklist on Regulatory Reform
- Move beyond traditional GRP areas seen in RTAs/FTAs (transparency, RIA):
  - **Going further:** Ex-post evaluation, regulatory oversight and IRC
- Some areas of the 2012 OECD Recommendation not covered:
  - organisation of regulatory agencies,
  - risk and regulation
  - regulatory capacity at sub-national level,
  - regulatory enforcement

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## Horizontal GRP/IRC chapters in RTAs/FTAs: initial findings

### IRC mechanisms promoted

- Several IRC mechanisms identified in the 2013 OECD typology are strongly embedded:
  - Exchange of information (including on enforcement and compliance)
  - Use of international standards
  - MRAs
  - Participation in international *fora*
- Move into “2.0 IRC mechanisms” (CETA)
  - Joint RIA
  - Development of joint standards and regulations
  - Data collection alignment and exchange
  - Exchange of ex-post evaluations results

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## Horizontal GRP/IRC chapters in RTAs/FTAs: initial findings

<b>Special GRP/IRC body</b>	→ CETA's Regulatory Cooperation Forum → CPTPP's Committee on Regulatory Coherence	→ USMCA's Committee on Good Regulatory Practices → PA's Regulatory Improvement Committee
	• Bodies mainly tasked with implementation (CPTPP and PA) vs. Bodies providing a stronger IRC avenue (CETA)	
<b>Monitoring of Implementat</b>	• Mechanisms requiring parties to submit reports describing steps taken to implement the Chapter. Reports are discussed and reviewed by special body (CPTPP and PA).	
<b>GRP/IRC Chapter review</b>	• Periodic reviews of chapter and possibility to propose amendments (USMCA, CPTPP and PA)	
<b>Chapter stakeholder</b>	• Mechanisms for interested persons to provide input (CETA, CPTPP and PA).	

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## Horizontal GRP/IRC chapters in RTAs/FTAs: questions

- *Are there additional horizontal chapters that could be included in the Stocktaking?*
- *Are there additional aspects that should be part of the analytical framework?*
- *How can the success of these provisions be assessed (against which expected results)?*
- *What can be expected from specific sectoral annexes or chapters vs. horizontal provisions?*

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## Thank you

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Contact: Céline Kauffmann ([celine.kauffmann@oecd.org](mailto:celine.kauffmann@oecd.org)) and Camila Saffirio ([camila.saffirio@oecd.org](mailto:camila.saffirio@oecd.org))

Background information:

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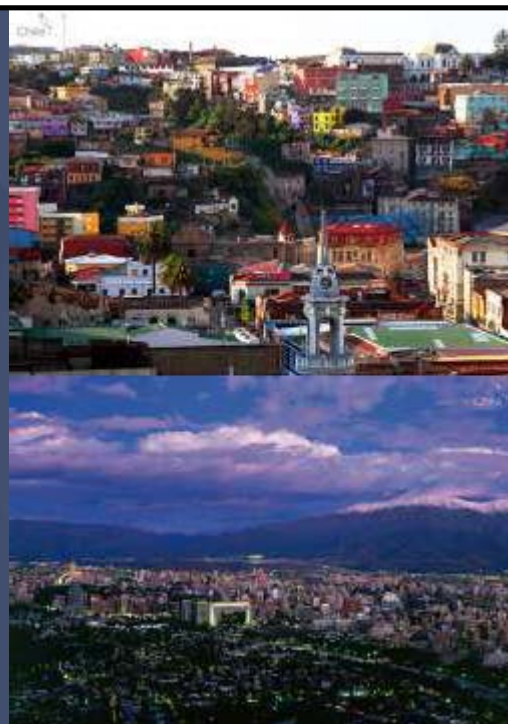
*"Connecting People, Building the Future"*

## Chile experience in the Sectorial Annexes of the Pacific Alliance and their implementation challenges.

12th Good Regulatory Practice Conference  
Session 6 GRP Chapters in the Free Trade Agreements

Gastón Fernández Sch.  
Head of regulatory Affairs  
Regulatory Affairs  
Division  
Undersecretariat of International Economic Affairs  
Ministry of Foreign Affairs  
Chile

1



## AGENDA

### GENERAL CONTEXT

TRADE PROTOCOL / REGULATORY COOPERATION / SECTORIAL ANNEXES

LESSONS / OUTCOMES

## Some numbers...

**28**

FTA

**64**

Economies

**86%**

Global GDP

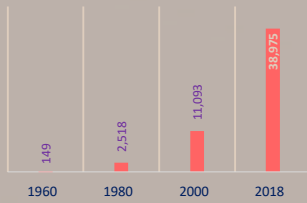
**63%**

Global Population

**57%**

Goods and Services/ GGP

Record Non Copper Export us\$ Million



**1<sup>er</sup>**  
EXPORTER 2018



Fresh Cherries | Grapes | Blueberries | Salmon |

**8.080**

Companies  
3.378 SMES

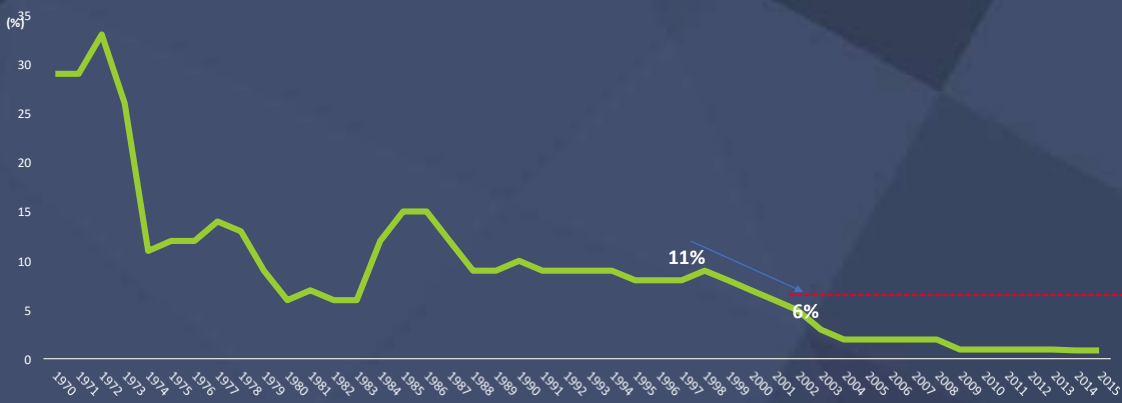
**1,2**

**Jobs**

**95%**

CHINA (35%)  
US (14%)  
JAPAN (10%)

APEC  
CHILE 2019



SOURCE: STUDIES Department, DIRECON-ProChile.

## AGENDA

GENERAL CONTEXT

TRADE PROTOCOL / REGULATORY COOPERATION / SECTORIAL ANNEXES

LESSONS / OUTCOMES

2011	Declaration of Lima Creation of the Pacific Alliance
2012	Signature of the Framework Agreement of the Pacific Alliance (AP)
2014	Additional Protocol to the Framework Agreement of the Pacific Alliance 92% immediate tariff liberalization
2015	Framework Agreement of the Pacific Alliance enters into force Establish objectives and structure
May 1 st, 2016	Entry into Force Additional Protocol



REGIONAL ECONOMIC INTEGRATION PROCESS

OBJECTIVES:

- Free flow of goods
- Services
- Capital
- People



REGIONAL CONVERGENCE PROCESS THAT AIMS TO INCREASE PRODUCTIVITY AND BE A GLOBAL PLAYER IN THE COMPETITIVE WORLD

## International Trade PA

2018	Imports from PA	Imports World	%
Chile	5.001	74.187	7%
Colombia	5.419	51.232	11%
Mexico	3.913	464.268	1%
Peru	4.878	43.144	11%
<b>TOTAL</b>	<b>19.211</b>	<b>632.831</b>	<b>3%</b>
	Exports to PA	Exports World	%
Chile	3.749	75.481	5%
Colombia	3.992	41.769	10%
Mexico	7.267	450.531	2%
Peru	2.391	47.223	5%
<b>TOTAL</b>	<b>17.399</b>	<b>615.004</b>	<b>3%</b>



## Regulatory Cooperation / Pharmaceutical products

### TBT Chapter

- Chapter 30 of HS Pharmaceutical Products
- Category A: Customs duties on originating goods established in the tariff lines of this category, will be completely eliminated in 2014.

At the 7th Summit of the PA in Cali in 2013, the "*Inter-institutional Cooperation Agreement from the Health Authorities of the Pacific Alliance*"

1. Speed up the granting of medical records of medicines
2. Obtain certification Level IV OPS / WHO

Result of the regulatory cooperation WG onTBT

Strong stakeholders engagement

## Regulatory Cooperation Medical Devices

In Paracas, Peru, July 2015, Presidential Mandate:

*Search for new sectors TBT WG - Pacific Alliance Regulatory Cooperation (AP).*

Undersecretariat of International Economic Affairs held a **Citizen Consultation between January 8 and February 6, 2015.**

Business sector present a proposal on "**Regulatory Cooperation for Medical Devices**" by The Business Council Alliance Pacific (CEAP).

TBT WG agreed to negotiate Medical Devices Annex. IRC Approach .

## AGENDA

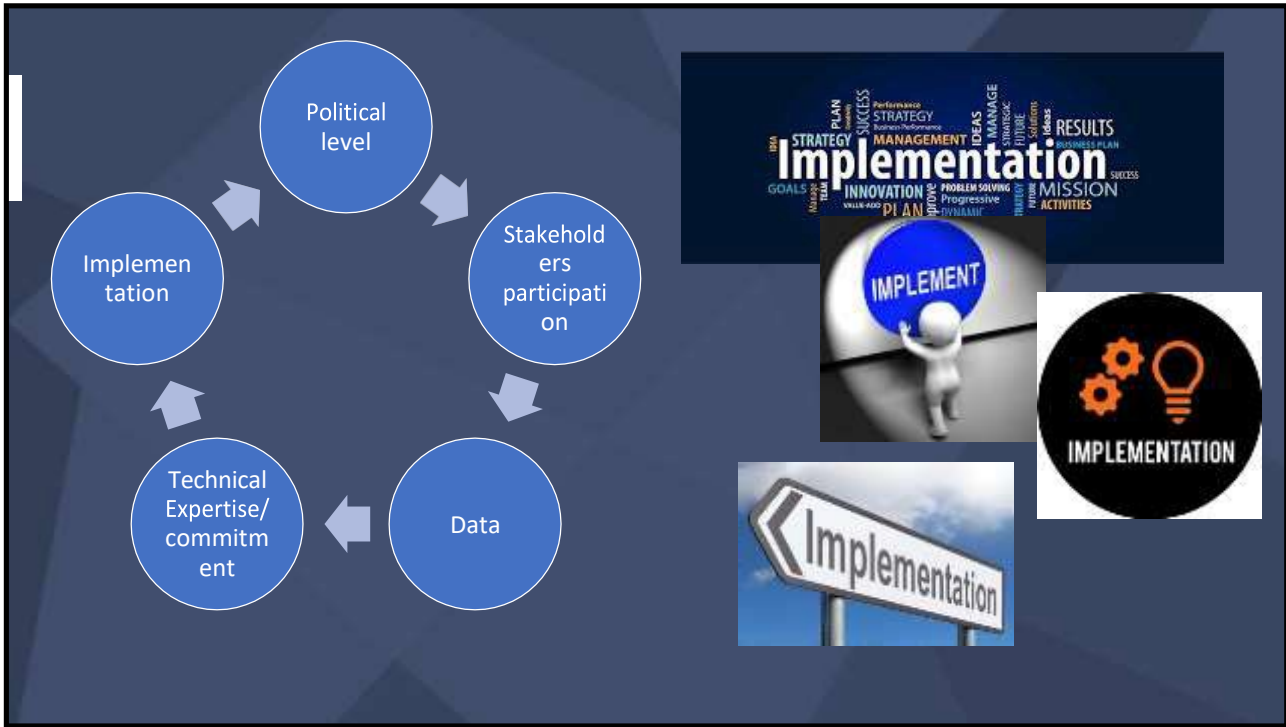
GENERAL CONTEXT

TRADE PROTOCOL / REGULATORY COOPERATION / SECTORIAL ANNEXES

LESSONS / OUTCOMES

## LESSONS / OUTCOMES

1. Trade Agreements new approaches from trade in goods
2. Political and technical cooperation
3. Understanding the trade costs of regulatory divergence
4. Regulatory Impact Assessment (RIA)
5. Stakeholder engagement
6. Flexibility



**APEC**  
CHILE 2019

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*APEC- 12<sup>th</sup> Conference on GRP*

**Anthony R. Quinn**  
Director, Public Policy & International Trade  
[www.astm.org](http://www.astm.org)

## Touching Every Part of Everyday Life



**Introduction**

- ☑ Established in 1898
- ☑ 12,700+ ASTM standards operate globally across borders, disciplines, and industries
- ☑ Harnessing the expertise of over 34,000 members worldwide
  - Recognizing expertise not geography – members from 150 economies
- ☑ The choice for many global industries  
47% outside USA
- ☑ Standards for manufacturing and materials, products and processes, systems and services
- ☑ Standards are used voluntarily and cited in Regulation or contract
- ☑ Our standards help: consumers, businesses, manufacturers, innovators and governments

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# ASTM Standards Cover



- Aerospace and Shipbuilding
- Agriculture
- Asset Management
- Automotive
- Building and Construction
- Chemicals
- Consumer Products
- Energy and Utilities
- Environment
- Food Processing
- Health Care and Medical Devices
- Information Technology
- Manufacturing
- Metals
- Mining and Mineral Processing
- Oil and Gas
- Plastics
- Quality
- Safety and Security
- Services
- Sports and Leisure
- Textiles and Leather
- Transportation and Logistics



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Helping our world work better

## Principles of Good Regulatory Practices (GRP)

## Principles of GRPs



- GRPs refer to internationally recognized processes and procedures that can be used to improve the quality and cost-effectiveness of domestic regulations.
- GRPs include administrative procedures that govern intragovernmental coordination of rulemaking activity, impact assessment, regulatory transparency, participation, and accountability.

## Why are GRPs Important?



- ❑ GRPs contribute to more informed policy decisions and promote economic efficiency.
- ❑ Transparency and accountability address concerns about undue influence and allows all interested parties to be heard.
- ❑ Facilitate trade and investment by reducing regulatory burdens.
- ❑ Improve the quality and cost-effectiveness of regulations.
- ❑ Reduce non-tariff barriers to help increase economic growth and trade.

# The ASTM MoU Program



## Memorandum of Understanding

### ASTM International

- ☑ Full collection of ASTM Standards (adoption, as the basis of a national standard, consultation, normative reference, reference in regulation)
- ☑ Membership at no cost to participant
- ☑ Training (on-site, virtually; sponsored and shared cost)

### MoU Partner

- ☑ Access to ASTM standards in its Information Center
- ☑ Annual Report on use of ASTM standards
- ☑ Utilization of ASTM standards where relevant and appropriate

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MoU partners worldwide

8400+ citations of ASTM standards in 75 non-US economies

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# ASTM Global Membership



ASTM/MOUs

ASTM International's Memorandum of Understanding (MOU) program supports the principles of the World Trade Organization's Technical Barriers to Trade Agreement. ASTM has memoranda of understanding with 96 National standards bodies around the globe.


- Both ASTM Members and MOU Partners
- ASTM MOU Partners Only
- ASTM Members Only

### Offices In:

W. Conshohocken, PA (USA - HQ)  
 Beijing, China  
 Brussels, Belgium  
 Lima, Peru  
 Ottawa, Canada  
 Washington, DC

ECONOMY	NSB	MOU SIGN DATE	STANDARDS CITED	ASTM MEMBERS	TYPES OF ENGAGEMENT
Chile	INN	2002	226	26	Latin American Road Show stop (2016) ASTM's Latin America Representative presented at COPANT Internship Training (2016) Participation at Congreso de Acero (2016)
Peru	INDECOPI	2003	907	119	Standards Expert Program participation (2008) Standards Alliance Workshops on Textiles (2016) and Medical Devices (2016, 2017) Latin American Road Show stop (2016) Presenter of UNSDG case study using ASTM standards at UN ECE/ISO Workshop (2018)
	INACAL	2015			
Philippines	DTI	2003	762	29	Standards Expert Program Participant – 2013 On-Site Training (2013) ASTM has hosted several delegations, in the HQ or DC office, related to a wide range of topics.
Republic of Korea	KATS	2006	41	181	Attached Staff (each approximately 11 months); now hosting the 5 <sup>th</sup> attached staff with 7 <sup>th</sup> attachment scheduled for 2019 Asia Road Show on textiles, petroleum and laboratory services (2017), Road Show on laboratory services (2016) On-site industry conference for steel, nuclear and consumer products (2010) Intensive Training Program for Civil Nuclear Power (2011) Board Member – 2014 – 2016
Singapore	ES	2003	60	70	Standards Expert Program participant – 2014 Intensive Training Programs for Additive Manufacturing (medical (2016) and aerospace applications (2017) and driverless automatic guided industrial vehicles (2017) Joined virtual training programs related to asphalt
Thailand	TISI	2014	179	24	Standards Expert Program participant (2018) On-site training on ASTM procedures and tools (2018) Joined virtual training programs related to concrete
Vietnam	STAMEQ	2004	311	19	Road Show and bi-lateral meetings with industry and government (2018) Standards Expert Program Participants – 2010, 2006 Technical Visitor Grant Program (2016) – Topic: Biodegradable Plastics Joined virtual training programs related to Gasoline, concrete, metals corrosion, rebar, asphalt On-Site Training: 2013, 2011 ASTM has hosted several delegations, in the HQ or DC office, related to a wide range of topics.


## Access ASTM Anywhere in the World



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**Electronic Tools**

- **Participation**
  - WebEx virtual meetings
  - Personal “My ASTM” web page
    - Committee update
    - Balloting
    - Draft document development/collaboration
- **Communications/Engagement**
  - Standardization News
  - E-News
  - Social media
  - Standards Tracker Tool
- **Services**
  - Proficiency Testing Programs
  - Certification and Declaration Programs
  - E-Learning



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# Public Health and Safety



**E50 on Environmental Assessment, Risk Management and Corrective Action**

- Handling contaminated sites
- Suggesting possible effects of the contaminants on human health and the
- Guide for Greener Clean ups environment

*APEC Economies - Chile, Russia, etc.*

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**F08 on Sports Equipment, Playing Surfaces, and Facilities**

- Selecting and specifying surface systems under and around playground equipment
- Rear Mounted Bike Child Carriers
- Thermal Insulation of Sleeping Bags

*APEC Economies – Vietnam, Malaysia, Indonesia, Chile, etc.*



**E34 on Occupational Health and Safety**

- Tear resistance of plastic film
- Hardness of Plastics and Electrical Insulating Materials
- Exposing and Testing Plastics that Degrade in the Environment by a Combination of Oxidation and Biodegradation

*APEC Economies – Russia, Peru, Chile, Papa New Guinea, etc.*

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# ASTM F42 Additive Manufacturing



## Quick facts:

Formed: 2009  
 Current Membership: 600+ members (Fastest growing TC across ASTM)  
 Standards: 15 approved, 30 in development  
 Materials: Metals, polymers and more  
 All Applications: Aerospace, medical, automotive, etc.

## Subcommittees and Focus Areas:



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## Global Representation: (26 Economies Represented!)

- Belgium
- Canada
- China
- France
- Germany
- India
- Italy
- Japan
- Singapore
- Mexico
- Netherlands
- Norway
- Pakistan
- Singapore
- Slovakia
- South Africa
- Spain
- Sweden
- Switzerland
- Chinese Taipei
- United Kingdom
- United States

6/4/2020


## Summary



- GRPs improve the quality of regulatory outcomes and facilitate international trade.
- When developing technical regulations, regulators should ask the following questions:
  - Does an international standard exist?
  - Is the standards relevant, effective, and appropriate for the identified regulatory need?
  - Could multiple standards be used to achieve the desired regulatory outcome?
  - Standards that enhance the health, safety and reliability of materials and products while expanding market opportunities

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Anthony R. Quinn  
aquinn@astm.org



Thank you

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# American Petroleum Institute International Standards in the Energy Sector

August 20, 2019



## AGENDA

- 1 API Overview
- 2 API Standards Development Process
- 3 Case Studies
- 4 Standards & GRP's

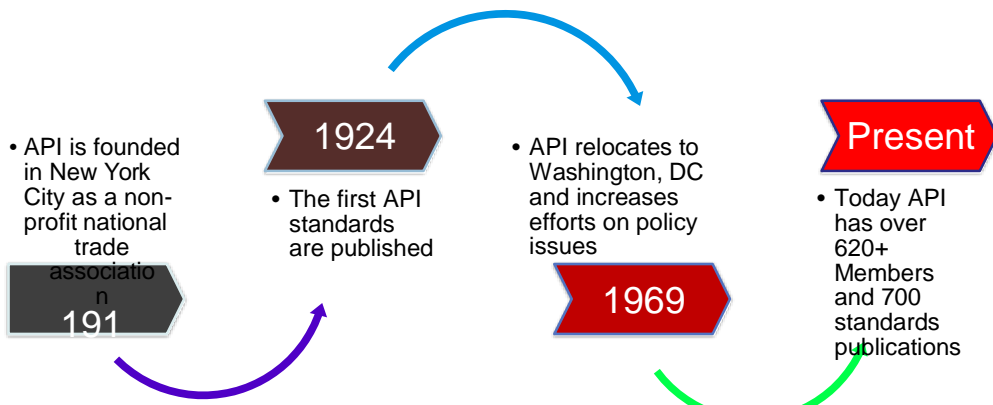


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# API OVERVIEW



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POWERPASTIMPOSSIBLE.ORG 4

# API Mission



To **promote safety** across the industry globally and to **influence public policy** in support of a strong, viable oil and natural gas industry.



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# API STANDARDS DEVELOPMENT PROCESS



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# API Standards



**Setting Standards Since 1924 to** Promote safety, environmental protection, reliability and sustainability through proven engineering practices

## API's Standards:

- Cover all industry segments
  - **Upstream** (Exploration & Production)
  - **Downstream** (Refining & Marketing)
  - **Midstream** (Pipeline, Rail & Truck transportation, and Petroleum Measurement)
- American National Standards Institute (ANSI) accredited standards developing organization
- API now publishes ~700 standards
- Over **650** citations in U.S. Code of Federal Regulations

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# API Standards Development Process



**Transparent, impartial, and consensus-based process** Driven



**by research, data and science-based decisions**



**Committees made up of hundreds of volunteers from industry, academia, government, and NGO's**



**Collaborate with other standards bodies to avoid duplication; connect globally**



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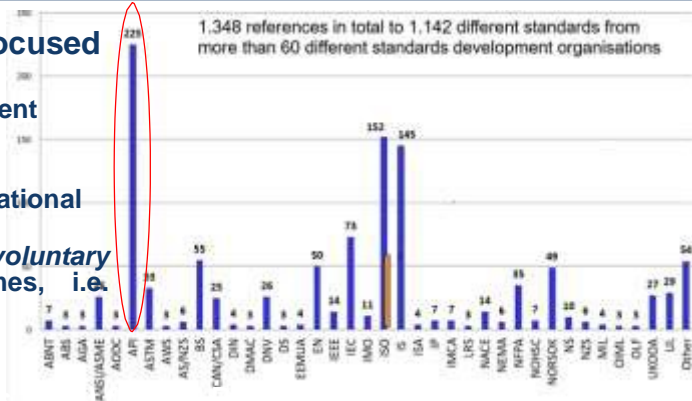
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# Regulators' Use of Standards

## 2010 report: 13 national regulators, focused on offshore petroleum industry:

- 1,348 references in total to 1,142 different standards
- More than 60 different SDO's
- Industry 44%, national 35% and international standards referenced 21%.
- Referenced standards appear to be *voluntary* in most of the regulatory regimes, i.e. alternative references may be used



PowerPastImpossible.org

# Regulators' Use of Standards – U.S.

- 180 of API's standards are referenced over 600 times in the U.S. Code of Federal Regulations
  - Agencies include BSEE, DOT, EPA, OSHA, SEC, and USCG
- U.S. States also widely cite API standards
  - 390 API standards cited over 3,800 times
- Since the National Technology Transfer and Advancement Act (NTTAA) in 1995, the Federal Government has doubled use of consensus standards and increased participation
- API standards referenced in regulations are available in [API's IBR Reading Room](#)



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# CASE STUDY - RP 75



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## API Recommended Practice 75

***API RP 75, Recommended Practice for Development of a Safety and Environmental Management Program for Offshore Operations and Facilities***

### Key Elements

- General
- Safety and Environmental Information
- Hazards Analysis
- Management of Change
- Operating Procedures
- Safe Work Practices
- Training
- Mechanical Integrity
- Pre-Start Up Review
- Emergency Response and Control
- Incident Investigation
- Audit
- Records and Documentation



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# API RP 75 - SEMS

- ✓ SEMS provides a systematic methodology for **Companies** to identify and manage risks
- ✓ It is flexible to account for evolutions in technology, operations, and knowledge to promote continual improvement and **proactive management of risks**.
- ✓ It is not intended to be prescriptive which allows **flexibility** for Companies of varying facilities, operations and business models to achieve expectations in different, but **effective** ways



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# API RP 75 - SEMS

“The safety culture of an organization and its safety management system are closely related”



SEMS delivers **Safe & Reliable Operations** and **Operational Integrity** if effectively implemented



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## U.S. Bureau of Safety & Environmental Enforcement (BSEE)

- ✓ BSEE SEMS Regulation references RP 75
- ✓ SEMS is mandatory for all operators in Outer Continental Shelf (within U.S. jurisdiction) to have SEMS, 3<sup>rd</sup> party audits every 3 years
- ✓ Center for Offshore Safety (COS) is Accreditation Body for BSEE
  - COS approves/accredits 3<sup>rd</sup> party auditing firms, or Audit Service Providers



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## U.S. Bureau of Safety & Environmental Enforcement (BSEE)

- BSEE audits COS accreditation process
  - ✓ Audit plans submitted to BSEE
  - ✓ Frequent observation of audits by BSEE
  - ✓ BSEE receives any report of findings and Corrective Action Plan (CAP)
  - ✓ Monitors CAP to completion
  - ✓ BSEE monitors COS performance as Accreditation Body and has access to all accreditation records



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# STANDARDS & GRP'S



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## Global Standards in the Energy Sector



Use of global standards helps facilitate trade and business across economies



Reliance on standards developed by the private sector helps minimize unnecessary regulatory burdens, economic inefficiencies, and the creation of TBT's



Companies engaging internationally may face multiple and contradictory regulatory regimes that can inhibit implementation of certain environmental, safety, security controls



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# Global Standards in the Energy Sector

- Working in APEC, we should encourage public/private collaboration and apply WTO TBT principles to:

- ✓ Produce high-quality and market relevant international standards that advance **environment, health, safety, and sustainability performance**
- ✓ Underpin effective regulations that help make the global business more **predictable and transparent**, while making it more efficient and inexpensive for businesses to comply
- ✓ Make products and materials **interoperable** and more responsible to environmental, safety and health concerns
- ✓ Advance the use of international standards which **best meet the industry's needs**, regardless of where they are developed – innovation

*"The WTO encourages governments to maximize their use of private sector standards and to make normative reference to such standards in lieu of creating government-unique rules."*



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## Thank you!

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## Americas Heads of State Prioritized Good Regulatory Practices



### “DEMOCRATIC GOVERNANCE AGAINST CORRUPTION”

Lima, April 14, 2018 – Summit of the Americas Declaration



- 33 “Implementing measures to reduce bureaucracy and simplify administrative processes at all levels of government in order to prevent corruption.”

## ABD Recommendation #7 Reinforces Heads-of-State Request



7. “Develop a mechanism for **private sector and inter-government coordination** on **regulatory cooperation projects** that helps economies implement a shared set of **Good Regulatory Practices** (GRPs), to develop **competitive** economies and support participatory and transparent democracies.”

– April 14, 2018, Summit of the Americas



## Americas Business Dialogue: 11 Good Regulatory Practices



From U.S. Chamber of Commerce's *The Bridge to Cooperation: Good Regulatory Design*:

- 1 *Transparency* for *all* stakeholders
- 2 Valid, reliable *data* and sound *science*
- 3 *Risk assessment/management* at the core
- 4 Conduct *regulatory impact assessments*
- 5 Assess impact on market *competition*
- 6 Assess impact *internationally*
- 7 Maximize use of *international standards*
- 8 Leverage *private conformity assessment*
- 9 *Independent judicial review*
- 10 *Ex-post impact assessment*
- 11 *Ex-post impact assessment*

## Americas Heads of State Prioritized Reform of Permit Systems



### “DEMOCRATIC GOVERNANCE AGAINST CORRUPTION”

Lima, April 14, 2018 – Summit of the Americas Declaration

Six key elements:

- 32 “Fostering *coordinated, transparent practices* in the issuance of government permits *inter alia* by the use of *one-stop shops*, including in the area of *construction*, as a measure to *prevent corruption*, promote *competitiveness*, and expedite the corresponding permits.”



## ABD Recommendation #8 Fulfills Heads-of-State Request



OAS, IDB and Private Sector are now implementing this

8. “Develop a *certification* in best practices for issuance of permits and make it *available* via a Massively Open Online Course (MOOC) to any *government* and current or prospective *public servant* who *wishes* to qualify, *coordinated* by a *public-private-multilateral partnership*.”

– April 14, 2018, Summit of the Americas



## Survey Results: Top 10 Best Practices For Issuing Permits



- 1 Rules are *online* and consistently applied
- 2 Can *track and renew* permits online
- 3 *Single window* for all agencies and stages
- 4 Option of licensed, *independent* inspectors
- 5 *No duplication*, e.g. unified process and mutual recognition if multiple levels of government have a comment requirement
- 6 Requirements are classified by activity *risk*
- 7 *Transparent and germane* mitigation request
- 8 *Training and certification* for public servants
- 9 *Advocate* available to address bottlenecks
- 10 Response *deadline* with positive *Presumption, interim feedback* And *chance to correct errors*



## CERTIFICATION: Applying GRPs to Licensing & Permitting



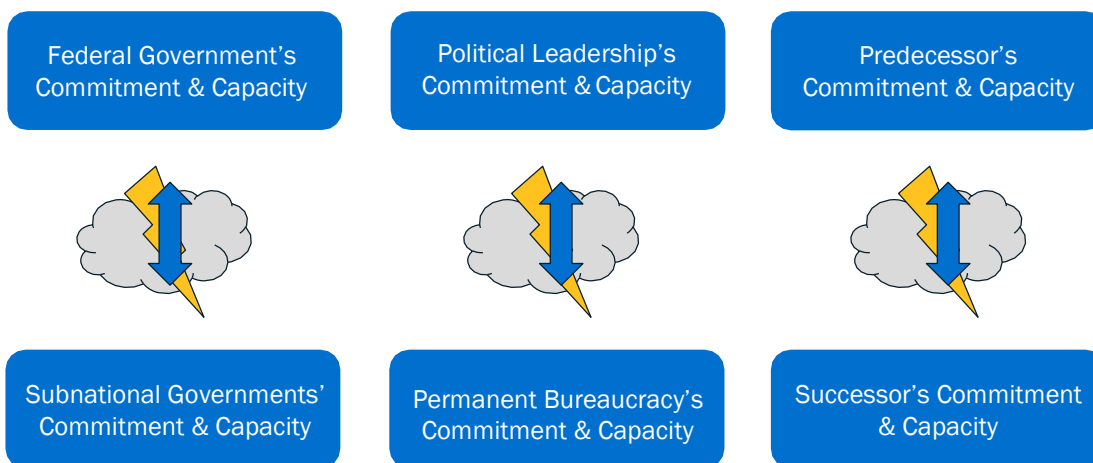
- **Certification:** The hemisphere's private sector, the OAS, and IDB are rolling out a certification for agencies that issue permits and for their public servants, to create positive incentives & competitive pressures in favor of best practices.
- **Digital Transparency:** The certification will require five best practices to limit official corruption of L&P systems.
- **Pilot Project:** With the IDB and Walmart, Mexico is considering a pilot project to show that the approach works. This builds on CONAMER's "VECS" and its national and subnational regulatory

- 1 Rules are *online* and consistently applied
- 2 Can *pay, track and renew* permits online
- 3 *Single window* for all agencies & stages
- 4 Required *mitigation is disclosed* online
- 5 Public servants do *training & certification*

## Three Spaces in Which Best Practice Breaks Down

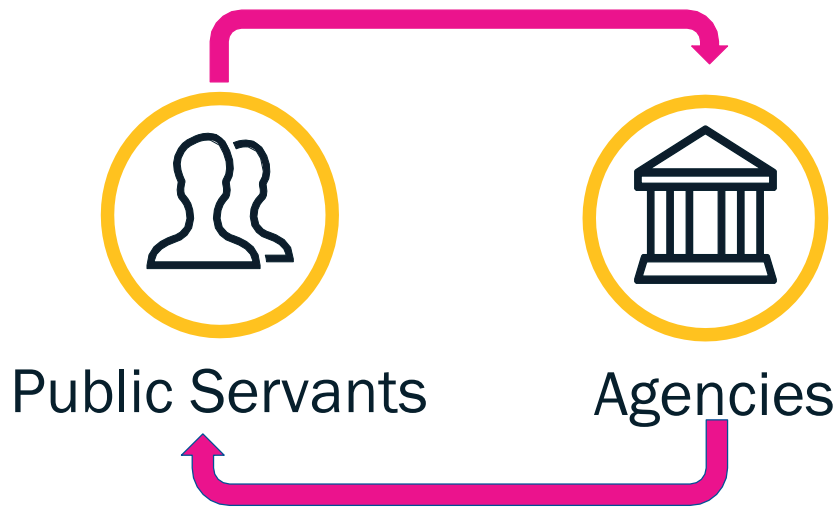


Bridging those breakdowns requires A NEW INCENTIVE





# Certification Design: Mutually Reinforcing Incentives





# IEC as tool towards GRP

Dennis Chew  
Regional Director, APRC  
dch@iec.ch

12<sup>th</sup> APEC GRP Conference  
Puerto Varas, Chile  
August 2019



## International standards and WTO TBT

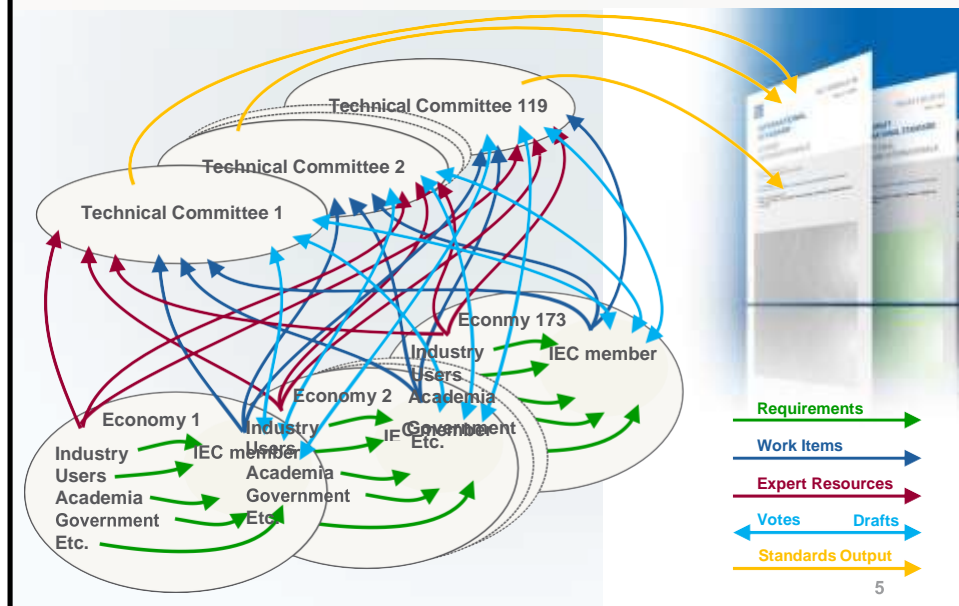
- Preamble of WTO TBT Agreement
  - Recognizing the important contribution that **international standards** and conformity assessment systems can make in this regard to improving efficiency of production and facilitating the conduct of international trade
- Article 2.4
  - Where technical regulations are required and relevant international standards exists or their completion is imminent, Members shall use them, as a basis for their technical regulations.....

2





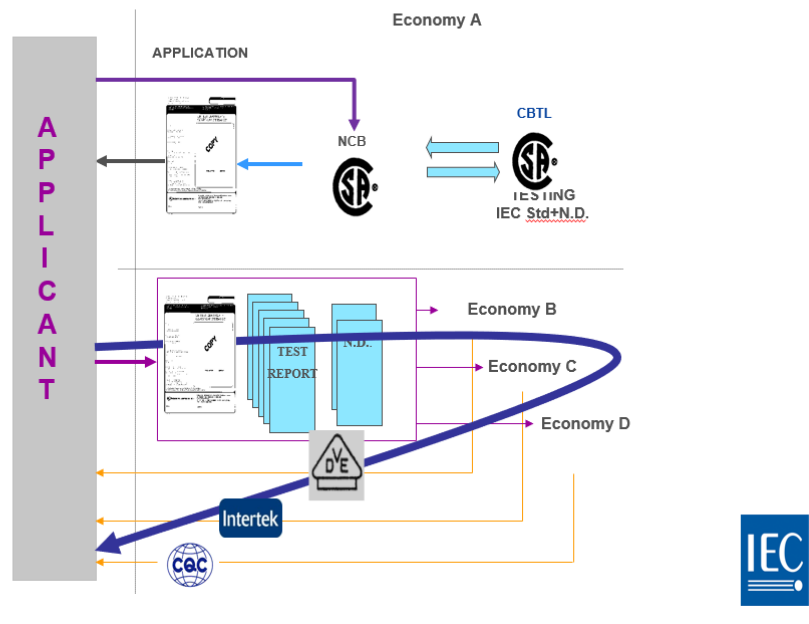
# International Standards workflow



## Conformity assessment and WTO TBT

- Preamble of WTO TBT Agreement
  - Recognizing the important contribution that international standards and **conformity assessment systems** can make in this regard to improving efficiency of production and facilitating the conduct of international trade
- Article 6.1
  - Without prejudice to the provisions of paragraphs 3 and 4, Members shall ensure, whenever possible, that results of conformity assessment procedures in other Members are accepted, even when those procedures differ from their own, provided they are satisfied that those procedures offer an assurance of conformity with applicable technical regulations or standards equivalent to their own procedures.....

# Simplified IEC CA System Process



## One test...one certification... many economies

- Only international standardized form of certification
- Biggest working multilateral recognition agreement
- Important to the IEC and all stakeholders



# Conformity Assessment under IECCE Scheme



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# IECEX

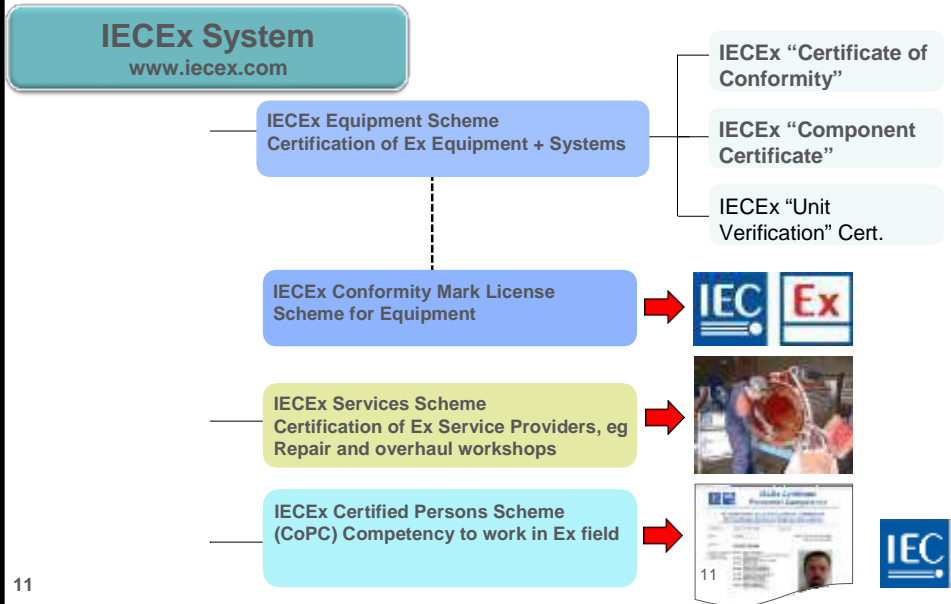
Worldwide system for certification to standards relating to equipment for use in explosive atmospheres



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# IECEX System



## Recommended by UN via UNECE

“Best Practices for certification in Ex areas”





## United Nations Endorsement of IECEx – Extract from UN Publication

0. The CROs are drawn up with reference to international standards and conformity assessment procedures developed by IEC and ISO and to best practice in the assessment of conformity to such standards, within the IECEx.
1. The CROs address the requirements both for electrical and mechanical equipment being placed on the market (part one of the present document) and for the safe installation and use of the equipment in the workplace (part two of the present document).
2. Explosion protection in industry can be assured through a variety of legitimate means. The present document is based on one of them, namely, the "IEC Zone Concept, in accordance with IEC 60079-10 Parts 1 + 2". This concept classifies hazardous locations as high, medium and low risk zones based on a standard risk-assessment methodology.

### B. Definition of applicable conformity assessment procedures

22. Compliance with this CROs shall be by use of an international certification scheme such as the IECEx for direct market acceptance of products carrying IECEx Certification. Alternatively, where national legislation does not allow for use of IECEx Certificates, national certification of compliance should be based on IECEx testing and assessments.

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Thank you

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12<sup>th</sup> APEC GRP Conference  
Puerto Varas, Chile  
August 2019







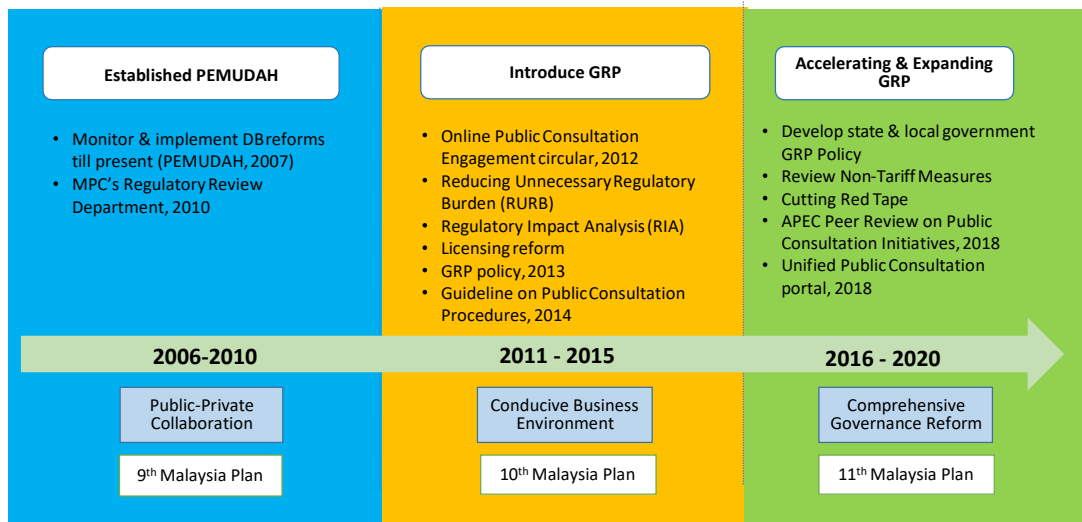
## Unified Public Consultation Portal to Support Good Regulatory Practice

Presentation for 12<sup>th</sup> Conference on Good Regulatory Practices  
Puerto Varas, Chile  
19 – 20 August 2019

Mohammed Alamin Rehan  
Senior Manager, Malaysia Productivity Corporation

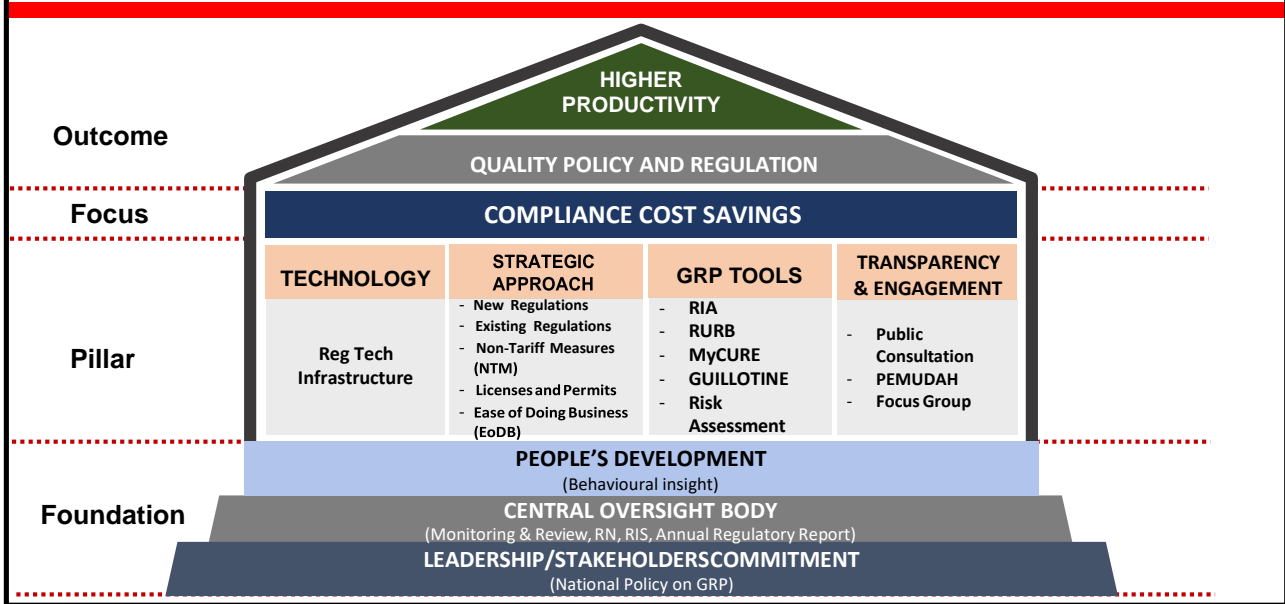
[www.mpc.gov.my](http://www.mpc.gov.my)

## Malaysia's Regulatory Reform Journey



Note: Selected highlights

# House of Good Regulatory Practice (GRP)



## Some good regulatory practices on public consultations



### National Policy on the Development and Implementation Regulation (GRP Policy)

- Ministries and agencies are required to undertake RIA for regulations that relate to or impact business, investment and trade
- Consultations is a core component of RIA



### A Guide to Reducing Unnecessary Regulatory Burdens (RURB)

- public consultation is core to the process of identifying unnecessary regulatory burdens
- Use value chain analysis, when to identify interested parties for public consultation



### Guideline on Public Consultation Procedures

- It facilitates the implementation of GRP Policy

## Challenges on public consultation initiatives

- **Lack of prior information for meetings:** When businesses are invited to attend meetings on regulation, they are rarely provided with background information beforehand - Makes it difficult for them to prepare for and to identify the best people to attend the meeting;
- **Inefficiency at intra-ministry:** sometimes units within the same Ministry consult with businesses separately on the same regulatory topic;
- **Inefficiency at inter-ministry:** sometimes ministries do not coordinate resulting in a number of separate meetings on the same regulatory topic;
- **Inconsistency of consultation practices:** public consultation, RIA and RURB, they have not been widely adopted; and
- **Transparency:** less information is publicly provided on the stages of reviews and on the timelines, do not make the content of contributions public, and do not tell contributors how their input has been used.

Source: APEC Peer Review Assessment of Public Consultation as used by Malaysia to improve regulation, 2018-2019

## Unified Public Consultation (UPC) Portal for better regulation

- Centralized government portal for consultation;
- more transparent, predictable, inclusive and trust in government;
- eliminate inconsistency in implementation of consultation; and
- Tracking tool for better monitoring and evaluation of regulatory initiative



<http://upc.mpc.gov.my>

# What is UPC?

## FEATURES

- Single platform
- Standard features, user-friendly
- Enhance accessibility, transparency, inclusiveness and accountability
- Efficient, effective and reduces cost

## BENEFITS

- Allow stakeholders views and concerns to be heard and considered
- Promote transparency, accountability and inclusiveness
- Enhance predictability
- Reduce risk of policy failures due to unanticipated consequences
- Encourage public ownership and commitment to the policy.

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# Example public consultations at UPC

The screenshot displays the UPC interface with two main sections: 'Ongoing Consultations' and 'Upcoming Events'.

**Ongoing Consultations:**

- Pub Consultation: Kajian Semula Akta Perdagangan Elektronik 2006**
  - From: Kementerian Perdagangan Dalam Negeri Dan Hal Ehwal Pengguna
  - Period: 17/11/2018 - 31/01/2019 (Due in 21 days)
  - Stage: Forum
  - Category: Domestic Trade and Consumer Affairs
- Cadangan Rang Undang-Undang Lembaga Pembangunan Mineral Malaysia (LPMM)**
  - From: Jabatan Mineral dan Geosains
  - Period: 17/10/2018 - 28/02/2019 (Due in 49 days)
  - Stage: Preliminary
  - Category: Mineral and Geoscience
- Proposed Private Standalone Ambulance Services Regulations under Private**

**Upcoming Events:**

- OPEN DAY KEMENTERIAN AIR, TANAH DAN SUMBER ABLI BAGI PENGENALAN CADANGAN RANG UNDANG-UNDANG LPMM**
  - From: Jabatan Mineral dan Geosains
  - Date Time: 18/01/2019 09:00:00
- OPEN DAY KEMENTERIAN AIR, TANAH DAN SUMBER ABLI BAGI PENGENALAN CADANGAN RANG UNDANG-UNDANG APKG**
  - From: Jabatan Mineral dan Geosains
  - Date Time: 20/01/2019 09:00:00

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## Example public consultations at UPC (cont'd)

The screenshot shows the UPC website interface. At the top, there is a blue banner with the text: "PROPOSAL TO STREAMLINE THE PROCESS OF ESTABLISHMENT AND LICENSING OF PRIVATE HEALTHCARE FACILITIES (PRIVATE HOSPITAL) TO ENHANCE THE EFFICIENCY OF REGULATORY PRACTICES AND REDUCE UNNECESSARY REGULATORY BURDEN". Below the banner, there are social media icons for Twitter, Facebook, and LinkedIn. On the left side, there is a navigation menu with items: "Page Contents", "Consultation Information", "Purpose of the Consultation", "Affected Stakeholder", "Consultation Documents", "How to Submit Your Response" (highlighted in yellow), and "Contact". The main content area is divided into two sections: "Consultation Information" and "Purpose of the Consultation".

Consultation Information	
Ministry/Agency	Ministry of Health
Consultation Period	18/1/2019 - 30/04/2019 (Due in 64 days)
Consultation Stage	Forum
Category	

**Purpose of the Consultation**

General objectives

- To reduce the unnecessary regulatory burden in establishment and licensing of Private healthcare Facilities (private hospital)

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## Example public consultations at UPC (cont'd)

The screenshot shows a comment section on the UPC website. At the top, there is a "Create new comment" form with fields for "Attach files" and "Quote", and a "Post" button. Below the form, there are three comments from "Guest" users. Each comment includes a profile picture, the user's name, the comment text, and a set of interaction buttons: "Like", "Dislike", "Reply", "Quote", "Report Abusive", and "Share". The date of each comment is also displayed.

**Comment 1:**  
Guest  
It is good to streamline the various requirements e.g. Act 506 and Fire and Service Department or UBBL. CKAPS roles should be complementing and not to conflict with other authorities.  
Last month 29 Jan

**Comment 2:**  
Guest  
Suggestion for PIndean for Services/Facilities.  
Current workflow:  
Eg to add an upgrade of machines with existing facility eg CT scanner.  
1. Submit approval to CKAPS for upgrade of service...  
show more  
Last month 26 Jan

**Comment 3:**  
Guest  
Reviewers of the drawings has to be done by competent professional engineers or architect. The basis of design and the limitation that the hospital has need to be considered. The key aspects should be...  
show more  
Last month 24 Jan

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## Conclusion

---

- Legal and regulatory framework required to support UPC
- Necessary Information and Communication Technology (ICT) infrastructure to implement web-based system
- Build capacity to conduct public consultation in the rulemaking, stakeholder engagement strategy, and effective approach
- Monitoring and Evaluation (M&E) to identify and learn what is working and what is not
- Train government officials on managing UPC

## Thank You

alamin@mpc.gov.my



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MPC TIP



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