



**Asia-Pacific  
Economic Cooperation**

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

# **Second-Term Review of APEC's Progress towards the Bogor Goals – Progress by Economy**

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**APEC Policy Support Unit**  
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## Australia's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- Reduction in tariffs continued via RTA/FTA commitments and unilateral measures to reduce MFN tariffs.
- Implementation of new, improved system for the management of biosecurity.
- Various local-content requirements continue to apply to television broadcasting and radio. The percentage of foreign ownership allowed in Qantas was raised from 25% to 49%.
- Higher foreign investment screening thresholds for private investors from FTA partner economies.
- Lower screening thresholds for purchases of agricultural land and creation of a register to collect statistical information on all foreign investment in agricultural land.
- Number of unresolved SPS specific trade concerns raised against Australia has increased.
- Enhancement of environment supportive of intellectual property rights (IPR) through amendment of laws, introduction of tools and modernization of rights management system.
- Reforms in standards and conformance, competition policy and deregulation are ongoing.
- Simplification in the application of the APEC Business Travel Card.

### Summary of Topics

#### Tariffs

Australia has continued to report progress in reducing tariffs. All remaining tariffs on goods from Chile; Thailand; and the United States were removed in accordance to the bilateral FTAs signed with these APEC economies. It has also begun eliminating tariffs on goods from China; Japan; and Korea since FTAs with these economies came into force. Following the entry into force of TPP, Australia will eliminate 99.9 per cent of tariffs that are currently applicable to partner economies within 4 years.

On 1 January 2015, Australia unilaterally reduced MFN tariffs on certain apparel and textile products from 10 to 5 per cent.

#### Non-Tariff Measures

In November 2015, Australia replaced the Import Conditions (ICON) system with a new, improved Biosecurity Import Conditions (BICON) system. Among the advantages of BICON are the provision of clearer biosecurity import conditions, better guidance on documentation requirements and improvement in the ability to find information relevant to an importation scenario. Australia indicated that its biosecurity requirements have not changed with the implementation of BICON.

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\* This brief report was prepared with information from Australia's submission of 2016 APEC Individual Action Plan (IAP) template; the WTO SPS and TBT Information Systems; the 2015 WTO Trade Policy Review - Report by the Secretariat - Australia; the Australian Communications and Media Authority, Foreign Investment Review Board and Department of Finance websites.

## **Services**

Australia has undertaken measures aiming at improving the safety, competitiveness and productivity of the aviation industry such as the establishment of regular dialogue forum between the Minister and industry stakeholders. In terms of air transport liberalization, the maximum percentage of foreign ownership allowed in Qantas was raised from 25% to 49%, at par to the restrictions applied to other Australian airlines. To further facilitate air transport, Australia announced that starting from 2018, civilian and military air traffic management systems will be harmonized under the OneSKY Australia program.

In order to strengthen its vocational education and training system, Australia established the Australian Industry and Skills Committee (AISC) in 2015 to consult the industry on skills requirements, challenges and opportunities so as to ensure that training programs remain relevant.

Television broadcasters and commercial radio stations remain subject to various local-content requirements.

## **Investment**

Australia's foreign investment regime has undergone some changes since the last assessment. For example, the entry into force of FTAs with Korea and Japan provided private investors from those economies with higher foreign investment screening thresholds. The same is true for Chilean investors by virtue of an MFN clause.

From 1 March 2015, the screening threshold for purchases of agricultural land was reduced from AUD 252 million to AUD 15 million and this requirement applies to the cumulative value of agricultural land holdings by the foreign investor including the proposed purchase. Exceptions apply for Singapore and Thailand (AUD 50 million) as well as Chile, New Zealand and United States (AUD 1,094 million). Furthermore, from 1 July 2015, a register was created to collect statistical information on all foreign investment in agricultural land.

## **Standards and Conformance**

As part of its Industry Innovation and Competitiveness Agenda announced in November 2014, Australia adopted the principle that if a system, service or product has been approved under a trusted international standard or risk assessment, Australian regulators should not impose any additional requirements for approval unless there is a good and demonstrable reason to do so. Approximately half of the Government departments have published their criteria for assessing the potential adoption of international standards and risk assessments.

By the end of 2015, nine specific trade concerns raised against Australia at the WTO SPS Committee had not reported a resolution. These concerns involve various products including chicken, beef and fresh fruits. Pertaining to TBT, two specific trade concerns reported to the WTO TBT Committee had not reached a resolution. One relates to the Tobacco Plain Packaging Act 2011 introduced by Australia as a public health measure, which has been challenged at WTO alleging that the measure is inconsistent with the TBT Agreement.

## **Customs Procedures**

The Australian Trusted Trader (ATT) programme was launched in July 2015 with a 12-months pilot phase to enhance supply chain security and reduce red tape for trusted traders, hence allowing the Government to focus resources on areas with high and unknown risk.

### **Intellectual Property Rights (IPR)**

Australia enacted the Intellectual Property Laws Amendment Act 2015 on 25 February 2015. The Act includes provisions to enable Australian medicine producers to manufacture and export patented pharmaceuticals to economies experiencing health crises under a compulsory license ordered by the Federal Court; extend the jurisdiction of the Federal Circuit Court to include plant breeder's rights matters; allow for a single trans-Tasman patent attorney regime and single patent application and examination processes for Australia and New Zealand; and repeal unnecessary document retention provisions and correct drafting oversights in the Intellectual Property Laws Amendment (Raising the Bar) Act 2012. In addition, the Intellectual Property Legislation Amendment (TRIPS Protocol and Other Measures) Regulation 2015 came into full effect on 25 August 2015.

IP Toolkit for Collaboration and Source IP were launched in September 2015 and November 2015 respectively. The IP Toolkit assists businesses, especially small businesses, universities and research organizations to better manage IP in collaborations, while Source IP is a digital marketplace for sharing information, indicating licensing preferences and facilitating contact for IP generated by the public research sector.

### **Competition Policy**

In 2015, the Productivity Commission conducted an inquiry that looked at the nature, scale and extent of barriers to entry and exit faced by businesses and proposed appropriate options to reduce these barriers.

Third entrants for stevedoring services to the Australian market were achieved for a number of major Australian container ports. The Australian Competition and Consumer Commission reported in November 2015 that container stevedoring productivity and customer satisfaction reached their highest levels

### **Government Procurement**

Australia is currently negotiating with relevant parties its accession to the WTO Government Procurement Agreement (GPA).

Australia retains its target of sourcing at least 10 per cent of purchases by value from SMEs. In addition, certain Australian states incorporate preferences for local goods in their procurement policies although they maintain that these are applied in a manner consistent with Australia's international government procurement commitments.

### **Deregulation/Regulatory Review**

Australia continued its efforts to reduce the regulatory burden for individuals, businesses and community organizations by AUD 1 billion every year. In 2014, The Australian Government Guide to Regulation was issued to provide guidance on its Regulatory Impact Analysis (RIA) framework. In 2015, the Regulator Performance Framework was implemented. This initiative defines the key performance indicators for regulators and subjects regulators to audit.

### **Dispute Mediation**

Since the last assessment, Australia has implemented FTAs with China; Japan; and Korea, each of which includes a dispute resolution chapter providing for consultation, panel/tribunal formation, compliance review and compensation/suspension of benefits.

### **Mobility of Business People**

Australia made some changes to the eligibility criteria for issuance of APEC Business Travel Card (ABTC) which included removing the application requirement that Australian citizens need to be certified by an approved body. Now, applicants only need to demonstrate directly with the Department of Immigration and Border Protection that they are engaged in trade and/or investment activities in other APEC economies.

### **Transparency**

Australia has committed to joining the Open Government Partnership (OGP), a voluntary, global initiative which promotes transparency, empowers citizens, fights corruption and applies new technologies to strengthen governance. In November 2015, a public consultation process was started to draft an action plan as part of joining the partnership.

### **RTA/FTAs**

Australia has eleven RTA/FTAs that entered in force<sup>1</sup>. Negotiations on the Trans-Pacific Partnership Agreement (TPP) were concluded in October 2015. Australia is currently negotiating five FTAs at various levels of progress.

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<sup>1</sup> Australia's RTA/FTAs in force are: Australia-New Zealand (1983), Australia-Singapore (2003), Australia-United States (2005), Australia-Thailand (2005), Australia-Chile (2009), ASEAN-Australia-New Zealand (2010), Australia-Malaysia (2013), Australia-Korea (2014), Australia-Japan (2015), and Australia-China (2015). Australia also has a bilateral agreement with PNG notified at WTO: *the Australia-Papua New Guinea Trade and Commercial Relations Agreement*.



## Brunei Darussalam's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- Tariffs applicable to certain goods have been amended or are in the process of being amended.
- The Business License Act was enacted to facilitate the process of starting a business.
- Various functions are progressively being added to the Brunei Darussalam National Single Window so as to improve customs procedures.
- Restrictions apply to foreign investors in specific sectors.
- Intellectual property environment is being enhanced through several initiatives.
- The Brunei Competition Order was passed to establish a legal framework to prohibit anti-competitive activities.
- Threshold amount for tender approval within the jurisdiction of Mini Tender Board in every ministry was reduced.
- All national laws and regulations are published on the website of the Attorney General's Chambers.

### Summary of Topics

#### Tariffs

Brunei Darussalam amended tariffs applicable to motor vehicles based on its capacity cylinder. For environmental reasons, tariffs for diesel vehicles were increased by 5 percentage points, while tariffs for hybrid vehicles went down by 5 percentage points. Tariffs have been eliminated for bicycles, computers and computer accessories, but import duties continue to be applied to some goods, including automotive parts and components, as well as certain apparel and clothing accessories.

#### Non-Tariff Measures

Brunei Darussalam is currently reviewing, updating and classifying its existing non-tariff measures so that they are in line with the classification released by UNCTAD in 2012. These measures will be uploaded in the National Trade Repository for greater transparency.

Licenses/permits are required for importing and exporting certain goods due to health, safety, environmental, moral or religious grounds and they must be obtained from the relevant department/agency. On top of the license/permit, an approval permit from the Royal Customs and Excise Department is also needed for some controlled and prohibited items.

#### Services

The Business License Act went into force on 1 January 2015 and stipulates that certain businesses no longer need to apply for a miscellaneous license when incorporating a company. The Act is expected to facilitate the process of starting a business and create an environment that is more pro-business.

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\* This brief report was prepared with information from Brunei Darussalam's submission of 2016 APEC Individual Action Plan (IAP) template; the 2015 WTO Trade Policy Review - Report by the Secretariat – Brunei Darussalam; and Ministry of Finance and the Brunei Economic Development Board websites.

### **Investment**

Brunei Darussalam continues to implement measures to attract investments. The corporate tax rate was reduced to 18.5 per cent for the financial period beginning 1 January 2014 onwards (i.e. from Year of Assessment 2015). Tax exemptions are also granted to some firms for a period of time if they satisfy requirements set under different investment promotion programmes such as Pioneer Industry and Pioneer Service Company. Brunei Darussalam has no minimum requirement level for investment and there are no restrictions on repatriation of capital, remittance of profits or royalties abroad, and exchange control. While the setting up of a private company is open to foreigners, Brunei Darussalam requires at least one of the directors to be resident.

Foreign investors may face restrictions in some sectors. For example, full foreign investment may not be allowed in certain activities related to the use of natural resources, food security and industrial sites. Moreover, domestic and foreign participation in some sectors could be subject to the approval of the relevant regulatory authorities.

### **Standards and Conformance**

In 2014, Brunei Darussalam started to transfer work responsibilities related to standards and conformance from the Authority for Building Control and Construction Industry (ABCi) to the National Standards Centre (NSC). While ABCi will continue to facilitate and assist in certain standards and conformance activities including those for construction sector, NSC is the focal point for international and regional standards organization and fora. As of December 2015, Brunei Darussalam has 83 national standards, all of which are voluntary with the exception of one that pertains to Halal food.

### **Customs Procedures**

Brunei Darussalam has progressively added various functions into its National Single Window (BDNSW) portal since launching it in 2013, such as allowing for the online application of Certificates of Origin, as well as for the online submission of customs declarations. Since July 2015, BDNSW can also be used for the submission of permit applications. 11 agencies were part of the BDNSW by December 2015.

Brunei Darussalam became a contracting party to the Harmonized System (HS) Convention in June 2014.

### **Intellectual Property Rights**

Brunei Darussalam continues to improve its intellectual property environment. Among some of its initiatives in 2015 are the adoption of its first National IP Strategy, the implementation of Plant Variety Protection Order and the setting up of Technology Innovation Support Centre.

Brunei Darussalam is at various stages of preparation for accession to other international IP protocols such as the International Union for the Protection of New Varieties of Plants (UPOV) and the Madrid Protocol for the International Registration of Marks.

### **Competition Policy**

The Brunei Competition Order was passed in January 2015 and gazetted in March 2015 to establish a legal framework to prohibit anti-competitive activities. This framework prohibits price fixing and bid-rigging, as well as mergers that could result in a substantial lessening of competition within the Bruneian market. The Order, which also provides for the functions and powers of the Competition Commission and Competition Tribunal to enforce the competition

law, is expected to promote economic efficiency, economic development and enhance consumer welfare. Various provisions of the Order will come into effect in phases.

### **Government Procurement**

Brunei Darussalam reduced the threshold amount for tender approval within the jurisdiction of Mini Tender Board in every ministry from BND 500,000 to BND 250,000. In addition, all evaluation for the procurement of vehicles must be submitted to the State Tender Board at the Ministry of Finance for approval.

### **Deregulation/Regulatory Review**

Brunei Darussalam has a Law Review Committee whose responsibilities include reviewing and updating laws that are administered by all ministries and departments as well as facilitating the formulation and/or amendment of laws. Its monitory role is assisted by the Attorney General's Chambers.

Brunei Darussalam has not adopted any Regulatory Impact Assessment (RIA) processes and instead rely on individual agencies to conduct research and undertake measures to ensure a more effective, efficient and innovative economy.

### **Dispute Mediation**

Brunei Darussalam repealed its Arbitration Act by Arbitration Order 2009 and now has International Arbitration Order 2009 which is based on UNCITRAL Model Law. Brunei Darussalam also has Islamic Arbitration but it is limited to family, succession, personal and religious matters.

### **Mobility of Business People**

The Department of Immigration and National Registration provides visa exemptions to passport holders from 58 economies worldwide. Subject to laws and regulations, visa on arrival facility is extended to 7 economies.

### **Transparency**

Brunei Darussalam indicated that all national laws and regulations are published on the website of the Attorney General's Chambers.

### **RTA/FTAs**

Brunei Darussalam has eight RTA/FTAs in force<sup>2</sup>. Negotiations of the Trans-Pacific Partnership Agreement (TPP) were concluded in October 2015. Currently, Brunei Darussalam is participating in the negotiations of the Regional Comprehensive Economic Partnership (RCEP), ASEAN-Hong Kong Free Trade Agreement (AHKFTA) and trade in services and investment chapters of the ASEAN-Japan Comprehensive Economic Partnership (AJCEP).

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<sup>2</sup> Brunei Darussalam's RTA/FTAs in force are: ASEAN (1992), ASEAN-China (2005), P4 (2006), ASEAN-Korea (2007), Brunei Darussalam-Japan (2008), ASEAN-Japan (2009), ASEAN-Australia-New Zealand (2010), and ASEAN-India (2010).



## Canada's Bogor Goals Progress Report (as at 30 September 2016) \*

### Highlights of Achievements and Areas for Improvement

- Progress continues on the tariff simplification process, with a number of tariff lines eliminated.
- For certain agricultural products, tariff rate quotas are applied, but Canada ensures that its policies are in compliance with its WTO obligations.
- The telecommunications industry was liberalised further by removing content quotas. For example, local content requirements for daytime television programs have been eliminated.
- Multiple agreements on standards and conformance signed to harmonize cross-border requirements.
- The eManifest initiative was made mandatory for carriers in all modes of transport to facilitate customs procedures.
- Amendments have been made to domestic legislation to accede to key intellectual property treaties and to strengthen competition policy frameworks. Regulations to modernize Canada's intellectual property rights framework are ongoing.
- A pilot program to start issuing APEC Business Travel Cards to eligible Canadian citizens has been put in place in order to facilitate procedures when travelling to other APEC economies through selected points of entry.
- Two FTAs came into force and several negotiations were concluded since the previous Bogor Goals Assessment in 2014.

### Summary of Topics

#### Tariffs

Canada eliminated 10 tariff lines used in manufacturing, as well as four tariff lines for mobile offshore drilling units used for oil and gas exploration and development. This is a continuation of the efforts by the government to continue simplifying Canada's tariff structure.

Canada maintains the application of a supply management system with the intention of assuring a secure and stable supply. This includes the application of tariff rate quotas (TRQ) for products such as eggs, chicken, turkey, and dairy. Canada ensures that its policies are in compliance with its WTO obligations.

#### Non-Tariff Measures

According to the Canada Border Services Agency, import prohibitions apply to obscene material; base or counterfeit coins; goods produced by prison labor; used and second-hand mattresses and materials therefrom; false description of goods with geographic origin of goods and goods with trademarks; used or second-hand motor vehicles; white phosphorus matches; and hate propaganda.

Import licenses/permits are applied in some cases due to public health, safety, environmental reasons and international commitments. These import regimes are notified to WTO. Imports of

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\* This brief report was prepared with information from Canada's submission of the 2016 APEC Individual Action Plan (IAP) template; the 2015 WTO Trade Policy Review – Report by the Secretariat – Canada; the WTO SPS and TBT Information Systems; and Canada Border Services Agency; Industry Canada; Global Affairs; Foreign Affairs, Trade and Development; Canada Radio-Television and Telecommunications Commission; Transport Canada; and Agriculture and Agri-Food Canada websites.

clothing and textile products that are applying for tariff preferences levels (TPLs) under NAFTA (US/Mexico) and the FTAs with Chile, Costa Rica and Honduras are subject to import permit requirements.

### **Services**

In 2015, the Canadian Radio-television and Telecommunications Commission (CRTC) eliminated the quota requiring 55% of daytime content to be Canadian-produced. However, weekday prime time quotas still remain. This requires 50% of programming from 6pm to 11pm to be Canadian. CRTC also aims to harmonize Canadian quota requirements for specialty channels, which previously ranged from 15% to 85%, to 35% across the board.

Canada signed the Trans-Pacific Partnership (TPP) with 11 other APEC members, which seeks to facilitate the movement of people and services in the Asia-Pacific region. Canada also continues to be involved in negotiations of the Trade in Services Agreement (TISA), which aims to further liberalize trade in services.

### **Standards and Conformance**

The Standards Council of Canada (SCC) signed a MOU with the American National Standards Institute (ANSI) in April 2015 to ensure that their national standards do not present technical barriers to trade and to facilitate collaboration between experts of both sides. SCC and the Secretariat of Economy of Mexico also signed a Memorandum of Understanding (MOU) in May 2015 to facilitate harmonization and alignment of cross-border requirements, and promote standards and conformity assessment.

Canada is actively participating at the international level in the International Organisation for Standardisation (ISO) and the International Electrotechnical Commission (IEC). In addition, Canada is involved in multilateral accreditation arrangements such as the International Accreditation Forum (IAF), the International Laboratory Accreditation Cooperation (ILAC) and the Asia-Pacific Laboratory Accreditation Cooperation (APLAC).

As of 2015, five specific trade concerns raised against Canada at the WTO SPS Committee had not reported a resolution. As of 2016, there are no specific trade concerns being raised against Canada in the WTO TBT Committee. The most recent concern raised in 2015 was related to tobacco. Canada addressed this concern to the satisfaction of the raising member.

### **Customs Procedures**

Canada implemented the eManifest initiative for carriers in all modes of transportation. This requires carriers, freight forwarders and importers in all modes of transportation (air, marine, highway and rail) to electronically transmit advance commercial information to the Canada Border Services Agency (CBSA). Regulations making this mandatory came into effect in May 2015.

The Canada Border Services Agency has signed Mutual Recognition Arrangements with Japan; Korea; Singapore; and United States regarding Authorized Economic Operator (AEO) programs to facilitate trade at the border.

### **Intellectual Property Rights**

Canada has put in place a robust and effective intellectual property system that promotes investment and rewards innovation. In December 2014, Canada passed Bill C-8 (the Combatting Counterfeit Products Act), which strengthens enforcement measures at the border,

facilitates civil enforcement by right holders, and provides enhanced tools for criminal enforcement.

Canada also signaled its intent to join five widely-recognized World Intellectual Property Organization (WIPO) treaties in 2014: the Madrid Protocol, the Singapore Treaty, the Nice Agreement, the Patent Law Treaty (PLT), and the Hague Agreement. Canada has since made amendments to the Trade-marks Act to accede to the three trademark treaties, under Bill C-31 (2014 Budget Implementation Act) and to the Patent Act and Industrial Design Act to ratify the PLT and accede to the Hague Agreement, under Bill C-43 (2014 Budget Implementation Act II), respectively. Amendments to the relevant regulations required to implement these treaties are currently under development.

Further amendments to the Patent Act and Trade-marks Act to recognize the privileged nature of the information shared between patent and trademark agents and their clients were passed in Bill C-59 (2015 Budget Implementation Act). These provisions came into effect on 23 June 2016.

In January 2015, the Notice and Notice provisions of the Copyright Modernization Act came into force.

In June 2015, Canada ratified the 1991 Act of the International Union for the Protection of New Plant Varieties (UPOV'91).

Also in June 2015, Canada amended the Copyright Act to provide sound recordings and performances fixed in sound recordings an additional 20 years of copyright protection, from the date of publication, by extending the term of protection from 50 years to 70 years. More recently, Canada amended the Copyright Act to accede to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. On 30 June 2016, Canada acceded to the Marrakesh Treaty, and brought the Treaty into force on 30 September 2016.

### **Competition Policy**

Canada's anti-spam legislation (CASL) came into effect on 1 July 2014 with the purpose of effectively addressing false or misleading representations and deceptive market practices in the electronic marketplace, for instance, via e-mail. The amendments include technology-neutral language that catches emerging technologies.

The Competition Bureau Canada is also committed to enhancing the impact of its competition compliance and promotion efforts through increased collaboration with its international enforcement partners. In 2014, a Memorandum of Understanding (MOU) with India was signed to exchange information about new developments, share law enforcement and policy experience and coordinate enforcement activities, among other things. Three MOUs were also signed with the People's Republic of China's (PRC) antitrust authorities: with the State Administration for Industry and Commerce of the PRC in March 2015, with the Ministry of Commerce of the PRC in May 2015, and with the National Development and Reform Commission of the PRC in February 2016.

Additionally, Canada's Competition Bureau jointly issued best practices on cooperation in merger investigations with the United States' Federal Trade Commission and the Department of Justice.

### **Government Procurement**

The revised WTO Agreement on Government Procurement (GPA) came into force for Canada on April 6, 2014.

Amendments to the Treasury Board Contracting Policy took effect in 2014, including the approval of exceptional contractual limits for the Minister for the Department of National Defense, in support of sensitive operations. Furthermore, the amendments include new exceptional contracting limits for Shared Services Canada for hardware and software licensing to maintain current IT operations of the Government of Canada; and for Public Works and Government Services in call-ups with the existing domestic supplier of expendable sonar systems.

### **Mobility of Business People**

A project pilot started on 16 June 2014 to issue APEC Business Travel Cards (ABTC) to eligible Canadian citizens who are active members of Canada's NEXUS trusted traveler program. Canadian ABTC holders have access to special APEC lanes when travelling to participating foreign APEC economies.

### **RTA/FTAs**

As of January 2016, Canada reported 11 FTA in force<sup>3</sup>. Canada also signed the Trans-Pacific Partnership (TPP) with 11 other APEC members in February 2016. In July 2016, Canada and the Ukraine signed the Canada-Ukraine Free Trade Agreement (CUFTA) which addressed tariffs and non-tariff barriers. Negotiations on the modernization of the Canada-Israel Free Trade Agreement were completed in July 2015.

As of January 2016, Canada reported 30 Foreign Investment Promotion and Protection Agreements (FIPAs) in force<sup>4</sup>, which are aimed at protecting and promoting foreign investments between the two economies. Canada brought into force FIPAs with Serbia in April 2015<sup>5</sup> and Côte d'Ivoire in December 2015<sup>6</sup>, and signed FIPAs with Burkina Faso in April 2015, Guinea in May 2015, and Hong Kong in February 2016.

Canada also continues to be actively engaged in negotiations of the plurilateral Environmental Goods Agreement (EGA), which includes 10 APEC members.

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<sup>3</sup> Canada's RTA/FTAs in force are the following ones: NAFTA (1994), Canada-Chile (1997), Canada-Israel (1997), Canada-Costa Rica (2002), Canada-EFTA (2009), Canada-Colombia (2011), Canada-Peru (2009), Canada-Jordan (2012), Canada-Panama (2013), Canada-Honduras (2014), Canada-Korea (2015).

<sup>4</sup> Poland (1990), Russian Federation (1991), Argentina (1993), Hungary (1993), Ukraine (1995), Philippines (1996), Trinidad and Tobago (1996), Barbados (1997), Ecuador (1997), Egypt (1997), Panama (1998), Thailand (1998), Venezuela (1998), Armenia (1999), Costa Rica (1999), Lebanon (1999), Uruguay (1999), Croatia (2001), Peru (2007), Jordan (2009), Latvia (2011), Romania (2011), Czech Republic (2012), Slovak Republic (2012), Tanzania (2013), Benin (2014), China (2014), Kuwait (2014), Côte d'Ivoire (2015), Serbia (2015).

<sup>5</sup> <http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/fipa-apie/republic-of-serbia-text-republique-de-serbie.aspx?lang=eng>

<sup>6</sup> <http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/fipa-apie/cote-divoire-agreement.aspx?lang=eng>



## Chile's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- The effective average tariff is very low due to the implementation of an extensive network of RTA/FTAs.
- No quantitative or national treatment restrictions to imports. Only used motor vehicles cannot be imported.
- A local content requirement of 20% on music broadcast by radio stations has been implemented.
- New Foreign Direct Investment (FDI) Law increases legal guarantees to foreign investors.
- Recent measures to modernize customs operations. Pilot for an Authorized Economic Operator (AEO) model program has been extended.
- Proposed changes to Antitrust Law to improve regulations concerning mergers.
- Efforts to continue improving transparency in the public sector are ongoing.

### Summary of Topics

#### Tariffs

Chile applies a flat MFN import tariff of 6% to all products, except for very few non-agricultural products whose MFN tariff is equal to zero. Nevertheless, Chile's effective average tariff, taking into account RTA/FTAs preferential treatments, was equal to 0.93% in 2015.

Chile is also reducing tariffs through the implementation of new RTA/FTAs. Bilateral free trade agreements with Hong Kong, China; and Viet Nam entered into force in 2014, and with Thailand in 2015.

#### Non-Tariff Measures

Chile does not apply quantitative or national treatment restrictions. Only ozone-depleting substances have to follow registration requirements, as part of international commitments.

Prohibitions on imports of used motor vehicles are still in place. Similarly, the price band system for wheat, wheat flour and sugar remains in place<sup>7</sup>.

#### Services

Services Chapters that are part of the FTAs with Hong Kong, China; and Thailand were put in place in 2014 and 2015, respectively. The services chapter of the Pacific Alliance came into force in May 2016.

In the telecommunications sector, Chile has been working with Argentina since the end of 2014 to eliminate roaming charges between both countries.

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\* This brief report was prepared with information from Chile's submission of 2016 APEC Individual Action Plan (IAP) template; the 2015 WTO Trade Policy Review – Report by the Secretariat – Chile; the OECD's Assessment of Merger Control in Chile 2014; the WTO TBT Information System; and Biblioteca del Congreso Nacional de Chile websites.

<sup>7</sup> Due to the international prices of those products, the price band system (PBS) has not been applied during the last 10 years

In April 2015, a law to promote Chilean music was modified to establish that radio stations must include a minimum of 20% of local music (i.e. interpreted or played by Chilean artists) in their daily programming.

### **Investment**

A new legal framework applicable to foreign direct investment (FDI) was put in force in January 2016. This new framework guarantees that foreign investors have access to the foreign exchange market; are able to transfer capital and profits overseas as long as they have met their tax duties; and enjoy national treatment with respect to the legal regime applied to them.

The new legal framework also creates a new Investment Promotion Agency to promote investments and attract foreign investors.

### **Standards and Conformance**

Chile is participating actively in international standardization activities and continues to align domestic standards with international standards. For example, regarding fuels and electrical products, four proposals on technical regulations and conformity assessment procedures were notified to WTO in 2015. Furthermore, the Superintendency of Electricity and Fuels notified six proposals of conformity assessment procedures by taking into account standards by the International Electrotechnical Commission (IEC)

Public consultations and transparency have also become a well-established features in the process of establishing technical regulations.

Chile has notified 41 proposals to the WTO TBT Committee in 2016, in the following sectors: Electricity and Fuels (16), Construction (9), Health (9), Transport (5) and Agricultural (2). No specific trade concerns have been raised in WTO about these new proposals. The meeting of the WTO TBT Committee in March 2016 only discussed a previously raised concern on proposed amendments to food health regulations.

Chile and the European Union have concluded an Agreement on Trade in Organic Products in 2016, and Chile is negotiating with the Republic of Korea and is having conversations with the United States of America in the same sense.

### **Customs Procedures**

In recent years, measures have been implemented to modernize customs operations. More steps in the custom process are now being automated. For example, in the application for certificate of value; processing of applications for qualification of services exports; use of electronic clearance folders to prepare declarations of entry and exit of goods. Procedures such as the issuance of advance rulings were also updated and improved. Agreements on Mutual Cooperation and Assistance in Customs Matters with Turkey and the United States entered into force in 2014 and 2015, respectively.

Chile ran a pilot of an Authorized Economic Operator (AEO) model program from 2015 to end-January 2016 for the export sector. The pilot has been extended to customs brokers, and is expected to begin in July 2016.

Reforms in tax laws in 2015 brought some changes related to customs. The new law has specified different forms of smuggling and has increased penalties against offenders for smuggling goods.

### **Intellectual Property Rights**

Since 2013, Chile has made some significant progress regarding its intellectual property system. In this context, the program “sello de origen” has been able to identify and promote the use of geographical indications, appellations of origin, collective and certification trademarks. Also, Chile has continued its work towards the approval in Congress of the bill that amends the Law N°19.039 of industrial property in order to enhance procedures for applications for industrial privileges. Moreover, in 2014, the National Institute of Industrial Property initiated its operations as an international search authority (ISA/IPEA) under the Patent Cooperation Treaty.

In addition, Chile ratified the Beijing Treaty on Audiovisual Performances in 2014 and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled in 2015.

### **Competition Policy**

In July 2016, Congress approved a Draft Bill proposing changes in the Antitrust Law. After this Bill enters in force, it will have a substantial impact on the Chilean competition system and the way the Chile’s antitrust agency works.

The main proposed amendments concern strengthening the deterrence effect of cartel persecution by increasing the fines proportional to illegal gains obtained or in accordance to annual sales, as well as criminal persecution of hard core cartels, including imprisonment for executives found guilty. In addition, it provides for a mandatory notification system for merger review, in which after certain thresholds, mergers could only be approved by the competent authority.

The Draft bill also include new powers to the antitrust agency to conduct market research and request information to private undertakings for such effects. These new powers also include some tools that will help in the antitrust agency’s functions, such as the possibility to make legislative recommendations; financial fines to market agents that do not appear before the antitrust agency or do not provide the information required by the antitrust agency, without prior justification; and imprisonment to those that provide false information.

### **Deregulation/Regulatory Reform**

Efforts to improve transparency are ongoing. All public institutions have a section on transparency in their websites, which contain the mechanisms how citizens can participate actively and obtain information. Moreover, Chile is currently implementing a law to regulate lobbying before authorities and officials.

An OECD study on the Chilean Regulatory Governance system will be published in April 2016 and its results are intended to serve as a stepping stone for further improvements in the Central Government.

### **Mobility of Business Persons**

In 2015, the Immigration Regulation was modified in order to streamline some related migration management procedures. Also, the immigration tourist card was eliminated and all information is recorded electronically instead.

## **RTA/FTAs**

Chile has implemented a comprehensive RTA/FTA network with 26 RTA/FTAs in force<sup>8</sup>.

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<sup>8</sup> Chile's RTA/FTAs in force are the following ones: Chile–Venezuela (1993), Chile–Bolivia (1993), Chile–Ecuador (1994), Chile–MERCOSUR (1996), Chile–Canada (1997), Chile–Mexico (1999), Chile–Central America (2002), Chile–EU (2003), Chile–United States (2004), Chile–EFTA (2004), Chile–Korea (2006), P4 (2006), Chile–China (2006), Chile–India (2007), Chile–Japan (2007), Chile–Panama (2008), Chile–Cuba (2008), Chile–Peru (2009), Chile–Colombia (2009), , Chile–Australia (2009), Chile–Turkey (2011), Chile–Malaysia (2012), , Chile–Viet Nam (2012), Chile–Hong Kong, China (2014), Chile–Thailand (2015) and Pacific Alliance's Additional Protocol (May 1st, 2016).

## China's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- Progress in reducing applied tariffs has been assisted by proliferation of FTAs. Unilateral reduction of tariffs for selected products in 2015 and 2016.
- Tariff rate quotas still apply to certain agricultural products, as well as some import and export restrictions through quotas or licenses.
- Services sectors continue to liberalize.
- Experimental services and investment liberalization policies in several pilot free trade zones (PFTZs). An updated negative list with a restricted number of sectors was applied to selected PFTZs. Many industries are open for foreign investments in PFTZs.
- China is actively participating in multilateral recognition arrangements on conformity assessment. A number of specific trade concerns have been raised at the WTO TBT and SPS Committee in various sectors.
- Several customs-related reforms have been carried out to facilitate trade.
- Ongoing reforms in the competition policy and intellectual property rights systems.
- Efforts to increase transparency in government procurement. Concerns about restrictions for foreign firms to participate in some of these processes.
- The 2015 Arbitration Rules of China International Economic and Trade Arbitration Commission entered into force to introduce best practices from the field of international arbitration.

### Summary of Topics

#### Tariff

The simple average MFN applied tariff rate was equal to 9.6% in 2014. Both agricultural and non-agricultural products have posted lower average tariffs than in the previous year. Around 7.9% of tariff lines were duty-free. Progress in tariff reduction has been assisted by FTAs with four of them entering into force during 2014 and 2015. Tariffs on selected consumer goods were slashed in June 2015. In addition, tariff lines of environmental goods to implement the APEC Environmental Goods List entered into force in January 2016 following the approval from the State Council.

Tariff-rate quotas (TRQ) are applied to some products. Products subject to TRQ include wheat, rice, maize, sugar, chemical fertilizer, wool and cotton, among others.

#### Non-Tariff Measures

Automatic import licensing is applied to some agricultural, mineral, mechanical and electronic products. There are no quantitative limits on imports of commodities subject to automatic import licensing. The “Catalogue of Goods Subject to Automatic Import Licensing” has been updated annually. As of 2015, the two categories of imports are subject to import licensing: ozone depleting substances and used mechanical and electronic products.

A list of prohibitions on commodities under processing trade is updated when necessary. The 2014 “Catalogue of Commodities Prohibited under Processing Trade” includes mineral

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\* This brief report was prepared with information from China's submission of 2016 APEC Individual Action Plan (IAP) template; the 2014 WTO Trade Policy Review – Report by the Secretariat – China; the WTO TBT and SPS system; the UNCTAD Investment Policy Hub; and the Ministry of Commerce, China National Accreditation Service for Conformity Assessment and Central Government Procurement Center websites.

products, hides and skins, used mechanical and electrical products and among others. The latest amendment in December 2015 removed silver ores from the import prohibition list.

Export quotas or licensing are in force in China. A list of exports requiring a license is updated annually and currently includes commodities, minerals and some dual use goods, among others. Export quotas are, upon application, granted directly or allocated through a bidding process by relevant ministries. Currently, they are applied to certain agricultural products and industrial-related products such as tin, antimony, indium, magnesia, and phosphate rock and others. The latest amendment abolished export quotas on tombarthite, tungsten and molybdenum. Export prohibitions applied to products such as bones, ivory, organic chemicals, some platinum products and unprocessed woods in order to maintain national security, public safety and protect the environment.

### **Services**

Experimental liberalization policies have been implemented in the Shanghai Pilot Free Trade Zone (PFTZ): foreign investors receive equal treatment as domestic investors in terms of market access in all industries, except those listed in the negative list since September 2013; foreign players are allowed to provide bank card payment clearing services since June 2015; and foreign-invested entities face less control over conversion of foreign exchange equity capital since May 2014. Restrictions on foreign ownership in shipping industry in Shanghai PFTZ and tourism services in several PFTZs were also relaxed. Shanghai PFTZ also opened up some value-added telecommunication services for foreign investment, while restrictions on basic telecommunication services still remained.

In telecommunications services, the restrictions on foreign ownership ceilings in e-commerce businesses were removed in April 2015. Rules on inbound real estate investment were relaxed with increased financing flexibility for foreign-invested real estate enterprises.

China has continued opening up services trade through new RTA/FTAs entering into force and existing RTA/FTAs being upgraded.

### **Investment**

Three more PFTZs were established in Guangdong, Tianjin and Fujian in April 2015, and adopted the negative list approach to foreign investment since May 2015. The negative list was revised in 2015 with sectors on the list cut to 122 from 139 that were previously applied to the Shanghai PFTZ in 2014.

The latest “Catalogue for the Guidance of Foreign Investment” released in 2015 lifted many restrictions on foreign investment with fewer industries under the “restricted” and “prohibited” lists compared to the 2011 Catalogue. The newly expanded “encouraged” industries include construction and operation of grids, accounting and auditing, senior care institutions and chemical manufacturing industries. Certain industries still impose restrictions on foreign firms, such as manufacturing of whole units of automobile, specific banking services and basic telecom services, among others.

Passed in May 2015, the National Security Law contains measures to enhance the security review of foreign investments. On the grounds of national security, social order, morality and internet safety, the intention is to review investments by foreigners in military-related fields, key agricultural products, energy, transportation, information technology and equipment manufacturing concerning national security.

According to its 2016 Individual Action Plan, China has signed Bilateral Investment Treaties (BITs) with 131 economies.

### **Standards and Conformance**

China National Accreditation System for Conformity Assessment (CNAS) has been participating actively in the international multilateral recognition arrangements such as the International Accreditation Forum (IAF), International Laboratory Accreditation Cooperation (ILAC), Asia Pacific Laboratory Accreditation Cooperation (APLAC) and Pacific Accreditation Cooperation (PAC), among others.

As of February 2016, 56 and 19 specific trade concerns (STCs) against China had not reported a resolution at the WTO Technical Barriers to Trade (TBT) and Sanitary and Phytosanitary (SPS) Committees respectively. Among those TBT-related concerns raised in 2015, they are related to issues such as cosmetic labelling, banking IT equipment security regulation, technical specifications for natural rubber and registration fees for drugs and medical device products, among others. In 2015, concerns about China's SPS measures were raised on bovine meat, GMO-related policies and import restrictions due to the African swine fever.

### **Customs Procedures**

To further facilitate trade, paperless customs clearance for goods under automatic import licenses has been implemented on a nationwide basis since February 2016. In May 2015, the customs clearance integration reform was extended to four provinces in Pan-Pearl River region, the Silk Road Economic Belt and northeastern region, covering 42 customs districts across China. For firms exporting from/importing to the three above-mentioned regions, the reform allows them to do the paperwork in the customs corresponding to the area that the firms are registered or in the customs in the area where the goods enter into or exit from China.

At the international level, a Mutual Recognition Agreement (MRA) between China and European Union on Authorized Economic Operators (AEOs) entered into force in November 2015. This adds into existing MRAs on AEOs with Singapore; Korea and Hong Kong, China. The WTO Trade Facilitation Agreement was ratified in September 2015.

### **Intellectual Property Rights**

In August 2014, China decided to establish specialized intellectual property courts in Beijing, Shanghai and Guangzhou, aiming to reinforce the judicial protection of intellectual property rights (IPR).

In December 2015, a new draft for the Fourth Amendment to the Chinese Patent Law was published for comments. This new draft amendment includes various significant changes such as expanding the scope of patent eligibility by allowing design patents to cover portions of an article rather than covering the whole article; increasing damage awards in the cases of willful infringement; and empowering the role of IP enforcing authorities, among others.

### **Competition Policy**

The Rules on the Prohibition of Abuses of Intellectual Property Rights to the Exclusion or Restriction of Competition entered into force in August 2015. China has promulgated the Interim Provisions on the Standards that apply to Simplified Cases of Concentrations of Undertakings, and the Provisions on Restrictive Conditions for Concentrations of Undertakings since 2014. According to the legislative plan of the Anti-Monopoly Committee of the State Council, the relevant members of the Committee include the three Anti-Monopoly

Enforcement Agencies – Ministry of Commerce (MOFCOM), National Development and Reform Commission (NDRC) and State Administration for Industry & Commerce (SAIC), which are in the process of drafting the Guideline on the prohibition of Abuse of Intellectual Property Rights to the Exclusion or Restriction of Competition.

### **Government Procurement**

The State Council passed a draft of regulations on enforcing the Government Procurement Law in December 2014 aiming to enhance fairness and transparency. The draft requires that governments must make their procurement contracts and bidding results public through the media.

China's accession to the WTO Government Procurement Agreement (GPA) is still under negotiation after the submission of the 6<sup>th</sup> offer at the end of 2014.

### **Dispute Resolution**

The Arbitration Rules of China International Economic and Trade Arbitration Commission (CIETAC) entered into force in January 2015. Key changes include the introduction of best practices from the field of international arbitration; amended rules to increase efficiency; and changes to the institutional organization of CIETAC.

### **Mobility of Business People**

By the end of 2015, China had processed more than 450,000 home and foreign APEC Business Travel Card (ABTC) applications, up 47 % from the end of 2013. China also extended the ABTC from three to five years since September 2015.

### **RTAs/FTAs**

China has reported fourteen RTA/FTAs in force<sup>9</sup> and eight more under negotiation, including with Sri Lanka; the Gulf Co-operation Council and the Regional Comprehensive Economic Partnership (RCEP).

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<sup>9</sup> China's RTA/FTAs in force are the following ones: China–Hong Kong, China (2003), China–Macao, China (2003), China–ASEAN (2005), China–Chile (2006), China–Pakistan (2007), China–New Zealand (2008), China–Singapore (2009), China–Peru (2010), China–Costa Rica (2011), China–Chinese Taipei (2011), China–Iceland (2014), China–Switzerland (2014), China–Korea(2015) and China–Australia (2015).



## Hong Kong, China's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- No tariff on imports. No non-tariff measures to protect domestic industries.
- Hong Kong, China maintains a liberal, open and transparent regime for trade in services and investments.
- International standards have been adopted as far as possible.
- Continues to enhance its systematic risk management techniques to secure and facilitate trade. Free Trade Agreement Transshipment Facilitation Scheme (FTA Scheme) implemented in December 2015.
- Various infrastructure initiatives have been put in place to combat online IPRs crime.
- The revised WTO Agreement on Government Procurement (GPA) entered into force in April 2014.
- The Arbitration (Amendment) Ordinance 2015 came into effect in July 2015 to ensure that latest developments in the arbitration sector are reflected in the legislation.
- Enhancement measures on the admission of professionals and entrepreneurs under the General Employment Policy (GEP) in May 2015.

### Summary of Topics

#### Tariffs

Hong Kong, China applies no tariffs on imports. Bound tariffs on 3,359 tariff lines (about 45.6% of all lines) were equal to zero in 2015, accounting for 63% of imports in 2014 value terms. Wood, pulp, paper and furniture; and metals remain the sectors with the highest percentage of zero-bound tariff lines.

The FTA between Hong Kong, China and Chile entered into force on 9 October 2014. Hong Kong, China has committed to grant tariff free access to all products originating from Chile under this agreement.

#### Non-Tariff Measures

Hong Kong, China does not impose any quantitative restrictions or maintain non-tariff measures for the protection of domestic industries. Hong Kong, China only continues to maintain those non-tariff measures that are required to protect public health, safety, security and the environment, and to fulfil obligations under international agreements. These measures are under constant review with the objective of facilitating trade as far as possible. For example, certain requirements must be met to import raw eggs from 5 December 2015 onwards, but fully cooked eggs and eggs that constitute one of the ingredients of a compounded food item are excluded from this requirement.

#### Services

Hong Kong, China maintains a liberal regime for trade in services. Most service sectors are free and open, and foreign services providers and traders normally enjoy national treatment.

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\* This brief report was prepared with information from Hong Kong, China's submission of 2016 APEC Individual Action Plan (IAP) template; the 2015 WTO Trade Policy Review - Report by the Secretariat – Hong Kong, China; and Hong Kong, China's Trade and Industry Department and Customs and Excise Department websites.

In the FTA with Chile, Hong Kong, China has made broad commitments covering a comprehensive and diverse range of services, many of which go beyond its current commitments under the General Agreement on Trade in Services (GATS).

### **Investment**

Hong Kong, China maintains one of the most liberal, open and transparent investment regimes in the world. There are no restrictions on foreign exchange transactions, repatriation of capital and returns related to foreign investment. However, there are restrictions on the control and ownership of licensed broadcasters based on residency requirements, which are considered on par with international standards.

As at June 2016, Hong Kong, China had signed 18 Investment Promotion and Protection Agreements (IPPAs), as well as two FTAs with national treatment clauses in the investment chapter.

InvestHK continues its role in facilitating investments into Hong Kong, China. Since the last assessment in 2014, InvestHK has assisted over 1,000 additional companies, of which around 60% are from APEC member economies, in establishing presence or expanding their operations in Hong Kong, China.

### **Standards and Conformance**

Hong Kong, China adopts international standards as far as possible, including ISO and IEC standards. For testing of telecommunications equipment, as at June 2016, Hong Kong, China has recognized a total of 27 testing laboratories as Conformity Assessment Bodies (CAB).

Hong Kong, China further raised its participation in cooperation activities since the last assessment by becoming a signatory of Mutual Recognition Arrangements (MRA/MLA). In June 2014, Hong Kong Accreditation Service became a signatory of the Asia Pacific Laboratory Accreditation Cooperation (APLAC) for proficiency testing provider; and in June 2015, a signatory of the Pacific Accreditation Cooperation (PAC) for greenhouse gas validation and verification.

### **Customs Procedures**

In line with Hong Kong, China's adoption of systematic risk management techniques to secure and facilitate trade, a new screening engine in the Customs and Excise Risk Assessment System (CERAS) was successfully deployed in April 2014 to enhance risk profiling capability and improve advance maritime cargo information.

Hong Kong, China continued to promote the Hong Kong Authorized Economic Operator (HK AEO) Programme where companies satisfying a prescribed list of requirements are accredited as AEOs and therefore eligible for reduced inspection and prioritized clearance. As at June 2016, 31 companies have been accredited as AEOs. Furthermore, since the last assessment in 2014, AEO MRAs were signed with Korea, Singapore, Thailand and Malaysia Customs to mutually recognize their supply chain security programs.

Since December 2015, the Free Trade Agreement Transshipment Facilitation Scheme (FTA Scheme) provides a facilitation service and certificate of non-manipulation for goods passing through Hong Kong, China to enjoy tariff reduction under 13 FTAs signed by China.

In 2015, Hong Kong Customs updated the Code on Conduct and Discipline to identify new risks, address rising community expectations and satisfy the highest standards of probity, integrity and impartiality.

### **Intellectual Property Rights**

Hong Kong, China continues to update its intellectual property (IP) regime. A notable development is the introduction of the Patents (Amendment) Bill 2015 which seeks to provide a legal framework for the establishment of an “Original Grant” system for standard patents and refinements of the existing short term patent system<sup>10</sup>.

With a vision to develop Hong Kong, China into a premier IP trading hub in the region, a dedicated working group released a report in March 2015 with recommendations under four strategic areas, namely (a) enhancing the IP protection regime; (b) supporting IP creation and exploitation; (c) fostering IP intermediary services and manpower capacity; and (d) pursuing promotion, education and external collaboration efforts. Hong Kong, China has been working on the implementation of the recommended measures.

To combat online IPRs crime, the Hong Kong Customs has established three dedicated Anti-Internet Piracy Teams, set up the Electronic Crime Investigation Centre to enhance the capabilities of frontline officers in investigation and evidence collection, and developed three Lineament Monitoring Systems to better detect online infringing activities for action. Further, Hong Kong Customs launched in July 2015 the Social Network Express Monitoring System (SocNet) to enhance online surveillance of suspected sales of infringing products on social network platforms and shortlist suspicious listings for investigation. Hong Kong Customs is working closely with other enforcement agencies, local auction sites, IPR holders and the industry.

### **Competition Policy**

The Competition Ordinance has come into full effect on 14 December 2015. The Ordinance provides a legal framework that prohibits and deters undertakings in all sectors from engaging in anti-competitive conduct which has the object or effect of preventing, restricting or distorting competition in Hong Kong. The Competition Commission is the statutory authority responsible for handling competition-related complaints and investigations and enforcing the competition rule.

### **Government Procurement**

The revised WTO Agreement on Government Procurement (GPA) entered into force on 6 April 2014. Hong Kong, China has expanded its coverage commitments to other GPA parties and implemented improved disciplines under the revised GPA.

### **Dispute Resolution**

The Arbitration (Amendment) Ordinance 2015 came into effect on 17 July 2015 to ensure that latest developments in the arbitration sector are reflected in the legislation and enable the arbitration regime of Hong Kong, China to stay at the forefront of Model Law jurisdictions.

### **Mobility of Business People**

Hong Kong, China has introduced several initiatives to further facilitate the mobility of business people. On 1 September 2015, the validity of the APEC Business Travel Card was

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<sup>10</sup> The Bill was subsequently passed by the legislature in June 2016.

extended to five years. In addition, the automated immigration clearance service, e-Channel, was extended in May 2014 to eligible Mainland Chinese visitors holding valid electronic Exit-Entry Permit for Travelling to and from Hong Kong, China and Macao. In 2014, reciprocal use of automated immigration clearance services was extended to Germany and Singapore.

Enhancement measures on the admission of professionals and entrepreneurs under the General Employment Policy (GEP) were implemented in May 2015. The duration of initial stay for admitted entrants was raised from one to two years, with subsequent extensions of stay being raised from every two or three years to every three years. Top-tier entrants under GEP meeting certain criteria may be granted a six-year extension of stay. Furthermore, applications from overseas investors wishing to establish or join in a start-up business supported by a government-backed programme may be considered favourably.

### **RTA/FTAs**

Hong Kong, China has four FTAs in force<sup>11</sup> and is currently negotiating an FTA with ASEAN and discussing a Closer Economic Partnership Arrangement with Macao, China.

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<sup>11</sup> Hong Kong, China's RTA/FTAs in force are: Hong Kong, China-China (2004), Hong Kong, China-New Zealand (2011), Hong Kong, China-EFTA (2012), and Hong Kong, China-Chile (2014).

## Indonesia's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- Indonesia's simple average MFN tariff rate is equal to 6.9%. However, MFN tariff peaks for some agricultural products above 40% still remain.
- Quantitative restrictions for imports and exports remain in place for some products in order to protect domestic industry.
- Mixed measures in liberalizing services with more open policies in some communications and informatics sub-sectors. Less favourable policies in construction, and insurance services.
- Relaxed restrictions on foreign investments. However, investment licenses could take a year to be approved. Efforts in setting up special economic zones.
- Concerns on technical regulations remain.
- Efforts to facilitate customs procedures. An Authorized Economic Operator program was implemented and the National Single Window was launched.
- New integrated system was established to protect a wider range of intellectual properties include patents, trademarks and industrial designs.
- More coordination among regulators and ministries to integrate competition policy principles to regional policies.
- Government procurement policies still largely favour domestic suppliers.
- Visitors from more countries have been granted visa-free entry to Indonesia.

### Summary of Topics

#### Tariffs

In 2014, the simple average MFN tariff rate was equal to 6.9%. 12.7% of MFN applied tariff lines are duty-free and more than half of the lines are subject to tariffs equal to 5% or lower. However, some agricultural products classified as beverages and tobacco still reported MFN tariffs of more than 40%.

In July 2015, import duties on food, consumer goods and vehicles were raised aiming to support local industries. Likewise, tariffs on steel products were also raised in June 2015.

#### Non-Tariff Measures

Indonesia imposes imports restrictions on a range of products such as cellulose nitrates, corn, cloves and specific fishery products, among others. Import quotas are also applied to some commodities such as cattle, alcoholic beverages and sugar. Nevertheless, some import restrictions were relaxed in 2014 and 2015. For instance, importers of goods with cooling systems, printers and photocopying machines, and textile products are no longer required to have specialized import licenses. Certain products such as food and beverages, traditional medicines and health supplements no longer require additional import licenses. The ban of sugar imports outside the milling season has been scrapped.

Export prohibitions are applied to specific products. In December 2014, licensing requirements were introduced on exports of industrial forestry products. First introduced in January 2014,

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\* This brief report was prepared with information from Indonesia's submission of the 2016 APEC Individual Action Plan (IAP) template; the WTO SPS and TBT Information Systems; the UNCTAD Investment Policy Hub; the Ministry of Trade and Ministry of Finance websites.

the export ban on bauxite was relaxed in March 2015 when bauxite exports were allowed until 2017. Export levies on crude palm oil and palm oil products were introduced in July 2015. Tin exports were further restricted with only three types of tin products allowed for export. Exports of refined sugar have been banned since December 2014.

The New Trade Law was passed by the Parliament in February 2014 which enables the government to restrict food imports and commodity exports in order to protect local industries.

### Services

Investment conditions for foreign investors in communications and informatics sectors were revised in 2014. The maximum foreign capital ownership was reduced to 49% for data communications system services, international interconnection services, content services and other value added telephony services. In contrast, foreign capital ceilings were raised to 65% for internet, public internet, telephony and wired telecommunications services. The Amendment on the Implementation of Mineral and Coal Mining Business Activities was issued in October 2014 with new provisions added concerning foreign ownership ceilings in mining companies. Under this Amendment, the foreign ownership ceilings were increased from 49% to 70% for underground mining and 60% for processing and refining. On freight forwarding, capital requirements for foreign investors who wish to engage in freight forwarding is at least 10 million USD since April 2014. At least 25% must be in the form of equity.

In June 2014, new registration rules were introduced for integrated construction service companies. Foreign construction companies can only register if they have a net worth for at least IDR 50 billion (USD 4 million), experience for at least 10 years and projects for a cumulative value of at least IDR 250 billion (USD 20 million).

In September 2014, the Insurance Law was passed with tightened policies towards foreign investors, who can only acquire ownership of insurance companies through publicly traded stocks. The Amendment also imposed strict Indonesian shareholder requirements where insurance companies need to be incorporated as Indonesian corporate entities.

### Investment

New regulations on investment were issued by the Investment Coordinating Board (BKPM) in 2015. The Guideline and Procedure of Investment Principal License includes shortened timeframes for license applications and new provisions to facilitate investment in industrial zones. Also, foreign businesses in consultancy and import trading are now required to realize their investment prior to obtaining a business license from BKPM. BKPM also issued regulations to expedite the issuance of tax incentives, as well as granted fiscal facilities to qualified investors in the forms of import duty exemptions in 2015.

Despite the implementation of a one-stop service for investment licensing in 2015, it could still take more than one year to obtain required licenses for businesses in agriculture, manufacturing, logistics and tourism industries.

Unveiled in November 2015, the sixth economic stimulus package entitles investors to income tax discounts for up to 25 years and foreign investors are allowed to own property in the special economic zones (SEZs). Currently there are eight SEZs open to investors qualifying for various incentives.

In April 2014, a revised Negative Investment List was adopted, which in general marked a liberalizing trend. Foreign ownership restrictions were relaxed in advertising, broadcasting, telecommunications, transport, pharmaceuticals and venture capital. However, greater foreign investment restrictions in energy, mineral resources and trade remain. In February 2016, plans for further investment liberalization were announced with 35 industries removed from the latest Negative Investment List.

Currently Indonesia has 47 Bilateral Investment Treaty (BITs) and other Investment Agreements (IIAs) in force. However, Indonesia terminated the BIT with the Netherlands in July 2015.

### **Standards and Conformance**

As of December 2015, Indonesia National Standards (SNIs) has developed 8,716 active standards (8,518 of them are voluntary). The National Standardization Agency of Indonesia (BSN) is continuing its work to align national standards to international standards.

In October 2015, the Ministry of Trade relaxed the regulation on labeling of imported goods in Bahasa Indonesia – the labels can be stamped or inserted instead of being embossed, printed or glued as required previously.

Recent new specific trade concerns (STCs) raised against Indonesia include local content requirements for LTE devices and importation of carcass, meat and processed meat products. As of February 2016, 20 STCs against Indonesia remain unresolved at the WTO Technical Barriers to Trade (TBT) Committee. 13 STCs remain unresolved at the WTO Sanitary and Phytosanitary (SPS) Committee.

### **Customs Procedures**

Indonesia's accession to the revised International Convention on the Simplification and Harmonization of Customs procedures (Kyoto Convention) entered into force in November 2014. A national Authorized Economic Operator (AEO) program was also launched in Jakarta in March 2015. In addition, the government relaunched the Indonesia National Single Window (INSW) in October 2015 with new services aiming to unify data. Among the new features, the INSW includes the National Trade Repository and the ASEAN Single Window.

### **Intellectual Property Rights**

In April 2015, a new integrated Intellectual Property Data and Information Service System (LADIHKI) was launched covering patents, trademarks and industrial designs. Also, a new regulation was issued in March 2016 stipulating the procedures for recording license agreements, which helps license holders to enforce the licensed intellectual property rights.

### **Competition Policy**

In June 2014, the regulation on introducing more competition to the retail sector came into effect. The regulation aims at balancing the needs of traditional markets and small businesses against modern shopping developments. Key provisions include a cap on the number of modern store outlets a single company can own and maximum selling area.

In 2015, the Competition Commission stepped up efforts in supervising and enforcing partnership agreements between small and medium enterprises (SMEs) and large enterprises to formally look into complaints and alleged violations. Furthermore, coordination between regulators, ministries and other stakeholders have been enhanced, the Competition

Commission, the Ministry of Home Affairs and East Kalimantan Government integrated competition principles into regional policies.

### **Government Procurement**

In January 2014, the Ministry of Industry issued regulation restricting public procurement, as suppliers are classified depending on the domestic component level and the investments of the suppliers in Indonesia. In March 2016, Indonesia established a minimum local content of 40% in the procurement of transmission towers and steel-reinforced conductors.

### **Deregulation/ Regulatory Review**

The Ministry of Development Planning launched the National Strategy on Regulatory Reform in October 2015. This mainly consists of four sets of policies: regulatory simplification, re-conceptualizing procedure of policy and regulatory making, restructuring policy and law making institutions, and capacity building for policy makers.

### **Mobility of Business People**

A Presidential Decree was issued in October 2015 granting visa-free entry to citizens from 90 countries with a maximum stay of 30 days. By the end of 2015, the government waived visa requirements for another 84 more countries.

Nine immigration offices started to issue e-passports to Indonesians. Automated gates for e-passport immigration clearance have been installed at additional airports such as those in Bali, Medan and Surabaya.

### **RTAs/FTAs**

Indonesia has reported eight RTA/FTAs in force<sup>12</sup>. Currently, Indonesia is involved in negotiations with the Regional Comprehensive Economic Partnership (RCEP), European Free Trade Association, Australia and Korea, among others.

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<sup>12</sup> Indonesia's RTA/FTAs in force are the following ones: ASEAN (1992), ASEAN–China (2005), ASEAN–Korea (2007), Indonesia–Japan (2008), ASEAN–Japan (2009), ASEAN–Australia–New Zealand (2010), ASEAN–India (2010), Indonesia–Pakistan (2013).



## Japan's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- Simple average MFN applied tariffs fell to 4.2%, led by larger falls from agricultural products. However, agricultural products on average still have higher tariffs than non-agricultural products.
- Import quotas and export controls are applicable to some products.
- Efforts to attract foreign investments include establishment of National Strategic Special Zones.
- Japan has been actively engaged in international standardization activities.
- Some specific trade concerns remain unresolved at the WTO TBT and SPS Committees.
- Mutual Recognition Arrangements (MRAs) on Authorized Economic Operators (AEOs) with trading partners are facilitating trade flows.
- Japan became a member of international intellectual property rights treaties and agreements on industrial design, patents and trademarks.
- The Patent Prosecution Highway (PPH) pilot program is expanding with more economies participating in it.
- Amendments of the Anti-Monopoly Bill have been implemented.

### Summary of Topics

#### Tariffs

Simple average MFN applied rate in 2014 dropped to 4.2% from the previous year due to large falls in tariffs of some agricultural products, such as dairy products and cereals & preparations. Nevertheless, tariffs for those two product categories and other agricultural products are still high. The average tariff for agricultural products was equal to 14.3% than that for non-agricultural products (2.5%).

#### Non-Tariff Measures

Import quotas, which adhere to the WTO Agreement, are applied to certain fish products and controlled substances listed in the Montreal Protocol on Substances that Deplete the Ozone Layer.

Currently, there are no export taxes, charges or levies in Japan. The Export Trade Control Order specifies the goods that required approval of Minister of Economy, Trade and Industry (METI). The majority of these goods are related to Japan's international commitments or its participation in non-binding arrangements, as well as several agricultural, fishing and forestry-related goods. The Export Trade Control Order has been revised in 2014 and 2015 mainly to ensure the implementation of concluded international agreements.

#### Services

Japan recently signed the Trans-Pacific Partnership (TPP) with 11 other APEC members, which seeks to facilitate the movement of people and services in the Asia-Pacific region. Japan

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\* This brief report was prepared with information from Japan's submission of the 2016 APEC Individual Action Plan (IAP) template; the WTO 2015 World Tariff Profiles; the 2015 WTO Trade Policy Review - Report by the Secretariat - Japan; the WTO SPS and TBT Information Systems; the UNCTAD Investment Policy Hub; The Law Business Research Ltd's The Technology, Media and Telecommunications Review, 6<sup>th</sup> edition; the Japan Fair Trade Commission; and the Ministry of Finance and Cabinet Office websites.

also continues to be involved in negotiations of the Trade in Services Agreement (TISA), which aims to further liberalize trade in services.

At the meeting of WTO Trade Policy Review of Japan which was held in March 2015, it was acknowledged that the opening of some services sectors, such as electricity, telecommunications, maritime, and courier services, to greater competition would benefit investment and could reduce business costs. In addition, concerns were raised about Japan Post, its privatization, and the need for a level playing field in insurance. However, regarding the latter, Japan responded at the meeting that Japan Post Insurance (JPI), as a life insurance company under the Insurance Business Act, has been subject to the same laws and regulations as those applied to other life insurance companies and supervised by the Financial Services Agency. In addition to the Insurance Business Act, the regulations under the Postal Services Privatization Act are applied to JPI as "add-on regulations" in the course of privatization.

### **Investment**

Between December 2013 and 2015, Japan signed five bilateral investment treaties with Kazakhstan; Myanmar; Oman; Ukraine; and Uruguay. During the same period, Japan signed economic partnership agreements, which include a chapter on investment, with Australia and Mongolia. As of June 2016, Japan has 35 international investment agreements in force.

In March 2014, six National Strategic Special Zones were set up to implement measures intended to attract foreign investment. Also, the Council for Promotion of Foreign Direct Investment adopted the initiative entitled "Five Promises for Attracting Foreign Businesses to Japan" in 2015. This initiative seeks to shorten waiting time for certain immigration procedures and to set up a system for foreign businesses to reach and consult the government easier. In September 2015, the Ministry of Economy, Trade and Industry (METI) established a scheme to support formation of investment alliances between Japanese mid-ranking companies and SMEs with foreign companies.

### **Standards and Conformance**

As of March 2015, there were 10,599 Japanese Industrial Standards (JIS), 5,850 of which correspond with international standards. Japan is also a member of various standardization organizations such as the International Organization for Standardization (ISO), the International Telecommunication Union (ITU) and the International Electrotechnical Commission, among others. In addition, Japan has been actively participating in the WTO and made 66 notifications under the WTO Agreement on Technical Barriers to Trade (TBT) in 2014-2015.

In 2015, one specific trade concern was raised against Japan at the WTO TBT Committee about the Wood Use Points Programme, on the grounds that the program was designed without taking into account international standards. As of February 2016, 21 specific trade concerns raised against Japan at the WTO Sanitary and Phytosanitary (SPS) Committee had not been fully resolved. Similarly, 12 specific trade concerns regarding Japan raised at the WTO TBT Committee had not reported a resolution.

During 2014 to 2015, Japan also amended some legislation related to standards and technical requirements including the Road Vehicles Act; Telecommunications Business Act; Building Standard Law; and Food Sanitation Act, among others.

### **Customs Procedures**

In January 2015, Japan introduced self-certification of origin under the Japan-Australia Economic Partnership Agreement (EPA) which allows an origin certificate to be completed by an importer, exporter or producer to support a claim for preferential tariff treatment under the EPA.

Japan started the full implementation of Mutual Recognition Arrangement (MRA) on Authorized Economic Operator (AEO) with Malaysia since March 2015. Japan has MRAs on AEO programs with New Zealand; United States; Canada; European Union; Korea; Singapore and Malaysia to secure and facilitate trade flows.

Among other initiatives to improve customs procedures, Japan signed two Customs Mutual Assistance Agreements (CMAA): with Germany and Spain between 2014 and 2015, as well as a Cooperative Framework with New Zealand between their customs administrations.

### **Intellectual Property Rights**

Japan has amended several intellectual property-related legislation during 2014 and 2015. For instance, the Trademark Act was revised in 2014 to expand the scope of protection by introducing the protection for non-traditional trademarks. It also added commerce and industry associations, chambers of commerce and industry and specified non-profit organizations as entities eligible for the registration of the regional collective trademarks. The Copyright Act was revised in 2014 to include electronic books are also covered by the right of publication. In 2015, the Unfair Competition Prevention Act was revised to enhance institutional deterrence against the infringement of trade secrets.

On the international stage, Japan became a member of the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs in May 2015. Moreover, Japan became a member of the Patent Law Treaty and the Singapore Treaty on the Law of Trademarks in March 2016. At the bilateral level, Japan established a collaborative Search Pilot Program with the US in August 2015 to improve the quality of examination of patent applications by sharing search results and their opinions on patentability. Japan also started its Patent Prosecution Highway (PPH) pilot program with more regional economies such as Thailand and Malaysia. Japan is currently working with other partners to expand the program.

### **Competition Policy**

Following the approval of the amendment bill of the Anti-Monopoly Act (AMA) in 2013, the hearing procedure for administrative appeal was eliminated in 2015 and going forward, appeals of Japan Fair Trade Commission's (JFTC) orders will be dealt within the Tokyo District Court.

In March 2015, the JFTC partially amended the "Guidelines Concerning Distribution Systems and Business Practices under the Antimonopoly Act". The amendment clarifies JFTC's policies regarding the criteria for judging the legality of vertical restraints and the justifiable grounds in the regulation of resale price maintenance.

As of the end of September 2016, the JFTC signed five Memorandum of Understanding between competition authorities from the Philippines; Brazil; Korea; China and Kenya, and two Cooperation Arrangements with Viet Nam and Australia.

The Telecommunications Business Act was amended in 2015, requiring major telecommunications companies to renew their business registration when such companies engage in mergers or share acquisitions to maintain fair and free competition.

### **Government Procurement**

Japan is a party to the WTO Agreement on Government Procurement (GPA). The Protocol Amending the WTO GPA entered into force in April 2014 alongside with the modification of the Cabinet Order Stipulating Special Procedures for Government Procurement of Products or Specified Services, and the Cabinet Order Stipulating Special Procedures for Procedures for Government Procurement of Products or Specified Services in Local Government Entities.

### **Deregulation/Regulatory Review**

The Cabinet Office of Japan issued the “Implementation Plan for Regulatory Reform” in June 2014 based on the “Second Report of Recommendations on Regulatory Reform” submitted by the Regulatory Reform Council. The implementation plan aims to achieve reforms of regulations and systems in five main areas including health and medical sectors, employment, business creation and IT, agriculture, and trade and investment. The Council submitted another report titled “The Third Report for Regulatory Reform” in June 2015.

### **Mobility of Business People**

Several definitions from the Immigration Control and Refugee Recognition Act were revised in June 2014. For instance, the category “Investor/Business Manager” was revised to “Business Manager”, which has a broader coverage, including management and operational activities in Japanese-affiliated companies.

In April 2015, residence statuses were reorganized with the inclusion of newly established “Highly Skilled Professional” category for foreign nationals with advanced and specialized skills in fields including academic research, advanced technical activities and business management.

Easier visa requirements for short term visit visa applicants were established for nationals of Myanmar in January 2014; India in July 2014, in January and February 2016; Indonesia in September and November 2014; Philippines in September and November 2014; Viet Nam in September and November 2014 and in February 2016; China in January 2015; Brazil in June 2015 and in February 2016; and Mongolia in August 2015;. Furthermore, a visa waiver for Indonesian e-passport holders was introduced in December 2014.

### **RTAs/FTAs**

Currently Japan has reported 15 Free Trade Agreements (FTA) or Economic Partnership Agreements (EPA) in force.<sup>13</sup> Trans-Pacific Partnership (TPP) Agreement was signed on February 2016. In addition, seven negotiations continue, including the Japan-China-Korea FTA, Japan-EU EPA and the Regional Comprehensive Economic Partnership (RCEP).

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<sup>13</sup> Japan's RTA/FTAs in force are following ones: Japan-Singapore (2002), Japan-Mexico (2005), Japan-Malaysia (2006), Japan-Philippines (2008), Japan-Chile(2007), Japan-Brunei Darussalam (2008), Japan-Indonesia(2008), Japan-Thailand(2007), Japan-ASEAN (2008), Japan-Viet Nam (2009), Japan-Switzerland (2009), Japan-India (2011), Japan-Peru (2012), Japan-Australia (2015), and Japan-Mongolia (2016)

## Korea's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- The average MFN tariff is high, particularly for agricultural products.
- Export/Import restrictions are still applied in some areas, but they have been reported to comply with international agreements.
- Foreign Investment Promotion Act amended to simplify procedures, including those pertaining to FDI notification and registration.
- Liberalization of services sectors through RTA/FTA commitments. Foreign ownership requirements are still in force in some sectors.
- Regulatory coordination mechanism put in place to evaluate harmonization of technical regulations with international standards.
- Introduction of various measures to facilitate customs procedures and trade such as simplified export scheme and establishment of 'YES FTA Center'.
- IPR environment improved through amendments of existing laws and regulations.
- Establishment of Public Procurement Data System to better collect and manage data and statistics on public procurement across the entire public sector.
- Additional measures to facilitate mobility of business people, including easing of APEC Business Travel Card (ABTC) issuance requirements for small scale enterprises.
- Rapid expansion of RTA/FTA network through the entry into force of many concluded RTA/FTAs.

### Summary of Topics

#### Tariffs

According to the latest WTO World Tariff Profiles, Korea's simple average MFN applied tariff remained at 13.3% in 2014. However, the simple average MFN applied tariff for agricultural products remained approximately eight times higher than that for non-agricultural products. The share of HS 6-digit subheadings with MFN applied tariffs above 15 per cent was 10.3% in 2014.

Following APEC Leaders' commitment to reduce tariffs on environmental goods, Korea has completed implementation by reducing applied tariffs on 85 tariff lines to 5% in December 2015.

#### Non-Tariff Measures

92 export/import prohibitions and restrictions are applied, but they have been notified at WTO and reported to be in compliance with international agreements and implemented for legitimate reasons such as the protection of morals; human, animal or plant life or health; environmental conservation; or essential security interests. Korea's Act on the Registration and Evaluation of Chemical Substances, which requires manufacturers and importers of certain chemical substances to register and undertake reporting requirements annually, entered into force in January 2015.

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\* This brief report was prepared with information from Korea's submission of 2016 APEC Individual Action Plan (IAP) template; the WTO World Tariff Profiles; the WTO SPS and TBT Information Systems; and the Executive Office of the President of the Republic of Korea and Ministry of Environment websites.

## Services

Korea continues liberalization of its services sectors through commitments made via RTA/FTAs. In addition to the FTAs with United States and the European Union, services commitments were also made in the FTAs with Australia, New Zealand and China.

Some restrictions in foreign ownership remain in certain sectors such as telecommunications and air transport. There are also restrictions on the percentage of foreigners in the staff of foreign companies based in Korea. However, the government is planning to implement reforms in order to encourage greater foreign participation in some sectors.

## Investment

To improve its position as a location of choice for investments, Korea amended the Foreign Investment Promotion Act in January 2016 to simplify procedures, including those pertaining to FDI notification and registration.

Furthermore, a regulatory information portal was set up in July 2015 to assist foreign-owned companies in resolving their grievances. Regular coordination meetings involving 21 government agencies have also been conducted since June 2015 to overcome issues faced by foreign investors.

## Standards and Conformance

As at December 2015, 13,359 out of 20,582 standards in Korea had been harmonized with international standards. Korea has put in place regulatory coordination mechanisms to evaluate whether technical regulations overseen by all relevant authorities and government agencies are harmonized with international standards, and to identify overlapping technical regulations at the domestic level.

Korea participates actively in international standardization activities at international bodies. Korea is a participating member in 739 International Organization for Standardization (ISO) technical committees and sub-committees (TC/SCs) and 179 International Electrotechnical Commission (IEC) TC/SCs.

By end of 2015, seven specific trade concerns raised against Korea at the WTO SPS Committee had not reported a resolution. These concerns involve various products including livestock and beef. Pertaining to TBT, 31 specific trade concerns reported to the WTO TBT Committee had not reached a resolution. They relate to different regulations that Korea has put in place on goods including wood products, motor vehicles and cosmetics, among others.

## Customs Procedures

Korea submitted its instrument of acceptance of the newly adopted WTO Trade Facilitation Agreement on 30 July 2015.

In an effort to facilitate trade through e-commerce, Korea established a simplified export scheme in 2014 which reduces the number of required details in the export declaration from 57 to 33. In November 2015, Korea also set up an export declaration platform which automatically converts information on overseas orders and sales of e-commerce businesses into export declarations.

To improve trade safety, Korea Customs Service has a joint inspection scheme with four other government agencies responsible for safety inspection.

Korea established ‘YES FTA Center’ in 2014 to support traders in their utilization of FTAs. Furthermore, Korea established the Electronic Origin Data Exchange System (EODES) between Korea Customs Service and General Administration of Customs of the People’s Republic of China to reduce clearance time and hence, ensure smooth implementation of Korea-China FTA.

### **Intellectual Property Rights**

Korea undertook various efforts to improve its IPR environment. Amendments to the Patent Act and the Utility Model Act were put in force in January 2015. They allow patent applications to be made in English besides Korean and relaxes the formality requirements for submitting descriptions during the filing stage, among others. Korea’s Examination Guideline of Patents and Utility Models were also amended to be in line with the revised Acts above.

Amendments were made to the Trademark Act and the Trademark Examination Guidelines, including the addition of new chapter on non-traditional trademarks and updating of examples and cases in the guidelines so as to facilitate their understanding. In addition, the Design Protection Act and examination guideline were amended to facilitate multiple design application and expand the grounds for granting re-examination requests.

Moreover, the Civil Enforcement Act was amended in May 2014 to reflect the expectation that cross-border litigation against a national corporation would increase due to the entry into force of the Korea-EU and Korea-United States FTAs. The amended Act provides for the recognition and enforcement of not only foreign court judgments but also other court decisions recognized as having equivalent effect as those judgments.

Korea ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled on 8 October 2015. Also, in July 2014, Korea made effective the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs.

### **Competition Policy**

New circular equity investments were prohibited in 2014. Also, the Korea Fair Trade Commission (KFTC) pursued policies against anti-competitive practices including cartels, anti-competitive M&A, abuse of dominance and unfair trade practices. In 2014, KFTC imposed measures on 76 cartel cases and 122 unfair trade practices and conducted in-depth reviews on 27 M&A cases. KFTC also reviewed a total of 614 regulations, where 15 of which were suggested as anti-competitive. 9 of these 15 regulations were withdrawn or improved.

Korea continues to strengthen international cooperation in the area of competition policy by signing Memoranda of Understanding (MOUs) with Indonesia (2013), Brazil (2014), Japan (2014) and United States (2015).

### **Government Procurement**

Korea ratified the revised WTO Agreement on Government Procurement (GPA) in December 2015. Additional public entities including 51 municipalities and 25 public enterprises are covered under the revised GPA, which took effect in January 2016. Korea also further liberalized government procurement through RTA/FTA commitments with Australia, New Zealand and Canada.

In 2015, Korea established the Public Procurement Statistics System (Ontong Procurement Statistics) to better collect and manage data and statistics on public procurement across the entire public sector. Korea also began providing via Open API public procurement information such as tender notices, contract awards and advance notices of procurement specifications. The latter requires central and local government entities to disclose preliminary specifications of the tender 5 to 10 days prior to official tender announcement so that prospective bidders are given the opportunity to challenge specifications that may prevent fair competition if any.

### **Deregulation/Regulatory Review**

In accordance to the “Three-year National Plan for Economic Innovation”, Korea lifted 995 regulatory barriers in 2014. Korea has also introduced various initiatives whose objective is to remove overly burdensome regulations that have negative impacts on the economy.

### **Dispute Mediation**

Korea actively participates in dispute settlement procedures at the WTO. Between 2014 and 2015, Korea raised two complaints and one complaint was brought against Korea.

### **Mobility of Business People**

In March 2015, Korea streamlined immigration procedure by allowing foreign investors to use exclusive lanes at international airports. Korea also introduced a point system for the issuance of visa to foreign employees of technology-based start-ups. In September 2015, Korea eased APEC Business Travel Card (ABTC) issuance requirements for small scale enterprises.

### **RTA/FTAs**

Korea has fourteen RTA/FTAs in force<sup>14</sup>. Currently, Korea is participating in the negotiations of the Regional Comprehensive Economic Partnership (RCEP), Korea-China-Japan Free Trade Agreement, Korea-Central America FTA and Korea-Ecuador Strategic Economic Cooperation Agreement (SECA).

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<sup>14</sup> Korea's RTA/FTAs in force are: Korea-Chile (2004), Korea-EFTA (2006), Korea-Singapore (2006), Korea-ASEAN (2007), Korea-India (2010), Korea-EU (2011), Korea-Peru (2011), Korea-United States (2012), Korea-Turkey (2013), Korea-Australia (2014), Korea-Canada (2015), Korea-China (2015), Korea-New Zealand (2015), and Korea-Viet Nam (2015).



## Malaysia's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- Average MFN tariffs remain low, even though tariffs for some products such as transport equipment and selected agricultural products remain high.
- Some import/export licenses, as well as export prohibitions and export taxes remain.
- The liberalization of services sectors continues. However, some foreign ownership restrictions still apply.
- The Service Sector Blueprint was also launched in 2015 to optimize the sector's contribution to the economy.
- Malaysia launched the 11<sup>th</sup> Malaysia Plan, which aims to strengthen investments in the manufacturing and service sectors. It also aims to promote domestic and foreign direct investments.
- More companies have gained Authorized Economic Operator (AEO) status, as well as attained Certified Exporter status.
- Several initiatives to strengthen IPR are being implemented at the domestic and international level.
- Among the reforms implemented in recent years, tax reforms including the introduction of a Goods and Services Tax (GST) were implemented to generate more stable source of revenue.

### Summary of Topics

#### Tariffs

In 2015, 453 tariff lines were reduced or eliminated. As of 2014, Malaysia's average applied MFN tariff stands at 6.1%, with tariffs on agricultural goods higher than those on non-agricultural goods. Nonetheless, MFN tariff rates continue to be relatively high for transport equipment and some agricultural products. Alcohol and tobacco products are also subjected to high specific duties. Tariff-rate quotas for 17 tariff lines including live swine and poultry, poultry and pork meat, liquid milk and cream, and eggs continue to be maintained by Malaysia.

#### Non-Tariff Measures

Import licensing applies for some products in order to meet international commitments, national security, safety, health and monitoring purposes. No import requirements have been removed since 2012.

The National Automotive Policy (NAP) was reviewed in 2014 to develop the economy as a regional automotive hub. The policy has been in place since 2009, and includes nontariff measures imposed on imported vehicles. In January 2014, the Malaysian government announced that energy efficient vehicles (EEV) assembled in the economy will be exempted from import taxes and excise duties.

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\* This brief report was prepared with information from Malaysia's submission of the 2016 APEC Individual Action Plan (IAP) template; the 2016 WTO Trade Policy Review – Report by the Secretariat – Malaysia; the WTO SPS and TBT Information Systems; and information from the Ministry of International Trade and Industry, the Economic Planning Unit, Royal Malaysian Customs Department, Ministry of Finance and Ministry of Domestic Trade Co-Operatives and Consumerism websites.

Export prohibitions apply for turtle eggs and rattan from the Peninsula of Malaysia. Export licenses are required for 15 product categories, most of them being agricultural products. Export duties are charged to a number of products such as some live animals and plants, rattan, palm oil, slag and ash, crude oil, and wood, among others.

### Services

The service sector in Malaysia continues to be liberalized. In 2009, the government announced its aim to remove foreign equity restrictions on 45 sub-sectors such as medical services, education, legal services, amongst others. Restrictions on quantity surveying services were lifted in January 2016, marking the liberalization all 45 sub-sectors. Many services sectors allow for full foreign ownership, but restrictions in some sectors still apply (e.g. hypermarkets must maintain 30% of bumiputera equity)

Malaysia also launched the 'Services Sector Blueprint' in March 2015, which will be implemented from 2015-2020. The blueprint aims to optimize the service sector's contribution to the economy by moving towards a knowledge-intensive and innovation-led sector. 29 action plans will be implemented, which includes accelerating sectoral regulatory reforms through active industry and regulator engagements, and expanding the roll-out of National Policy on the Development and Implementation of Regulations (NPDIR) to state and local governments.

### Investment

The 11th Malaysia Plan (11MP) launched on 21 May 2015 as the final part of the economy's long term objective (Vision 2020) to develop Malaysia into an industrialized high-income economy by 2020. The main aim of 11MP is to rebrand Malaysia as a center for high technology and global activities. The new strategies in the next five years include strengthening investments in the manufacturing and services sectors that have high GNI impact and have strong linkages with domestic industries. The 11MP also follows previous efforts to promote both domestic direct investments (DDI) and foreign direct investments (FDI).

Restrictions on foreign investment in strategic sectors such as telecommunications, finance and energy still remain.

### Standards and Conformance

Malaysia continues its active participation in the International Standardization Organization, the International Electrotechnical Commission and the Pacific Accreditation Cooperation. As at February 2016, 6057 Malaysian Standards (MS) have been developed, and 59.86% of these standards are aligned with international standards.

Malaysia has had four specific trade concerns raised against it at the WTO SPS Committee, with no reported resolution. The latest concern was raised in 2015 regarding the import of poultry meat export plants. There have also been three specific trade concerns against Malaysia raised at the WTO TBT Committee had not reported a resolution. The most recent concern was raised in 2011 and involved protocols for halal meat and poultry production.

### Customs Procedures

Malaysia continues to streamline its customs procedures. As of December 2015, 52 companies have been granted Authorized Economic Operator (AEO) status. The number of Certified Exporters for Malaysia has also risen to 156 companies as of 31 December 2015. Under the National Single Window initiative, 100% of customs offices have adopted the eDeclare for import and export declarations and 100% of ports have incorporated the eManifest for cargo

and vessel manifests. 6 states (42.8% of total) have implemented the ePayment for online payments and 96.3% of the government offices have put into practice the ePermit to apply for import and export permits.

### **Intellectual Property Rights**

In 2014, the Intellectual Property Corporation of Malaysia (MyIPO) introduced the IP Renewal One-Stop Centre, the “Renewal Lounge”, to provide information on procedures and fees of IP renewal. The IPR Marketplace Portal also was launched on 27 June 2014 to enable IP owners to put patents, industrial design, copyright and trademarks up for sale or out-licensing. Additionally, MyIPO collaborated with Universiti Malaysia Sarawak (UNIMAS) to introduce intellectual property course as an elective subject for undergraduate students. In June 2015, Malaysia launched the IP Monetization Roadmap, which aims to create financial value and returns to intellectual property.

To strengthen Malaysia’s IPR system, reviews to the Patents Act 1983 and Copyright (Licensing Body) Regulations 2012 are planned, as well as the accession to the Madrid Protocol concerning international registration of marks and Budapest Treaty regarding the international recognition of deposit of microorganisms for patent procedures. Malaysia ratified the Protocol Amending the TRIPS Agreement on Public Health on 10 December 2015. Also, MyIPO and WIPO also signed the Service Level Agreement in 2015. This aims to strengthen strategic cooperation to establish Technology and Innovation Support Centre (TISC), including a Patent Library in Malaysian universities and research centers.

### **Competition Policy**

The Malaysia Competition Commission (MyCC) has undertaken various initiatives to enforce the Competition Act, which came into force in 2012. The commission has solved a total of 241 cases since 2012. In September 2014, it published a Malay translation of the OECD Guidelines on Fighting Bid Rigging in Public Procurement. The Commission has also conducted advocacy programs and signed various Memorandum of Understanding (MOU) with public and private entities since 2014.

### **Government Procurement**

The Malaysian government introduced a new ePerolehan system set to go live in 2017. This new system allows users to submit annual planned procurement online and has a more user-friendly interface.

Malaysia still uses preferences in government procurement processes to benefit locally owned businesses. Generally, international tenders are invited only when local providers of goods and services are not available.

### **Deregulation/Regulatory Reform**

The Malaysian government is moving towards taking a more regulatory and facilitative role in boosting investment. One of the major reforms implemented in recent years is the streamlining of the tax system. The Sales and Services Tax (SST), which only charged a tax at the manufacturer’s level only and not to the rest of the supply-chain, was abolished and replaced with a single tax known as the Goods and Services Tax (GST), which is applicable at all levels of the supply-chain (e.g. transactions from wholesaler to retailer and from retailer to consumer). Additionally, the Malaysian government is also working to reduce time and costs of procedures by establishing online portals and simplifying processes in areas such as starting a business, registering properties, paying taxes, amongst others.

The Ministry of Human Resources have implemented task forces to reduce the number of foreign workers in car washing and petrol stations, replacing them instead with automation.

### **Mobility of Business People**

Malaysia has implemented initiatives to improve border security. In 2015, the Facial Recognition System (FRS) was implemented to enhance security at the entry and exit points. Malaysia is also working with Australia to develop the Regional Movement Alert System (RMAS) and Biometric Exchange in order to target transnational crime.

### **RTA/FTAs**

Malaysia has reported 13 RTA/FTAs in force<sup>15</sup>. Negotiations of the Trans-Pacific Partnership (TPP) was concluded in 2015, and signed in February 2016. Malaysia is also currently participating in four RTA/FTA negotiations, including the Regional Comprehensive Economic Partnership.

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<sup>15</sup> Malaysia's RTA/FTAs are the following ones: ASEAN (1992), ASEAN–China (2005), Malaysia–Japan (2006), ASEAN–Korea (2007), Malaysia–Pakistan (2008), ASEAN–Japan (2009), ASEAN–Australia–New Zealand (2010), ASEAN–India (2010), Malaysia–New Zealand (2010), Malaysia–Chile (2012), Malaysia–India (2011), Malaysia–Australia (2013) and Malaysia–Turkey (2015).

## Mexico's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- Changes in tariffs in both directions. Overall, the single average MFN tariff went down in recent years.
- Tariff rate quotas remain for some agricultural products. Import requirements are in place for several reasons.
- Integration of regulatory proceedings and competition assessments to promote competition in the telecommunications sector.
- Recent reforms allow the participation of foreign investors in specific areas related to the exploration and production of hydrocarbons and the generation, transmission and distribution of electricity.
- Some specific trade concerns have been raised recently regarding sanitary and phytosanitary matters and technical regulations at the WTO.
- Recent changes in the modernization of customs procedures.
- Reforms in competition policy to guarantee free market participation and competition.
- Further improvements in the implementation of Regulatory Impact Assessments.

### Summary of Topics

#### Tariffs

The simple average MFN tariff went down from 7.5% to 7.1% between 2014 and 2016. In 2015, tariffs were increased for 97 tariff lines in the steel sector. This measure was extended for 180 additional days on 4 April 2016.

On 6 January 2016, amendments were published in the TIGIE (Tarifa de la Ley de los Impuestos Generales de Importación y Exportación) aimed to create certain tariff codes; to modify certain descriptions and classify specific environmental goods; and reduce the tariff duties to a level of 5% for environmental goods. Also, specific tariff codes and descriptions concerning the footwear industry were modified, in order to better identify them during the import operation. Additional amendments were published on 10 May 2016 creating and removing tariff codes related to the textile and apparel industry.

#### Non-Tariff Measures

During the period 2015-2016, regulations were issued or amended to control imports and exports of specific products such as petroleum, chemicals related to explosives, nuclear materials and weapons, among others.

Actions have been carried out to prevent and combat undervaluation practices in the footwear import market for commercial and statistical monitoring purposes. In this regard, the automatic licensing system for footwear imports remains in effect. Other import controls of specific products continue to be applied for several reasons such as commitments in international organizations, environmental issues, to protect human and animal health and prevent unfair

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\* This brief report was prepared with information from Mexico's submission of 2016 APEC Individual Action Plan (IAP) template; the 2015 WTO World Tariff Profiles; the WTO SPS and TBT Information Systems; the OECD Competition and Market Studies in Latin America 2015; and information from the Secretaría de Economía; Servicio de Administración Tributaria; and Diario Oficial de la Federación websites.

trade practices (i.e. underpricing). Similarly, export control regulations are still in place to meet international commitments, to protect human and animal health and to protect the environment. Export licenses to administer sugar exports were also introduced.

### **Services**

Following the constitutional reforms in 2013 regarding the telecommunications sector, several changes have been implemented in recent years. In 2014, the process of number portability for mobile phones and landlines was reduced to 24 hours. In 2015, legal provisions to eliminate domestic long distance fees were approved causing a 40% drop in international long-distance rate and a 32% fall in mobile phone call prices between June 2013 and December 2015. As of March 2016 more than 50% of the population had mobile internet service, higher than the 23% of the population that had mobile internet access by mid-2013. In addition, a new free-to-air national TV network that will broadcast digital content will begin operations in 2016.

In the financial sector, reforms in January 2014 aimed to enhance granting credits in better conditions. The following lines of action were incorporated: (i) promoting credit through development banks; (ii) increasing competition in the financial system; (iii) expanding credit to private financial institutions; and (iv) ensuring the sound development of the financial system as a whole.

### **Investment**

A major reform on the financial sector was issued in January 2014, which eliminated the limits for foreign investment in insurance and bonding institutions, exchange houses, bonded warehouses, retirement funds management companies, and credit information companies, among other institutions. In addition, the General Rules on Financial Groups were issued on 31 December 2014. These rules establish minimum capital requirements for holding companies, as well as the types of investment these companies can carry out.

New laws on hydrocarbons and the electric industry were issued in August 2014. These laws regulate the participation of the private sector (local and foreign investors) in activities such as the exploration and production of oil and other hydrocarbons, as well as the generation, transmission and distribution of electricity. In addition, the Federal Telecommunications and Broadcasting Law and the Public Broadcasting System Law entered into effect. These laws establish the regulatory framework for the participation of direct foreign investment up to 100% in telecommunications and satellite communications, and up to 49% in the broadcasting sector, subject to reciprocity from the country of the ultimate investor.

Further improvements in the legal framework for FDI includes simplifying requirements for foreign companies to operate in Mexico through a branch or representative office, and simplifying formalities for foreign investors to meet when their operations surpass a threshold defined by the National Commission of Foreign Investments. From now, foreign investments and Mexican companies with foreign equity holdings only have the obligation to renew their registration and to update their information at the National Foreign Investment Registry if their revenue and disbursements quarterly exceed the amount determined by the National Commission of Foreign Investments.

### **Standards and Conformance**

Between 2014 and 2015, Mexico published 128 technical regulations. Standards are aligned to international standards to the extent possible. Mexico participates actively in international and

regional standardization activities, for example, at the International Electrotechnical Commission (IEC) and the International Standardization Organization (ISO).

By the end of 2015, six specific trade concerns (STC) raised against Mexico at the WTO SPS Committee have not reported a resolution, being the most recent one related to the measures on imports of hibiscus flowers. On the other hand, by the end of 2015, México had raised 10 STC at such Committee, for which a resolution has not been reported, being the most recent one regarding restrictions to Mexican avocado. Similarly, 14 specific trade concerns against Mexico at the WTO TBT Committee have been raised. The most recent trade concern was raised in March 2015 and is related to standards for juices and non-alcoholic beverages.

### **Customs Procedures**

Mexico's Trade Single Window is undergoing reforms, including cloud computing, in order to improve its efficiency and efficacy. The reforms involve new features and improvement of processes, as well as real time interconnection with logistic operators. These reforms facilitate the interoperability amongst single windows of different places, for example, within the Pacific Alliance, which establishes paperless operations such as sharing phytosanitary and zoosanitary certificates. This is first step for interoperability with any single window using an international data standard like those in the World Customs Organization.

By August 2015, Mexico had signed 23 bilateral and two multilateral agreements on customs cooperation. Moreover, Mexico signed in recent years three Mutual Recognition Arrangements regarding Authorized Economic Operators (AEO) programs with Republic of Korea (11 March 2014), the United States of America (17 October 2014) and Canada (11 May 2016) and is carrying out negotiations to sign a MRA with Hong Kong, China; Israel; Costa Rica and the Pacific Alliance. This will contribute to strengthen the security of logistics in the supply chain, increasing competitiveness and encouraging global trade in a secure environment.

### **Intellectual Property Rights**

A new Patent Prosecution Highway (PPH) agreement with the IP Offices of the Pacific Alliance members was signed to speed up the patent examination process for applications filed in each one of them, promoting an expeditious granting of intellectual property rights. Also, these offices launched the "terms harmonizer", which is a list of regionalisms related to products or services for which trademarks are registered, and that are not contained in the Nice Classification. This tool will provide certainty to the IP System users. In addition, cooperation agreements were signed to deepen cooperation with Hong Kong, China.

On June 2016, an amendment to the Industrial Property Law was approved to implement a trademark opposition system, which allows to present an opposition claim if someone considers that a trademark application falls into the prohibitions contained in the Industrial Property Law. This step would match the Mexican IP System with those available in most of the APEC region and will be in force from 30 August 2016.

Mexico is expanding its efforts to participate at the international level in agreements concerning to intellectual property rights. In 2014, Mexico joined the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks. In 2015, the Marrakesh Treaty to Facilitate Access to Public Works for Persons Who are Blind, Visually Impaired, or Otherwise Print Disabled was ratified.

### Competition Policy

The Federal Law on Economic Competition was issued in May 2014. It grants the Federal Commission on Economic Competition and the Federal Telecommunications Institute (IFT) the authority to defend and guarantee free market participation and competition in Mexico. Additionally, Specialized Courts for Economic Competition, Broadcasting and Telecommunications were established on the same year. In 2015, the IFT issued the Regulatory Provisions of the Federal Economic Competition Law for the Telecommunications and Broadcasting Sectors that include detailed rules for the notification and analysis of mergers and acquisitions, implementation of trial-form proceedings, and merger qualification, among other processes. Also, the IFT has implemented competition assessments in various regulatory proceedings including public auctions; grant, renewal and transfer of licenses, authorization of spectrum lease or exchange and multiprogramming; and substantial market power investigations for the determination of preponderant economic agents in the telecommunications and broadcasting sectors.

### Deregulation/Regulatory Review

The Federal Commission of Regulatory Improvement (COFEMER) has been implementing measures in order to improve Mexico's regulatory management system. Efforts have been implemented to improve Regulatory Impact Assessments (RIA) and the Federal Registry of Formalities and Services. In 2015, COFEMER signed an agreement with the Ministry of Home Affairs in order to include a perspective on human rights in RIA assessments.

Currently, Mexico is working on the development of a National Single Window, intended to be a single online platform with information of formalities and services at all government levels, allowing citizens to complete requirements online.

### RTA/FTAs

By the end of 2015, Mexico had 11 RTA/FTAs in place with 46 economies all over the world and 9 Partial Scope Agreements within the framework of the Latin American Integration Association (ALADI)<sup>16</sup>. The negotiations of the Trans-Pacific Partnership (TPP) concluded in 2015. The TPP was signed in February 2016.

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<sup>16</sup> Mexico's RTA/FTAs and Partial Scope Agreements are the following: Mexico-Paraguay (1983), Mexico-Ecuador (1987), NAFTA (1994), Mexico-Colombia (1995), Mexico-Costa Rica (1995), Mexico-Bolivia (1995), Mexico-Nicaragua (1998), Mexico-Chile (1999), Mexico-EU (2000), Mexico-Israel (2000), Mexico-EFTA (2001), Mexico-Northern Triangle (2001), Mexico-Argentina (2001), Mexico-Cuba (2002), Mexico-Brazil (2003), Mexico-Uruguay (2004), Mexico-Japan (2005), Mexico-Peru (2012), Mexico-Central America (2012), Mexico-Panama (2014).



## New Zealand's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- MFN tariffs are low. No import restrictions or prohibitions on commercial grounds.
- New regulations in a number of services sectors to establish clear rules and set a proper regulatory environment to encourage services activities.
- Foreign investment policies are open in comparison to international standards.
- Eighty-seven percent of standards are aligned with Australia. New Zealand is actively participating in relevant international fora in this area.
- The Joint Border Management System is being implemented. Amendments to customs regulations to facilitate information sharing.
- Protection of intellectual property related to the Haka Ka Mate and Geographical Indications. New Zealand is also harmonizing procedures for patents with Australia under the Single Economic Market.
- Immigration Online, rolled out in 2015, facilitates application and processing for most visa types, with up to 80 percent of visa applications able to be lodged online.
- New Zealand is issuing ABTC with validity extended from three to five years.
- Ten FTAs/RTAs are in force including an FTA with Korea that entered into force in 2015. New Zealand is also participating in six FTA negotiations.

### Summary of Topics

#### Tariffs

MFN tariff rates are generally low, with an average of 2.0 percent by 2014. In October 2013, the New Zealand Government announced that tariffs will remain unchanged until at least 30 June 2017, except when tariff concessions have been agreed through the negotiation of trade agreements.

New Zealand continues reducing tariffs through negotiations of trade agreements. An FTA agreement with Korea came into force on 20 December 2015, stipulating that most New Zealand tariffs for goods imported under the FTA will be eliminated within the next seven years.

#### Non-Tariff Measures

New Zealand generally does not apply import restrictions or prohibitions on commercial grounds or to protect the domestic industry, and technical regulations and sanitary and phytosanitary measures are in line with WTO provisions. In recent years, some measures have been introduced to regulate the entry of certain goods for public health, animal welfare, or environmental reasons, such as recent amendments to the Animal Welfare Act, National Animal Identification and Tracing Levies, Climate Change Regulations, and Medicines Regulations.

In May 2014, New Zealand announced a three-year suspension of existing anti-dumping duties on residential building materials, as well as a moratorium on new anti-dumping duties on these products during the period.

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\* This brief report was prepared with information from New Zealand's submission of the 2016 APEC Individual Action Plan (IAP) template; the 2015 WTO Trade Policy Review – Report by the Secretariat – New Zealand; the 2015 World Tariff Profiles; and the Treasury and Ministry of Business, Innovation and Employment websites.

## Services

New Zealand has introduced new domestic regulations or amended existing ones in several services sectors in recent years. In general, the measures aim improve regulation and transparency, or enhance consumer protection. For example, in the financial sector, solvency standards, bank disclosure requirements, and regulations on non-bank deposit takers were enacted in 2014-2015 to strengthen financial sector performance, improve transparency, and ensure depositor confidence.

In the construction sector, the Building Amendment Act 2013 Commencement Order 2014 and the Construction Contracts Amendment 2014 clarified disclosure requirements for builders of residential buildings exceeding NZ\$30,000 and dispute settlement mechanisms, respectively.

In the transport sector, air service relationships were enhanced with China; Hong Kong, China; and the Philippines. Meanwhile, regulations covering the use of remotely piloted aircraft (e.g., drones) were introduced.

In the health sector, the Psychoactive Substances Amendment Act 2014 removed all psychoactive drugs from the market until they have gone through testing to prove low risk of harm to users and approved for sale.

## Investment

Regulations on foreign investment in New Zealand are open in comparison to international standards. Foreign investments are screened in New Zealand only under certain conditions: 1) acquisition of a 25 percent or more in business assets valued at over NZD100 million; 2) fishing quota investments; and 3) investment in sensitive land.

The Companies Amendment Act and the Limited Partnerships Amendment Act was approved in July 2014, which defines offences to breaches of directors' duties and requires companies to have New Zealand resident agents.

Moreover, Double Tax Agreements that reduce tax impediments to cross-border trade and investment with five economies (three in APEC) came into force in 2014-2015.

## Standards and Conformance

As of June 2015, New Zealand had 3,001 standards in its catalogue, 192 less standards than in June 2013. Forty-four percent of them were identical to the International Standardization Organization (ISO) and International Electrotechnical Commission (IEC) standards. 87% percent of all standards were aligned with Australia.

New Zealand has been participating actively in international standardization activities. In 2014-2015, New Zealand attended 180 ISO and 117 IEC technical committee and subcommittee meetings. In the area of legal metrology, New Zealand has an active participation in the International Organization for Legal Metrology (OIML) and the Asia-Pacific Legal Metrology Forum (APLMF), hosting the 49<sup>th</sup> OIML and 21<sup>st</sup> APLMF annual meetings. In October 2015, New Zealand began its responsibilities as President and Secretariat of the APLMF with a term of four years.

By the end of 2015, one specific trade concern regarding the importation of cut flowers raised against New Zealand at the WTO SPS Committee had not reported a resolution. Regarding TBT, three specific trade concerns raised at the WTO TBT Committee have not reached a

resolution. These TBT concerns pertain to food labelling, a ban on the importation of trout, and the introduction of plain packaging for tobacco products.

### **Customs Procedures**

The New Zealand Customs and the Ministry for Primary Industries are implementing the Joint Border Management System, a major part of which is the Trade Single Window (TSW) which has been operational since August 2013, enabling online information management for brokers.

Several amendments to customs and excise regulations were also enacted in 2014-2015 to facilitate information sharing and recover border processing costs through levies.

### **Intellectual Property Rights**

New Zealand initiated several policies in 2014-2015 to protect its intellectual property. The Haka Ka Mate Attribution Act of 2014 requires any publication or firm using any part of the haka to attribute Te Rauparaha as the composer of Ka Mate and a chief of Ngati Toa Rangatira. Likewise, the government has committed to bring the Geographical Indication (Wines and Spirits) Registration Act 2006 into force by 2016, allowing geographical indications to be registered in New Zealand.

As part of the Single Economic Market between Australia and New Zealand, both sides have agreed to have single patent application and examination processes. Similarly, they have agreed to implement a single trans-Tasman registration regime for patent attorneys practicing in both economies. Meanwhile, the Patents Act 2013 and Patents Regulations 2014 imposed stricter criteria for granting patents. On the other hand, the Copyright (Infringing File Sharing and Cellular Mobile Networks) Order 2015 indefinitely exempted internet protocol address providers from issuing infringement notices for alleged copyright breaches done through cellular networks.

### **Competition Policy**

The Credit Contracts and Consumer Finance Act 2003 was amended in June 2014 to introduce “responsible lending” principles, require pre-contract disclosure from creditors, and implement new processes for “unforeseen hardship” applications.

The government is currently initiating bills and reviews on the persistence of cartels and anticompetitive behavior in various sectors such as transportation, dairy, and telecommunications.

### **Government Procurement**

The government procurement system is open, transparent and accountable. New Government Rules of Sourcing were published in 2013. These rules represent government standards of good practice for procurement planning, approaching the market and contracting. Effective 1 February 2015, these rules apply to a wider range of government agencies and not just public service departments.

The Government Electronic Tenders Service (GETS) was updated and became operational in mid-2014. GETS aims to promote open and fair competition in tenders opened by the New Zealand Government.

New Zealand acceded to the WTO Government Procurement Agreement on 12 August 2015.

### **Dispute Resolution**

In 2014-2015, New Zealand entered into two FTAs: the New Zealand-Korea Free Trade Agreement and the Trans-Pacific Partnership Agreement. Both agreements include provisions for dispute settlements between member economies, with the possibility of good offices, conciliation, and mediation on offer.

New Zealand also participated in the WTO Dispute Settlement Understanding Review and in WTO Dispute Settlement proceedings.

### **Mobility of Business People**

New Zealand has rolled out Immigration Online for most visa types including students, visitors, and workers. This system enables more online processing and automation of simple visa tasks, facilitating visa processing for applicants and employers. As of 2015, up to 80 percent of visa applications can be lodged online. Also, since 2014, four industry partnership schemes for visitors from APEC economies were implemented or amended with the purpose to streamline visa applications for low risk travelers.

Starting September 2015, New Zealand issues APEC Business Travel Cards with a validity of five years.

### **Transparency**

New Zealand ratified the UN Convention Against Corruption on 1 December 2015. The convention aims to prevent corrupt practices such as domestic and foreign bribery, embezzlement, influence-peddling, and money laundering in signatory economies, with transparency and accountability as key elements in preventing corruption.

### **RTA/FTAs**

New Zealand has ten FTAs/RTAs in force<sup>17</sup>. On 20 December 2015, an FTA with Korea entered into force. On 4 February 2016, New Zealand signed the Trans-Pacific Partnership agreement in Auckland.

New Zealand also reported its participation in six FTA negotiations, including those for the Trans-Pacific Partnership Agreement and the Regional Comprehensive Economic Partnership.

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<sup>17</sup> New Zealand's RTA/FTAs that have been concluded previously are as follows: New Zealand–Australia (1983), New Zealand–Singapore (2001), P4 (2006), New Zealand–Thailand (2005), New Zealand–China (2008), ASEAN–Australia–New Zealand (2010), New Zealand–Malaysia (2010), New Zealand–Hong Kong, China (2011), New Zealand–Chinese Taipei (2013), and New Zealand–Korea (2015).

## Papua New Guinea's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- About 76% of imports are duty free. Tariffs are mostly applicable to agricultural products.
- The government is working to encourage private sector participation in the service sector.
- The government has implemented a liberal investment regime open to foreign investors. 100% ownership is accepted in many areas. Some restrictions to foreign ownership apply in very specific areas.
- The registration of foreign enterprises at the Investment Promotion Authority (IPA) can be made online now.
- Customs services have been expedited with the implementation of a computerized system.
- Challenges in the enforcement of intellectual property laws.
- Amendments to the Independent Consumer and Competition Commission (ICCC) Act 2002 are being made to strengthen legislation.
- Current work to prepare guidelines on government procurement, with the intention to make clarifications to the tender approval process.

### Summary of Topics

#### Tariffs

76.2% of Papua New Guinea (PNG)'s imports are duty-free as of 2014. The simple average MFN tariff is equivalent to 4.7%. Tariffs are applied mainly on agricultural products.

The second phase of the Tariff Reduction Program (TRP) also commenced in 2015, where PNG reports that a number of items will receive a 2.5 percentage point reduction in their tariff rates. Additionally, the rules of origin legislation is currently being reviewed.

Two new tariff items regarding meat and edible offal, as well as cigarettes were introduced on 1 January 2015 to clarify existing descriptions.

#### Non-Tariff Measures

PNG maintains few non-tariff measures, with minimal import licensing agreements for national health, safety, security and environmental reasons and no import quotas. Prohibited items include pornographic material, recreational drugs, certain weapons, gaming machines, non-biodegradable plastic shopping bags and goods manufactured or produced using prison labor. There are also no export licenses or tariff rate quotas applied.

#### Services

The service sector remains small in PNG, compared to primary sectors. However, the government is working to reduce barriers and increase competition in this sector. For instance,

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\* This brief report was prepared with information from Papua New Guinea's submission of 2016 APEC Individual Action Plan (IAP) template and the 2015 WTO Trade Policy Review – Report by the Secretariat – PNG. Information from the PNG Customs, the Investment Promotion Authority, the Central Supply and Tenders Board, the Department of Treasury, the Independent Consumer and Competition, and Tax Review websites. Information from the Department of Labor and Industrial Relations, and the Immigration and Citizenship Service Authority were also used.

within the telecommunications sector, the governments aims to roll out telecommunications infrastructure to rural areas through private sector operators via a bidding process. The Independent Consumer and Competition Commission (ICCC) is also encouraging greater private sector participation in the electricity industry.

### **Investment**

PNG maintains a liberal foreign investment regime, with a priority on downstream processing of natural resources. It allows 100 per cent foreign-owned businesses in most cases, and highly encourages joint ventures with local partners. However, challenges related to enforcement of contracts and public infrastructure continue to impede foreign investment into the economy. Certain activities within the agriculture, forestry, wildlife, fishing, mining, catering and wholesale and retail sectors have been restricted to locally-owned firms

Foreign enterprises are required to obtain certification from the Investment Promotion Authority (IPA) before investing in the economy. After an amendment in the 1997 Companies Act in 2014, IPA introduced an online registry system that allows foreign investors to register online, without physically visiting IPA offices.

### **Standards & Conformance**

The National Institute of Standards and Industrial Technology (NISIT), is the government body in charge of PNG National Standards. These standards are developed based on registered technical committees with representatives from both the private and public sector. Most standards are adopted from the International Standardization Organization, the International Electrotechnical Commission and Australian and New Zealand standards.

### **Customs Procedures**

PNG has been working to improve its customs procedure, although it continues to face institutional, financial and manpower challenges. The Customs Service Plan 2013-2017 aims to strengthen border protection, trade facilitation and revenue collection. As of 2014, PNG reported that 80% of all declared Customs ports are connected to the Customs ICT network and ASYCUDA, a computerized customs management system. Trade facilitation, revenue and data collection is also reported to be 100% automated, with 80% of cargoes processed without Customs intervention. A Container Examination Facility project is in progress to speed up examinations of high risk containers passing through PNG customs.

### **Intellectual Property Rights**

The Intellectual Property Office of PNG (IPOPNG) is in charge of intellectual property legislation in PNG. Although legislation has been put in place to address IPR infringements, there are still challenges in enforcement of IPR, particularly the import and sale of counterfeit and pirated products.

### **Competition Policy**

PNG is reviewing the Independent Consumer and Competition Commission (ICCC) Act 2002, and a draft of the amended Act has been made available as of December 2015. The amendments include making notification of mergers and acquisitions to ICCC before completion compulsory, rather than voluntary and giving the Commission the power to vary or revoke authorization.

### **Government Procurement**

The PNG government recognizes the need to improve the efficiency of the current procurement systems. In 2015, it commissioned the Central Supplies & Tenders Board (CSTB) to draft a set of clear guidelines on the tender approval process. The PNG Parliament also passed the Public Private Partnership Policy legislation in August 2014 to enhance procurement and delivery of infrastructure and services to the public.

### **Mobility of Business People**

PNG is looking to implement a Biometric E-Passport Program to facilitate visitor arrivals. All foreigners wishing to visit PNG for business purposes need to have a valid business visa. The cost ranges between PGK 500 (USD 162) for single entry and PGK-1,000 (USD 325) for multiple entry. Foreigners wishing to work in PNG need a work permit, which can take up to six weeks to obtain.

### **RTA/FTAs**

Papua New Guinea has two RTA/FTAs in force and one Trade and Commercial Relations Agreement<sup>18</sup>.

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<sup>18</sup> Papua New Guinea's RTA/FTAs in force are the following ones: Melanesian Spear Head Group Trade Agreement (1995), Pacific Island Countries Trade Agreement (2003). PNG also has a bilateral agreement with Australia – the *Papua New Guinea-Australia Trade and Commercial Relations Agreement*, which has been notified at WTO.





## Peru's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- Low average MFN tariffs at HS 10-digit level equivalent to 2.2%. Average for both agricultural and non-agricultural products is low.
- No quantitative import restrictions, import licensing and export subsidies. Some prohibitions and restrictions apply for very specific products.
- Drawback rate to retribute import tariffs paid by exporters of specific products are being gradually reduced.
- Some additional flexibility to hire foreign managers of local investment funds.
- No investment screening mechanisms. Some restrictions on foreign investments remain on certain sectors and ownership of natural resources in border areas.
- Improvements in the Foreign Trade Single Window.
- Reduced times to register trademarks.
- New legislation on government procurement aims to increase efficiency.
- Changes in the Immigration Law to facilitate movement of natural persons.

### Summary of Topics

#### Tariffs

Peru's tariff structure is comprised of three levels: 0%, 6% and 11%. In early 2016, the current MFN simple average tariff was equivalent to 2.2% (measured at the HS 10-digit level). MFN average tariffs are low for both agricultural and non-agricultural products, reaching 2.8% and 1.5% respectively.

70.3% of the tariff lines are equal to zero and they represented 73.3% of the imports in 2015. Only 9% of the tariff lines are equivalent to 11% and 0.6% of the tariff lines were subject to non-ad valorem duties.

#### Non-Tariff Measures

No import licensing, quantitative import restrictions and exports subsidies are applied. However, some restrictions apply to the import of used road motor vehicles for cargo and passenger transportation, used engines, components and spare parts for road vehicles, used tires, used clothing and footwear for commercial purposes and used goods, machinery and equipment using radioactive sources.

The drawback rate to retribute import tariffs paid for inputs to exporters of specific products went down from 5% to 4% on 1 January 2015 and from 4% to 3% on 1 January 2016.

#### Services

Some flexibility was given to investment funds. Since December 2014, international managers can be hired to manage local investment funds. In 2015, the cross listing of foreign exchange trade funds was allowed, giving investors with more options.

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\* This brief report was prepared with information from Peru's submission of 2016 APEC Individual Action Plan (IAP) template; the WTO TBT Information System; and information from the Ministry of Economy and Finance, Organismo Supervisor de las Contrataciones del Estado and Diario Oficial El Peruano websites.

In the telecommunications sector, agreements with Bolivia and Colombia were endorsed to reduce roaming charges. In order to encourage competition, the regulation for fixed and mobile telephone number portability was modified. Moreover, in the mobile telephone market, more competition is expected through the participation of mobile virtual network operators in the Peruvian market.

### **Investment**

No changes in investment policies since 2011. No screening mechanism, no performance requirements are applied. Certain limitations on foreign investments in broadcasting, air and water transport and ownership of natural resources within 50 kilometers of Peru's international borders are applied. However, the limitation in border areas can be waived by decree on a case by case basis.

Two recent agreements concluded, the Pacific Alliance and the Trans-Pacific Partnership include an investment chapter with a liberal framework providing guarantees for non-discriminatory treatment to foreign investors and their investments.

### **Standards and Conformance**

In 2015, 766 Peruvian Technical Standards were in place. 41% of them correspond to the adoption of international standards, such as the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC) and the Codex Alimentarius. INACAL, the institution in charge of standardization, accreditation and metrology activities, was created in July 2014 and has developed a Peruvian Catalogue of Standards.

Six specific trade concerns against Peru raised at the WTO TBT Committee have not reported a resolution. The most recent concerns were raised in 2013 and involved a moratorium on planting genetically engineered crops and an act to promote healthy eating among children and adolescents that might be including elements restricting trade.

### **Customs Procedures**

Customs declarations are submitted electronically and data on cargo manifest has to be sent prior to the arrival of the cargo. Administrative procedures and institutions have been gradually added to the Single Window for Foreign Trade. Currently, 187 administrative procedures from 8 government agencies are included. For the next stage, 79 additional procedures and 7 agencies are expected to be added.

### **Intellectual Property Rights**

A fast track procedure to register a trademark was introduced. This new system has reduced the average time to register a trademark from 150 to 75 business days. Moreover, to facilitate the registration of trademarks, INDECOPI has implemented a free advisory services focusing on entrepreneurs. Similarly, INDECOPI has introduced a software tool for users to apply for a copyright online.

In December 2014, a new appellation of origin, "Aceituna de Tacna" (Tacna olives) was recognized.

### **Competition Policy**

In September 2015, the Law on the Suppression of Anticompetitive Behavior was modified. The changes seek to overturn cartel facilitators; define the responsibilities of the competent authorities to conduct market research, request information in connection to any case and

sanction any failure to comply with the request; request the lifting of secrecy of communications to gather evidence; and exempt from penalties in specific cases (e.g. leniency for those providing information to the authorities on a particular case), amongst others.

### **Government Procurement**

New legislation on Government Procurement entered into force in January 2016, in accordance with international standards to increase transparency and efficiency. Among the changes, the new legislation establishes higher threshold for entities to conduct direct adjudication and ease the possibility to adjudicate from suppliers based overseas.

### **Dispute Resolution**

The Arbitration Act was amended in September 2015, with the objective to legislate public security and to strengthen the fight against crime, including organized crime. The amendment also seeks to curb or prevent the misuse of arbitration.

### **Mobility of Business People**

In September 2015, the new Law on Immigration was issued. It aims to implement a more efficient immigration system and facilitate the mobility of natural persons. New migratory categories have been created, namely: Intra-Corporate Transferees, Short-Term Workers (30 days stay); Talent (including researchers and specialists); and Students (including trainees), among others. The Law establishes a specific category for investors, who can stay in Peru for 365 days with a multiple entry visa.

### **RTA/FTAs**

Peru has reported 17 RTA/FTAs in force<sup>19</sup>, two RTA/FTA negotiations in place<sup>20</sup>, including the Trans-Pacific Partnership Agreement, and four RTA/FTA signed, but still under the ratification process.<sup>21</sup>

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<sup>19</sup> Peru's RTA/FTAs in force are the following ones: Andean Community (1988), Peru–Cuba, Peru–MERCUSUR (2006), Peru–United States (2009), Peru–Chile (2009), Peru–Singapore (2009), Peru–China (2009), Peru–Canada (2009), Peru–Mexico (2012), Peru–Thailand (2011), Peru–EFTA (2011), Peru–Korea (2011), Peru–EU (2013), Peru–Costa Rica (2013), Peru–Panama (2012), Peru–Japan (2012), Peru–Venezuela (2013).

<sup>20</sup> Peru's RTA/FTAs under negotiation are the following ones: Peru-Turkey and Peru-El Salvador.

<sup>21</sup> Peru's RTA/FTAs signed, but still under ratification process, are the following ones: Trans-Pacific Partnership; Peru-Guatemala; Peru-Honduras and Alianza del Pacifico (Pacific Alliance).



## The Philippines's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- As of 2014, the average MFN applied tariff rate was equal to 6.3 percent. However, agricultural products are subject to higher tariffs, with a tariff average of 9.9 percent.
- Tariffs reduced for several types of machinery under the APEC Environmental Goods List.
- Quotas applied for the import of certain agricultural products under the Minimum Access Volume system.
- The Foreign Investment Negative List includes activities in 11 sectors where no foreign equity is allowed.
- The financial sector has been liberalized further allowing full entry of foreign banks.
- Majority of domestic standards aligned with international standards (79.6 percent).
- Foreign ships now allowed to transport cargo directly to and from any local port. Rates charged by domestic ship operators are deregulated.
- Sustained efforts in intellectual property rights protection resulted in the Philippines being removed from the USTR Special 301 Review Watch List in 2014 and 2015.
- The Philippine Competition Act came into force in 2015, prohibiting anticompetitive activities and establishing the Philippine Competition Commission.
- Visa-free entry to the Philippines was extended from 21 days to 30 days for passport holders of 157 economies. ABTC validity extended from three years to five years.

### Summary of Topics

#### Tariffs

The Philippines continues reducing tariffs applied to FTA partners as stated in the FTAs' tariff liberalization schedules<sup>22</sup>. Duty free access is offered to more than 90 per cent of the tariff lines being imported from parties in four out of the seven in-force FTAs. The Philippines implemented its commitments under the APEC Environmental Goods List by issuing Executive Order (EO) 185 in June 2015, reducing tariffs on several types of industrial machinery, such as furnaces and centrifuges. The Philippines also participated in the Expansion of the Product Coverage of the Information Technology Agreement (ITA-II) which was concluded in Nairobi in December 2015<sup>23</sup>.

#### Non-Tariff Measures

A type of tariff-rate quota is currently applied to certain agricultural products, through the Minimum Access Volume (MAV) system. This system allows to import products within a quota, such as rice, corn and pork, among others, at a lower tariff than those products out of the quota. In July 2014, the Philippines secured a waiver from the WTO to continue quantitative restrictions on rice until June 2017. In April 2013, Fisheries Order 146 was issued suspending all processing and approval of all permits to import live shrimps and other crustaceans from

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\* This brief report was prepared with information from the Philippines' submission of the 2016 APEC Individual Action Plan (IAP) template; the World Bank - Doing Business 2015; the WTO SPS and TBT Information Systems; and the Official Gazette, Department of Agriculture, Department of Labor and Employment and United States Trade Representative websites.

<sup>22</sup> E.g., Executive Order 191, issued in November 2015, accelerated tariff concessions on certain agricultural products under the ASEAN-Australia-New Zealand Free Trade Agreement.

<sup>23</sup> Under the agreement, the Philippines agreed to reduce tariffs on covered IT goods starting July 2017, eliminating 69 percent of tariff lines, 92 percent of tariff lines by 2019, 99 percent of tariff lines by 2021, and all tariff lines by 2023.

economies affected with Early Mortality Syndrome/Acute Hepatopancreatic Necrosis Syndrome and Infectious Myonecrosis Virus.

### Services

The Philippines passed Republic Act (RA) 10641 liberalizing the financial sector to foreign banks, allowing full entry of foreign banks through ownership of 100 percent of the voting stock of a domestic bank (whether newly incorporated or existing) or through the establishment of a branch with full banking authority. The law also increases the total share of banking industry assets that may be held by foreign bank branches and subsidiaries to 40 percent. The Bangko Sentral ng Pilipinas promulgated several circulars facilitating access to foreign exchange market resources and aligning regulations with Basel III requirements with the intention of further strengthening the banking industry towards foreign participation and competition.

In the energy sector, the Philippines provided more incentives for the renewable energy sector by increasing the target for solar energy generation from 50 megawatts (MW) to 500 MW under the Feed-In Tariff (FIT) System<sup>24</sup>. In the maritime transportation sector, the Philippines passed RA 10668, allowing foreign ships to transport import or export cargo directly to and from any local port. In the air transportation sector, the Philippines was able to negotiate more liberal air service agreements with Australia; Korea; Mexico; Oman; Russia; Singapore; Chinese Taipei; Turkey; and the United Arab Emirates.

### Investment

The Philippines introduced e-government initiatives to facilitate procedures for investing and starting a business. According to World Bank's Doing Business, it took 16 procedures and 29 days to start a business in the Philippines in 2015. The Philippines' 2016 APEC Individual Action Plan indicates that it now takes 6 steps and 8 days to start a business.

The Foreign Investment Negative List (FINL) includes the sectors where foreign investors are not allowed or limited as dictated by the Constitution or specific laws (List A), as well as sectors in which foreign investments are limited for security, defense, risk to health and morals, and protection to SMEs (List B). Based on EO 184 promulgated on 29 May 2015, List A includes 11 sectors where no foreign investments are allowed and 15 sectors with a restricted percentage of foreign equity. List B includes seven sectors with restrictions on the percentage of foreign equity.

### Standards and Conformance

A total of 9,602 Philippine National Standards have been developed, with 79.6 percent of them aligned with international standards. Between December 2013 and December 2015, the Philippines developed 1,133 new standards, of which 934 were aligned with international standards.

The Philippines is a member of International Accreditation Forum, International Laboratory Accreditation Cooperation, Pacific Accreditation Cooperation (PAC) and Asia Pacific Laboratory Accreditation Cooperation (APLAC). It is also a signatory member of the Multilateral Recognition Arrangement for Quality Management System and Environment Management System of PAC and Mutual Recognition Arrangement for testing and calibration of APLAC. The Philippines also participates actively in the International Electrotechnical

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<sup>24</sup> The FIT System gives a preferential rate to electricity producers using certain renewable energy technologies in the sale of electricity into the grid.

Commission, the International Organization for Standardization and Codex Alimentarius Commission committees.

By end of 2015, two specific trade concerns raised against the Philippines at the WTO SPS Committee, pertaining to imports of fruits and fresh meat, had not reported a resolution.

### **Customs Procedures**

The Philippines has automated and simplified procedures for transacting with the Bureau of Customs and the Philippine Export Processing Zone Authority. It has also harmonized standards and processes for *arrastre* (merchandise loading or unloading) operators, off-dock container yard/freight stations, customs bonded warehouses, and warehouses at the Ninoy Aquino International Airport in Manila.

### **Intellectual Property Rights**

In recent years, the Philippines has implemented measures to strengthen the IPR system through a whole-of-government approach as well as expanding its network of partners locally and internationally. The Philippines' sustained efforts in IPR protection and enforcement resulted in it being removed from the USTR Special 301 Review Watch List in 2014 and 2015.

### **Competition Policy**

In August 2015, the Philippine Competition Act (RA 10667) took effect, prohibiting anticompetitive agreements, abuses of dominant positions, and mergers and acquisitions that limit, prevent, or restrict competition and establishing the Philippine Competition Commission (PCC)<sup>25</sup>.

### **Government Procurement**

The Construction Industry Authority of the Philippines has updated the list of blacklisted contractors as of July 2015. The Government Procurement Policy Board (GPPB) maintains an online list of blacklisted suppliers and contractors through its website. In May 2016, the GPPB revised procurement rules and regulations, further streamlining, standardizing, and clarifying the procurement rules and procedures in government. The GPPB also established a sustainable procurement training program to professionalize and strengthen the cadre of public procurement practitioners in the Philippines.

### **Deregulation/Regulatory Review**

In the maritime sector, the Philippines allowed domestic ship operators to establish their own shipping rates provided that effective competition is fostered and public interest is served. In the energy sector, the wholesale aggregator scheme was discontinued in the Wholesale Electricity Spot Market (WESM), eliminating middlemen and allowing distributors to directly compete and participate in the WESM. Moreover, distributors were enjoined to adopt a competitive selection process in the procurement of electricity supply for their captive markets.

### **Dispute Resolution**

Since July 2012, EO 78 has mandated the inclusion of Alternative Dispute Resolution (ADR) provisions for Public-Private Partnership projects, Build-Operate-Transfer projects, and joint venture agreements between government and private entities<sup>26</sup>.

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<sup>25</sup> The PCC is a quasi-judicial body that is mandated to conduct inquiries, investigations and impose penalties on firms that engage in unfair business practices.

<sup>26</sup> The Securities and Exchange Commission (SEC) is in the process of formulating ADR rules. Meanwhile, the Philippine Supreme Court continues to take a liberal stance towards ADR in its decisions.

### **Mobility of Business People**

In 2014, the Foreign Service Circular 95-2014 was implemented, extending temporary visitors' visa-free entry to the Philippines from 21 days to 30 days for passport holders of 157 economies. In August 2015, the Department of Labor and Employment (DOLE) revised the rules for the issuance of Alien Employment Permits (AEP) to foreign workers mandated to obtain it. The revised rules impose a more rigorous Labor Market Test prior to approving the AEP<sup>27</sup>. In September 2015, the Philippines extended ABTC validity from three years to five years.

### **Transparency**

Public hearings are conducted in the formulation of policies. Announcements, statements, documents, policies, and laws are regularly published in the online Official Gazette. Also, receipts and disbursements of foreign aid are published through the online Foreign Aid Transparency Hub.

### **RTA/FTAs**

The Philippines has reported seven RTA/FTAs in force<sup>28</sup>, concluded Philippines-European Free Trade Association (EFTA) FTA negotiations, and is participating in the negotiations of the Regional Comprehensive Economic Partnership and the ASEAN-Hong Kong, China FTA.

### **Other voluntary reporting areas: Women and the Economy**

The Philippines continues to implement initiatives aimed at improving women's economic opportunities. These include the Women's Economic Empowerment Project 2014-2020; the National MSME Development Plan 2011-2016 with activities aimed at women entrepreneurs; a 2012 circular mandating all local government units to allocate at least 5 percent of total appropriations for Gender and Development activities, the *Balik Pinay! Balik Hanapbuhay!* (Returning Filipinas! Returning Livelihood!) program for returning overseas Filipina workers, the Sari-Sari Store Training and Access to Resources Program, and the repeal of Article 130 and 131 of the Labor Code prohibiting night work for women, among others. The Philippines is also one of the pilot economies for the implementation of the Healthy Women, Healthy Economy Policy Toolkit.

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<sup>27</sup> The Labor Market Test requires the publication of an applicant's name, position, employer, employer's address, functions, qualifications, monthly salary range, and other benefits. This information will be published for 30 days during which time the public may lodge objections or information against the hiring of the foreigner. Categories of foreign workers such as intra-corporate transferees, contractual service suppliers, and foreign workers with no employee-employer relationship, or those without commercial presence in the Philippines are excluded from the AEP requirement and are therefore exempt from the Labor Market Test.

<sup>28</sup> The Philippines's RTA/FTAs in force are the following ones: ASEAN (1992), ASEAN-China (2005), ASEAN-Korea (2007), Philippines-Japan (2008), ASEAN-Japan (2009), ASEAN-Australia-New Zealand (2010), and ASEAN-India (2010).



## Russia's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- The average MFN tariff went down to 8.4% in 2014. Tariffs were reduced across agricultural and non-agricultural products, but some import duties were raised.
- Import licenses and import quotas are in place for some products.
- The import substitution plan has been launched aiming to reduce imports from various sectors such as manufacturing, oil and gas. It includes the implementation of some import restrictions.
- Mass media and data operation services have become less open to foreign investors.
- Policies on foreign investments have become more restrictive in strategic sectors considered as strategically important.
- Efforts to integrate into the international standardization system, but many specific trade concerns at the WTO TBT and SPS Committees have been raised in the recent two years.
- More customs procedures are employing technology to facilitate trade across borders.
- Established more patent prosecution highway (PPH) programs with other economies.
- Regulation on intellectual property rights (IPR) was updated to incorporate a broader definition of IPR.
- Competition policies were revamped with stricter pre-transaction clearance, extended definition of cartels and stricter controls over dominant companies.
- Government procurement policies regarding certain products have been tightened in favor of domestic producers.
- Visa-facilitation and visa-free agreements with other APEC economies have been in force.
- Increased transparency through online portals. Many draft laws have been published for comments.

### Summary of Topics

#### Tariffs

In 2014 and 2015, the Harmonized System (HS) of the Eurasian Economic Union (EEU) was amended to implement tariff commitments in the WTO. This affected around 4,800 subheadings. The simple average MFN applied tariff rate of products arriving to Russia dropped to 8.4% in 2014, due to lower tariffs for both agricultural and non-agricultural goods. For instance, import duties on selected food products and some watch parts were lowered. In August 2015, Russia reduced import duties on goods like fish, milk, cheeses, and potatoes, among others.

Import duties on a number of products were increased in recent years, for example: cutter-loaders, sinking machines, oil and gas separators.

#### Non-Tariff Measures

In March 2014, auctioning was excluded as a method of distributing volumes of tariff quotas given that this might create unequal trade opportunities. In May 2015, fish and substitutes, and

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\* This brief report was prepared with information from Russia's submission of the 2016 APEC Individual Action Plan (IAP) template; the WTO SPS and TBT Information Systems; the UNCTAD Investment Policy Hub and information from the Federal Antimonopoly Service of the Russian Federation, Eurasian Economic Union and the Russian Federation's Government websites.

steel pipes were removed from the list of imports that subject to restrictions. Nonetheless, some agricultural products, such as meat and milk, are subject to licensing and tariff-rate quotas (TRQ).

An export ban on unprocessed hides was introduced in September 2015. In August 2015, a food embargo was applied to products from specific economies in response to economic sanctions introduced against Russia.

In 2015, the Russian government started to introduce an import substitution plan, by establishing import restrictions aiming to reduce imports from sectors such as oil and gas, light industry, metalworking machines and tools and electrical engineering goods, among others.

### Services

Russia signed the Treaty establishing the EEU in May 2014. This Treaty provides free movement of services within EEU members. In 2015, the EEU signed an agreement with Viet Nam which contains a chapter covering trade in services.

Legislation came into effect in August 2014 which simplified the procedure for securities issued by foreign firms to be admitted to the Russian financial markets. In October 2015, legislation governing mass media lowered the threshold limit of Russian mass media ownership by foreign entities from 50% to 20% and extended the restriction to all media firms, including web media. The data localization law came into force in September 2015 and applies to data operators collecting personal data on Russian citizens through electronic communications. It requires data operators to store data within the territory of Russia.

### Investment

In November 2014, the legislation of foreign investments in strategic sectors was revised. On the one hand, it limited the scope of transactions which are subject to approval. On the other hand, it also imposed approval requirements for new types of transactions such as transactions involving property of strategic firms.

The legislation governing the procedure of foreign investment in strategic companies to ensure national defense and state security was revised at the end of 2014. In the amendment, it imposed pre-transaction clearance for acquisitions of 25% or more of the main production assets of a strategic entity owned by a foreign investor. Subsequently, a new amendment in March 2016 expanded the list of industries considered to be strategically important (e.g. rendering services in ports). The amendment has also extended its application to not only the acquisition of shares in strategic firms, but also the acquisition of fixed production assets.

The government also tightened rules to grant the right to extract aquatic biological resources in entities controlled by foreign investors. However, the requirements for foreign investors working in the subsoil were eased if they already own more than 75% of the shares of Russian entities.

### Standards and Conformance

Russia continues to implement policies on standards with several federal legislations being signed into effect, in order to better integrate into the international standardization system and meet the provisions of the WTO Agreement on Technical Barriers to Trade (TBT). Russia has established a development plan towards 2020 in this area.

In 2014 and 2015, Russia made 18 notifications under the WTO Agreement on TBT.<sup>29</sup> Currently, there are 13 unresolved specific trade concerns (STCs) against Russia at the WTO TBT Committees where nine of them were raised in the period 2014-2015. Recently-raised STCs include technical regulation of alcoholic beverages safety and safety issues on products for children. 10 STCs against Russia remain unresolved at the WTO sanitary and phytosanitary (SPS) Committees. Likewise, six of them were raised in the last two years including import restrictions on processed fishery products, fruits and vegetable and requirements for veterinary certificates.

### **Customs Procedures**

More customs procedures are using technology to speed up and reduce errors. For example, the process of verification of the customs value of the goods is done electronically since the end of 2014. In addition, documents can be submitted and saved electronically. Russia has declared that the list of documents required to move goods across borders is decreasing.

In December 2015, 12 customs stations introduced automatic registration for containers with goods for import. This feature was already available for containers with goods for export.

### **Intellectual Property Rights**

Rospatent has been involved in the pilot Global Patent Prosecution Highway (GPPH) program since January 2014. Furthermore, a pilot PPH program with Portugal was launched and the pilot PPH program with China was extended. In April 2014, the authority ratified the Agreement between Russia and the World Intellectual Property Organization (WIPO) on establishing an office in Russia.

In March 2014, amendments to the Civil Code of the Russian Federation were approved and included issues concerning intellectual property. The amendments prohibit the transfer of exclusive rights to intellectual activity without compensation, introduce new definitions for dependent inventions, utility models and industrial designs. In addition, the amendments allow that patents to be challenged after its expiration.

In 2015, several legislations were issued to step up the enforcement of intellectual property rights of goods in pharmaceutical and information technology industries.

### **Competition Policy**

In 2015, amendments to the Federal Law on Protection of Competition were issued. Among the changes, competitors entering into joint venture agreements are now subject to mandatory pre-transaction clearance if the combined value of assets exceeds RUB 7 billion or the turnover exceeds RUB 10 billion. The amendments also abolish the notification of firms representing less than 35% of the market share. In addition, the definition of cartel has been extended to cover agreements between competitors involving the purchase of goods or service and imposed stricter controls over dominant companies where the government can set rules for non-discriminatory access to a firm's products and services.

### **Government Procurement**

In May 2014, the Administrative Code established administrative liability for the failure of entities and their officers to comply with the Federal Law "On Procurement of Products, Works and Services for Certain Categories of Legal Entities" which entered into force three years ago.

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<sup>29</sup> Including Addenda and Corrigenda

In February 2015, the government issued a decree that restrict the access of certain types of medical devices originating abroad for the purposes of procurement for state and municipal needs. Subsequently in November 2015, similar restrictive measures were introduced on certain foreign medicines. Likewise, more restrictions were imposed on purchasing software originating from abroad for the purposes of procurements for federal and municipal needs.

### **Deregulation/Regulatory Review**

As part of an effort to develop the Regulatory Impact Assessment (RIA) Institution, Russia expanded its scope of assessment, implemented RIA at regional and local level, and broadened methodological base. Obligatory requirements on self-regulated organizations (SROs) were also updated in order to improve standards of practices and efficiency of controls, among others.

### **Implementation of WTO Obligations**

In order to comply with the WTO obligations, Russia passed a decree to amend rates of export customs duties on exports in July 2015. The decree covers export duties of more than 300 tariff lines.

### **Mobility of Business People**

A visa-facilitation agreement with China entered into force in April 2014. Visa-free agreements with Korea and Singapore became effective in January 2014 and January 2016, respectively.

### **Transparency**

In 2015, the web portal of regulation information has been revamped with added functionalities. As of January 2016, more than 24,000 drafts of regulations had been published for comments.

The Ministry of Finance has also developed a portal with information on budgets for its citizens.

### **RTA/FTAs**

Currently, Russia is a member of one Customs Union, the Eurasian Economic Union (EEU) and has eight RTA/FTAs<sup>30</sup> in force. Russia, as a member of the EEU, has reported its participation in RTA/FTA negotiation with Israel. A Free Trade Agreement with Viet Nam was signed on 29 May 2015 and it is under ratification.

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<sup>30</sup> Russia's RTA/FTAs in force are the following ones: Russia-Armenia (1993), Russia-Kyrgyz Republic (1993), Russia-Georgia (1994), Commonwealth of Independent States (1994), Russia-Ukraine (1994), Russia-Serbia (2000), Russia-Belarus-Kazakhstan-Ukraine (2004), and New Commonwealth of Independent States (2012).

## Singapore's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- Almost all of Singapore's imports are tariff-free.
- Some tobacco products have recently been subjected to import prohibitions for public health reasons.
- Reforms in telecommunications services to encourage competition through the entry of a new mobile operator.
- Foreign investments facilitated by multilateral agreements. Singapore remains the easiest place to do business for the tenth consecutive year, according to the World Bank's Doing Business Report 2016.
- Domestic standards are aligned with international standards. Singapore continues to participate actively in both international and regional standards and conformance activities.
- Reforms in customs procedure to increase efficiency, as well as to maintain supply chain security.
- Singapore continues to uphold Intellectual Property Rights on an international level. Measures are being implemented to combat online piracy.
- Government procurement system remains transparent; new features added to GeBIZ system.
- Retail energy market liberalized. Companies Act amended to keep up with international developments. Reforms seeking to reduce compliance costs to business owners.
- List of economies whose citizens are eligible for automated clearance has been expanded.
- Comprehensive network of RTA/FTAs and BITs that continues its expansion.

### Summary of Topics

#### Tariffs

Most of Singapore's imports are tariff free, except for six tariff lines: beer made from malt (two tariff lines) and samsu (four tariff lines).

#### Non-Tariff Measures

Singapore applies import restrictions for health, safety and environmental reasons, or in accordance with international obligations. Import of shisha tobacco was banned from 28 November 2014 onwards, with other emerging tobacco products to be progressively prohibited until 1 August 2016. This was done to protect the public against known and potential harms of those emerging tobacco products. Import prohibitions on non-medicinal chewing gum and motor vehicles over 3 years of age, or which fail to meet emission standards, remain. Singapore continues to not maintain any subsidy schemes that are dependent on export performance.

#### Services

Singapore maintains an open and transparent services regulatory regime. Some improvements were put in place in the telecommunications sector, by increasing competition through a

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\* This brief report was prepared with information from Singapore's submission of 2016 APEC Individual Action Plan (IAP) template; the 2012 WTO Trade Policy Review – Report by the Secretariat – Singapore; the WTO SPS and TBT Information Systems; and Media Development Authority, Singapore Customs, Ministry of Law, Competition Commission of Singapore websites.

spectrum allocation auction to encourage entry of new mobile operator(s). The intention is that any new mobile operator achieve nationwide rollout by September 2018.

From June 2013, online news websites that report an average of at least one article per week on Singapore's news and current affairs over a period of two months, and have at least 50,000 unique visitors from Singapore each month over a period of two months have to be individually licensed by the Media Development Authority (MDA). The websites are also required to put up a performance bond of S\$50,000 like all licensed individual broadcasters, and take down content that breach MDA's content standards within 24 hours of being notified.

In terms of legal services, foreign law firms established in Singapore can practice foreign law in all areas of legal practice that the firm is competent to offer. However, to practice Singapore law, foreign law firms can only do it in permitted areas of legal practice. For foreign firms to practice law in Singapore, they have to apply for a Qualifying Foreign Law Practice (QFLP) license. As of March 2016, the QFLP scheme was not open for new applications. The Ministry of Law also established the Legal Services Regulatory Authority (LSRA) in November 2015, which will streamline licensing matters relating to law practices in Singapore under a single authority. This new regulatory regime introduces the flexibility for law practices to apply for non-lawyers to become partners, directors or shareholders of their firms, subject to prescribed requirements and limits.

### **Investment**

Singapore maintains an open and transparent investment regime. According to the World Bank's Doing Business Report 2016, Singapore remains the easiest place to do business for the tenth consecutive year, maintaining first position in the areas of "Protecting Minority Investors" and "Enforcing Contracts".

In addition, Singapore has 41 Bilateral Investment Treaties in force, eight of which are with APEC member economies.

### **Standards and Conformance**

Domestic standards are aligned with international standards. Whenever possible, international standards are used or referred to facilitate trade and market access. They may be adopted or adapted as domestic standards if they are suitable to be used locally.

Singapore continues to participate actively in both international and regional standards and conformance activities. For instance, Singapore is involved in the ASEAN Consultative Committee for Standards and Quality (ACCSQ) and the APEC Sub-Committee for Standards and Conformance (SCSC), and has also been elected into the ISO Council for a 3 year term (2015-2017), and the IEC Council Board for a 3 year term (2016-2018). Singapore also reported embarking on a five-year plan to create awareness of the value of standards and conformance.

Singapore has had one specific trade concern related to plain packaging for tobacco products raised against it at the WTO TBT Committee in 2015, with no reported resolution. Singapore clarified at the WTO TBT Committee in December 2015 that Singapore did not have a proposed regulation on plain packaging, but it had been monitoring international developments on tobacco control measures. A public consultation was conducted to gather public feedback on plain packaging.

### **Customs Procedures**

Singapore continues to facilitate efficient customs procedures, while maintaining security within the global supply chain. The Strategic Trade Scheme (STS) was enhanced in April 2014 to make it easier for traders dealing with strategic goods to apply for export permits, and to encourage them to raise their compliance standards. Companies only need to make a single application for a Bulk Permit in order to make multiple shipments of strategic goods for up to three years.

As of 1 January 2015, Singapore Customs withdrew permit exemptions for the transshipment and transit of strategic goods such as military and sensitive dual-use items, as well as chemical agents and related equipment. The Brani Export Inspection station was also set up in March 2015, in addition to the existing Pasir Panjang Export Inspection Station. These stations perform x-ray scans for containers meant for export and outbound transshipment at Keppel Terminals.

Mutual recognition of Authorized Economic Operators (AEO) programs are maintained with Canada; Hong Kong, China; China; Korea; Japan; Chinese Taipei and the United States.

### **Intellectual Property Rights**

Singapore has been active in upholding intellectual property rights on an international level. Singapore was appointed as an International Searching Authority (ISA) in April 2014, which helps facilitating patent protection in over 140 countries through a single application. The Singapore Parliament also passed an amendment to the Copyright Act in July 2014 to combat online piracy.

### **Competition Policy**

The Competition Commission of Singapore (CCS) has completed over 300 cases since its inception in January 2005. CCS is currently reviewing the competition legislation and guidelines to ensure they remain relevant and are in line with international best practices. The proposed changes seek to simplify and speed up various processes, for example by introducing a new Fast Track procedure. CCS is aiming to implement the changes by 2016.

### **Government Procurement**

Government procurement in Singapore continues to remain open, with the online procurement portal GeBIZ being further enhanced. A new search engine and user interface allows suppliers to search for opportunities as well as keep track of their transactions more easily.

### **Deregulation/Regulatory Reform**

In April 2014, the Energy Market Authority (EMA) liberalized the retail electricity market by allowing eligible consumers to opt to buy electricity from retailers offering different prices and services, instead of buying electricity from SP Services (SPS) at the regulated tariff. Previously only large commercial and industrial (C&I) consumers with an average monthly electricity consumption of at least 10 MWh were eligible. EMA also lowered the threshold for eligibility and increased flexibility for C&I consumers.

The amended Companies Act also took effect in July 2015 (first tranche) and January 2016 (second tranche) to keep up with international developments. Additionally, the Accounting Standards Council (ASC) announced that Singapore-incorporated companies listed on the Singapore Exchange will apply a new financial reporting framework that is identical to the

International Financial Reporting Standards (IFRS) for annual periods beginning on or after 1 January 2018.

The Business Registration Act was repealed and replaced by the Business Names Registration Act, with effect from 3 January 2016. The amendments are simplifying the process for registration of persons who are involved in business and reduce the regulatory burden on business owners.

### **Dispute Resolution**

The Singapore International Mediation Centre was launched in November 2014 and the Singapore International Commercial Court was launched in January 2015.

### **Mobility of Business People**

Singapore's automated immigration clearance service, the enhanced Immigration Automated Clearance System (eIACS), was extended to include eligible visitors from Australia and Hong Kong, China, based on reciprocal agreements. Singapore also extended its use to eligible visitors from China.

### **RTA/FTAs**

Singapore has a comprehensive network of RTA/FTAs, with 20 RTAs/FTAs in force<sup>31</sup>. Since the previous 2014 Bogor Goals Assessment, Singapore has concluded negotiations for three more RTA/FTAs: the Agreement between Singapore and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu on Economic Partnership (ASTEP), the European Union-Singapore Free Trade Agreement (EUSFTA) and the Trans-Pacific Partnership (TPP). Singapore is currently participating in the negotiations of the Regional Comprehensive Economic Framework.

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<sup>31</sup> Singapore's RTA/FTAs in force are the following ones: ASEAN (1992), Singapore-New Zealand (2001), Singapore-Japan (2002), Singapore-EFTA (2003), Singapore-Australia (2003), Singapore-United States (2004), Singapore-Jordan (2005), ASEAN-China (2005), Singapore-India (2005), Singapore-Korea (2006), Trans-Pacific SEP (2006), Singapore-Panama (2006), ASEAN-Korea (2007), Singapore-Peru (2009), Singapore-China (2009), Singapore-GCC (2013), ASEAN-Japan (2008), ASEAN-Australia-New Zealand (2010), ASEAN-India (2010), Singapore-Costa Rica (2013).



## Chinese Taipei's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- The average MFN applied tariff rates was 6.4%. The average tariff for agricultural products is more than three times higher than those for non-agricultural products.
- 63% of the tariff lines have tariff rates equivalent to 5% or less.
- Tariff rate quotas are applied to some agricultural products. Some products are subject to import licenses.
- Regulations on some operations by foreign banks have been relaxed.
- Efforts have been made to create a friendly investment environment, but a number of sectors are still not open for foreign investors.
- Continuous effort to align domestic standards with international standards.
- Several initiatives have been implemented to streamline customs procedures and strengthen secure trade.
- Amendments in regulations to strengthen the intellectual property rights system. More international cooperation networks have been established.
- Aspects of the antitrust legislation have been revised to keep up with the evolving landscape of international competition and economic development.
- Regulatory reforms are ongoing to facilitate a friendly regulatory environment for the virtual world.
- Ongoing digitization of the immigration process. Amendments to simplify hiring of foreign workers.

### Summary of Topics

#### Tariffs

As of July 2015, Chinese Taipei reported an average MFN applied tariff rate of 6.4%; 63% of its tariff lines had MFN rates equivalent to 5% or less; and 29% of the total tariff lines were duty-free. The average MFN tariff for agricultural products rose 0.8 percentage points to 14.7% compared to the previous assessment in 2014. This average MFN tariff was higher than those for industrial products (4.2%). In June 2015, the Legislative Yuan passed the Adjustment of Import Tariffs with tariff exemptions on selected products like photographic materials, coconut products, and certain vehicle parts. In December 2015 and May 2016, tariff rates on four and two environmental goods were reduced to 5% respectively following the implementation of the APEC Environmental Goods List.

Tariff rate quotas (TRQ) are applied to some agricultural products, such as red beans, liquid milk, peanuts, garlic, shaddock, rice and rice products, among others.

#### Non-Tariff Measures

As of 2015, 37 products are subject to import licensing. Import prohibitions apply to 87 items. Tax rebates were provided to certain manufacturing firms in the export zones or science-based industrial parks. Tax rebates were also given to raw materials that are used to produce exports.

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\* This brief report was prepared with information from Chinese Taipei's submission of the 2016 APEC Individual Action Plan (IAP) template; the WTO 2015 World Tariff Profiles; the 2015 WTO Trade Policy Review - Report by the Secretariat – Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; the WTO TBT and SPS system; the UNCTAD Investment Policy Hub; the Executive Yuan and Legislative Yuan websites

## Services

In December 2014, the National Communications Commission (NCC) revised regulations governing compliance of telecommunications radio-frequency devices and telecommunications terminal equipment. The amendments allow importers to apply for compliance approvals using a simplified process without the need of an authorization letter from the brand manufacturer.

The Financial Supervisory Commission (FSC) started to allow qualified foreign banks to issue subordinated international bonds to professional institutional investors since January 2016. The FSC also amended the Regulations Governing Foreign Bank Branches and Representative Offices in June 2015 to ease lending restrictions on branches of foreign banks, which exempts bridge loans for mergers and acquisitions from the exposure limits set for loans granted to a same judicial or natural person, same related party or same affiliated entity. Several provisions of relevant regulations were amended in February 2014 aiming to increase foreign investors' participation in the bonds and mutual fund markets<sup>32</sup>. Furthermore, the FSC lifted relevant requirements to allow domestic banks including subsidiaries of foreign banks, which obtain the FSC's prior approval, to outsource information systems related to retail business to offshore service providers.

## Investment

The Executive Yuan Council passed a draft amendment of the Company Act in January 2014 aiming to create a friendlier investment environment. The amendment exempts foreign companies from undergoing a certification process in order to operate in Chinese Taipei.

To enhance transparency and predictability of foreign investment approval, Chinese Taipei has drafted The Regulations for Filing Investment Report or Applying for Investment Approval by Overseas Chinese and Foreign Nationals to clarify the requirement of documents and necessary information. So far, only less than 4% of manufacturing categories and less than 7% of services industries are subject to prohibitions or restrictions on foreign investors.

The Company Act was amended to include a new section on closely held corporations. The amendment broadly eliminated restrictions and increased flexibility on shareholding structures. It also lowered the threshold for foreign capital corporations to benefit when entering into the domestic market.

## Standards and Conformance

In 2014, Chinese Taipei developed and revised 352 domestic standards, mainly covering consumer products, electrical engineering and basic technologies. There were 14,755 national standards as of 2014. The Food and Drug Administration amended the Standards for Pesticide Residue Limits in Foods in December 2015.

Chinese Taipei continues to align their national standards with international standards. In August 2014, the Executive Yuan passed the Rising Green Energy Industry Program, which seeks to harmonize standards with international organizations for green energy-related products. Chinese Taipei has also actively participated in APEC Sub-committee on Standards and Conformance's Voluntary Action Plan 2014 – 2018 with 18 out of its 24 target national standards aligned with the international ones.

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<sup>32</sup> For instance, offshore foreign investors are exempted from the requirements for registering investment in foreign currency denominated bonds or mutual funds.

Currently, seven and six specific trade concerns (STCs) against Chinese Taipei remain unresolved at the WTO Technical Barriers to Trade (TBT) and Sanitary and Phytosanitary (SPS) Committees respectively. In 2015, several economies raised concern on consumer information and labelling on Chinese Taipei's genetically modified organisms to the WTO TBT Committee. Regarding SPS measures, a specific concern regarding Chinese Taipei's increasing import restrictions on food products related to radionuclides was raised recently.

### **Customs Procedures**

Chinese Taipei continues implementing measures to facilitate and secure trade. Several initiatives were carried out including the Customs Port Trade (CPT) Single Window System, the Advance Cargo Information Project and the Cargo Movement Security Project. The number of Authorized Economic Operators (AEOs) increased from 603 in November 2013 to 638 in December 2015.

### **Intellectual Property Rights**

The Patent Act includes broader protection provisions since March 2014. On 1 January 2016, the revised Patent Attorney Act entered into force to expand areas of practice, impose more severe punishments for patent attorney malpractices and simplify administrative procedures.

Chinese Taipei's patent office has established cooperation framework with its counterparts from Japan and Korea. For example, Chinese Taipei launched the Patent Prosecution Highway (PPH) Program with Korea in July 2015 and extended the PPH Program with Japan for three years in May 2014. In January 2016, a mechanism for electronic exchange of priority documents was set up between patent offices of Chinese Taipei and Korea to simplify international application procedures. In June 2015, the Cooperative Program on Mutual Recognition of Deposit of Biological Materials for the Purpose of Patent Procedure was established between Chinese Taipei and Japan to lessen the patent applicant's burden of repeated deposits of biological materials.

### **Competition Policy**

The Fair Trade Act was revised in 2015 and includes a new pre-merger notification threshold to cover the amounts of shares held by and the sales of a company's controlling entity, affiliates and any other sister companies under common control. It contains provisions on other aspects such as unfair competition and circumstantial evidence for assumption of cartel. Administration fines for antitrust violations have been differentiated by types of violation and the expiration length of power to impose administrative penalties has been extended. In 2015, an antitrust fund was set up to reward for reporting illegal concerted actions.

### **Government Procurement**

The revised Agreement on Government Procurement (GPA) of the WTO entered into force in April 2014. Also, the Legislative Yuan approved the revision of the Government Procurement Act in January 2016 with amendments including newly-added regulations governing the payment and review process on the entity which conducts procurement for construction work.

### **Deregulation/Regulatory Review**

Initiated by the National Development Council (NDC), the HeadStart project was approved by the Executive Yuan on August 2014. The project aims to encourage entrepreneurship through deregulation, attracting foreign investments and cluster building. This intends to align Chinese

Taipei's regulatory environment with international standards, for instance, establishing a favorable regulatory environment for startups to raise capital.

Adapting to emerging trends, Chinese Taipei is developing a regulatory reform framework regarding the fundamentals of the digital economy (e.g. IT security, digital skills training and inclusiveness, among others) and its applications (e.g. e-commerce, technology finance and telemedicine, among others), as well as deliberating on other important regulatory issues.

### **Dispute Resolution**

Investment and economic partnership agreements contain provisions for settling disputes through bilateral consultation, arbitration or mediation.

### **Mobility of Business People**

Chinese Taipei continues to accelerate the digitization of immigration process – main airports launched the Biometric Verification System since March 2015 to collect, store and authenticate data electronically. Citizens of Indonesia; Philippines; Thailand; and Viet Nam can apply online for a Travel Authorization Certificate, which allows holders to stay for up to 30 days, provided that they meet certain criteria. Citizens of Myanmar, Cambodia and Laos are eligible to apply as well since September 2016. Citizens of Thailand and Brunei are eligible for the visa exemption program from 1 August 2016 to 31 July 2017. The eVisa Program, which streamlines the visa application process, has been in operation since January 2016.

In order to attract more foreign professionals, the Cabinet approved the amendment of the Employment Service Act in July 2014, simplifying hiring procedures for foreign workers.

### **Transparency**

All of the public companies have already adopted International Financial Reporting Standards (IFRS) to prepare their financial reports. Since 2016, non-public companies have to adopt IFPRs.

### **RTA/FTAs**

Chinese Taipei's economic partnership agreement with Singapore entered into force in April 2014. Currently Chinese Taipei has seven Free Trade Agreements (FTA) or Economic Partnership Agreements (EPA) in force.<sup>33</sup>

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<sup>33</sup> Chinese Taipei's RTA/FTAs in force are the following ones: Chinese Taipei–El Salvador–Honduras (2008), Chinese Taipei–Guatemala (2006), Chinese Taipei–Nicaragua (2007), Chinese Taipei–Panama (2004). Chinese Taipei – China (2010), Chinese Taipei – New Zealand (2013) and Chinese Taipei and Singapore (2014).

## Thailand's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- Simple average MFN applied tariffs stood at 11.2% in 2014. Agricultural products still have relatively higher tariffs than non-agricultural products especially.
- Tariff-rate quotas still apply to a number of agricultural products.
- Import prohibitions and licensing requirement remained in place on certain goods. Neither import/export levies nor export subsidies are in place.
- Some foreign ownership restrictions remain in the transport sector.
- A multi-year investment promotion package was introduced which consists a wide range of tax credits, activity- and merit-based incentives.
- Efforts in aligning domestic standards to international standards. Active participation in several Mutual Recognition Arrangements.
- A new phase of the National Single Window has introduced more features to speed up the customs procedures.
- Revised legislation on competition policy is expected to enter into force this year.
- New bidding systems were introduced in government procurement process to enhance transparency.
- Revised legislation ensures that most laws and regulations are reviewed every five years.

### Summary of Topics

#### Tariffs

According to its 2016 Individual Action Plan, Thailand reported simple average MFN tariff of 11.2% in 2014. Average MFN applied duties have been lowered compared to last year for products such as fruit & vegetables, fish, petroleum, wood & paper and leather & footwear.

While around 23.3% of non-agricultural tariff lines were duty free in 2014, only 4.4% of the agricultural tariff lines were duty free. Agricultural products still face considerably higher tariffs with more than half of the MFN applied tariff lines lie within the 25-50% range in 2014. Products with notably high tariffs include beverages, spirits, tobacco, coffee and tea, and dairy products. Among non-agricultural products, transport equipment and clothing reported a relatively higher average tariff than others.

Thailand has expanded its preferential trading commitments to its trading partners at both regional and bilateral levels through the utilization of RTA/FTAs. For instance it granted tariff-free access to goods originating in ASEAN trading partners, except for 13 of them considered sensitive.

#### Non-Tariff Measures

In 2014, tariff-rate quotas (TRQ) were applied to 23 agricultural products, representing 1.2% of all tariff lines.

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\* This brief report was prepared with information from the Thailand's submission of the 2016 APEC Individual Action Plan (IAP) template; the WTO 2015 World Tariff Profiles; the 2016 WTO Trade Policy Review - Report by the Secretariat – Thailand; the WTO TBT and SPS Information Systems; the UNCTAD Investment Policy Hub; the Comptroller General's Department website; the Government Gazette; the Revenue Department; the Board of Investment; and the Department of Civil Aviation.

In general, import prohibitions are imposed on goods that endanger public morals, domestic security, human or animal life, health and intellectual property. Some examples of import prohibitions cover goods such as electronic cigarettes, CFC refrigerators, used car bodies, used tires, slot machines, among others.

Thailand has reported no import or export levies nor export subsidies in place, but export taxes are applied to specific products such as hides of bovine animals and certain wood-related products. New import licensing requirement for automotive tires came into force since March 2013 with additional prerequisite to obtain a Certificate of Competent Authority (COCA) issued by the government of exporting side.

### Services

The Ministry of Information and Communication Technology has introduced several bills, aiming to transform Thailand as a digital economy. Proposed features in the bills include updating existing regulations to capture the pace of technological change; encouraging development of public e-services; and boosting the use of technology among businesses.

In air transport, a maximum of 70% of foreign equity participation on domestic air transportation is allowed. As of May 2014, Thailand maintains 99 bilateral air services agreements with other economies. Several FDI restrictions still apply in the shipping industry on foreign firms who wish to provide domestic shipping services. In land transport, Thailand has engaged with several neighboring economies, like Malaysia, Laos and Cambodia, signing bilateral agreements facilitating land crossings on goods and passengers.

Under Tourism Business and Tour Guides Act B.E. 2550(2007), restrictions on foreign participation in tourism sector, such as ownership ceilings on hotel operators, travel agencies and tour operators, remains in place.

### Investment

The Thailand Board of Investment introduced the “New Seven Year Investment Strategy”, effective from 2015 through 2021. The package includes a mix of activity-based incentives and merit-based incentives and non-tax incentives and it removes the zoning criteria for promoted companies. In order to attract foreign companies to set up headquarters in Thailand, the government also offered qualified companies with incentives, such as the reduction of corporate income tax and personal income tax, exemption of import duty on machinery and raw materials, permission to own land, permission to bring in skilled personnel and experts, and tec. The interest is to promote investment in special economic development zones in ten provinces and cluster industry. Nevertheless, the Foreign Business Act still imposes ownership ceilings on foreign investment in many services sectors.

In terms of investment facilitation, the government has been expanding the services offered at the One Start One Stop Services centers such as the application of licenses and permits in charge of 33 agencies.

As of 2015, Thailand has 55 international investment agreements in force.

### Standards and Conformance

According to its 2016 Individual Action Plan, the total number of aligned industrial standards with international standards is currently 1,083. For agricultural products, 250 standards have been established, with almost all of them are aligned with international standards.

Thailand maintains a number of Mutual Recognition Agreements (MRAs), such as a bilateral MRA on automotive products; and APEC MRAs on Conformity Assessment on electric and electronic equipment; and food products. Thailand is also active at both international and regional level at the International Organization for Standardization (ISO); ASEAN Consultative Committee for Standards and Quality; Pacific Accreditation Cooperation; Quality Management System; and Product Certification Bodies Accreditation, among others.

In 2014 and 2015, Thailand made 45 notifications under the WTO Agreement on Technical Barriers to Trade (TBT). Currently, nine and three specific trade concerns (STCs) against Thailand remain unresolved at the WTO TBT and Sanitary and Phytosanitary (SPS) Committees respectively. The most recent STCs are related to labels of alcoholic beverages and industrial standard for ceramic tiles.

### **Customs Procedures**

Thailand has implemented the Phase III of the National Single Window (NSW) since 2013 and 32 government agencies are already part of it. The NSW allows for electronic payment transactions. Thailand also participates in the ASEAN Single Window Pilot project and its Customs Automation System already enabled electronic exchange of document with ASEAN members.

In 2015, Thailand became a contracting party to the Revised Kyoto Convention on simplification and harmonization of customs procedures.

Amendments to the Customs Act in 2014 enabled Thai Customs to have advance rulings on tariff classification based on requests from importers. Advanced Rulings on Customs Valuation became effective in March 2015. However, the Electronic Valuation ruling system was suspended in March 2015 due to concerns about the authenticity of documents submitted electronically.

### **Intellectual Property Rights**

As agreed by ASEAN members under the ASEAN Economic Community Blueprint, member economies are expected to join the Protocol relating to the Madrid Agreement Concerning the International Registration of Marks by the end of 2015. As of February 2016, Thailand has not acceded to the Madrid Agreement and the Madrid Protocol yet, as it has been preparing to meet the relevant requirements.

### **Competition Policy**

In February 2016, the Cabinet approved the draft amendments of the Trade Competition Act and is expected to be in force this year. The amendments include provisions to better reflect penalties for unfair practices; and redefine what market domination means. They also include provisions on state-owned enterprises that compete with the private sector in order to ensure fair competition.

### **Government Procurement**

Thailand has been an observer to the WTO Government Procurement Committee since June 2015.

Two new electronic government procurement systems were launched in 2015: e-bidding and e-markets. With electronic systems, the transparency is enhanced due to the fact that the public

has access to all information in every step of each process. In order to fight against corruption, the government has been working on a new public procurement law, which is expected to enter into force in 2016.

### **Deregulation/Regulatory Review**

Thailand issued the Royal Decree on the Revision of Law in 2015, which specifies that each ministry needs to assess the laws and regulations under its purview and review them every five years to evaluate the need for amendment or elimination.

### **Mobility of Business People**

Non-Immigrant “B” (business) Visa holders can make the notification of staying in Thailand over 90 days online. As of October 2015, Thailand had issued more than 11,004 APEC Business Travel Cards (ABTCs), a 53% increase since December 2013. Since September 2015, Thailand started to issue 5-year ABTCs to eligible business people. Additionally, the Joint Standing Committee on Commerce, Industry, and Banking (JSCCIB), together with the Department of Consular Affairs, Ministry of Foreign Affairs, has been developing an online ABTCs application system which is expected to be operational within 2016.

### **RTA/FTAs**

Thailand has 12 RTA/FTAs in place<sup>34</sup> and five more under negotiations on new RTA/FTAs, namely the Regional Comprehensive Economic Partnership, ASEAN-Hong Kong Free Trade Agreement (AHKFTA) and bilateral FTAs with the European Union, the European Free Trade Association, and Pakistan.

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<sup>34</sup> Thailand's RTA/FTAs in force are following ones: ASEAN (1992), Thailand-India (2004), Thailand-Australia (2005), ASEAN-China (2005), Thailand-New Zealand (2005), ASEAN-Korea (2007), Thailand-Japan (2007), ASEAN-Japan (2009), ASEAN-Australia-New Zealand (2010), ASEAN-India (2010), Thailand-Peru (2011) and Thailand-Chile (2015). RTA/FTAs under the process of ratification are: Thailand-Bahrain and Thailand-BIMSTEC.



## The United States' Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- Average MFN tariffs remain low, although specific MFN tariffs are relatively high for certain agricultural products and clothing.
- Certain agricultural products are subjected to non-ad valorem tariffs.
- Import prohibitions apply for specific products.
- Export subsidies for dairy industry were removed.
- Restrictions on foreign ownership of radio stations were relaxed.
- Investment regime remains free and open, with some foreign investment restrictions for national security purposes.
- Statute on imported food amended to require importers to provide more information. Some specific trade concerns have not been resolved yet.
- Document submission for customs procedures to be done electronically through the Automated Commercial Environment (ACE) by end 2016.
- No major changes in intellectual property rights and competition policy systems since the 2014 assessment of the Bogor Goals.
- A new Act removes Visa Waiver Program (VWP) eligibility of nationals from Iran, Iraq, Sudan and Syria or people who have travelled to these areas, with certain exceptions.
- The Federal Communications Commission (FCC) adopts Open Internet rules.

### Summary of Updates

#### Tariffs

The simple MFN applied average tariff was 4.8% in 2015, with 46% of the products entering as duty-free. MFN tariff peaks remain in certain sectors such as beverages and tobacco, clothing, dairy products and sugar. Many agricultural products, as well as fish, fuels, textiles and footwear products are also subjected to non-ad valorem tariffs.

The United States has been implementing tariff reductions to products from 20 FTA partners. In 2013, the trade-weighted average tariff, including FTAs and the Generalized System of Preferences, was equivalent to 1.4%.

The United States also participated in the negotiations for the expansion of the list of products the Information Technology Agreement. According to WTO, members are expected to conduct the first cut of tariff reductions for those products no later than 1 July 2016.

#### Non-Tariff Measures

Tariff rate quotas are applied to certain agricultural products, particularly in the dairy industry (e.g. milk, cream, butter). Imports of jadeite, rubies or jewelry containing jadeite or rubies were banned from Myanmar in 2013. In 2014, the United States also announced a ban on the commercial import, export, or re-sale of elephant ivory under its National Strategy for Combatting Wildlife Trafficking.

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\* This brief report was prepared with information from the United States' submission of the 2016 APEC Individual Action Plan (IAP) template; the 2015 WTO Trade Policy Review – Report by the Secretariat – United States; the WTO SPS and TBT Information Systems; and information from the White House, the Office of the United States Trade Representative, the Federal Communications Commission, U.S. Customs and Border Protection, the U.S. Food and Drug Administration and the United States Patent and Trademark Office websites.

Import licenses (automatic and non-automatic) are required for 15 product categories ranging from animals and animal products, natural gas and distilled spirits. The United States does not apply export taxes and duties. Export subsidies for the dairy industry were also removed in February 2014 under the new Farm Bill. Export restrictions and prohibitions are imposed for national security and foreign policy reasons.

### Services

Between 2012 and 2013, the Federal Communications Commission (FCC) relaxed foreign ownership limits and streamlined foreign ownership policies on radio station licenses. The Commission can still deny licenses if it deems foreign investments inconsistent with public interests.

The United States continues to participate in negotiations for the Trade in Services Agreement (TiSA) with 22 other economies. TiSA consultations include new requirements for cross-border flow of information and forced data localization.

### Investment

The United States maintains an open investment regime with few formal barriers. Nevertheless, foreign ownership restrictions apply to certain sectors such as mining, aircraft, banking, the maritime industry, amongst others. Foreign investment transactions also continue to be reviewed by the Committee on Foreign Investment for national security purposes.

The United States actively participated in the negotiation of the Trans-Pacific Partnership (TPP). The investment chapter includes clauses with the aim of modernizing and reforming the Investor-State Dispute Settlement (ISDS) system.

### Standards and Conformance

An amendment to the Prior Notice of Imported Food entered into force on 30 May 2013. The amended statute requires importers to include information on any country to which the article has been refused entry.

As of 2015, 30 specific trade concerns raised against the United States at the WTO SPS Committee had not reported a resolution. The four most recent concerns raised between 2014 and 2015 are related to meat imports, certification of mango exports and non-acceptance of OIE categorization for bovine spongiform encephalopathy (BSE), and user fees for agricultural quarantine and inspection services. There has also been one partially resolved concern in 2013 regarding import restrictions on fresh pork meat and beef. Similarly, 47 specific trade concerns against the United States raised at the WTO TBT Committee had not reported a resolution. The recent concerns raised in 2014 were related to energy conservation program for commercial refrigeration, emission standards for composite wood products and tire identification.

### Customs Procedures

The Automated Commercial Environment (ACE) was developed in 2001 to facilitate trade while enhancing border security. As of 1 May 2015, all import and export cargo manifest data has to be submitted through ACE. By the end of 2016, the ACE is also expected to become the Single Window, allowing traders to submit electronic data and documentation for importation and exportation.

### Intellectual Property Rights

As part of their Strategic Plan for 2014-2018, the United States Patent and Trademark Office (USPTO) aims to achieve three main objectives: optimizing patent quality and timeliness, optimizing trademark quality and timeliness, and providing domestic and global leadership to improve intellectual property policy, protection, and enforcement worldwide.

### Competition Policy

No major changes have occurred in this area. In terms of state-owned enterprises, the United States notified at WTO a list of state-owned enterprises in 2014: Commodity Credit Corporation (CCC); the Isotope Production and Distribution Program Fund (IP & D); Power Administrations; and the Strategic Petroleum Reserve (SPR) as state trading enterprises (STEs). However, these companies do not hold any exclusive rights to export, import or market their products, as other private firms can participate in the market under the same terms that these state-owned firms do.

### Government Procurement

There has been no major changes to government procurement frameworks since 2012. The Buy American Act remains the main legislation, which requires the Federal Government to purchase domestic goods, with some exceptions, such as purchases above the threshold set in FTAs and the WTO Government Procurement Agreement.

### Mobility of Business People

New eligibility requirements were established under the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, which was signed into law on 18 December 2015. The Act requires all Visa Waiver Program (VWP) travelers to have an electronic passport for travel to the United States by 1 April 2016, and codifies many of the enhanced security measures announced by the Department of Homeland Security in August 2015.

Under the Act, travelers in the following categories are no longer eligible to travel or be admitted to the United States under the VWP, with exceptions for military and official government services: 1) Nationals of VWP countries who have traveled to or been present in Iran, Iraq, Sudan, or Syria on or after 1 March 2011; 2) Nationals of VWP countries who are also nationals of Iran, Iraq, Sudan, or Syria.

### Transparency

The Federal Communications Commission's (FCC) Open Internet rules came into effect on 12 June 2015. These rules aim to protect and maintain open, uninhibited access to legal online content without broadband Internet access providers being allowed to block, impair, or establish fast/slow lanes to lawful content. In particular, broadband providers have to abide by the Bright Line Rules: 1) No blocking; 2) No throttling; 3) No paid prioritization.

### RTA/FTAs

The United States currently has 14 RTA/FTAs in force<sup>35</sup>. Negotiations on the TPP were concluded in 2015 and the text was signed in February 2016. The United States is participating in negotiations of the Transatlantic Trade and Investment Partnership (T-TIP) with the

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<sup>35</sup> The United States' RTA/FTAs in force are the following ones: United States-Israel (1985), NAFTA (1994), United States-Jordan (2001), United States-Singapore (2004), United States-Chile (2004), United States-Australia (2005), United States-Morocco (2006), United States-Dominican Republic-Central America (2009), United States-Bahrain (2006), United States-Oman (2009), United States-Peru (2009), United States-Colombia (2012), United States-Panama (2012), and United States-Korea (2012).

European Union, and on the Environmental Goods Agreement (EGA) with 13 other economies<sup>36</sup> who together account for 86% of global trade in environmental goods.

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<sup>36</sup> Australia, Canada, China, Costa Rica, the European Union, Hong Kong, Japan, Korea, New Zealand, Norway, Singapore, Switzerland and Chinese Taipei

## Viet Nam's Bogor Goals Progress Report (as at 30 September 2016)\*

### Highlights of Achievements and Areas for Improvement

- Average MFN tariffs have declined substantially in recent years, but high MFN tariffs still remain for some agricultural and industrial products.
- Import prohibitions and licensing still are applicable for certain products. Same occurs for export prohibitions.
- Tariff-rate quotas are applied to a limited number of products. Direct price controls have also been imposed on milk products.
- Progress in services liberalization. Sectors such as construction and finance have gradually been opened up.
- The Real Estate Law opened up the real estate industry to foreign investment.
- The Investment Law changed the list of sectors for foreign investment from a positive list to a negative list.
- Successful rollout of the VNACCS/VCIS electronic system for customs procedures to facilitate cross-border transactions; 100 percent of customs agencies are using the system.
- Steps to strengthen rules and enforcement of intellectual property rights.
- Enhanced the role of the Competition Council to monitor, investigate, and penalize anticompetitive behaviour.
- Law on Immigration imposes limits on visa purpose and length. Restrictions on reentry for visa-free visitors.
- ABTC validity is extended from three to five years.
- Viet Nam reported nine FTA/RTAs in force and six under negotiation.

### Summary of Topics

#### Tariffs

Since Viet Nam's accession to WTO, its average MFN tariffs have declined substantially from 18.5% in 2007 to 9.5% in 2014. About one-third of the tariff lines (35.1%) are duty-free.

However, high MFN tariff rates remain for some goods. For example, among the agricultural products, average MFN tariffs are still high for beverages and tobacco (43%), coffee and tea (26.8%), fruits, vegetables and plants (20.1%), sugars and confectionery (17.8%) and cereals and preparations (17.3%). As for industrial products, high MFN tariffs are in place for clothing (19.8%) transport equipment (17.5%) and fish and fish products (15.6%).

Viet Nam has been reducing tariffs through the implementation of their RTAs/FTAs in force.

#### Non-Tariff Measures

Viet Nam applies trade restrictions to a list of products for public health, safety and security reasons; or for compliance with international commitments. Exports are prohibited for items such as weapons and ammunitions, antiques and national treasures, logs and timbre, and rare wild animals. Likewise, import bans and licenses are required for certain goods. The purpose of these restrictions is to ensure minimum quality standards, local network compatibility,

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\*This brief report was prepared with information from Viet Nam's submission of 2016 APEC Individual Action Plan (IAP) template; the 2015 WTO World Tariff Profiles and information from the Ministries of Education and Training; Finance; Foreign Affairs; Industry and Trade; Information and Communication; Justice; and Planning and Investment websites (laws, decrees, circulars, and decisions).

monetary security or cultural sensitivities. Among the products facing import prohibitions are certain household items, used vehicles, and medical equipment.

The list of products subject to import licenses has been modified several times in recent years, adding mobile phones, radio transmitters, and radio transmitter receivers to the list in 2014. In 2014 and 2015, it was stipulated an auto-import licensing scheme for specific types of fertilizer products and steel products.

Tariff rate quotas are applicable for certain imports such as eggs, unrefined or raw sugar, unmanufactured tobacco, and salt. Price stabilization measures for dairy products of children under six years old are applicable, such as maximum prices, price reductions on milk formulas and setting a maximum retail mark-up of 15 percent.

### **Services**

Several measures in a number of sectors have increased competition in the domestic market. In 2014, the government issued regulations and procedures on the internal movement of foreign workers in 11 service sectors not subject to labor licensing. In addition, Viet Nam opening up the banks and credit institutions market to foreign investment. The decree increases ownership limits for foreign organizations and foreign strategic investors (i.e., long-term investors) while maintaining limits for foreign individuals. Aggregate foreign ownership of banks and credit institutions is still pegged at 30 percent of charter capital. In 2015, Viet Nam clarified rules covering foreign construction firms operating in the economy while simplifying procedures for obtaining construction permits.

However, restrictions were imposed in some services sectors. For example, new regulations on websites and social networks are requiring sites to locate a server within Viet Nam and to store posted information for 90 days and metadata up to two years.

In the transportation sector, the government has issued measures to facilitate cross-border transportation in the Greater Mekong Subregion; to regulating the quality of air and airport services and specifying compensations for air transport passengers; and to improve the quality of inland marine transport services in Viet Nam.

### **Investment**

The Law on Investment 2014 came into force in July 2015, changing the list of prohibited sectors for foreign investment from a positive list to a negative list. The law states that foreigners can own an unlimited share of capital in companies except three cases specified in the law (e.g., state-owned enterprises or barred by other laws or treaties). The law also lists 267 sectors where foreign investments are subject to pre-approval by the government.

The Real Estate Law 2014 allows foreigners to obtain a certificate of land rights use for 50 years with a possibility of extension. Foreign companies are also permitted to conduct a wider range of real estate services and activities under the new law.

### **Standards and Conformance**

In its 2016 Individual Action Plan submission, Viet Nam reported the publication of 842 technical standards, of which 65 percent were developed taking into account the standards by the International Standardization Organization, the International Electrotechnical Commission, the Codex Alimentarius, among others. Viet Nam also reported publishing 105 technical regulations.

By the end of 2015, four specific trade concerns raised against Viet Nam at the WTO SPS Committee have not been resolved. These concerns relate to various food products such as fruits, dairy, and meat products. With regard to TBT, four specific trade concerns raised at the WTO TBT Committee had not reached a resolution; affected products include alcoholic beverages, cosmetics, and mobile phones.

### **Customs Procedures**

In 2014, Viet Nam rolled out the Viet Nam Automated Customs Clearance System/Viet Nam Customs Information System (VNACCS/VCIS), computerizing customs procedures and facilitating cross-border transactions. VNACCS/VCIS is also connected to the single window system, expediting administrative procedures for trade. As of 2015, all customs agencies in the economy are using VNACCS/VCIS.

Viet Nam issued several circulars aimed at facilitating customs procedures and clarifying rules on handling, goods classification, and inspection.

### **Intellectual Property Rights**

Between 2014 and 2015, Viet Nam issued a number of laws and regulations to strengthen its IPR regime and put them in line with WTO requirements. These new regulations deal with royalties and rewards for artistic works, trademark registration and sanctioning intellectual property violation in the industrial sector.

On the enforcement side, in 2015, Viet Nam defined inspection, supervision, and customs procedures covering trade in goods with intellectual property, as well as border control of counterfeit and pirated goods.

### **Competition Policy**

In 2014, Viet Nam promulgated laws and regulations enhancing enforcement of the Competition Law, including increasing fines for anticompetitive behaviors and clarifying legal bases to strengthen cases against violators. In 2015, the government defined the tasks, powers, and organization structure of the Competition Council, giving it quasi-judicial powers to enforce the Competition Law as well as promoting research and international cooperation on competition. Competition policy is an integral part of the RTA/FTAs negotiated by Viet Nam in 2014-2015.

### **Government Procurement**

Viet Nam issued several laws and circulars strengthening government procurement processes, including those clarifying contractor selection and PPPs, guiding procurement administrative processes, and enhancing transparency through publication of tenders and selected suppliers.

### **Deregulation/Regulatory Review**

Viet Nam continues to review existing regulations and promote deregulation. Recent laws and circulars have the aim of facilitating market entry, promoting competition, and liberalizing trade and foreign investment. Dialogues with the business community are ongoing to disseminate information, raise awareness, and address difficulties in doing business.

### **Implementation of WTO Obligations/ROOs**

Viet Nam continues to provide necessary notifications to WTO regarding trade policies, including notices on subsidies and import licensing regimes.

Issues regarding rules of origin are included in the RTA/FTAs Viet Nam negotiates with partner economies, including the recently-concluded FTA with Korea.

### **Dispute Resolution**

In 2014, regarding coordination in the resolution of international investment disputes, Viet Nam requested government agencies to coordinate international investment disputes “proactively, adequately, timely, efficiently” and specified penalties for failure to do so.

### **Mobility of Business People**

The new Law on Immigration came into force in 2015, regulating the entry, exit, transit, and residence of foreigners in Viet Nam. Among other rules, the law forbids any changes to visa purpose (e.g., tourist to work visa), requires a 30-day period between entries for foreigners under the visa-free regime, and specifies instances where foreigners may be barred entry into or exit from Viet Nam. The law also stipulates that working visas can have a maximum of two years while investor visas have a maximum of five years.

In October 2015, Viet Nam extended the ABTC validity from three to five years.

### **RTA/FTAs**

Viet Nam reported nine FTA/RTAs in force<sup>37</sup> and six agreements under negotiation, including the Trans Pacific Partnership Agreement and the Regional Comprehensive Economic Partnership.

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<sup>37</sup> Viet Nam's RTA/FTAs in force are the following ones: ASEAN (1992), ASEAN-China (2005), ASEAN-Korea (2007), Viet Nam- Japan (2009), ASEAN-Japan (2009), ASEAN-Australia-New Zealand (2010), ASEAN-India (2010), Viet Nam-Chile (2012), and Viet Nam-Korea (2015).